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FRIDAY, APRIL 23, 1976



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NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

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Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
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Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited and will be received through May 7, 1976. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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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 73—SCABIES IN CATTLE

Areas Quarantined

This amendment quarantines portions of Imperial County, California, because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas as contained in 9 CFR Part 73, as amended, will apply to the areas quarantined.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies is hereby amended in the following respects:

In § 73.1a, in paragraph (d) relating to the State of California new paragraphs (5), (6), and (7) relating to Imperial County are added to read:

§ 73.1a Notice of quarantine.

* * * * *

(d) * * *

(5) That portion of Imperial County occupied by the Brandenburg Feedlot bounded by a line beginning at the junction of Rackwood Road and Highway 98; thence, following Highway 98 in an easterly direction to Ferrell Road; thence, following Ferrell Road in a southerly direction to Anza Road; thence, following Anza Road in a westerly direction to Rackwood Road; thence, following Rackwood Road in a northerly direction to its junction with Highway 98.

(6) That portion of Imperial County occupied by the Seeley Cattle Company bounded by a line beginning at the junction of Bennett Road and Evan Hewes Road (Highway 90); thence, following Evan Hewes Road in an easterly direction to Silsbee Road; thence, following Silsbee Road in a southerly direction to Ross Road; thence, following Ross Road in a westerly direction to Bennett Road; thence, following Bennett Road in a northerly direction to its junction with Evan Hewes Road (Highway 90).

(7) That portion of Imperial County occupied by Terribilini Feedlot bounded by a line beginning at the junction of Dogwood Road and Ross Road; thence, following Ross Road in an easterly direction to Cannon Road; thence, following Cannon Road in a southerly direction to Dealwood Road; thence, following Dealwood Road in a westerly direction to Dogwood Road; thence, following Dogwood Road in a northerly direction to its junction with Ross Road.

* * * * *

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective April 19, 1976.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of cattle scabies and must be made effective immediately to accomplish its 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 in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of April, 1976.

J. M. HEJL,
Deputy Administrator,
Veterinary Services.

[FR Doc.76-11665 Filed 4-22-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Regulation PR-151, Amdt. 27]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Interpretative Amendment

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., April 20, 1976.

Section 302.505 of the Board's Procedural Regulations (14 CFR § 302.505) governs the filing of formal complaints seeking suspension of tariffs pursuant to section 1002(g) or 1002(j) of the Act, and provides, inter alia, that such complaints "shall fully identify the tariff" at issue and shall be filed within certain specified time limits which relate to the issued, posting and effective dates of the tariffs. The Board has construed the tariff identification requirement as including a reference to the issued or posting date and the effective date of the tariff. Inasmuch as the regulation is not specific on that point, however, complaints are filed which do not contain such a reference, and staff time is unnecessarily consumed in ascertaining whether such complaints are timely. Therefore, this amendment clarifies § 302.505 by requiring that in identifying the tariff it is necessary to include a reference to the issued or posting date and to the effective date of the tariff. Inclusion of such items will not create any hardship for the complainant since it is already necessary for him to obtain the information in order to know the deadline for his complaint.

In as much as the amendment is an interpretative rule, we find that notice and public procedure hereon are not required.

Accordingly, in consideration of the foregoing, the Board amends Part 302 of its Procedural Regulations (14 CFR 302), effective May 24, 1976, as follows:

Amend paragraph (a) of § 302.505 to read as follows:

§ 302.505 Complaints requesting suspension of tariffs—answers to such complaints.

(a) Formal complaints seeking suspension of tariffs pursuant to section 1002(g) or 1002(j) of the Act shall fully identify the tariff and include reference (1) to the issued or posting date, (2) to the effective date, (3) to the name of the publishing carrier or agent, (4) to the C.A.B. number, and (5) to specific items or particular provisions protested or complained against. The complaint should indicate in what respect the tariff is considered to be unlawful, and state what complainant suggests by way of substitution.

* * * * *

(Secs. 204(a) and 1002 of the Federal Aviation Act, as amended, 72 Stat. 743, 788 (as amended), 49 U.S.C. 1324, 1482.)

By the Civil Aeronautics Board

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-11787 Filed 4-22-76;8:45 am]

Title 19—Customs Duties

CHAPTER I—U.S. CUSTOMS SERVICE

[T.D. 76-109]

PART 159—LIQUIDATION OF DUTIES

Countervailing Duties—Frozen Boneless Beef From the European Community

Notice of countervailing duties to be imposed under section 303, Tariff Act of 1930, as amended, by reason of the payment or bestowal of a bounty or grant upon the manufacture, production or exportation of frozen boneless beef from the European Community.

On April 1, 1976, a "Notice of Initiation and Preliminary Countervailing Duty Determination" was published in the FEDERAL REGISTER (41 FR 13957). The notice stated that it had been determined tentatively that payments are being made, directly or indirectly, by the European Communities (consisting of

France, the United Kingdom, West Germany, Luxembourg, Ireland, the Netherlands, Denmark, Italy, and Belgium), upon the manufacture, production, or exportation of frozen boneless beef, which constitute a bounty or grant within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303). The notice provided interested persons seven days from the date of publication to submit relevant data, views, arguments in writing with respect to the preliminary determination.

After consideration of all information received, it has been determined that exports of frozen boneless beef from the European Communities are subject to bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303).

Accordingly, notice is hereby given that frozen boneless beef imported directly or indirectly from the European Communities, if entered, or withdrawn from warehouse, for consumption on or after April 23, 1976, will be subject to payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed.

In accordance with section 303, the net amount of the bounties or grants has been ascertained and determined, or estimated, to be the refunds referred to in Article 18 of Regulation (EEC) No. 85/68 applicable on the exportation of frozen boneless beef from the member states, as set forth by the regulations of the European Communities as published in the Official Journal of the European Communities. To the extent that it has been or can be established to the satisfaction of the Commissioner of Customs that imports of frozen boneless beef from the European Communities are subject to a bounty or grant in an amount other than that noted above, the amount so established shall be assessed and collected on imports of frozen boneless beef.

Effective on or after April 23, 1976 and until further notice, upon the entry for consumption or withdrawal from warehouse for consumption of such dutiable frozen boneless beef imported directly or indirectly from the European Communities, which benefits from these bounties or grants, there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amount ascertained in accordance with the above declaration.

The liquidation of all entries for consumption or withdrawal from warehouse for consumption of such dutiable frozen boneless beef imported directly or indirectly from the European Communities, which benefits from these bounties or grants and is subject to this order, shall be suspended pending declaration of the net amounts of the bounties or grants paid.

§ 159.47 [Amended]

The table in § 159.47(f) of the Customs Regulations (19 CFR 159.47(f)) is amended by inserting in the column headed "Country", the name the European Communities (consisting of France, the United Kingdom, West Germany, Luxembourg, Ireland, the Netherlands, Denmark, Italy, and Belgium). The column headed "Commodity" is amended by inserting the words "frozen boneless beef" after the last entry for the European Communities (consisting of France, the United Kingdom, West Germany, Luxembourg, Ireland, the Netherlands, Denmark, Italy, and Belgium). The column headed "Treasury Decision" is amended by inserting the number of this Treasury Decision, and the words "Bounty Declared—Rate" in the column headed "Action".

(R.S. 251, secs. 303, as amended, 624; 46 Stat. 687, 759, 88 Stat. 2050; 19 U.S.C. 66, 1303, as amended, 1624).

VERNON D. ACREE,
Commissioner of Customs.

Approved: April 19, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-11724 Filed 4-22-76;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER C—DRUGS: GENERAL

[Docket No. 75P-0261]

PART 211—CURRENT GOOD MANUFACTURING PRACTICE FOR FINISHED PHARMACEUTICALS

Amendment to Production and Control Procedures To Eliminate Reference to Glass Fiber Filters

The Food and Drug Administration (FDA) is amending the current good manufacturing practice (CGMP) regulations for finished pharmaceuticals by deleting nonglass fiber filters from the definition of a non-fiber-releasing filter. The amendment is effective on April 23, 1976.

In the FEDERAL REGISTER of September 28, 1973 (38 FR 27076), the Commissioner of Food and Drugs issued a proposal concerning asbestos particles in food and drugs. This proposal resulted from a petition submitted by the Center for Science in the Public Interest and the Environmental Defense Fund, and other available information. In the portion of the notice pertaining to drugs, the Commissioner proposed that the CGMP regulations be amended to require that filtration procedures for parenteral drugs use either a non-asbestos-containing or non-fiber-releasing filter, such as a membrane filter. He further proposed that if an asbestos-containing filter were necessary, an additional non-asbestos-containing or non-fiber-releasing filter, such as a membrane filter, be used to reduce asbestos fiber content to the minimum level feasible, unless so doing would compromise the safety, identity, strength, quality, or purity of the product. The proposal also included a provision prohibiting the use of asbestos-containing talc as a food, as a food or drug product ingredient, or in food- and drug-packaging materials, within certain analytical restrictions.

After considering the comments received on the proposal, the Commissioner issued final regulations in the FEDERAL REGISTER of March 14, 1975 (40 FR 11865), concerning asbestos-form particles in drugs for injection into humans. That portion of the proposal pertaining to the use of talc in food and drugs was not made final, however, because the Commissioner concluded that the promulgation of such regulations should be deferred until more reliable data could be obtained.

The proposed regulation specified that "no asbestos containing or fiber-releasing filter may be used in the manufacture of a parenteral drug * * *", but it did not include a definition of a fiber-releasing filter. The final regulation added such a definition to § 211.40(j)(1) (formerly § 133.8(j)(1), recodified in the FEDERAL REGISTER of March 27, 1975 (40 FR 13996)), defining a non-fiber-releasing filter as "a nonasbestos, nonglass fiber filter which, after any appropriate pretreatment such as washing or flushing, will not continue to release fibers into the drug product or component which is being filtered." On April 11, 1975, counsel to Johns-Manville Fiber Glass, Inc. and Johns-Manville Sales Corp. (hereinafter referred to as Johns-Manville), submitted a document objecting to defining a non-fiber-releasing filter to exclude glass fiber filters. A similar document was received on September 15, 1975 from the Pharmaceutical Manufacturers Association (PMA), 1155 15th St. NW., Washington, DC. The PMA submitted a petition requesting, inter alia, that the Commissioner amend the final regulation so that the use of glass fiber filters would not be prohibited. Copies of the Johns-Manville submission and PMA's petition are on public display at the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

Both PMA and Johns-Manville alleged that the Commissioner's action contravened the rule making provisions of the Administrative Procedure Act because the final regulation included a substantive provision not set forth in the proposed regulation. Specifically, they pointed out that the final regulation prohibits the use of glass fiber filters in preparing drugs for injection into humans, although the proposal made no reference to such filters. PMA and Johns-Manville stated that this failure to mention glass fiber filters in the proposal effectively precluded interested persons from presenting written data, views, and arguments concerning glass fiber filters.

The Commisioner has carefully considered the arguments for withdrawing the portion of the final regulation that deals with glass fiber filters. He concludes that, although the terms of the notice were broad enough to apply to glass fiber filters, the failure of comments to address the use of such filters indicates that the notice of proposed rule making may not have alerted interested persons that the prohibition of "asbestos-containing or fiber-releasing filter" would preclude the use of glass fiber filters. Therefore, to forestall any legal challenge to the regulations on the ground

that the proposal was inadequate, the Commissioner concludes that § 211.40(j)(1) should be amended to delete, for the time being, nonglass fiber filters from the definition of non-fiber-releasing filters.

The Commissioner is aware that the proposal to revise all current good manufacturing practice regulations for human and veterinary drugs, published in the FEDERAL REGISTER of February 13, 1976 (41 FR 6878), contains in § 210.3(b)(6) (21 CFR 210.3(b)(6)) a proposed determination that filters containing glass fibers will also be deemed to be fiber-releasing filters subject to special restrictions, which are contained in proposed § 211.72 (21 CFR 211.72). The February 13 proposals are based in part upon § 211.40(j) and were intended to recodify the section. The Commissioner states that, because of the present amendment of § 211.40(j)(1), he will delete all references to glass fiber-containing filters when he makes final the February 13, 1976 proposal. He therefore is not soliciting further comments on that proposal regarding such filters.

The Commissioner also advises, however, that available scientific data suggest that the presence of glass fibers in parenteral drugs is of sufficient concern to justify prohibiting the use of glass fiber filters in the manufacture of parenteral drug products for human use. Therefore, the Commissioner is hereby alerting interested persons in the very near future he will propose that glass fiber filters be deemed to be fiber-releasing filters.

The Commissioner has concluded that good cause exists for publishing the amendment below without a period for public comment and for making the amendment effective immediately upon publication. The amendment relieves a restriction and, as indicated above, is being taken to obviate any legal challenge to the final regulation governing asbestos-containing filters on the basis that interested persons were not afforded an adequate notice of the scope of the original rule making.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 501, 502, 701, 52 Stat. 1049–1051, 1055–1056, as amended (21 U.S.C. 351, 352, 371)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 211 is amended by revising § 211.40(j)(1) to read as follows:

§ 211.40 Production and control procedures.

* * * * *

(j) Use of asbestos-containing or other fiber-releasing filters: (1) Filters used in the manufacture, processing, or packaging of components of drug products for parenteral injection in humans shall not release fibers into such products. No asbestos-containing or other fiber-releasing filter may be used in the manufacture, processing, or packaging of such products unless it is not possible to manufacture that drug product or component without the use of such a filter. Filtration, as needed, shall be through a non-fiber-releasing filter. For the purposes of this regulation a non-fiber-releasing filter is defined as a non-asbestos filter that, after any appropriate pretreatment such as washing or flushing, will not continue to release fibers into the drug product or component that is being filtered. A fiber is defined as any particle with length at least 3 times greater than its width.

* * * * *

Effective date. This amendment shall be effective April 23, 1976.

(Secs. 501, 502, 701, 52 Stat. 1049–1051, 1055–1056, as amended (21 U.S.C. 351, 352, 371))

Dated: April 19, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-11735 Filed 4-22-76;8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Bambermycins, Amprolium, Ethopabate, Roxarsone

The Food and Drug Administration has evaluated the supplemental new animal drug applications (95–543, 95–547, 95–548, 95–549V) filed by Hoechst-Roussel Pharmaceuticals, Inc., Somerville, NJ 08876, proposing safe and effective use of 1 to 3 grams per ton bambermycins when used in combination with amprolium and/or ethopabate and/or roxarsone in the complete feed of broiler chickens. The supplemental applications are approved, effective April 23, 1976.

The Commissioner of Food and Drugs is amending Part 558 (21 CFR Part 558) to reflect these approvals.

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner (21 CFR 2.120), Part 558 is amended as follows:

§ 558.55 Amprolium.

1. In § 558.55 *Amprolium*, the table in paragraph (e)(2) is amended in item (iii), in the column "Combination in grams per ton," following the term "Bambermycins," by deleting the phrase "2 to 3" and inserting in its place the phrase "1 to 3."

§ 558.58 Amprolium and ethopabate.

2. In § 558.58 *Amprolium and ethopabate*, the table in paragraph (e)(1) is amended in item (i) in the column, "Combination in grams per ton," following the term "Bambermycins," by deleting the phrase "2 to 3" and inserting in its place the phrase "1 to 3"; and in item (ii) in the column, "Combination in grams per ton," following the entries for "Bambermycins" and "Bambermycins plus roxarsone," by deleting the phrase "2 to 3" that follows "Bambermycins" and inserting in its place the phrase "1 to 3."

§ 558.95 Bambermycins.

3. In § 558.95 *Bambermycins*, paragraph (e)(1)(ii) is amended by deleting the phrase "2 to 3" and inserting in its place the phrase "1 to 3"; in paragraph (e)(1)(iii) by deleting the phrase "2 to 3" and inserting in its place the phrase "1 to 3"; in paragraph (e)(1)(iv) by deleting the phrase "2 to 3" and inserting in its place the phrase "1 to 3"; and in paragraph (e)(1)(v) by deleting the phrase "2 to 3" and inserting in its place the phrase "1 to 3."

Effective date. This amendment shall be effective April 23, 1976.

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

Dated: April 16, 1976.

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

[FR Doc.76-11734 Filed 4-22-76;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER H—RIGHT-OF-WAY AND ENVIRONMENT

PART 772—PROCEDURES FOR ABATEMENT OF HIGHWAY TRAFFIC NOISE AND CONSTRUCTION NOISE

● Purpose. The purpose of this document is to revise current policies and procedures implementing section 109(i) of title 23, U.S.C., and to issue these revised policies and procedures in the form of final regulations. ●

Pursuant to section 136(b) of the Federal-Aid Highway Act of 1970, Pub. L. No. 91–605 (the 1970 Act), which added section 109(i) to title 23 of the U.S. Code, the Federal Highway Administration (FHWA) developed noise standards for use in the planning and design of new highway projects. The standards were promulgated on February 8, 1973, and published on June 19, 1973 (38 F.R. 15953) amending 23 CFR by the addition of Part 772.

Section 114 of the Federal-Aid Highway Act of 1973, Pub. L. No. 93–87 (the 1973 Act), revised 23 U.S.C. 109(i) to permit the FHWA to develop and promulgate "standards" for the control of traffic noise on previously constructed highways on any of the Federal-aid systems. Interim regulations providing guidelines for the submission and approval of noise abatement projects on previously constructed highways were promulgated on February 13, 1974, and published on February 22, 1974 (39 FR

6696) amending 23 CFR Part 772 by the addition of § 772.30.

The regulations published herein represent an integration of the mandatory requirements of the 1970 Act and the permissive authority granted by the 1973 Act. These regulations are designed to establish comprehensive policies and procedures for dealing with the abatement of highway traffic noise and highway-related construction noise. Greater consideration has been given to projects on previously constructed highways.

The regulations describe procedures that State highway authorities must use in the identification and analysis of noise impacts from proposed highway improvements on any Federal-aid highway system. Design noise levels for different land-use categories and procedures for dealing with noise impacts on previously constructed highways are provided. The examination of measures to mitigate noise impacts and incorporation of feasible mitigation measures into all new highway projects is required.

The regulations contain the following significant changes:

1. Exceptions to the design noise levels are no longer required for highway projects on which access is uncontrolled. However, plans for such projects must incorporate all feasible noise abatement measures. This revision eliminates a previous administrative requirement which had resulted in unnecessary red tape and delay but retains the basic requirement for incorporation of noise abatement measures into the highway project.

2. Compliance with the regulations is required for all new projects for which the highway location is approved after July 1, 1972, or authorization to advertise for bids for major grade and drain elements is given after July 1, 1976.

3. An additional noise descriptor (L_{eq}) is included for optional use. The new descriptor is more statistically reliable for low volume roadways. It is also more flexible in terms of permitting noise levels from different sources to be included in the analysis of noise impacts.

4. Certain general measures are required concerning construction noise including: identification of sensitive land uses or activities during the project development studies; determination of measures needed to minimize or eliminate adverse construction noise impacts; and incorporation of needed abatement measures in the contract documents.

5. Federal funding policy is expanded to provide greater flexibility to the Regional Federal Highway Administrators in considering, on a case-by-case basis, proposals to participate in extraordinary noise abatement measures where the noise impacts are especially severe and where more conventional abatement measures are unacceptable for social, economic, environmental or engineering design reasons. These extraordinary measures could include acquisition of a severely impacted property, relocation of a dwelling or other structure, and noise insulation of private structures.

As a first step toward implementation of the 1973 Act, the FHWA published a notice on September 14, 1973, soliciting ideas and views on the development of policies and procedures for noise abatement projects on previously constructed highways (38 FR 25696). Following a decision to deal with all noise abatement projects in a single regulation, a draft revision of Part 772 was published for notice and comment on September 10, 1974 (39 FR 32616).

Development of this regulation has involved extensive coordination efforts between FHWA and members of the public, other Federal agencies and the duly elected and appointed officials of State and local governments. Public involvement was effected through the notice and comment provisions of the FEDERAL REGISTER. Coordination with State and local officials took place primarily through the Advisory Commission on Intergovernmental Relations and FHWA field offices throughout the U.S. Other Federal agencies involved in the coordination effort included the Environmental Protection Agency (EPA), the Department of Housing and Urban Development (HUD), the Council on Environmental Quality (CEQ), the Department of Health, Education and Welfare, the Department of the Interior, the Department of Defense and the National of the major points raised in those comments, along with FHWA's disposition of each, follows.

1. Several comments stated that the term "design noise levels" was misleading since it implied "norms." It was suggested that the term be replaced with "maximum acceptable noise levels." The definition in § 772.5(d) has been revised to describe design noise levels as the upper limit of acceptable traffic noise conditions. Further, § 772.13 on design noise levels states that (a) noise impacts can occur even though design noise levels are achieved, (b) the design noise levels should be viewed as maximum values, and (c) every reasonable effort will be taken to achieve substantial reductions when predicted noise levels exceed design noise levels. FHWA feels that the combined effect of these revisions will remove any implication that the design noise levels are "norms."

2. Definitions for "existing noise level" and "ambient noise level" were requested by several respondents. A clarification was also requested on whether ambient noise includes noise from an existing highway section. Existing noise levels have been defined in § 772.5(f). When existing noise levels are being determined in the vicinity of an existing highway, the existing noise would include the noise presently emanating from the highway. Because the ambient noise level term has been misused in many situations, it is not included in these regulations.

3. Several comments were submitted relative to the applicability provisions of the previous regulations which stated that if a project had location approval prior to July 1, 1972, and design approval prior to July 1, 1974, then compliance was not a prerequisite to approval of plans, specifications and estimates (PS&E) under 23 U.S.C. 106(a). The revised regulations require compliance for all new projects for which the highway location is approved after July 1, 1972, or for which authorization to advertise for bids for major grade and drain elements is given after July 1, 1976. (See § 772.5 (w), (x).) In order to facilitate an orderly transition from the old regulations to the new for ongoing projects, § 772.7 has been added to make it clear that the new requirements are not retroactive. Although it may be necessary to develop supplemental information on noise impacts and the design of noise abatement measures for ongoing projects, approval actions taken prior to the effective date of the revised regulations will remain in effect.

4. The relevance of the regulations to low volume highways was addressed by several respondents. More specifically it was suggested that the requirement for a noise analysis on low volume roads should be eliminated. FHWA recognizes that the level of effort required for a noise study on a low volume road is quite different than that for a high volume roadway. Section 772.11 permits the level of analysis to vary significantly depending upon the volume of traffic to be carried by the facility.

It was also suggested that FHWA recognize the problems with the traffic noise prediction methods for low volume roads and allow for these problems in the regulations. FHWA is currently involved in a program to revise the prediction methods. Until these methods can be revised and validated, States will continue to have problems with low volume roads. One intermediate solution is the use of the L_{eq} descriptor which provides a more reliable description of noise on low volume roads. This descriptor has been added to the design noise levels in Table 1 (§ 772.13). Several comments suggested that this descriptor not be used and that it is misleading to have two sets of design noise levels descriptors (L_{eq} and L_{10}). FHWA has included L_{eq} for optional use at this time. It is a more reliable descriptor for low volume roadways, and it is a much more reliable descriptor to use when combining noise levels from several different sources. FHWA does not feel that use of the two sets of descriptors is misleading.

Finally it was suggested that the level and effort required for coordination with local officials should be tailored to the size and complexity of the project. FHWA agrees and feels that §772.17 as written is broad enough to provide this flexibility.

5. Several respondents suggested that noise levels should be predicted for the date of project completion instead of the design year (usually 10–20 years from the start of construction). Others felt that a 5–10 year projection would be more appropriate due to changing noise sources. FHWA feels that the assessment of noise impacts and the design of noise abatement measures should be performed on the same basis as all other highway design elements (i.e. drainage, pavement, geometrics, etc.). It is also of interest to note tht in many urban areas the design year traffic volumes for many roadways

occur or are approached soon after construction is completed.

6. Several comments suggested that existing noise levels should be measured rather than calculated. Measurements of existing noise levels for activities or developed land uses may not be necessary where it is clear that the existing levels are predominantly from the highway being improved and can be satisfactorily estimated using approved noise prediction methods. The purpose of existing noise level data is to quantify the existing acoustic environment and to provide a base for assessing the impact of noise level increases. The major emphasis of the noise standards is in assessing noise impacts (and noise abatement measures) based upon the forecasting of noise levels for the design year. The determination of existing noise levels (either by measurement or prediction) is of relatively minor importance in assessing future noise impacts and devising noise abatement measures. Accordingly § 772.11(b)(3) provides highway agencies with sufficient flexibility to determine, on a case-by-care basis, whether or not existing noise levels should be measured or calculated.

7. It has been suggested that our entire approach to noise abatement is too complex. Specifically there seems to be no practical way to reduce noise levels on non-controlled access highways, yet a major effort is required to study this type of facility. Section 109(i) of 23 U.S.C. specifically requires tht noise standards be applied to all Federal-aid projects on all Federal-aid systems. Even without this provision, an examination of environmental impacts (including traffic noise) must be made on all highway projects. However, FHWA realizes that the preparation and documentation of exception requests for facilities other than freeways and expressways is cumbersome and nonproductive. As a result the regulation has been revised to require exception requests only on roadways which have either full or partial control of access (§ 772.13(a)). A noise study and incorporation of feasible noise abatement measures are still required for all highway projects.

8. It was noted that the design noise levels in Table 1 are significantly in excess of those considered by EPA to protect public health and welfare with an adequate margin of safety. It was also suggested that the EPA standards should be adopted for use at this time.

In March, 1974, EPA published "Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety" (EPA Document No. 550/9-74-004). FHWA recognizes that the design noise levels are higher than those identified in this EPA document. However, the EPA levels are based solely upon considerations of public health and welfare. Accordingly, care was taken by EPA to use the term "identified levels" and avoid terms such as "goals," "standards," or "recommended levels." Nevertheless these EPA levels have frequently been erroneously viewed as noise standards.

Under § 109(i) of 23 U.S.C., the FHWA is charged with the development and promulgation of "standards for highway noise levels compatible with different land uses." In developing these standards FHWA has attempted to strike a balance between that which is most desirable and that which is feasible. Factors such as technical feasibility, the unique characteristics of highway-generated noise, cost, the overall public interest and other agency objectives as set forth in various provisions of 23 U.S.C. 109 are all important elements in the standard setting process. EPA recognizes that such factors, some of which may be in conflict with noise reduction efforts, are important elements in this process. For these reasons FHWA believes that the noise standards, as promulgated in the form of the regulations set forth herein, and the design noise levels found in § 772.13 provide a reasoned and well-balanced approach to the problem of highway-generated noise.

Section 772.13(a) makes it clear that the design noise levels are to be viewed as maximum values. FHWA is committed to reexamination of these levels as state-of-the-art noise abatement techniques improve and actual source noise levels are reduced. As anticipated future reductions in source noise levels materialize, a corresponding reduction would take place in the noise levels adjacent to then-existing highway facilities bringing these facilities into compliance with lowered design levels.

9. Several comments questioned the emphasis placed on the highway rather than the vehicle. FHWA noise standards relate only to the highway facility itself and not to the primary noise source (i.e. the vehicle). Regulation of vehicle noise levels as well as noise levels of construction equipment falls within the jurisdiction of the EPA. However, even the best efforts at source control will not eleminate the need for complementary noise abatement measures incorporated into the highway facilities.

10. It was suggested that specific tests be prescribed for determining those instances in which the adverse effects of achieving specific design noise levels exceed the benefits. FHWA has been unable to develop any specific test that would replace the use of good judgment. FHWA does not believe that it would be appropriate or productive to specify any one method of analysis especially when promulgated as a national standard. Sections 772.11 and 772.15 and various other provisions clearly require highway agencies to consider all relevant factors (i.e. both beneficial and adverse effects) of noise abatement measures in developing their proposal for Federal-aid projects. FHWA does not expect all factors to be quantified, but does expect a judgment based on the environmental, social and economic benefits and disbenefits of noise abatement measures.

11. Several respondents asked that the noise insulation criteria be clarified and expanded. The view was expressed that if public use or non-profit institutional structures may be noise insulated then all structures should be eligible. FHWA recognizes the seeming inconsistency of this distinction between varying types of ownership and use. The decision to limit eligibility for noise insulation was made in 1972 and this limited policy has been in effect since the promulgation of FHWA Policy and Procedure Memorandum 90-2, April 26, 1972 (later codified as 23 CFR Part 772). The primary reason for this administrative decision was to keep proposals for noise insulation within manageable limits—both from an economic and technological perspective. An enormous number of structures could potentially be involved with tremendous costs and engineering difficulties.

FHWA believes that a somewhat expanded funding policy might provide valuable experience with regard to insulation of structures. For this reason, among others, § 772.21(e) provides the Regional Federal Highway Administrators with authority to approve abatement measures other than those specifically enumerated in § 772.21 (b), (c) and (d) when the traffic noise impacts are especially severe and other measures are not feasible. Noise insulation of privately-owned buildings could be one of the types of measures considered. As with all abatement measures, the availability of noise insulation in any given State would depend upon the laws and regulations of that State.

Every attempt has been made to clarify the provisions of § 772.21(d) (Noise Insulation) while preserving the requisite degree of administrative discretion and project flexibility.

12. Several comments concerned the section on construction noise (§ 772.23). It was suggested that the effects will be too burdensome and that it will require added manpower and additional costs and will prolong construction. FHWA does not envision the general steps to be performed under § 772.23 adding significantly to project costs or the time required for construction. Identification of land uses and activities which may be affected can be made as part of the noise analysis required by § 772.11(b)(1). It is expected that contract documents could address such items as working hours, proper maintenance of equipment and procedures for handling complaints without placing an undue burden on the contractor or the highway agency.

In response to several requests for guidance relative to the construction noise problem, FHWA is developing a state-of-the-art technical bulletin on that which is presently achievable. A table of maximum levels would be impracticable at this time because there is insufficient data on which to base realistic construction noise levels. A long-range strategy for construction noise is presently under consideration and may become a basis for maximum construction noise levels in the future.

13. The EPA pointed out that descriptors L_{eq} and L_{10} for peak periods are inadequate to determine the impact of a highway on sleep and speech, and that a

24-hour assessment based on descriptors such as $L_{eq}(24)$ or L_{dn} would be more effective. FHWA agrees that a 24-hour assessment of noise impacts would be more complete than assessments based on noise levels derived from design hourly traffic volumes. However, the level of effort required to obtain the 24-hour assessments is not warranted. Noise impact assessments based on design hourly traffic volumes are sufficient to determine the traffic noise impacts on speech communication and sleep during those periods when these "worst case" traffic noise conditions exist. In most urban areas this situation exists for approximately 4 to 6 hours on a daily basis. During other periods of the day and night, it is reasonable to assume that the impacts on speech and sleep will be less due to reduced traffic volumes. Accordingly if the highway facilities are designed to deal with "worst case" noise impacts the abatement measures utilized will also provide protection during off-peak hours as needed.

For the reasons set forth herein, revised FHWA noise standards are hereby promulgated in the form of final regulations and will appear in Title 23, Chapter I, Subchapter H of the Code of Federal Regulations as Part 772.

The amendments to 23 CFR published herein are issued under the authority of 23 U.S.C. 315 and the delegation of authority by the Secretary of Transportation in 49 CFR 1.48(b).

Effective date. These regulations take effect on May 24, 1976.

Issued on: April 16, 1976.

J. R. COUPAL, Jr.,
Deputy Administrator,
Federal Highway Administration.

Chapter I of 23 CFR is amended by revising Part 772 to read as follows:

Sec.
772.1 Purpose.
772.3 Noise Standards.
772.5 Definitions for use in this part.
772.7 Retroactivity.
772.9 Applicability.
772.11 Analysis of Traffic Noise Impacts and Abatement Measures.
772.13 Design Noise Levels.
772.15 Procedure for Requesting Exceptions to the Achievement of the Design Noise Levels for Type IA Highway Projects.
772.17 Policies for Coordination with Local Officials.
772.19 Noise Abatement Measures for Lands Which Are Undeveloped on the Date of Public Knowledge of the Proposed Highway Project.
772.21 Federal Participation.
772.23 Construction Noise.
772.25 Traffic Noise Prediction Methods.

AUTHORITY: 23 U.S.C. 109(h), 109(l), and 315; 42 U.S.C. 4331, 4332; 49 CFR 1.48(b).

§ 772.1 Purpose.

To promulgate: (a) Policies and procedures for noise studies and noise abatement measures,

(b) Design noise levels, and

(c) Requirements for coordination with local officials for use in the planning and design of highways approved pursuant to Title 23, United States Code.

§ 772.3 Noise Standards.

The highway traffic noise studies, noise abatement procedures, coordination requirements, and design noise levels in this part constitute the noise standards mandated by 23 U.S.C. 109(i). All highway projects which are developed in conformance with this part shall be deemed in conformance with the FHWA noise standards.

§ 772.5 Definitions for use in this part.

(a) *Buffer Zone.* Lands, properties, and parcels (or portions thereof) adjacent to a highway acquired either in fee or a lesser interest for the purpose of preempting development which would be adversely impacted by traffic noise and for other noise abatement purposes.

(b) *Control of Access.* The condition where the right of owners or occupants of abutting land or other persons to access, light, air, or view in connection with a highway is fully or partially controlled by public authority.

(1) Full control of access means that the authority to control access is exercised to give preference to through traffic by providing access connections with selected public roads only and by prohibiting crossings at grade or direct private driveway connections.

(2) Partial control of access means that the authority to control access is exercised to give preference to through traffic except that, in addition to access connections with selected public roads, there may be some crossings at grade and some private driveway connections.

(3) Uncontrolled access means that the authority having jurisdiction over a highway, street, or road does not limit the number of points of ingress or egress except through the exercise of control over the placement and the geometrics of connections as necessary for the safety of the traveling public.

(c) *Date of Public Knowledge of a Proposed Highway Project.*—The date that the highway agency officially notifies the public of the adoption of the location of a proposed highway project.

(d) *Design Noise Levels.*—The noise levels established by this part for various activities or land uses which represent the upper limit of acceptable traffic noise level conditions. These levels are used to determine the degree of impact of traffic noise on human activities.

(e) *Design Year.*—The future year used to estimate the probable traffic volume for which a highway is designed. A time 10 to 20 years from the start of construction is usually used.

(f) *Existing Noise Levels.*—The noise, made up of all the natural and man-made noises, considered to be usually present (unique noise events may be excluded) within a particular area's acoustical environment.

(g) *Highway Section.*—A finite length of highway proposed for development between logical termini (population centers, major traffic generators, major crossroads, etc.) as normally included in a location study or multiyear highway improvement program.

(h) L_{10}—The sound level that is exceeded 10 percent of the time (the 90th percentile) for the period under consideration. This value is an indicator of both the magnitude and frequency of occurrence of the loudest noise events.

(i) $L_{10}(h)$—The hourly value of L_{10}.

(j) L_{90}—The sound level that is exceeded 90 percent of the time (the 10th percentile) for the period under consideration.

(k) L_{eq}—The equivalent steady state sound level which in a stated period of time would contain the same acoustic energy as the time-varying sound level during the same time period.

(l) $L_{eq}(h)$—The hourly value of L_{eq}.

(m) *Level of Service C.* Traffic conditions (used and described in the Highway Capacity Manual—Highway Research Board, Special Report 87, 1965)[1] where speed and maneuverability are closely controlled by high volumes, and where drivers are restricted in their freedom to select speed, change lanes, or pass.

(n) *Location Approval.* The approval which establishes the general location for a highway section based upon a location study report (in accordance with 23 CFR Part 790) or the adoption of a final environmental impact statement or negative declaration (where the highway agency has implemented § 795.10(b) (7) and (8) of the Process Guidelines—23 CFR Part 795).

(o) *Metropolitan Planning Organization.* The organizations designated by the Governor as being responsible, together with the State, for carrying out the provisions of 23 U.S.C. 134, as provided in 23 U.S.C. 104(f)(3), and capable of meeting the requirements of 49 U.S.C. 1602 (a) (2) and (e)(1), 1603(a) and 1604 (g)(1) and (*l*).

(p) *Noise Level.* The sound level obtained through use of A-weighting characteristics specified by the American National Standards Institute, ANSI S1.4–1971, Specification for Sound Level Meters.[2] The unit of measure is the decibel (dB), commonly referred to as dBA when A-weighting is used.

(q) *Noise Standards.* The highway traffic noise studies, noise abatement procedures, coordination requirements, and design noise levels in this part.

(r) *Operating Speed.* The highest overall speed at which a driver can travel on a given highway under favorable weather conditions and under prevailing traffic conditions, without at any time exceeding the safe speed as determined by the design speed on a section-by-section basis.

(s) *Partial Noise Abatement Measures.* Measures taken to reduce the noise impact but not to a level below the design noise levels.

(t) *Project Development.* Actions described in State action plans developed pursuant to 23 CFR Part 795 (Process Guidelines), and specific studies, surveys,

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[1] This document is available for inspection and copying in accordance with the provisions of 49 CFR Part 7, App. D.

[2] This specification is available for inspection in accordance with the provisions of 49 CFR Part 7, App. D. Copies may be purchased from the American National Standards Institute, 1430 Broadway, New York, New York 10017.

coordination, reviews, approvals, and other activities and steps normally engaged into determine the location, to perform the design, and to prepare the plans, specifications and estimates for a highway project.

(u) *Traffic Noise Impacts.* Impacts which occur when the predicted traffic noise levels approach or exceed the design noise levels, or when the predicted traffic noise levels substantially exceed the existing noise levels.

(v) *Truck.* Any motor vehicle (including buses) having a gross vehicle weight greater than 10,000 pounds.

(w) *Type IA Project.* A proposed Federal or Federal-aid highway project for construction or reconstruction of a section of highway (or portion thereof) which has either partial or full control of access and for which the highway location is approved after July 1, 1972, or the authorization to advertise for bids for the major grade and drain elements is given after July 1, 1976. Projects unrelated to traffic noise such as lighting, signing, landscaping, safety, etc., are not considered construction or reconstruction of a highway section.

(x) *Type IB Project.* A proposed Federal or Federal-aid highway project for construction or reconstruction of a section of highway (or portion thereof) on which the access is uncontrolled and for which the highway location is approved after July 1, 1972, or authorization to advertise for bids for the major grade and drain elements is given after July 1, 1976.

(y) *Type II Project.* A proposed Federal or Federal-aid highway project for noise abatement on an existing highway (located on a Federal -aid system) which does not include construction or reconstruction of a highway section (or portion thereof).

(z) *Undeveloped Lands.* Those tracts of land or portions thereof which do not contain improvements or activities devoted to frequent human habitation or use (including low density recreational use), and for which such improvements or activities are unplanned and not programed.

§ 772.7 Retroactivity.

The requirements of this part are not retroactive. Approval actions taken prior to the effective date of this part, in conformance with FHWA Policy and Procedure Memorandum 90–2 dated April 26, 1972, Subject: Interim Noise Standards and Procedures for Implementing Section 109(i) Title 23, U.S.C.;[2] 23 CFR Part 772 (38 FR 15953, June 19, 1973); and 23 CFR § 772.30 (39 FR 6697, Feb. 22, 1974), shall remain in effect.

§ 772.9 Applicability.

(a) Type IA Projects (Partial and full control of access)—All requirements of this part apply to all Type IA projects unless it is specifically indicated that a section applies only to Type II projects.

(b) Type IB Projects (Uncontrolled access)—All requirements for this part, with the exception of §§ 772.11(b)(6) and 772.15, apply to all IB projects unless it is specifically indicated that a section applies only to Type II projects.

(c) Type II Projects (Specifically for noise abatement)—The development and implementation of Type II projects are not mandatory requirements of 23 U.S.C. 109(i) and are therefore not requirements of this part. When Type II projects are proposed for Federal-aid highway fund participation (at the option of the highway agency) the provisions of §§ 772.11(d), (e); 772.21(a), (c), (d), (e); and 772.23 of this part shall apply.

(d) Type IA, IB, and II Projects—The plans and specifications for Type IA, IB, and II projects shall not be approved by FHWA unless:

(1) The noise study report has been concurred in by FHWA, and

(2) The project has been developed in accordance with the requirements of this part.

(e) Type IA Projects—In addition to the requirements of § 772.9(d), the plans and specifications for Type IA projects shall not be approved by FHWA unless:

(1) Noise abatement measures are incorporated to attain reductions to or below the design noise levels for those activities and land uses where predicted noise levels exceed the design noise levels in Table 1, or

(2) Partial noise abatement measures are incorporated, where feasible, and exceptions to the design noise levels have been approved by FHWA where the design noise levels cannot be reasonably achieved.

(f) Type IB Projects—In addition to the requirements of § 772.9(d), the plans and specifications for Type IB projects shall not be approved by FHWA unless the noise abatement measures identified as feasible (as determined by the analysis in § 772.11(b)(5)) have been incorporated in the plans and specifications for Type IB projects.

§ 772.11 Analysis of Traffic Noise Impacts and Abatement Measures.

(a) In Type IA and IB project development, the highway agency shall determine and analyze expected traffic noise impacts and determine the overall benefits which can be achieved by noise abatement measures to mitigate these impacts, giving weight to any adverse social, economic, and environmental effects. The level of analysis may vary from simple calculations for rural and low volume highways to extensive analysis for high volume controlled access highways in urban areas.

(b) The traffic noise analysis shall be conducted in the following manner:

(1) *Identify existing activities or land uses which may be affected by noise from the highway sec ion.*

(2) *Predict the traffic noise levels for each alternative under detailed study* (including the "do nothing" alternative). Steps 3 through 6 of the traffic noise analysis may be eliminated if it is analytically determined (in accordance with steps 1 and 2) that activities or developed land uses are not sufficiently close to the proposed highway improvement to be adversely affected by traffic noise.

(3) *Measure the existing noise levels for existing activities or developed land uses.* Measurements may not be necessary where it is clear that the existing levels are predominantly from the highway being improved and can be satisfactorily estimated using approved noise prediction methods. The purpose of this noise level information is to quantify the existing acoustic environment and to provide a base for assessing the impact of noise level increases. The descriptors (L_{eq} or L_{10}) used to quantify these measurements shall be consistent with the descriptors used for the predicted levels and the design noise levels in Table 1. Measurement systems shall, as a minimum, meet the requirements for Type 2 instruments as specified in ANSI S1.4–1971.

(4) *Compare the predicted traffic noise levels for each alternative under detailed study with the existing noise levels and with the design noise levels in Table 1.* This comparison shall also include predicted traffic noise levels for the "do nothing" alternative in the design year. Such information shall be used primarily to describe the noise levels likely to be reached in the same area if no highway improvement is undertaken. Noise impacts can be expected when the predicted traffic noise levels (for the design year) approach or exceed the design noise levels in Table 1, or when the predicted traffic noise levels are substantially higher than the existing noise levels. The comparison between predicted traffic noise levels for the proposed action and the "do nothing" alternative (for the design year) may be used in the consideration of exceptions to the design noise levels.

(5) *Examine and evaluate alternative noise abatement measures for reducing or eliminating the noise impact on existing activities; developed lands; and undeveloped lands for which development is planned, designed and programed.* This examination shall include a thorough consideration of traffic management measures (e.g., prohibition of certain vehicle types, time use restrictions for certain vehicle types, modified speed limits, exclusive lane designations, traffic control devices or combinations of such measures). Federal law requires a determination that noise abatement measures needed to implement the noise standards have been incorporated into project plans and specifications before they are approved. Because decisions on noise abatement are prerequisites to determining environmental impacts, and because these impacts influence decisions on adoption of a highway location, it is important that a preliminary determination be made. Before adoption of a highway location, the highway agency shall identify:

(i) Noise abatement measures which are likely to be incorporated in the project, and

[2] This document is available for inspection and copying as prescribed in 49 CFR Part 7, App. D.

(ii) Noise impacts for which no apparent solution is available.

(6) *Identify for Type IA projects those lengths of highway* (separately for each side of the highway) *and those individual land uses where noise abatement measures appear impracticable or not prudent and which may qualify under the exception procedures* (§ 772.15).

(c) (1) Upon completion of the noise analysis for Type IA or IB projects, the highway agency shall prepare a noise study report for FHWA concurrence which shall include the following:

(i) Detailed noise analysis and evaluation information (§ 772.11(b)).

(ii) Proposed noise abatement measures including descriptive information which portrays their design details, anticipated effectiveness in relation to the design noise levels (§ 772.13) and/or existing noise levels and estimated costs and benefits.

(iii) Requests for exceptions to the design noise levels and supporting information as required and outlined in § 772.15. (Type IA projects only).

(iv) Discussion of construction noise analysis information, including proposed contract provisions to minimize or eliminate adverse construction noise impacts.

(v) Discussion and documentation of coordination with local officials as required in § 772.17.

(2) The noise study report may be in preparation throughout the project development process but shall be concluded prior to approval of the plans and specifications. Preliminary versions of the report shall be prepared as necessary for environmental statements and for input to decisions on selecting a highway location. Depending on the scope and timeliness of a complete noise report, various sections of the report such as noise impact evaluations, proposed noise abatement measures, noise exception requests, etc., may be processed separately and included in the final report.

(3) FHWA concurrence in the noise study report shall constitute its approval of all requested exceptions to the design noise levels contained therein and approval of proposed abatement measures contained therein.

(d) Highway agencies proposing to use Federal-aid highway funds for Type II projects shall perform a noise analysis similar to that described in § 772.11(b) and shall prepare a noise report with recommendations. This noise report shall indicate and describe the noise impacts that have been identified for these type projects. The design noise levels in Table 1 are a suitable yardstick for this determination.

(e) In requesting Federal construction funding for a Type II project, the highway agency shall indicate the nature of the proposed Type II project and the relative priority with other potential Type II projects in the State. Some of the suggested factors which may be considered in the development of this relative priority are:

(1) Applicable State law,

(2) Type of development to be protected,

(3) Magnitude of the traffic noise impact,

(4) Cost-benefits,

(5) Population density of the affected area,

(6) Day-night use of the property,

(7) Feasibility and practicability of noise abatement at the site,

(8) Availability of funds,

(9) Existing noise levels,

(10) Achievable noise reduction,

(11) Intrusiveness of highway noise (L_{10}–L_{90}),

(12) Public's attitude,

(13) Local governments' effort to control land use adjacent to the highway,

(14) Date of construction of adjoining development,

(15) Increase in traffic noise since the development was constructed,

(16) Local noise ordinances, and

(17) Feasibility of abating the noise with traffic control measures.

§ 772.13 Design Noise Levels.

(a) The design noise levels in Table 1 represent a balancing of that which may be desirable and that which may be achievable. Consequently, noise impacts can occur even though the design noise levels are achieved. The design noise levels for Categories A, B, C, and E should be viewed as maximum values, recognizing that in many cases, the achievement of lower noise levels would result in even greater benefits to the community. Every reasonable effort shall be taken to achieve substantial noise reductions when predicted noise levels exceed these design noise levels. However, any significant reduction in the existing or predicted noise level will be a benefit, and partial noise abatement measures shall be included in the project development where they are consistent with overall social, economic, and environmental considerations. On the other hand, the adverse social, economic, and environmental effects of providing abatement measures may be too high. For each case where the circumstances warrant, this part provides for FHWA approval of exceptions to the design noise levels for Type IA projects. Exceptions are not required for Type IB and Type II projects.

(b) The design noise levels are to be applied to:

(1) Those undeveloped lands for which development is planned, designed, and programed on the date of public knowledge of the highway project.

(2) Those activities and land uses in existence on the date of public knowledge of the highway project.

(3) Areas which have regular human use and in which a lowered noise level would be of benefit. Such areas would not normally include service stations, junkyards, industrial areas, railroad yards, parking lots, storage yards, and the unused open space portions of other developments and facilities. Design noise levels should, however, be applied to those parks and recreational areas or portions thereof where serenity and quiet are considered essential even though such areas may not be subject to frequent human use.

(4) Those places within the sphere of human activity (at approximately ear-level height) where activities actually occur. The values do not apply to an entire tract upon which an activity is based, but only to that portion on which such activity normally occurs.

(c) The interior design noise levels in Category E apply to:

(1) Indoor activities for those parcels where no exterior noise sensitive land use or activity is identified.

(2) Those situations where the exterior activities on a tract are either remote from the highway or shielded in some manner so that the exterior activities will not be significantly affected by the noise, but the interior activities will.

(d) The interior design noise level in Category E may be considered as a basis for noise insulation of public use institutional structures in special situations when, in the judgment of the highway agency and concurred in by the FHWA, such consideration is in the best public interest.

(e) (1) Interior noise level predictions may be computed by substracting from the predicted exterior levels the noise reduction factors for the building in question. If field measurements of these noise reduction factors are obtained, (or if the factors are calculated from detailed acoustical analyses) the measured (or calculated) values shall be used. In the absence of such calculations or field measurements, the noise reduction factors may be obtained from the following:

Building type	Window condition	Noise reduction due to exterior of the structure (decibels)
All	Open	10
Light frame	Ordinary sash (closed)	20
	Storm windows	25
Masonry	Single glazed	25
Do	Double glazed	35

(2) The windows shall be considered open unless there is firm knowledge that the windows are in fact kept closed almost every day of the year.

(3) Situations where open window periods do not coincide with a high traffic noise level may qualify as a closed window condition. In such instances, the optional noise prediction procedures in § 772.25(e) shall be used.

TABLE 1.—*Design noise level/activity relationships* [1]

Activity category	Design noise levels—decibel amperes [2] $L_{eq}(h)$	Design noise levels—decibel amperes [2] $L_{10}(h)$	Description of activity category
A [3]	[5] 57	[5] 60	Tracts of land in which serenity and quiet are of extraordinary significance and serve an important public need and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose. Such areas could include amphitheaters, particular parks or portions of parks, open spaces, or historic districts which are dedicated or recognized by appropriate local officials for activities requiring special qualities of serenity and quiet.
B [3]	[5] 67	[5] 70	Picnic areas, recreation areas, playgrounds, active sports areas, and parks which are not included in category A and residences, motels, hotels, public meeting rooms, schools, churches, libraries, and hospitals.
C	[5] 72	[5] 75	Developed lands, properties or activities not included in categories A or B above.
D			For requirements on undeveloped lands see § 772.19 (a) and (c).
E [4]	[5] 52	[5] 55	Residences, motels, hotels, public meeting rooms, schools, churches, libraries, hospitals, and auditoriums.

[1] See § 772.13 for method of application.
[2] Either L_{10} or L_{eq} (but not both) design noise levels may be used on a project.
[3] Parks in categories A and B include all such lands (public or private) which are actually used as parks as well as those public lands officially set aside or designated by a governmental agency as parks on the date of public knowledge of the proposed highway project.
[4] See § 772.13 (c), (d), and (e) for method of application.
[5] Exterior.
[6] Interior.

§ 772.15 Procedure for Requesting Exceptions to the Achievement of the Design Noise Levels for Type IA Highway Projects.

(a) There may be situations along Type IA highway projects where the predicted noise levels exceed the design noise levels and the adverse social, economic, and environmental effects of noise abatement measures are considered to exceed the abatement benefits. If this condition is expected to occur, the noise analysis shall include evaluations of adverse effects and the benefits of full and partial reductions of the predicted noise levels.

(b) The highway agency may request an exception to the achievement of the specified design noise levels for Type IA projects where it can be demonstrated that the adverse effects exceed the overall benefits. To request an exception, the highway agency shall provide in the noise study report required by § 772.11 (c) the results of the following:

(1) Identification of the individual noise sensitive activities or groups of activities (including the number of persons affected) along the sections of highway which are subjected to existing traffic noise levels, or are expected to be subjected to future traffic noise levels, in excess of design levels.

(2) An examination of the overall benefits and adverse effects of partial noise abatement measures.

(3) A weighing of the overall benefits which can be achieved by the noise abatement measures against any adverse effects and other conflicting values such as economic reasonableness, air quality, highway safety, adjacent neighborhood desires about esthetic impact (and other desires), or other similar values. Such weighing shall establish that measures for reduction of noise levels to more desirable levels for that particular activity, land use, or groups of activities are not in the best overall public interest. A principal factor in this weighing shall be the concern for public health, public welfare, and the quality of life. These decisions must ultimately be based upon case-by-case determination. However, every effort shall be made to obtain detailed information on the costs, benefits, and effects involved to assure that final decisions utilize a systematic and factually based assessment.

(4) Recommendations for incorporation in the project plans and specifications of the partial noise abatement measures determined to have benefits consistent with adverse effects.

(c) Exception approvals shall not be granted without a showing that all reasonable options for noise reduction (excluding measures provided by § 772.21 (e)) have been explored and that the partial noise abatement measures recommended provide the greatest attainable noise reductions consistent with the overall public interest.

(d) In most cases, exceptions will be approved when the predicted traffic noise level from the highway project is less than the existing noise level (originating from sources other than the highway being improved or replaced) for the activity or land use in question. In these instances, there should be a reasonable expectation that the noise from the other sources will not be significantly reduced in the future.

§ 772.17 Policies for Coordination with local officials.

Pursuant to this part, 23 CFR Part 795 and 23 CFR Part 790 highway agencies have the responsibility for taking measures that are prudent and feasible to assure that the location and design of highways are compatible with existing and planned land uses. Local governments have responsibility for land development control and zoning. Highway agencies can be of considerable assistance to local officials in promoting compatibility between land development and highways. Therefore, for each Type IA and IB project, highway agencies shall cooperate with metropolitan planning organizations and with local officials (within whose jurisdiction the highway project is located) by furnishing:

(a) Approximate generalized future noise levels (for various distances from the highway improvement) for both developed and undeveloped lands or properties in the immediate vicinity of the project,

(b) Information that may be useful to local communities to protect future land development from being incompatible with anticipated highway noise levels, and

(c) The FHWA policy regarding land use development or changes which are initiated after issuance of this part (as described in § 772.23(c)(2)).

§ 772.19 Noise Abatement Measures for Lands Which Are Undeveloped on the Date of Public Knowledge of the Proposed Highway Project.

(a) Noise abatement measures are not required for lands which are undeveloped on the date of public knowledge of the proposed highway project (except as provided in § 772.19(b)).

(b) For lands which are undeveloped on the date of public knowledge of the highway project, the highway agency should treat this activity or land use as developed land in the following situations:

(1) The development was planned, designed, and programed before the highway studies but there is firm evidence that the development has been only temporarily delayed, or

(2) The development is planned, designed, and programed during the highway project planning and design; there is a very high probability of the development being constructed; and the developer has considered the noise impacts to the extent reasonable and practicable.

(c) A highway agency may request Federal-aid participation in the cost of providing noise abatement measures for undeveloped lands along type IA and IB projects when the noise analysis demonstrates a need in the following situations:

(1) Development occurs between the date of public knowledge of the proposed highway project and the actual construction of the project, or

(2) The probability of development occurring within a few years is very high and a strong case can be made in favor of providing noise abatement measures as part of the highway project based on consideration of need, expected long-term benefits to the public interest, and the difficulty and increased cost of later incorporating abatement measures into either the highway or the development.

§ 772.21 Federal Participation.

(a) *General.* Federal funds may be used for noise abatement measures in those situations where:

(1) A traffic noise impact has been identified,

(2) The noise abatement measures will reduce the noise impact, and

(3) The overall noise abatement benefits are determined to outweigh the overall adverse social, economic, and environmental effects of the noise abatement measures.

(b) *Type IA and IB Projects.* The following noise abatement measures may be

incorporated in Type IA and IB projects to reduce highway-generated noise impacts and the costs of such measures may be included in Federal-aid participating project costs:

(1) Traffic management measures (e.g., traffic control devices and signing for prohibition of certain vehicle types, time use restrictions for certain vehicle types, modified speed limits, and exclusive lane designations),

(2) Alterations of horizontal and vertical alignments,

(3) Acquisition of property rights (either in fee or lesser interest) for installation or construction of noise abatement barriers or devices,

(4) Installation or construction of noise barriers or devices (including landscaping for esthetic purposes), whether within or outside of the highway right-of-way, and

(5) Acquisition or real property or interests therein (predominantly unimproved property) to serve as a buffer zone to preempt development which would be adversely impacted by traffic noise and for other noise abatement purposes. Acquisition of a few improved parcels may be included in such buffer zone acquisitions to provide a uniform treatment. In authorizing any buffer zone acquisition, consideration shall be given to the needs and desires of the community, the demonstrated efforts of the community to implement effective land use control for compatibility, and the overall public interest. It is preferred that buffer zone acquisition be performed in conjunction with local zoning, land use controls, or other local government controls imposed or exercised in accordance with a comprehensive plan. Buffer zones shall be obtained by acquisition of the least real property interest practicable that is sufficient to prevent incompatible uses of adversely impacted lands while permitting uses compatible with the highway environment (e.g. negative easements that restrict grantors' use). In certain cases it may be necessary to acquire additional right-of-way in fee simple with the intent to dispose of excess interests in a manner compatible with the highway environment. Proposals of this kind shall be submitted to FHWA for prior approval. Any conveyance of excess right-of-way shall be in accordance with § 713.306(c) of this chapter.

(c) *Type II Projects.* (1) The Federal share for noise abatement measures on Type II projects shall be the same as that for the Federal-aid system on which the project is located. For Type II projects on the Interstate System (including completed sections), the Federal share shall be from Federal-aid Interstate funds.

(2) For Type II projects, noise abatement measures will not normally be approved for those activities and land uses which come into existence after the effective date of this part. However, noise abatement measures may be employed to protect activities and land uses which come into existence after the effective date provided local authorities have taken measures to exercise land use control over the remaining undeveloped lands adjacent to highways in the local jurisdiction to prevent further development of incompatible activities.

(3) The following noise abatement measures may be incorporated in Type II projects to reduce highway-generated noise impacts and the costs of such measures may be included in Federal-aid participating project costs:

(i) Acquisition of property rights (either in fee or lesser interest) for installation or construction of noise abatement barriers or devices,

(ii) Installation or construction of noise barriers or devices (including landscaping for esthetic purposes), whether within or outside of the highway right-of-way, and

(iii) Traffic management measures (e.g., traffic control devices and signing for prohibition of certain vehicle types, time use restrictions for certain vehicle types, modified speed limits, exclusive land designations, traffic control devices or combinations of such measures).

(d) *Noise Insulation.* In some specific cases, there may be compelling reasons to consider measures to noise insulate structures. Situations of this kind may be considered on a case-by-case basis for Type IA, IB, and II projects when they involve such public use or non-profit institutional structures as schools, churches, libraries, hospitals, and auditoriums. Proposals of this type, together with the State's recommendation, shall be submitted to FHWA for prior approval action.

(e) *Other Abatement Measures.* There may be situations where:

(1) Especially severe traffic noise impacts exist or are expected, and

(2) The abatement measures listed above are physically infeasible or economically unreasonable. In these instances, noise abatement measures other than those listed in § 772.21(b)–(d) may be proposed for Types IA, IB, and II projects by the State highway agency and approved by the Regional Federal Highway Administrator on a case-by-case basis when the conditions of § 772.21 (a) have been met.

§ 772.23 Construction noise.

The following general steps are to be performed for all Type IA, IB, and II projects after the effective date of this part.

(a) Identify land uses or activities which may be affected by noise from construction of the highway. The identification is to be performed during the project development studies.

(b) Determine the measures which are needed in the contract plans and specifications to minimize or eliminate adverse construction noise impacts to the community. This determination shall include a weighing of the benefits achieved and the overall adverse social, economic and environmental effects of the abatement measures.

(c) Incorporate the needed abatement measures in the contract plans and specifications.

§ 772.25 Traffic Noise Level Prediction Methods.

(a) Predicted noise levels to be used in assessing noise impacts shall be obtained from a prediction method approved by FHWA.

(b) The prediction method and the noise level predictions shall account for variations in:

(1) Traffic characteristics (volume, speed, and truck traffic);

(2) Topography (vegetation, barriers, height, and distance); and

(3) Roadway characteristics (configuration and grades).

(c) The noise prediction method contained in National Cooperative Highway Research Program (NCHRP) Report 117 as modified in NCHRP Report 144; the Barrier Nomograph (form FHWA 1443); and the method contained in Department of Transportation, Transportation Systems Center Report DOT–TSC–FHWA–72–1 are approved for use.[1] Other noise prediction methods or variations of the above, together with supporting and validation information, shall be furnished to the FHWA Office of Environmental Policy for approval prior to their use.

(d) In predicting noise levels and assessing noise impacts the following traffic characteristics shall be used:

(1) *Automotive volume.* The future volume (reduced for truck traffic) obtained from the lesser of the design hourly volume or the maximum volume which can be handled under traffic level of service C conditions. For automobiles, level of service C is considered to be the combination of speed and volume which creates the worst noise conditions. The average hourly volume for the highest 3 hours on an average day for the design year may be used for those highway sections where the design hourly volume or the level of service C condition is not anticipated to occur on a regular basis during the design year.

(2) *Speed.* The operating speed which corresponds with the design year traffic volume selected in § 772.25(d)(1) and the truck traffic predicted from § 772.25 (d)(3). The operating speed must be consistent with the volume used.

(3) *Truck volume.* The design hourly truck volume shall be used for those cases where either the design hourly volume or level of service C was used for the automobile volume. Where the average hourly volume for the highest 3 hours on an average day was used for automobile traffic, comparable truck volumes should be used.

(e) As an alternative to § 772.25(d), the highway agency may select traffic characteristics to correspond with the critical times of day and night which will create the most adverse traffic noise impacts upon the nearby activities and land uses. When such alternative traffic characteristics are used, a thorough dis-

[1] These documents are available for inspection and copying in accordance with the provisions of 49 CFR Part 7, App. D.

cussion of such alternative characteristics shall be included in the noise study report.

[FR Doc.76-11699 Filed 4-22-76;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

SUBCHAPTER D—ORGANIZATION AND ADMINISTRATION

PART 221—GENERAL PRINCIPLES OF ORGANIZATIONS

PART 222—DELEGATIONS OF AUTHORITY

Revisions in Postal Service Organization and Titles of Postal Officials

This document amends 39 CFR Parts 221 and 222 so as to reflect certain changes in Postal Service organization and titles of officials within the Postal Service and to make minor, technical and editorial changes.

Changes in organization reflected in the amendment to 39 CFR Part 221 include the addition of another group in the organizational structure of Headquarters in § 221.5 on Groups and Departments, of another department in the organizational structure of the Regions in § 221.6(b) on Postal Regions, and of the Bulk Mail Centers in the organizational structure of the Regions in § 221.6 (d)(4) on Postal Regions. Changes are made in the titles of both Headquarters and Regional officials. The Deputy Postmaster General is no longer designated the official who "directs all postal operations and delegates such of his authority as he considers appropriate"; by this change, he is instead designated "the alternate chief executive officer of the Postal Service" in § 221.4(a).

This revision is effective immediately (39 U.S.C. 203, 204, 401(2)).

ROGER P. CRAIG,
Deputy General Counsel.

1. Paragraph (a) of § 221.4 is amended to read as follows:

§ 221.4 Deputy Postmaster General.

(a) The Deputy Postmaster General is the alternate chief executive officer of the Postal Service. He is appointed and can be removed by the Postmaster General and the Governors. He is a voting member of the Board of Governors.

* * * * *

2. Paragraph (b) of § 221.4 is amended by deleting the first sentence; and by deleting the word "He" in the second sentence and inserting in its place the words "The Deputy Postmaster General".

3. Paragraph (a) of § 221.5 is amended by deleting the word "four" in the first sentence and by inserting in its place the word "five"; and by inserting after the word "Finance," in the first sentence the words "Manpower and Cost Control,".

4. Paragraph (a) of § 221.5 is amended by deleting the period at the end of the third sentence and by inserting "or to the Deputy Postmaster General." in lieu thereof.

§ 221.5 Groups and Departments.

* * * * *

(c) Certain other Headquarters units report directly to the Postmaster General. These include the Law Department, headed by the General Counsel, and the Inspection Service, headed by the Chief Inspector. Also reporting to the Postmaster General are the Executive Assistant for Postal Affairs, the Assistant Postmaster General for Government Relations, and the Assistant Postmaster General for Public and Employee Communications.

6. Section 221.7 is revoked; § 221.6 is redesignated § 221.7, and new § 221.6 is added, reading as follows:

§ 221.6 Postal Regions.

(a) There are five Postal Regions. Each region is headed by a Regional Postmaster General who reports to the Senior Assistant Postmaster General, Operations, and has overall responsibility for operational activities (except those reserved to Headquarters) of the Postal Service within his region.

(b) Each Regional Postmaster General's office includes five departments—Mail Processing, Customer Services, Finance, Employee and Labor Relations, and Real Estate and Buildings. Each regional department is headed by a Regional Director who reports to the Regional Postmaster General. While the Regional Directors, Employee and Labor Relations, report to the Regional Postmasters General for administrative purposes, functional direction is provided to them by the Senior Assistant Postmaster General, Employee and Labor Relations.

(c) In addition to the five departments, there is within each Regional Postmaster General's office a Law Division, which is headed by a Regional Counsel, and a Public and Employee Communications Division, which is headed by a General Manager. The Regional Counsel and General Manager, Public and Employee Communications, report to the Regional Postmaster General.

(d)(1) Postal Regions are composed of districts headed by District Managers whose organizational units are in turn composed of management sectional centers headed by Sectional Center Manager/Postmasters and independent post offices headed by Postmasters.

(2) Each District Manager reports to the Regional Postmaster General, and has line responsibility for postal operations (except those reserved to Headquarters and Regions) in the management sectional centers and independent post offices within his area.

(3) Each Sectional Center Manager/Postmaster reports to a District Manager, and has line responsibility for postal operations (except those reserved to Headquarters and Regions) within his Management Sectional Center area.

(4) In addition to districts, management sectional centers, and independent post offices within each Postal Region, there are bulk mail centers headed by General Managers. Each Bulk Mail Center General Manager reports to the Regional Postmaster General and has line responsibility for the efficient and effective operation of his center.

(e) For a detailed statement of the organization of the Postal Regions, see Part 225 of this subchapter.

§ 222.4 [Amended]

7. Paragraph (a)(5) of § 222.4 is amended by deleting the words "Sectional Center facilities" and inserting in their place the words "management sectional centers".

[FR Doc.76-11739 Filed 4-22-76;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 100a—DIRECT PROJECT GRANT AND CONTRACT PROGRAMS

PART 103—BILINGUAL VOCATIONAL TRAINING

Application Selection Criteria

Notice of proposed rulemaking was published in the FEDERAL REGISTER on January 15, 1976 at 41 FR 2352, setting forth the proposed amendments to Part 103 of Title 45 of the Code of Federal Regulations, revising Appendix D. The proposed revisions to Appendix D contained new priorities and criteria for selection of applications under the program of support for Bilingual Vocational Training Projects for fiscal year 1976 and subsequent fiscal years. Certain technical amendments to the regulations governing Subpart E of 45 CFR Part 103 (§§ 103.41 through 103.46) were also proposed.

Summary of Comments. The following comments, suggestions, and questions were submitted in writing in response to the proposed rules issued on January 15, 1976. After the summary of each comment, a response is set forth stating the changes which have been made in the regulations or the reasons why no change is deemed necessary or appropriate.

Comment. A commenter requested that § 103.42(c) be modified to indicate that a waiver of training allowances for participants in bilingual vocational training programs be in accordance with the limitations and conditions in the Department of Labor regulations, specifically 29 CFR § 95.34(j).

Response. A change has been made in the regulations. Section 103.42(c) provides that the entire matter of the allowances for participants in the training program be subject to the Department of Labor Regulations 29 CFR § 95.34. It was implicit in this regulation that a waiver of training allowances must adhere to the requirements of subsection (j) to § 95.34. In addition, the supplementary materials submitted to all applicants paraphrases the Department of Labor regulation on waivers.

Nevertheless, in order to prevent any confusion on this issue, the final regulation makes an explicit reference to subsection (j) of the Department of Labor regulations (29 CFR § 95.34(j)). The last sentence in § 103.42(c) has been amended to read as follows: "Applicants may waive training allowances in accordance with

the waiver procedure set forth in 29 CFR § 95.34(j)."

Comment. A commenter suggested expanding the funding criteria in Appendix D to require that the application proposal be developed in cooperation with the appropriate State or local CETA prime sponsor or reviewed and supported by the Prime Sponsor Manpower Planning Council.

Response. No change in the regulations is deemed necessary at this time. Although the incorporation of this suggestion into the regulations would ensure better coordination between CETA and the Bilingual Vocational Training Program, there is presently no statutory authority in the governing legislation requiring applicants to develop proposals in conjunction with prime sponsors. The addition of this requirement to this program for the fiscal year 1976 grant period would cause undue delay to the submission of applications prior to the closing date. Furthermore, the vocational education administrative regulations for the State-administered grant program were amended on December 11, 1975 at 40 FR 57760 to require (1) the State Board to provide the State Manpower Services Council with an opportunity to review the annual program plan, and (2) local educational agencies to coordinate efforts with CETA prime sponsors in the submission of the local application to the State Board.

Comment. Two commenters questioned whether grants may be made pursuant to Part J of the Vocational Education Act for bilingual teacher training programs.

Response. Although a teacher training component was contemplated by section 531 of Senate Bill 1539, all references to teacher training were deleted in the final version of the Part J, as reported out of conference and as enacted in the Education Amendments of 1974, Pub. L. 93-380. Grants shall be awarded, therefore, only for the purposes enumerated in section 195 of the Act (20 U.S.C. 1393(d)) and § 103.42 of the applicable regulations.

Comment. A commenter suggested that § 103.42 be revised to allow Part J funds to be used for secondary students as part of a dropout prevention project.

Response. No change has been made to § 103.42. The bilingual vocational training program authorized by Part J is specifically designed to give necessary vocational skills to persons of limited English-speaking ability who (1) have either left school or graduated from a secondary school, and (2) are unemployed or underemployed (20 U.S.C. 1393(d)). Grants cannot be awarded to secondary school students, therefore, as part of a dropout prevention project.

Comment. A commenter requested whether Indochinese refugees would be eligible for a bilingual vocational training program.

Response. Assuming that all program requirements are complied with, Indochinese refugees, being a group whose language normally used is other than English, would be eligible for participation in a bilingual vocational training program. The application would have to conform to all the requirements and criteria set forth in the regulations. Also, the population group to be served by the program cannot be trained for employment in occupations which are generally considered professional or which require a baccalaureate or higher degree.

Amendment to Part 100a. Section 100a.10 of Part 100a of Title 45, Code of Federal Regulations, is amended to add this program as a program covered by the General Provisions for Education Programs.

The regulations are issued as originally published as set forth below, except for the explication on the matter of waiving training allowances in § 103.42(c).

Pursuant to section 192(b) of the Vocational Education Act, these regulations were submitted to the Secretary of Labor for approval prior to the notice of proposed rulemaking in the FEDERAL REGISTER at 41 FR 2352. Since there are no substantive changes being made to the notice of proposed rulemaking, there is no need to resubmit the final regulations to the Secretary of Labor for approval.

Effective Date. Pursuant to section 431 (d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)), these regulations have been transmitted to the Congress concurrently with the publication in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

(Catalog of Federal Domestic Assistance No. 13.558 Bilingual Vocational Training.)

Dated: March 15, 1976.

T. H. BELL,
U.S. Commissioner of Education.

Approved: April 16, 1976.

MARJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

1. Section 100a.10 of Part 100a of Title 45 of the Code of Federal Regulations is amended to read as follows:

§ 100a.10 Scope.

(a) *Programs.* Except to the extent inconsistent with an applicable statute or regulation, the provisions contained in this part apply to all Federal programs of assistance authorized under the following authorities:

* * * * *

(36) Bilingual Vocational Training program under Part J of the Vocational Education Act (20 U.S.C. 1393); and

* * * * *

2. Part 103 of Title 45 of the Code of Federal Regulations is amended to read as follows:

§ 103.1 Applicability.

The regulations to this part apply to grants and contracts made by the U.S. Commissioner of Education for research and training programs under section 131(a) of Part C, for exemplary programs and projects under section 142(c) of Part D, for curriculum development programs under section 189 of Part I, and for bilingual vocational training under section 191 of Part J of the Vocational Education Act of 1963, as amended.

2. Two new definitions are added to § 103.3 to read as follows:

§ 103.3 Definitions.

* * * * *

"Bilingual vocational training" means training or retraining which is conducted as part of a program designed to prepare individuals of limited English-speaking ability for gainful employment as semiskilled or skilled workers or techicians or subprofessionals in recognized occupations and in new and emerging occupations, but excluding any program to prepare individuals for employment in occupations which the Commissioner determines, and specifies, by regulation, to be generally considered professional or which requires a baccalaureate or higher degree; bilingual vocational training includes guidance and counseling (either individually or through group instruction) in connection with such training or for the purpose of facilitating occupational choices; instruction related to the occupation or occupations for which the students are in training or instruction necessary for students to benefit from such training; travel of students and vocational training personnel while engaged in a bilingual vocational training program; and the acquisition, maintenance, and repair of instructional supplies, aids, and equipment, but such term does not include the construction, acquisition, or initial equipment of buildings or the acquisition or rental of land.

(20 U.S.C. 1248(14)

* * * * *

"Postsecondary educational institution" means a nonprofit institution legally authorized to provide postsecondary education within a State for persons sixteen years of age or older, who have graduated or left elementary or secondary school.

(20 U.S.C. 1248(15))

3. A new Subpart E is added to read as follows:

Subpart E—Bilingual Vocational Training

Sec.
103.41 Purpose.
103.42 Eligible programs and projects.
103.43 Eligible applicants.
103.44 Applications for grants or contracts.
103.45 Review of applications.
103.46 Criteria.

Subpart E—Bilingual Vocational Training

§ 103.41 Purpose.

In order to insure that vocational training programs are available to persons in all communities of the United States whose language as normally used is other than English, and in order to find new ways to assist such persons to fill the critical need for more and better trained personnel in occupational categories vital to both the persons and the economy, funds available to the Commissioner pursuant to Part J of the Act may

be used for making grants or contracts for bilingual vocational training programs.

(20 U.S.C. 1393)

§ 103.42 Eligible programs and projects.

Funds available under section 193 of Part J of the Act may be used by the Commissioner to award grants or contracts for the cost of developing and operating programs or projects designed to carry out the purpose set forth in § 103.41 in an amount equal to the total sums expended by the applicant for the purposes set forth in that application. Such programs include:

(a) Bilingual vocational training programs for persons who have completed or left elementary or secondary school and who are available for training programs by the agencies and institutions enumerated in § 103.43;

(b) Bilingual vocational training programs for persons who have already entered the labor market and who desire or need training or retraining to achieve year-round employment, adjust to changing manpower needs, expand their range of skills, or advance in employment; and

(c) Training allowances for participants in bilingual vocational training programs subject to the same conditions and limitations as set forth in the Department of Labor Regulations 29 CFR § 95.34. Applicants may waive training allowances in accordance with the waiver procedure set forth in 29 CFR § 95.34(j).

(20 U.S.C. 1393(d))

§ 103.43 Eligible applicants.

(a) The following categories of agencies or institutions are eligible for grants or contracts under this subpart:

(1) Local educational agencies;

(2) Appropriate State agencies;

(3) Postsecondary educational institutions;

(4) Private nonprofit voational training institutions; and

(5) Nonprofit educational or training organizations especially created to serve a group whose language as normally used is other than English.

(b) Private for-profit agencies. (These agencies and institutions are eligible only for contracts.)

(20 U.S.C. 1393(c))

§ 103.44 Applications for grants or contracts.

(a) All applications shall be submitted to the Commissioner through the State board and shall include the comments of the State board.

(b) Each application shall:

(1) Provide that the activities and services for which assistance under this part is sought will be administered by or be under the supervision of the applicant; and

(2) Set forth a program of such size, scope and design as will make a substantial contribution toward carrying out the programs described in § 103.42.

(20 U.S.C. 1393(e))

§ 103.45 Review of applications.

(a) The Commissioner of Education will not approve any application for a grant or contract under this subpart until:

(1) Such application has been reviewed in accordance with such procedures as the Commissioner may establish; and

(2) Such review will take into account the requirements set forth in § 103.44 (b)).

(b) Where feasible the Commissioner should consult with the State board to achieve equitable distribution of assistance in the State.

(20 U.S.C. 1393(f))

§ 103.46 Criteria.

Criteria for the selection of applicants shall be those set forth in § 100a.26(b) of this chapter and those in Appendix D to this part.

APPENDIX D—BILINGUAL VOCATIONAL TRAINING PROGRAMS CRITERIA FOR FISCAL YEAR 1976

In granting of awards from funds available for the program, the Commissioner will give priority to applications which rank highest on the basis of the criteria in the Office of Education's General Provisions Regulations (45 CFR 100a26(b)) together with the additional criteria in this Appendix. Certain points will be given to applications which propose programs in the priority areas described below.

A. *Program Priority.* Priority will be given to bilingual vocational training programs or projects which:

(1) Serve persons who are unable to secure gainful employment suited to their needs, interests, and abilities because they are of limited English-speaking ability;

(2) Serve persons who have left or completed elementary or secondary school; and

(3) Provide training which will increase trainees' opportunities for acquiring skilled employment.

B. *Application review criteria.* Criteria will be utilized by the reviewers in reviewing formally transmitted applications. These criteria are consistent with § 100.26, Review of Applications, in the Office of Education's General Provisions Regulations, published on November 6, 1973 at 39 FR 30654 (45 CFR 100.26(b)). Segments or a segment of the application must address each criterion area. Each criterion is weighted and includes the maximum score that can be given to a segment of an application in relation to the criteria. The criteria and maximum weights for each criterion are as follows:

Criteria:	Maximum score
(1) *Priority area and need*—Application is focused on the announced priority area, clearly defines the needs for proposed project, and delineates the bilingual vocational training required to be responsive to the stated need.	15
(2) *Objectives*—The objectives of the proposed project or program are sharply defined, clearly stated, and capable of being attained.	10
(3) *Plan*—The application clearly describes the general scope and design for the training program. The procedures specify in detail how each objective will be accomplished, and describe the adequate project management plan. Provisions are made for adequate evaluation of the program, and where appropriate, for satisfactory inservice training.	15
(4) *Personnel*—The qualifications and experience of both administrative and instructional personnel are appropriate for the proposed program.	25
(5) *Institutional commitment*—The application shows reasonable evidence of commitment to provide adequate curriculum, facilities, equipment and space, and provides documented assurance of support from cooperating institutions and agencies when necessary for program success.	10
(6) *Budget*—The estimated cost is reasonable in relation to anticipated results, and the size, scope, and duration of the project or program are reasonable.	25

(Information concerning the average cost per trainee should be provided.)

[FR Doc.76-11768 Filed 4-22-76;8:45 am]

(Title 45 continued on page 16968.)

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 95—CITIZENS RADIO SERVICE ASSIGNMENT OF CALL SIGNS

Citizens Radio Service

1. Call signs formed from the block KAAØØØ1 through KZZ9999 are presently being assigned to stations in the Citizens Radio Service. Because of the growth of this service, particularly in the past two years, the number of available call signs in the above block has rapidly diminished and will very soon be exhausted.

2. In order to provide sufficient available call signs for assignment to the above mentioned stations in the future and noting that a very large block of call signs is required, call signs will be formed from the block KAAAØØØ1 through KZZZ9999. In addition, to allow the Commission sufficient time to make preparations for assigning call signs in the above new block, the Commission shall continue to make assignments in the existing three letter, four digit format until the new call sign assignment system is fully operational. Because of the very limited availability of call signs in the block KAAØØØ1 through KZZ9999 and noting the relative abundance of call signs in the block WAAØØØ1 through WZZ9999, a portion of the latter call sign block will be made available for asssign-

ment to the Citizens Radio Service during this interim period. Considering the requirements of ships which are currently being assigned call signs from the upper end of this block, the call sign block shall be apportioned between two classes of stations as follows:

WAA0001—WPZ9999 citizens radio
WQA2000—WZZ9999 ships

Consequential amendments of Sections 2.302 and 95.95 of the Commission's Rules are attached.

3. Due to factors including the impending shortage of call signs available for the Citizens Radio Service, notice and public procedure within the meaning of the Administrative Procedure Act 5 U.S.C. 553(b)(3)(B) are found to be impracticable. The amendments set forth in the Appendix are therefore effective forthwith.

4. Authority for the amendment is contained in Section 4(i) and 303 of the Communications Act of 1934, as amended. In view of the foregoing, *It is ordered*, That, effective April 29, 1976, §§ 2.302 and 95.95 of the Commission's Rules are amended as set forth below.

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

Adopted: April 14, 1976.

Released: April 21, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

The table in § 2.302 of the Commission's rules is revised to read as follows:

§ 2.302 Call Signs.

* * * * *

Class of station	Composition of call sign	Call sign block
* *	* *	* * *
Ship telephone	2 letters, 4 digits, or 3 letters, 4 digits.[1]	WA2000 through WZ9999, WQA2000 through WZZ9999.
* *	* *	* * *
Ship radar	Same as ship telephone and/or telegraph call sign, or, if ship has no telephone or telegraph: 2 letters, 4 digits, or 3 letters, 4 digits.	WA2000 through WZ9999, WQA2000 through WZZ9999.
* *	* *	* * *
Citizens radio	3 letters, 4 digits, or 4 letters, 4 digits	KAA0001 through KZZ9999, WAA0001 through WPZ9999, KAAA0001 through KZZZ9999.
Citizens radio, temporary permit.	3 letters, 5 digits	KAA00000 through KZZ99999.
Citizens radio in trust territories.	1 letter, 4 digits	K0001 through K9999.

* * * * *

(2) Paragraph (a) of § 95.95 of the Commission's rules is revised to read as follows:

§ 95.95 Station identification.

(a) The call sign of a citizens radio station shall consist of either three letters followed by four digits, or shall consist of four letters followed by four digits. The call sign of a citizens radio station operating under a temporary permit shall consist of three letters followed by five digits.

* * * * *

[FR Doc.76-11781 Filed 4-22-76;8:45 am]

Title 7—Agriculture

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

[Navel Orange Regulation 376]

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

Limitation of Handling

Correction

In FR Doc. 76-11161 appearing on page 15831 of the issue for Thursday, April 15, 1976, the number of cartons in § 907.676 (b)(1)(ii) reading "249,000" should read "279,000"; and the FR Docmuent Number in brackets at the end of the document reading "76-1161" should read "76-11161".

[Lemon Regulation 36]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

PREAMBLE

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period April 25-May 1, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.336 Lemon Regulation 36.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons continues good early this week but may ease later as temperatures along the East Coast return to more normal levels. Average f.o.b. price was $6.47 per carton the week ended April 17, 1976, compared to $6.56 per carton the previous week. Track and rolling supplies at 140 cars were down 5 cars from last week.

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

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

special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 20, 1976.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period April 25, 1976, through May 1, 1976, is hereby fixed at 260,000 cartons.

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

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

Dated: April 22, 1976.

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

[FR Doc.76-12076 Filed 4-22-76;11:52 am]

PART 991—HANDLING OF HOPS OF DOMESTIC PRODUCTION

Salable Quantity and Allotment Percentage for the 1976–77 Marketing Year

Notice was published in the March 19, 1976, issue of the FEDERAL REGISTER (41 FR 11530) regarding a proposal to establish, for the 1976–77 marketing year, beginning August 1, 1976, a salable quantity of 59,084,600 pounds, and an allotment percentage of 98 percent, for hops grown in Washington, Oregon, Idaho, and California. This action establishes a salable quantity of 60,270,000 pounds, and an allotment percentage of 100 percent for those hops during the 1976–77 marketing year.

The salable quantity is the total quantity of hops that may be freely marketed from any crop grown in those states and handled by handlers. The salable quantity is prorated among producers by applying the allotment percentage to each producer's allotment base.

This action is based on recommendations of the Hop Administrative Committee in accordance with provisions of Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal; one comment was received from the Committee.

In its comment, the Committee recommended establishment of a salable quantity of 60,270,000 pounds and an allotment percentage of 100 percent in lieu of the salable quantity and allotment percentage proposed in the notice. The Committee indicated that the marketing conditions for hops have changed since its original recommendation in January. All remaining quantities of 1975 spot hops unsold at the time of that recommendation have now been sold. Also, it was estimated that as of April 1, less than 10,000 bales of hops from 1976 production (to be produced later this year) have not been contracted for sale by growers. About 281,000 bales were produced in the 1975 crop. Moreover, it appears now that 1976 acreage will be down five or six percent from last year.

The Committee also stated that many growers have contracted with handlers for as much as 100 percent of the growers' allotment bases. Establishment of a salable percentage of 98 percent would result in a loss of sales to these growers, and hence a reduction in their incomes. Moreover, this could result in brewers substituting hops of foreign production. In addition, the Committee indicated that any production in excess of 98 percent would have to be pooled or left unharvested because it is impractical to take out small portions of hop yards.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Committee, including its comment submitted pursuant to the notice, and other available information, it is found that to establish a salable quantity and allotment percentage as hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, the salable quantity and allotment percentage to be applicable to the 1976–77 marketing year (August 1, 1976–July 31, 1977) are established as follows:

§ 991.214 Allotment percentage and salable quantity for hops during the marketing year beginning August 1, 1976.

The allotment percentage during the marketing year beginning August 1, 1976, shall be 100 percent, and the salable quantity shall be 60,270,000 pounds.

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

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

Dated: April 20, 1976.

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

[FR Doc.76-11765 Filed 4-22-76;8:45 am]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

PART 1700—POISON PREVENTION PACKAGING

Certain Liquid Paint Solvent Preparations

The purpose of this document is to amend provisions of the regulations under the Poison Prevention Packaging Act of 1970 (PPPA) (Pub. L. 91–601, 84 Stat. 1670–1674, 15 U.S.C. 1471–75), to add a new provision, 16 CFR 1700.14(a)(15), prescribing child protection packaging requirements for prepackaged liquid paint solvents (or solvents for other similar surface-coating materials) that contain 10 percent or more by weight of petroleum distillates, benzene, toluene, xylene, or combinations thereof and that have a viscosity of less than 100 Saybolt universal seconds (S.U.S.) at 100° F.

BACKGROUND

In the FEDERAL REGISTER of February 9, 1973 (38 FR 3989), the Commissioner of the Food and Drug Administration, pursuant to provisions of the PPPA, proposed child protection packaging requirements for prepackaged liquid paint solvent preparations and prepackaged solvents for other similar surface coating materials containing 10 per cent or more by weight of petroleum distillates, benzene, toluene, xylene, or combinations thereof (21 CFR 285.2(a)(15)).

Effective May 14, 1973, functions under the PPPA were transferred to the Consumer Product Safety Commission by section 30(a) of the Consumer Product Safety Act (Pub. L. 92–573, 86 Stat. 1231; 15 U.S.C. 2079(a)).

Subsequently, on August 7, 1973 (38 FR 21247), the Consumer Product Safety Commission revised and transferred the regulations under the Poison Prevention Packaging Act of 1970 from 21 CFR Part 295 to 16 CFR Part 1700. Accordingly, the regulation issued below, proposed as 21 CFR 295.2(a)(15), is adopted as 16 CFR 1700.14(a)(15).

RESPONSE TO PROPOSAL

In response to the proposal of February 9, 1973, comments were received from two consumers, a local consumer affairs office, a manufacturer of packaging materials, two trade associations representing manufacturers of paint solvent preparations, a trade association representing retailers of paint solvent preparations, and nine manufacturers of paint solvent preparations. The principal issues

raised in the comments and the Commission's conclusions thereon are as follows:

A. *Need for special packaging.* 1. As the basis for needing special packaging to protect young children from accidental ingestion of paint solvents, the preamble to the proposal cited statistics from the National Clearinghouse for Poison Control Centers indicating that for a 3-year period (1968–1970) there were 1,565 ingestions of paint solvents resulting in 196 hospitalizations among children under 5 years of age. Incomplete death certificate data for 1966–71 showing the deaths of four children under 5 years of age as a result of ingesting such products were also cited.

In response to these data, several commentors questioned whether the incidents of ingestion involved original containers, noting that many such ingestions probably resulted after the contents were transferred into alternate containers.

In light of the comments received, the Commission conducted a partial review of 717 ingestion incidents among children under five involving paint thinners and removers, as reported in 1973 to the National Clearinghouse for Poison Control Centers, to assess the hazard which these products in their original containers present. Of the 717 reports, 617 had no information on whether the ingestion occurred from the original container. Consequently, no inference can be drawn linking these episodes to products either in the original containers or transferred to other containers. Fifty-seven of the remaining 100 cases showed the product to be in the original container, while, in 43 instances, the contents had been transferred. The Commission concludes that these data sufficiently indicate that the availability of paint solvents to young children in their original containers is such that special packaging is necessary to reduce the risk of serious injury or serious illness caused by ingestion of paint solvents.

The Commission recognizes that, since many of the subject substances may not have been in their original containers at the time of accidental ingestion, the requirement for special packaging does not alleviate the need for careful adult handling and storage of a regulated product. The Commission is of the opinion that the use of special packaging under § 1700.14(a)(15) and cautionary labeling as required under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) will alert adults to the potentially hazardous nature of the contents and will result in greater effort by adults to prevent children from gaining access to the product.

2. Other commentors contend that the subject products are not normally available to children because they are stored out of reach in areas such as garages and workshops. The Commission has conducted an updated review of the data from NEISS and the National Clearinghouse for Poison Control Centers to determine the current magnitude of the problems posed by the accidental ingestion of paint solvents. Data from the latter for 1969–1973 indicate 3,911 ingestions of paint solvents by children under 5 years of age, two of which resulted in death. Of these ingestions, 852 resulted in symptomatology such as abdominal pain, burns, choking, coughing, coma, cyanosis, diarrhea, dyspnea, lethargy, nausea, petechiae, pneumonia, rash, and vomiting; 488 resulted in hospitalizations ranging generally from one to 22 days (some were of unspecified duration).

NEISS data for fiscal years 1973 through 1975 indicate that paint solvents resulted in 384 injuries to children under 5 years of age. Of these, 371 incidents were from ingestions resulting in 77 hospitalizations with the balance of the victims being treated and released. NEISS data also indicate the death in 1973 of an 18-month-old child from ingestion of a paint solvent.

The PPPA authorizes the establishment of special packaging requirements for a household substance that presents risk of serious personal injury or serious illness to children by reason of its packaging. Given the ingestion data involving paint solvents the Commission concludes that these substances are clearly available to young children in or about the household and a regulation requiring special packaging is warranted to protect children under 5 years of age.

3. Several comments received on behalf of the paint solvent industry contended that the proposed requirements for special packaging would increase the danger to children because adults who encounter difficulty in using child-resistant packaging might replace the closure with substitutes such as rags or wads of paper, or might transfer the contents of the original container into another vessel. Other comments suggested that the use of conventional threaded closures with extra cautionary labeling and statements instructing the user to resecure the closure properly would protect young children better than the designs of special packaging available in production quantities at the time this standard was first proposed.

Congress recognized that closures too difficult for adults to open could defeat the intent of the act to protect young children and therefore required in the PPPA that special packaging not be difficult for normal adults to use properly. Accordingly, sections 1700.15(b)(2) and 1700.20 of the regulations under the Act require that at least 90 percent of a panel of 100 normal adults between the ages of 18 and 45 years be able to open and properly resecure special packaging during a 5-minute testing period. These requirements should ensure that most adults will not encounter a degree of difficulty in using such packaging which leads them to discard the safety feature.

Additionally, for those adults who are unable to use child-resistant closures, section 4(a) of the PPPA permits the manufacturer or packer to market, in noncomplying packaging, a product of a single size that is clearly labeled, "This package for households without young children", in accordance with 16 CFR 1700.5, provided the product is also supplied in complying packages. The Commission therefore, concludes that the PPPA and its regulations already provide for avoiding situations where difficulty of use might nullify the benefit of special packaging. In addition, the Commission notes that products packaged with conventional screw closures have frequently been involved in accidental ingestions despite the cautionary labeling required under the Federal Hazardous Substances Act and the Federal Food, Drug, and Cosmetic Act.

The Commission previously tested conventional threaded closures in accordance with § 1700.20 to determine the degree of protection such closures afford young children. The test results revealed that 199 of the 200 children between 42 and 51 months of age tested were able to open these designs when the closures were resecured normally by adults. These tests demonstrate that such closures are not designed or constructed to be significantly difficult for children under 5 years of age to open, as is required for child-resistant packaging by section 2(4) of the PPPA, nor is there evidence to indicate that the addition of extra labeling would result in adults securing the closures more firmly. The Commission therefore concludes that, inasmuch as conventional thredded closures do not provide the degree of protection intended by the PPPA, child-resistant packaging should be rquired for the paint solvents in accordance with § 1700.14(a)(15) below.

In addition, since February 9, 1973, the date of the proposal, designs other than those to which the commenters referred have become available in production quantities. Manufacturers have reported that these designs meet the requirements of § 1700.20 and should provide sufficient variety to alleviate any concern as to difficulty in use expressed in the comments.

B. *Coverage.* Proposed § 1700.14(a)(15) prescribes child-resistant packaging requirements for certain prepackaged paint or other similar surface-coating material solvents in liquid form. It would only have applied, however, to products customarily stored by individuals in or about the household. (See sections 2(2) and 3(a) of the PPPA.) The proposal further noted that the products in this category to be regulated are those common household products used in do-it-yourself type projects.

Some comments suggest that proposed § 1700.14(a)(15) be limited to household containers of less than one-gallon capacity, contending that such sizes are more likely to be stored in and about the household than are larger sizes. As a precedent for such a limitation, one commenter made reference to an FDA proposal (September 14, 1972; 37 FR 18629) that contained a similar limit beyond which special packaging would not be required for economic poisons (pesticides). A second commenter said that the wording of proposed § 1700.14(a)(15) is vague and requested clarification of its applicability to industrial packages that might be misappropriated by an employee for use in or around his or her household.

The Commission concludes that an explanation of the term "household substance" as it applies to products which will be subject to this regulation is appropriate and should provide adequate guidance to those who wish to determine whether their products are covered by this regulation. The products covered by this regulation are hazardous substances within the meaning of the Federal Hazardous Substances Act (15 U.S.C. 1261(f)). As such, the interpretations contained in the regulations under the Hazardous Substances Act concerning "hazardous substances intended for or packaged in a form suitable for use in the household" are applicable to this regulation.

The latter term, as clarified in 16 CFR 1500.3(c)(10)(i), applies to "any hazardous substance, whether or not packaged, that under any customary or reasonably foreseeable condition of purchase, storage, or use may be brought into or around a house, apartment, or other place where people dwell or in or around any related building or shed including, but not limited to, a garage, carport, barn, or storage shed." The term, "household substance," as interpreted in 16 CFR 1500.3(c)(10)(i)) includes articles designed primarily for professional use but which are available in retail stores for nonprofessional use. According to this interpretation, the term does not include industrial supplies which might be taken into the home by a serviceperson, nor those articles labeled for and marketed solely for industrial use where there is a possibility that an industrial worker might misappropriate a supply for his or her own use.

The Commission notes that the size limitation of less than one gallon in the FDA proposal regarding economic poisons was specified because such products have a unique usage in commercial agriculture that creates a problem in distinguishing between household and industrial use; economic poisons of all sizes are customarily stored about the farm household in barns, storage sheds, and garages. In this case, the household itself serves a dual role as a residence and as the center of a commercial agricultural operation. The Commission finds no indication that the usage of paint solvents involves a similar difficulty in distinguishing between household and industrial use, and therefore concludes that § 1700.14(a)(15) should not be limited to containers of less than one gallon.

C. *Technical feasibility, practicability, and appropriateness of special packaging.* In issuing any standard for special packaging under the PPPA, the Commission is required by § 3(a)(2) of the PPPA to make a finding that the special packaging is "technically feasible, practicable, and appropriate." * * *" Several comments made on behalf of the paint solvents industry questioned these findings published in the proposal's preamble.

The proposal contained findings that special packaging for paint solvents was technically feasible because 29 firms had submitted data indicating that one or more package designs met the effectiveness specifications of 16 CFR 1700.15(b) and was practicable in that such packaging was susceptible to modern mass production and assembly line techniques. Several commenters questioned both findings, contending that at the time of the proposal only one closure design for use on the threaded metal cans customarily used by the industry was available. The commenters further questioned the ability of adults to properly open and resecure this design and stated that machinery was unavailable to apply the closure when packages were run on filling lines.

At the time of the proposal, child-resistant designs adaptable to threaded metal cans were limited. The Poison Prevention Packaging Act, however, contains no requirement that special packaging be adaptable to existing containers or be capable of being applied with a manufacturer's existing line equipment. What is required is a finding that such packaging be technically feasible and practicable. Further, section 9 of the act, which provides that special packaging regulations shall not become effective sooner than 180 days after their promulgation, recognizes that such a period is necessary, in part, to permit alteration of packaging to comply with the child-resistant requirements and modification of line equipment to accommodiate new packaging.

Of the 29 manufacturers mentioned in the proposal, several had designs adaptable to threaded glass and plastic containers which, assuming such containers were unacceptable for use with paint solvents, could have been adapted with some modification to metal cans and existing capping equipment. The availability of closures for threaded metal cans, however, should no longer present a problem because additional designs that meet the effectiveness specifications have come on the market since the proposal was published (February 9, 1973).

Special packaging is technically feasible because technology exists to produce special packaging conforming to the subject standards. At present, three firms have submitted summaries of test data in accordance with 16 CFR 1700.20 indicating that a total of five designs suitable for use with paint solvents packaged in metal cans meet or exceed the effectiveness specifications of 16 CFR 1700.15(b), while a fourth manufacturer, without submitting test data, has indicated that it has a design which should meet the effectiveness specifications. Three firms are currently in production, while all four indicate that new mold capacity can be built to accommodate the demands of the paint solvent industry. In addition, at least 10 other manufacturers have designs, and in some cases, existing mold capacity, for closures for use on glass and plastic containers which meet the specifications (16 CFR 1700.15(b)).

Special packaging is practicable in that it is susceptible to modern mass production and assembly line techniques. Many of the closure designs for metal cans mentioned above are applicable with capping equipment already being produced, as are those for use with glass and plastic containers, although modification to packaging lines and capping machinery may be necessary to accommodate special packaging. One design will require the addition of a machine to apply the second part of a two-piece system, while another will require a special modification to the capper.

Special packaging is appropriate since such special packaging is available that is not detrimental to the integrity of the substance and does not interfere with its storage or use. Of those designs mentioned above many use both closure and liner materials proven compatible with paint solvents. Others have added a safety feature to conventional screw type closures which traditionally have been used in the packaging of these products.

Accordingly, on the basis of information contained herein, the Commission reaffirms the finding that the special packaging is technically feasible, practicable and appropriate as required by § 3(a)(2) of the Act (15 U.S.C. 1472(a)(2)).

D. *Effective date.* The proposal contained no provisions for the amount of time after publication of the amendment to be allowed before regulated parties would be required to comply. Nevertheless, the comments received from the paint solvents industry were almost unanimous in their contention that supplies of special packaging were not adequate. Several made reference to lead times of six months necessary to obtain packaging, while one trade association requested that the effective date of the final order be established one year after its publication.

The PPPA provides that, except for good cause, no regulation shall take effect sooner than 180 days nor later than 1 year from the date such regulation is final. The Commission notes that an extended period of time has passed since the publication of the proposal. During that time, additional designs have become available and those backlogs in supply which existed in the past have been eliminated. In recognition of the change in circumstances since the proposal, in November and December of 1975 the Commission contacted those manufacturers who indicated that their designs could be used on metal cans containing paint solvents. These manufacturers indicate that as of December 1975 they have an aggregate open production capacity of 100 million closures of varying designs for use with these cans and that the lead time to produce new tooling to supply increased demand is now running three to four months.

The Commission recognizes that availability of packaging is one of many factors to consider in establishing the effective date of a standard. Manufacturers affected by standards must have sufficient time to order and obtain adequate supplies of special packaging and to assure that their products are compatible with new packages. In addition, while some of the current designs of special packaging suitable for use with paint solvents can be applied with existing capping equipment or with minor modifications to such equipment, the use of other designs may necessitate major alteration to, or complete replacement of, a manufacturer's capping and filling equipment. In such a case, time is required, not only to obtain and install new parts and equipment, but also to conduct testing to insure that the equipment functions properly under normal production conditions.

In the past, the Commission issued standards requiring special packaging for products containing turpentine and methyl alcohol. Both standards affected manufacturers with operations similiar to those of the manufacturers of paint solvents, and both were published with an effective date of six months. In each case, many manufacturers subject to the regulations experienced difficulty in complying with the requirements in the allotted time, with the result that the Commission extended the effective dates of each standard by three months. Even after the extension, some manufacturers continued to encounter difficulty. After considering the manufacturing practices of the paint solvents industry and the prior experience with other solvent packagers, the Commission has established the effective date of this standard 365 days after its publication in the FEDERAL REGISTER to allow adequate time for an orderly conversion to special packaging. The Commission expects, however, that manufacturers subject to this standard will commence using special packaging as soon as possible.

E. *Economic impact.* Two comments suggest excessive costs will result from the use of child-resistant packaging as proposed and that those costs will be passed on to consumers.

Data obtained from closure manufacturers indicate that, on the average, child-resistant closures cost less than one cent per closure more than conventional caps. The Commission recognizes that there will be some cases where production line machinery will have to be changed to accomodate new containers or closures. However, the Commission notes that this is a one time expense. Since such line machinery may be replaced from time to time in the course of business, this process in many cases would only be accelerated. Special packaging for the subject products will not add significantly to the cost of living since these products make up a very small fraction of total consumer expenditures.

POTENTIAL FOR SERIOUS PERSONAL INJURY AND SERIOUS ILLNESS—FINDING OF NEED FOR SPECIAL PACKAGING UNDER SECTION 3(a)(1) OF THE PPPA

The preamble to the proposed regulation stated that serious or fatal chemical pneumonitis resulting from the aspiration of products containing petroleum distillates is a fact well known and thoroughly documented in the medical literature. Upon accidental ingestion and aspiration into the lungs, such petroleum distillate products cause endothelial injury leading to the rapid development of pulmonary edema. The resulting chemical pneumonitis can be fatal to a young child. The aromatic hydrocarbons, benzene, toluene, and xylene, contained in certain of these products, are also reported to produce pulmonary edema and chemical pneumonitis upon ingestion and aspiration of children. These substances may also produce systemic poisoning when accidentally ingested. Benzene, toluene, and xylene produce basically similar toxic reactions when ingested; namely, local initiation and central nervous system excitation and depression. Death may occur from respiratory failure or from ventricular fibrillation. None of the comments received questioned the potential of the products covered by this standard to produce serious injury or illness among young children.

Accordingly, in consideration of the ingestion and injury data, summarized previously (Section A of the preamble), and potential of these products to cause injury, the Commission finds, in accordance with section 3(a)(1) of the act, that the degree and nature of the hazard to children in the availability of prepackaged liquid paint solvents and prepackaged solvents for other surface coating materials containing 10 percent or more by weight of benzene, toluene, xylene, petroleum distillates, or combinations thereof, and having a viscosity of less than 100 Saybolt universal seconds, by reason of its packaging, is such that special packaging is necessary to protect children from serious personal injury and illness resulting from the handling, use or ingestion of such substances.

ENVIRONMENTAL CONSIDERATIONS

An assessment of the potential environmental impact of this amendment to 16 CFR 1700.14(a) requiring the use of child-resistant closures on packaging of paint solvents has been made. The Commission concludes that there are no potentially significant environmental impacts associated with the amendment and, therefore, there is no need for an environmental impact statement. A copy of the environmental assessment is on file at the Commission and may be inspected at the Office of the Secretary, 8th floor, 1750 K Street, N.W., Washington, D.C.

CONCLUSION AND PROMULGATION

Therefore, having considered the comments received, as well as other relevant material, and after consultation with the Technical Advisory Committee on Poison Prevention Packaging, pursuant to sections 3 and 6 of the act, the Commission concludes that the proposal, as set forth below, should be adopted. The language in 16 CFR 1700.14(a)(15) has been modified from that of the proposal to clarify the description of the regulated substances.

Accordingly, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (Pub. L. 91-601, Secs. 2(4), 3, 4, 5, 84 Stat. 1670-72; 15 U.S.C. 1471(4), 1472, 1474) and under authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92-573, Sec. 30(a), 86 Stat. 1231; 15 U.S.C. 2079(a)), a new paragraph (a)(15) is added to 16 CFR 1700.14 as follows (although unchanged, the introductory text of paragraph (a) is included below for context):

§ 1700.14 Substances requiring special packaging.

(a) *Substances.* The Commission has determined that the degree or nature of the hazard to children in the availability of the following substances by reason of their packaging, is such that special packaging is required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substances, and that special packaging herein is technically feasible, practicable, and appropriate for these substances.

* * * * *

(15) *Solvents for paint or other similar surface-coating material.* Prepackaged liquid solvents (such as removers, thinners, brush cleaners, etc.) for paints or other similar surface-coating materials (such as varnishes and lacquers), that contain 10 percent or more by weight of benzene (also known as benzol), toluene (also known as toluol), xylene (also known as xylol), petroleum distillates (such as gasoline, kerosene, mineral seal oil, mineral spirits, naphtha, and Stoddard solvent, etc.), or combinations thereof, and that have a viscosity of less than 100 Saybolt universal seconds at 100° F., shall be packaged in accordance with the provisions of § 1700.15 (a) and (b).

* * * * *

Effective date. The regulation promulgated above, 16 CFR 1700.14(a)(15), shall become effective April 23, 1977.

(Pub. L. 91-601, secs. 2(4), 3, 5, 85 Stat. 1670-72; 15 U.S.C. 1471(4), 1472, 1474; Pub. L. 92-573, 86 Stat. 1231; 15 U.S.C. 2079(a)).

Dated: April 20, 1976.

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

[FR Doc.76-11854 Filed 4-22-76;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 550—PAY ADMINISTRATION (GENERAL)

Recrediting Annual Leave Under the Back Pay Act

Pub. L. 94-172, enacted December 23, 1975, amended section 5596(b)(2) by removing the limitation on the amount of annual leave that may be credited to an employee's leave account when an unjustified or unwarranted personnel action is corrected. It provides for crediting in a separate leave account that amount of leave which is in excess of the maximum leave accumulation otherwise authorized by law. Public Law 94-172 authorizes the Civil Service Commission to prescribe the time limits in which annual leave credited to a separate leave account for use by the employee will be available. The regulations also provide for the retroactive substitution of annual leave recredited and available for use for leave without pay as needed.

The time limit established for use of restored leave provided in the regulations below, is believed to be adequate and appropriate in view of the provisions of other regulations relating to restored leave. Because time did not permit the normal consultation process, the regulations are to be treated as interim regulations. However, unless further amended or superseded, they provide all that is necessary for the implementation of Public Law 94-172. If Federal agencies or employee unions for which there are established consultation provisions wish to express their views as to, for example, the need for a longer period during which the leave may be used, they may do so by responding within 45 days of this publication as if these were draft regulations.

Section 550.804(a) is amended by deleting the parenthetical phrase "(limiting the accumulation to the maximum prescribed by law or regulation for the employee)" which appears at lines six, seven, eight, and nine, and by adding paragraphs (g) and (h) § 550.804 to read as follows:

§ 550.804 Corrective action.

* * * * *

(g) Annual leave which is in excess of the maximum leave accumulation authorized by law is credited to a separate leave account for the use of an employee if reinstated to the rolls. Annual leave in this separate leave account must be scheduled and used by the end of the leave year ending two years after the date of publication of this subpart, or after the date on which the annual leave is credited to the separate account, whichever is later.

(h) Where an employee has taken leave without pay during the period from December 23, 1975, to date of publication of this part, and at the time of such absences had annual leave in a separate leave account pursuant to section 5596(b)(2) of title 5, United States Code, but no other annual leave to his or her credit, the agency shall, upon the request of the employee, retroactively apply such annual leave from the separate leave account to the period taken as leave without pay, and amend such records and pay such monies as are reflective of this action.

(5 U.S.C. 5596)

Dated: April 23, 1976.

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

[FR Doc.76-11842 Filed 4-22-76;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3116 is amended to show that special teams involved in the review of the Medicaid program, for Social and Rehabilitation Service, not to exceed 50 professional and 4 clerical positions, are excepted under Schedule A. Employment under this authority may not exceed June 30, 1979.

Effective April 23, 1976, the headnote of § 213.3116(g) is amended and § 213.3116(g)(2) is added as set out below:

§ 213.3116 Department of Health, Education, and Welfare.

* * * * *

(g) *Social and Rehabilitation Service.*
* * *

(2) Not to exceed 50 professional and 4 clerical positions directly concerned with special teams to review the Medicaid program in selected states. Employment under this authority may not exceed June 30, 1979.

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

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

[FR Doc.76-12039 Filed 4-22-76;10:10 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 524-7]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

New Jersey State Implementation Plan

On February 23, 1976 (41 FR 7962), the Environmental Protection Agency published a notice of proposed rulemaking which announced the receipt of a proposed revision to the New Jersey State Implementation Plan. The notice also solicited public comments on the approvability of the proposed revision request.

The proposed revision amends N.J.A.C. 7:27-2.1 et seq., Control and Prohibition of Open Burning as follows: (1) it accelerates procedures to reduce the time for obtaining a permit to burn infested plant life; (2) it allows for the issuance of permits for the open burning of herbaceous plant life under specified conditions; and (3) it allows for the issuance of permits for the open burning of orchard prunings under specified conditions.

During the public comment period only one comment was received and that was from the New Jersey Farm Bureau. The Farm Bureau urged approval of the proposed revision request on the grounds that the proposed revision would provide for economic relief for affected parties in the State of New Jersey.

The Administrator's review of the proposed revision request has determined that it is consistent with current EPA policies and goals as set forth in the Clean Air Act in that there will be no violations of any applicable ambient air quality standard or significant deterioration of air quality as a result of this revision.

Effective date: Due to the minor nature of this action and the insignificant effect on air quality in New Jersey, this revision shall shall become effective April 23, 1976.

(42 U.S.C. 1857c-5 and 9.)

Dated: April 15, 1976.

RUSSELL E. TRAIN,
Administrator, Environmental Protection Agency.

Part 52 of Chapter 1, Title 40 Code of Federal Regulations is amended as follows:

Subpart FF—New Jersey

1. In § 52.1570 paragraph (c) is amended by adding new subparagraphs (8) and (9) as follows:

§ 52.1570 Identification of plan.

* * * * *

(c) * * *

(8) Revision to the control of open burning regulation, § 7:27-2.1 of the New Jersey Air Pollution Control Code, submitted on November 19, 1975 by the New Jersey Department of Environmental Protection.

(9) Letter, dated January 16, 1976, from the New Jersey Department of Environmental Protection stating that there would be no net increase in hydrocarbon emissions as a result of the revisions to N.J.A.C. 7:27-2.1.

[FR Doc.76-11862 Filed 4-22-76;8:45 am]

[FRL 527-4]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Clarifying Amendments; Oregon; Correction

On March 2, 1976, EPA published in the FEDERAL REGISTER (41 FR 8956) a

Notice of Final Rulemaking clarifying the contents of State Implementation Plans (SIPs) under the Clean Air Act. In the action, the Administrator revised the "Identification of Plan" section in each State subpart in 40 CFR Part 52.

Two Notices approving revisions to the State of Oregon Implementation Plan which were published on February 5, 1976 (41 FR 5280) and February 24, 1976 (41 FR 8058) were not included in the new format published on March 2. In order to bring § 52.1970—the "Identification of Plan" section for the State of Oregon—up to date, the revisions approved on February 5 and 24 are added to the section as follows:

Subpart MM—Oregon

In § 52.1970, paragraph (c) is revised by adding the following:

§ 52.1970 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(18) Oregon Revised Statute 468.095 for public availability of emission data submitted on August 1, 1975 by the Department of Environmental Quality.

(19) Indirect Source Regulation (OAR, Chapter 340 §§ 20–100 through 20–135) submitted on July 24, 1975 by the Department of Environmental Quality.

(Secs. 110 and 301 of the Clean Air Act, as amended (42 U.S.C. 1857c–5, 1857g).)

Dated: April 12, 1976.

CLIFFORD V. SMITH, JR.,
Regional Administrator.

[FR Doc.76–11863 Filed 4–22–76;8:45 am]

[FRL–517–7]

PART 246—SOURCE SEPARATION FOR MATERIALS RECOVERY GUIDELINES

On September 17, 1975, notice was published in the FEDERAL REGISTER (40 FR 42985) proposing regulations to establish a new part 246 of Chapter I of Title 40 of the Code of Federal Regulations pursuant to the authority of Section 209 (a) of the Solid Waste Disposal Act of 1965 (Public Law 89–272), as amended by the Resource Recovery Act of 1970 (Public Law 91–512). Section 209 of the amended Act requires the Administrator of the U.S. Environmental Protection Agency (EPA) to "recommend to appropriate agencies and publish in the FEDERAL REGISTER guidelines for solid waste recovery, collection, separation, and disposal systems (including systems for private use), * * *" Further, section 211 mandates that Federal agencies "shall insure compliance with the guidelines recommended under section 209 and the purposes of (the Solid Waste Disposal Act) * * *".

On August 14, 1974, "Thermal Processing and Land Disposal of Solid Waste Guidelines" were promulgated in the FEDERAL REGISTER (39 FR 29327) as the first set of guidelines that were promulgated in fulfilment of the requirement for guidelines on disposal systems. On January 15, 1976, "Guidelines for Procurement of Products that Contain Recycled Material" were published in the FEDERAL REGISTER (41 FR 2355). On Febuary 13, 1976, "Guidelines for the Storage and Collection of Residential, Commercial, and Institutional Solid Waste" were promulgated in the FEDERAL REGISTER (41 FR 6766). Additionally, on November 13, 1975, EPA published "Beverage Container Guidelines" in the FEDERAL REGISTER (40 FR 52967), and on January 15, 1976, published "Guidelines for Resource Recovery Facilities" (41 FR 2359), in proposed form for public comment. The guidelines now being promulgated are intended to meet the Administrator's initial obligation to publish guidelines in the areas of recovery and separation systems. The EPA expressly recognizes that Section 209 mandates that guidelines "shall be revised from time to time" and it intends to revise and supplement these guidelines in the future.

Section 211 of the Act and Executive Order 11752 make the "Requirements" sections of the guidelines mandatory upon Federal agencies. The recommendatory sections of the guidelines present methods and techniques that EPA studies and analyses indicate will be the most effective and economic in carrying out the mandatory requirements. The recommendatory sections, therefore, present desirable actions while allowing for implementation of other source separation techniques in instances in which these recommended methods and techniques are not practicable or economically feasible.

The economic and inflationary impacts of the guidelines have been carefully evaluated. It has been determined that the effects will be minor and that the guidelines are not a "major action" requiring an inflation impact statement as prescribed by Executive Order 11821 and OMB Circular A–107.

INTRODUCTION

These guidelines are intended to provide requirements and recommended procedures for the establishment and utilization by Federal agencies of source separation systems which will, in an economic manner, conserve resources, reduce waste disposal and produce high value industrial raw materials.

The materials that must be separated for recycling are high-grade office papers (white ledger, computer print-outs, and computer cards), corrugated containers and newspapers. Also recommended, but not required, is the separation of glass, cans, and mixed low-grade papers. The latter materials (glass, cans, and mixed low-grade papers) may also be retrieved through mechanical systems, as discussed in the "Resource Recovery Facilities Guidelines" that were proposed in the FEDERAL REGISTER on January 15, 1976 (pp. 2359–2363).

The systems described in these guidelines have been designed to separate specific materials at the source of generation in order to minimize contamination and to recover high value materials that can be sold for recycling. These materials, if mixed with other elements of the waste stream, would lose their inherent value. Source separation has long been used by government and private industry to retrieve a large variety of materials which would either not be recoverable at all or not be recoverable at their highest economic value if placed with mixed solid waste. The source separation systems recommended in these guidelines have been proven to be effective in numerous private industry and governmental settings in removing large quantities of the specified materials from the waste stream. In addition, the systems described herein, if implemented correctly, could produce a savings to the Federal government at low capital outlay.

PUBLIC COMMENT

Written comments on the proposed regulations were invited and were received from 90 sources. Of these 90 comments, 28 favored promulgation without modifications, 35 favored promulgation with modifications that would strengthen the guidelines and reduce flexibility, five favored promulgation of the guidelines with modifications that would weaken the requirements placed on agencies, and one opposed promulgation of the guidelines. In addition, 21 comments were received that favored promulgation with minor clarifications and/or procedural changes.

As a result of these written comments and in an effort to clarify the intent of the regulations, certain changes were made. All of the written comments and the Agency's disposition of the comments are on file with the Agency. The major issues raised by the commenters and the Agency's consideration of them are described below.

Twenty-five commenters objected to the exclusion of smaller facilities (those with less than a minimum number of people or minimum quantity of discards) from compliance with the guidelines. The General Services Administration, however, wanted the size limitation raised rather than lowered. The limitations were originally placed in the guidelines in response to the comments received from Federal agencies during the first interagency review period. These comments suggested that mandating paper recovery from all Federal facilities would place an intolerable administrative burden on agencies with hundreds of small (two- or three-person) offices, military bases with ten to fifteen families or commercial facilities that produce a few hundred pounds of corrugated per month.

In response to these comments and in order to maximize the recovery of materials and minimize the administrative

burden, EPA has retained the size limitation requirements of sections 246.200–1, 246.201–1 and 246.202–1, as they were in the proposed document and has added sections 246.200–2, 246.201–2, and 246.202–2 which recommend that recovery systems in conformance with the guidelines be investigated and implemented in facilities of smaller size than those mandated in the Requirement sections.

Numerous comments were received on the issue of burning recoverable paper for energy. While some wanted EPA to prohibit such usage, most wanted clarification as to whether the materials covered by these guidelines must be separated at the source for recycling or whether such materials could be recovered in centralized recovery facilities or burned for energy production.

The Requirement sections of these guidelines state that high-grade paper, newsprint and corrugated shall be source separated and sold for purposes of material recycling. However, there may be circumstances where the source separation and recycling of high-grade paper, corrugated containers, or newspaper is economically impracticable due to inability to sell the recovered materials or costs that are unreasonably high. Under such circumstances, Agencies may choose to recover these materials in centralized recovery facilities or through conversion into energy. The rationale and analysis supporting a decision to choose this form of recovery instead of source separation must be reported to the Administrator.

It is the intent of EPA that agencies carry out to the maximum extent possible both source separation, as outlined in these guidelines, and centralized recovery of materials and energy, as outlined in the "Resource Recovery Facilities Guidelines" which have been proposed by EPA. Following source separation of paper, the remaining wastes should be processed when possible in accordance with the "Resource Recovery Facilities Guidelines." Implementation of both guidelines will result in maximum conservation benefit to the country and economic savings to the government. Additionally, it is desirable and it is the clear intent of Congress that the Federal government take a leadership role in the demonstration of techniques for both the separation of materials at the source and the utilization of resource recovery facilities.

Nineteen comments favored the inclusion of glass and can recovery through separate collection as a requirement rather than as a recommended procedure. It is EPA's responsibility to mandate recovery systems on which data have been developed. Glass and can recovery through recycling centers has been practiced for a number of years and, given favorable, nearby market conditions, can be economically viable. Separate curbside collection systems for these materials are now in the demonstration stage and are currently under investigation by EPA. As data are developed, these guidelines may be modified to reflect the inclusion of glass and can recovery in the Requirement section of these guidelines. It is expected that Federal agencies with available markets for glass and cans will make every effort to implement the recommendation.

Sixteen commenters requested that reports be published in local newspapers to inform interested citizens of the reasons put forth by agencies for not implementing the guidelines. In addition, one commenter requested the phrase "the Administrator may publish notice of availability of this report" be changed to "must". Section 246.100(g) has been changed in response to these comments and now states, "The Administrator shall publish notice of the availability of this report to the general public in the FEDERAL REGISTER." (The FEDERAL REGISTER is the official organ of the Federal government for the publication of notices of this type.)

One commenter suggested that the quantity of materials to be recovered should be estimated prior to recovery and that this factor should be included in the market study, cost analysis and contract sections of the guidelines. In response to this comment, sections 246.200–3, –8, –9, 246.201–4, –7 and –8, and 246.202–3, –6 and –7 have been altered to include quantity estimations.

Eleven commenters requested that the guidelines be recommended to al' contractors and grantees of the Federal government. Although contractors and grantees of the Federal government are certainly free to adopt the recommended practices, Section 209(a) of the Solid Waste Act, as amended, specifically states that the Administrator shall recommend the guidelines to appropriate agencies. It is the judgment of EPA from this passage and from other sections of the Act, that the term "agencies" is meant to refer to a governmental body. This is why the guidelines are recommended to State, interstate, regional, and local governments. The guidelines are mandatory for certain contractors and grantees of the Federal government, as prescribed by Sections 208 and 211 of the Act. However, there is no indication from the Act or the legislative history that the guidelines were intended to be specifically recommended to all Federal grantees and contractors.

Two comments were received that express concern that Federal agencies would use the excuse of budget restrictions to justify non-implementation and requested that EPA specifically define the term "unreasonably high costs." Also, on this point, several Federal agencies requested that EPA specify that programs be implemented only when they are self-supporting.

As provided in section 211 of the Act and section 3(d) of Executive Order 11752, heads of Federal agencies are ultimately responsible for determining which facilities under their jurisdiction shall comply with the guidelines. EPA believes that practices required by the guidelines will be less costly than existing solid waste management practices in the long term. However, the legislative history of the Solid Waste Disposal Act, as amended, in the portion that is quoted in the next paragraph, indicates that even where implementation of the guidelines results in cost increases, budget restrictions do not constitute a sufficient excuse that would prevent compliance with the guidelines and that Federal agencies have a responsibility to request sufficient appropriations from Congress to manage solid waste properly as part of their normal operating expenses. The legislative history does not provide any guidance as to how much additional cost is acceptable. Consequently, the Federal agencies must make the decision based on a case-by-case analysis of actions required by the guidelines.

In making this decision, agencies are reminded of the legislative history concerning section 211 of the Solid Waste Disposal Act, as amended, which indicates that the Congress intended that Federal agencies take a leadership role in solid waste management, as indicated by the following quote from page 15 of the Senate Report No. 91–1034, Senate Committee on Public Works, 91st Congress, 2d Session (1970).

> Federal agencies are inclined to place important environmental quality control functions in a subordinate role to their mission. This is no longer appropriate or acceptable. Federal agencies which generate volumes of waste have a correlative responsibility to request appropriations from Congress necessary to properly manage such waste as part of their normal operating expenses. The public will not tolerate the excuse that budget restrictions prevent compliance with waste management standards and guidelines; it is abundantly clear that the provisions of the environmental control laws do not permit the same excuse to be advanced by individuals or private organizations. Federal agencies must take the lead in overcoming the reluctance to invest funds necessary to control solid waste pollution.

A number of agencies questioned how responsibility for compliance would be handled when the buildings in which they are housed are maintained or controlled by another agency, usually the General Services Administration (GSA). GSA suggested that in these instances it should have the responsibility for determining compliance with the guidelines.

EPA proposes that responsibility for program implementation be shared as follows:

(1) In buildings owned or operated, or both, by GSA, the responsibility for implementing the guidelines would be as follows: GSA would be responsible for overall program coordination, for negotiating for the sale of the separated paper, arranging for collection of the paper from the central office locations and its delivery to the storage space, arranging for the storage space, arranging for the pick-up of the paper by the sales contractor, conducting any required economic analysis, and preparing the reports required by these guidelines. The agency or agencies occupying the building would be responsible for the necessary publicity and for the procurement of desk-top containers and centralized bins or boxes.

(2) In buildings leased by GSA, but managed by the tenant agency, and in those buildings owned and managed by an agency other than GSA, that agency would be responsible for guideline compliance. This would include all of the actions listed in paragraph (1) above except negotiating for the sale of the recycled paper, which would be the responsibility of GSA.

(3) In facilities in which the tenant agency has "revolving fund" authority, the agency would be responsible for guideline compliance and would carry out all of the actions listed in paragraph (1), including marketing the recycled paper.

(4) In facilities operated for a Federal agency by a private contractor when the performance of the contract involves the contractor in solid waste disposal activities, the agency would be responsible for assuring that the contractor complies with the guideline. Section 3(b) of EO 11752 states, "Where activities are carried out at Federal facilities acquired by leasing or other Federal agreements, the head of the responsible agency may at his discretion, to the extent permissible under applicable statutes and regulations, require the lessee or permittee to assume full responsibility for complying with standards."

Three agencies questioned whether they would have to conduct market studies for each facility or geographic area. Under the Federal Property and Administrative Services Act—1949, as amended (40 U.S.C. 471), agencies responsible for disposal of excess government property are required to set specifications and request bids for the purchase of various grades of paper specified in the guidelines in accordance with their normal procedures. In the majority of cases, the agency responsible for market studies and sales contract negotiation will be either the General Services Administration or the Defense Supply Agency. It is expected that these agencies will investigate markets and negotiate contracts on a regional basis and that all agencies within a Federal region will be required to do no more than request from GSA or DSA the present revenue level for each grade of paper to be recycled in order to factor this figure into their costs analysis. If no bids are received for a given paper grade, no facility within the geographic region covered by the bid specification will be required to source separate that grade.

While the above is typical of the majority of cases, exceptions do exist. Agencies with revolving fund authority may, if they wish, conduct independent market studies and negotiate separate contracts. Of the ten Federal facilities presently recovering white ledger grade papers in conformance with these guidelines, seven have done so under a sales contract negotiated by GSA, while the remaining three have negotiated separate contracts under a revolving fund authority.

PROMULGATION

These guidelines are issued under the Authority of Section 209(a) of the Solid Waste Disposal Act of 1965 (Pub. L. 89–272) as amended by the Resource Recovery Act of 1970 (Pub. L. 91–512).

Chapter I of Title 40 of the Code of Federal Regulations is amended effective May 24, 1976 by adding a new Part 246 reading as follows:

Dated: April 16, 1976.

RUSSELL E. TRAIN,
Administrator.

Subpart A—General Provisions

Sec.
246.100 Scope.
246.101 Definitions.

Subpart B—Requirements and Recommended Procedures

246.200 High-grade paper recovery.
246.200–1 Requirements.
246.200–2 Recommended procedures: high-grade paper recovery from smaller offices.
246.200–3 Recommended procedures: market study.
246.200–4 Recommended procedures: levels of separation.
246.200–5 Recommended procedures: methods of separation and collection.
246.200–6 Recommended procedures: storage.
246.200–7 Recommended procedures: transportation.
246.200–8 Recommended procedures: cost analysis.
246.200–9 Recommended procedures: contracts.
246.200–10 Recommended procedures: public information and education.
246.201 Residential materials recovery.
246.201–1 Requirement.
246.201–2 Recommended procedures: newsprint recovery from smaller residential facilities.
246.201–3 Recommended procedures: glass, cans, and mixed paper separation.
246.201–4 Recommended procedures: market study.
246.201–5 Recommended procedures: methods of separation and collection.
246.201–6 Recommended procedures: transportation to market.
246.201–7 Recommended procedures: cost analysis.
246.201–8 Recommended procedures: contracts.
246.201–9 Recommended procedures: public information and education.
246.202 Corrugated container recovery.
246.202–1 Requirement.
246.202–2 Recommended procedures: corrugated container recovery from smaller commercial facilities.
246.202–3 Recommended procedures: market study.
246.202–4 Recommended procedures: methods of separation and storage.
246.202–5 Recommended procedures: transportation.
246.202–6 Recommended procedures: cost analysis.
246.202–7 Recommended procedures: establishment of purchase contract.
246.203 Reevaluation.
246.203–1 Requirement.

APPENDIX—RECOMMENDED BIBLIOGRAPHY

AUTHORITY: Sec. 209(a), Pub. L. 89–272, as amended by Pub. L. 91–512.

Subpart A—General Provisions

§ 246.100 Scope.

(a) These guidelines are applicable to the source separation of residential, commercial, and institutional solid wastes. Explicitly excluded are mining, agricultural, and industrial solid wastes; hazardous wastes; sludges; construction and demolition wastes; infectious wastes; classified waste.

(b) The "Requirement" sections contained herein delineate minimum actions for Federal agencies for the recovery of resources from solid waste through source separation. Pursuant to Section 211 of the Solid Waste Disposal Act, as amended, and Executive Order 11752 Section 4(a), the "Requirement" sections of these guidelines are mandatory for all Federal agencies that generate solid waste. In addition, they are recommended to State, interstate, regional, and local governments for use in their activities.

(c) The "Recommended Procedures" sections are presented to suggest actions or preferred methods by which the objectives of the requirements can be realized. The "Recommended Procedures" are not mandatory for Federal agencies.

(d) The Environmental Protection Agency will render technical assistance in the form of sample cost analysis formats, sample bid specifications, implementation guidance documents and other guidance to Federal agencies when requested to do so, pursuant to Section 3(d)1 of Executive Order 11752.

(e) Within one year after the effective date of these guidelines, agencies shall make a final determination as to what actions shall be taken to adopt the requirements of these guidelines and shall, within two months of such determination, submit to the Administrator a schedule of such actions.

(f) Federal agencies that make the determination not to source separate as described in §§ 246.200–1, 246.201–1, and 246.202–1, for whatever reason, shall make available to the Administrator the analysis and rationale used in making that determination. The Administrator shall publish notice of the availability of this report to the general public in the FEDERAL REGISTER. The following are considered to be valid reasons for not source separating under individual facts and circumstances: inability to sell the recovered materials due to lack of market, and costs so unreasonably high as to render source separation for materials recovery economically impracticable.

(1) The following points are to be covered in the report:

(i) A description of alternative actions considered with emphasis on those alternatives which involve source separation for materials recovery.

(ii) A description of ongoing actions which will be continued and new actions taken or proposed. This statement should identify all agency facilities which will be affected by these actions including a brief description of how such facilities will be affected.

(iii) An analysis in support of the action chosen by the agency including technical data, market studies, and policy considerations used in arriving at such a determination.

In covering the points above, agencies should make every effort to present information succinctly in a form easily understood, but in sufficient detail so that the factors influencing the decision not to source separate for materials recovery are clear.

(2) The above report shall be submitted to the Administrator as soon as possible after a final agency determination has been made not to adopt the requirements of these guidelines, but in no case later than sixty days after such final determination. The Administrator will indicate to the agency his concurrence/nonconcurrence with the agency's decision, including his reason therefor.

(3) Implementation of actions that would preclude source separation for materials recovery shall be deferred, for sixty days where feasible, in order to give the Administrator an opportunity to receive, analyze and seek clarification of the above required report.

(4) It is recommended that where the report required by § 246.100(f) concerns an action for which an Environmental Impact Statement (EIS) is required by the National Environmental Policy Act, that the report be circulated together with the EIS.

(g) In order that the Administrator may fulfill his responsibilities as set forth in EO 11752, Section (d,6) to "maintain a continuing review of the implementation of this order", agencies shall, on a yearly basis, submit to the Administrator a report outlining the actions taken by the agency pursuant to these guidelines.

(h) The reports required under § 246.100 (e), (f), and (g) shall be made on forms to be prescribed by the Administrator by notice in the FEDERAL REGISTER.

§ 246.101 Definitions.

As used in these guidelines:

(a) "Agricultural solid waste" means the solid waste that is generated by the rearing of animals, and the producing and harvesting of crops or trees.

(b) "Baler" means a machine used to compress solid wastes, primary materials, or recoverable materials, with or without binding, to a density or form which will support handling and transportation as a material unit rather than requiring a disposable or reuseable container. This specifically excludes briquetters and stationary compaction equipment which is used to compact materials into disposable or reuseable containers.

(c) "Bulk container" means a large container that can either be pulled or lifted mechanically onto a service vehicle or emptied mechanically into a service vehicle.

(d) "Classified Waste" means waste material that has been given security classification in accordance with 50 U.S.C. 401 and Executive Order 11652.

(e) "Collection" means the act of removing solid waste (or materials which have been separated for the purpose of recycling) from a central storage point.

(f) "Commercial establishment" means stores, offices, restaurants, warehouses and other non-manufacturing activities.

(g) "Commercial solid waste" means all types of solid wastes generated by stores, offices, restaurants, warehouses and other non-manufacturing activities, and non-processing wastes such as office and packing wastes generated at industrial facilities.

(h) "Construction and demolition waste" means the waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings and other structures.

(i) "Compartmentalized vehicle" means a collection vehicle which has two or more compartments for placement of solid wastes or recyclable materials. The compartments may be within the main truck body or on the outside of that body as in the form of metal racks.

(j) "Corrugated container waste" means discarded corrugated boxes.

(k) "Corrugated box" means a container for goods which is composed of an inner fluting of material (corrugating medium) and one or two outer liners of material (linerboard).

(l) "Federal facility" means any building, installation, structure, land, or public work owned by or leased to the Federal Government. Ships at sea, aircraft in the air, land forces on maneuvers, and other mobile facilities are not considered Federal facilities for the purpose of these guidelines. United States Government installations located on foreign soil or on land outside the jurisdiction of the United States Government are not considered Federal facilities for the purpose of these guidelines.

(m) "Food waste" means the organic residues generated by the handling, storage, sale, preparation, cooking, and serving of foods; commonly called garbage.

(n) "Generation" means the act or process of producing solid waste.

(o) "High-grade paper" means letterhead, dry copy papers, miscellaneous business forms, stationery, typing paper, tablet sheets, and computer printout paper and cards, commonly sold as "white ledger," "computer printout" and "tab card" grade by the wastepaper industry.

(p) "Industrial solid waste" means the solid waste generated by industrial processes and manufacturing.

(q) "Infectious waste" means: (1) Equipment, instruments, utensils, and fomites (any substance that may harbor or transmit pathogenic organisms) of a disposable nature from the rooms of patients who are suspected to have or have been diagnosed as having a communicable disease and must, therefore, be isolated as required by public health agencies; (2) laboratory wastes, such as pathological specimens (e.g. all tissues, specimens of blood elements, excreta, and secretions obtained from patients or laboratory animals) and disposable fomites attendant thereto; (3) surgical operating room pathologic specimens and disposable formites attendant thereto and similar disposable materials from outpatient areas and emergency rooms.

(r) "Institutional solid waste" means solid wastes generated by educational, health care, correctional and other institutional facilities.

(s) "Mining wastes" means residues which result from the extraction of raw materials from the earth.

(t) "Post-consumer waste" (PCW) means a material or product that has served its intended use and has been discarded for disposal or recovery after passing through the hands of a final consumer.

(u) "Recoverable resources" means materials that still have useful physical, chemical, or biological properties after serving their original purpose and can, therefore, be reused or recycled for the same or other purposes.

(v) "Recovery" means the process of obtaining materials or energy resources from solid waste.

(w) "Recycled material" means a material that is used in place of a primary, raw or virgin material in manufacturing a product.

(x) "Recycling" means the process by which recovered materials are transformed into new products.

(y) "Residential solid waste" means the wastes generated by the normal activities of households, including but not limited to, food wastes, rubbish, ashes, and bulky wastes.

(z) "Separate collection" means collecting recyclable materials which have been separated at the point of generation and keeping those materials separate from other collected solid waste in separate compartments of a single collection vehicle or through the use of separate collection vehicles.

(aa) "Sludge" means the accumulated semiliquid suspension of settled solids deposited from wastewaters or other fluids in tanks or basins. It does not include solid or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved material in irrigation return flows or other common water pollutants.

(bb) "Solid waste" means garbage, refuse, sludge, and other discarded solid materials, including solid waste materials resulting from industrial, commercial, and agricultural operations, and from community activities, but does not include solids or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows or other common water pollutants. Unless specifically noted otherwise, the term "solid waste" as used in these guidelines shall not include mining, agricultural, and industrial solid wastes; hazardous wastes; sludges; construction and demolition wastes; and infectious wastes.

(cc) "Source separation" means the setting aside of recyclable materials at

their point of generation by the generator.

(dd) "Specification" means a clear and accurate description of the technical requirements for materials, products or services, identifying the minimum requirements for quality and construction of materials and equipment necessary for an acceptable product. In general, specifications are in the form of written descriptions, drawings, prints, commercial designations, industry standards, and other descriptive references.

(ee) "Stationary compactor" means a powered machine which is designed to compact solid waste or recyclable materials, and which remains stationary when in operation.

(ff) "Storage" means the interim containment of solid waste after generation and prior to collection for ultimate recovery or disposal.

(gg) "Virgin material" means a raw material used in manufacturing that has been mined or harvested and has not as yet become a product.

Subpart B—Requirements and Recommended Procedures

§ 246.200 High-grade paper recovery.

§ 246.200–1 Requirements.

High-grade paper generated by office facilities of over 100 office workers shall be separated at the source of generation, separately collected, and sold for the purpose of recycling.

§ 246.200–2 Recommended procedures: High-grade paper recovery from smaller offices.

The recovery of high-grade paper generated by office facilities of less than 100 office workers should be investigated in conformance with the following recommended procedures and implemented where feasible.

§ 246.200–3 Recommended procedures: Market study.

An investigation of markets should be made by the organization responsible for the sale of recyclable materials in each Federal agency and should include at a minimum:

(a) Identifying potential purchasers of the recovered paper through standard market research techniques;

(b) Directaly contracting buyers, and determining the buyers' quality specifications, the exact types of paper to be recycled, potential transportation agreements and any minimum quantity criteria; and

(c) Determining the price that the buyer will pay for the recovered paper and the willingess of the buyer to sign a contract for purchase of the paper at a guaranteed minimum price.

§ 246.200–4 Recommended procedures: Levels of separation.

A two-level separation is recommended for most facilities. This separation should consist of (a) high-grade wastepaper and (b) all other waste. Facilities that produce large enough quantities of waste computer paper and cards to make their separation into a separate category cost effective may choose to implement three levels of separation: (1) computer papers, (2) other high-grade papers, (3) all other wastes.

§ 246.200–5 Recommended procedures: Methods of separation and collection.

(a) Systems designed to recover high grades of office paper at the source of generation, i.e., the desk, are the desk-top system, the two-wastebasket system, and the office centralized container system.

(b) With the desk-top system, recyclable paper is placed by the generator in a container on his desk, while other waste is placed in a wastebasket. With the two-wastebasket system, recyclable paper is placed by the generator in one desk-side wastebasket, and all other waste is placed in another. In the centralized container system, large containers for the collection of recyclables are placed in centralized locations within the office areas of the building. Nonrecyclable waste is placed in desk-side wastebaskets.

(c) The recommended system is the desk-top system because it is designed to maximize recovery of high value material in an economically feasible manner. While the two-wastebasket system and centralized container system have been implemented with success in isolated instances, data indicate that, on the whole, these systems have experienced high levels of contamination, low levels of participation, and low revenues. The desk-top system has been designed to minimize these problems.

(d) The precise method of separation and collection used to implement the desk-top system will depend upon such things as the physical layout of the individual facility, the ease of collection, and the projected cost effectiveness of using various methods. The recommended desk-top system is carried out in the following manner:

(1) Workers are to deposit high-grade paper into a desk-top tray or other small desk-top holder to be supplied by the agency. This holder should be designed in such a way as to prevent it holding contaminants, such as food or beverage containers.

(2) At the office worker's convenience or when the tray is filled, the worker carries the paper to a conveniently located bulk container within the office area. This large container should be located in an area the worker frequents in the normal course of business.

(3) In locations where computer cards and printouts are to be collected separately, the receptacle for these wastes should be near the computer terminal or in some other logical, centrally located place.

(4) Collection of the high-grade paper from the bulk containers in the office area should be performed by the janitorial or general maintenance service. The number of locations and the frequency of collection of these containers will be determined by office size and maintenance staff capacity.

(e) Mixed paper and some high-grade office papers have also been recovered for recycling by hand-picking in an individual building's trash room or at a centralized facility serving several buildings. With these hand-picking systems, recyclable waste is not separated at the source of generation, but is mixed with other waste in the usual manner and removed to a centralized location where recyclable paper is picked out of the mixed waste by hand. Facilities may choose to use this method of high-grade paper recovery if it is shown by analysis to be economically preferable to source separation.

§ 246.200–6 Recommended procedures: Storage.

Among the alternatives for paper storage are on-site baling, the use of stationary compactors, or storage in corrugated boxes or normal waste containers. Stored paper should be protected from fire, inclement weather, theft, and vandalism.

§ 246.200–7 Recommended procedures: Transportation.

Transportation to market may be supplied by the facility, by a private hauler, or by the purchaser. Collection of the recyclable paper should be on a regular, established schedule.

§ 246.200–8 Recommended procedures: Cost analysis.

After potential markets have been located (but prior to initiation of formal bidding procedures), preliminary determinations of various separation methods, storage, and transportation costs have been made, and estimated tonnages of both recoverable high-grade paper and residual solid waste have been established, an analysis should be conducted which compares the costs of the present waste collection and disposal system with the proposed segregated systems. At a minimum, the study should include all capital, operating and overhead costs and take into account credits for revenue from paper sales and savings from diverting recycled materials from disposal. Potential costs to upgrade collection and disposal practices to comply with EPA's Guidelines for the Storage and Collection of Residential, Commercial and Institutional Solid Wastes (40 CFR Part 243) and Thermal Processing and Land Disposal Guidelines (40 CFR Parts 240 and 241) should be included in the analysis. In formulating a separation system and evaluating its costs, every effort should be made to use janitorial and waste collection resources efficiently. This cost analysis should enable the facility to determine the most cost effective method of implementing the requirement of this part.

§ 246.200–9 Recommended procedures: Contracts.

Formal bids should be requested for purchase of the recovered materials, such bids being solicited in conformance with bidding procedures established for the responsible agency. Contracts should include the buyer's quality specifications,

quantity and transportation agreements, a guarantee that the material will be accepted for one year or more, and a guaranteed minimum purchase price.

§ 246.200–10 Recommended procedures: Public information and education.

A well-organized and well-executed public information and education program explaining the justification, goals, methods and level of separation should be conducted to inform and motivate office personnel and secure their cooperation in separating their waste. This public information and education program should precede the program and continue on a regular basis for its duration.

§ 246.201 Residential materials recovery.

§ 246.201–1 Requirement.

Separation of used newspapers at the source of residential generation in conjunction with separate collection shall be carried out at all facilities in which more than 500 families reside, and the newspapers shall be sold for the purpose of recycling.

§ 246.201–2 Recommended procedures: Newsprint recovery from smaller residential facilities.

The recovery of newsprint generated by residential facilities of less than 500 families should be investigated in conformance with the following recommended procedures and implemented where feasible.

§ 246.201–3 Recommended procedures: Glass can, and mixed paper separation.

In areas where markets are available, it is recommended that glass, cans, and mixed paper be separated at the source of generation and separately collected for the purpose of recycling.

§ 246.201–4 Recommended procedures: Market study.

An investigation of markets should be made for each material by the organization responsible for sale of recyclable materials in each agency and should include at a minimum:

(a) Identifying potential purchasers of the recovered material through standard market research techniques.

(b) Directly contacting buyers and determining the buyers' quality specifications, potential transportation agreements and any minimum quantity criteria.

(c) Determining the prices that the buyer will pay for the recovered material and the willingness of the buyer to sign a contract for the purchase of the material at guaranteed minimum prices.

§ 246.201–5 Recommended procedures: Methods of separation and collection.

Following separation within the home, any of the following methods of collection may be used:

(a) Materials may be placed at the curbside by the resident and may be collected from each household using separate trucks or compartmentalized vehicles.

(b) For multi-family dwelings, separated materials may be placed in bulk containers located outside of the building and collected by trucks dispatched to collect recyclables.

(c) Collection stations may be set up at convenient locations to which residents bring recyclables. These stations should provide separate bulk containers for each item to be recycled. The size and type of container will depend on the volume and type of material collected, the method of transportation to be used in hauling the materials to market and the frequency of removal.

§ 246.201–6 Recommended procedures: Transportation to market.

Transportation to market may be supplied by the facility or the community generating the waste, by a private hauler, or by the purchaser.

§ 246.201–7 Recommended procedures: Cost analysis.

After potential markets have been located (but prior to initiation of formal bidding procedures), preliminary determinations of various separation methods, storage and transportation costs have been made, and estimated tonnages of both recoverable materials and residual solid waste have been established, an analysis should be conducted which compares the costs of the present waste collection and disposal system with the proposed segregated systems. At a minimum this study should include all capital, operating and overhead costs and take into account credits for revenue from paper sales and savings from diverting recycled materials from disposal. Potential costs to upgrade collection and disposal practices to comply with EPA's Guidelines for the Storage and Collection of Residential, Commercial and Institutional Solid Wastes (40 CFR Part 243) and Thermal Processing and Land Disposal Guidelines (40 CFR Parts 240 and 241) should be included in the analysis. In formulating a separate collection system and evaluating its costs, every effort should be made to use idle equipment and underutilized collection manpower to reduce separate collection costs. This cost analysis should enable the facility to determine the most cost effective method if implementing the requirements of this part.

§ 246.201–8 Recommended procedures: Contracts.

Formal bids should be requested for purchase of the recovered materials, such bids being solicited in conformance with bidding procedures established for the responsible jurisdiction. Contracts rial will be accepted for one year or more should include the buyer's quality specifications, quantity and transportation agreements, a guarantee that the mate- and a guaranteed minimum purchase price.

§ 246.201–9 Recommended procedures: Public information and education.

A well organized and well executed public information and education program explaining the justification, goals, methods and level of separation should be conducted to inform and motivate householders and to secure their cooperation in separating their waste. This public information and education program should precede the program and continue on a regular basis for its duration.

§ 246.202 Corrugated container recovery.

§ 246.202–1 Requirement.

Any commercial establishment generating 10 or more tons of waste corrugated containers per month shall separately collect and sell this material for the purpose of recycling.

§ 246.202–2 Recommended procedures: Corrugated container recovery from smaller commercial facilities.

The recovery of corrugated containers from commercial facilities generating less than 10 tons per month should be investigated in conformance with the following recommended procedures and implemented where feasible.

§ 246.202–3 Recommended procedures: Market study.

An investigation of markets should be made by the organization responsible for sale of recyclable material in each Federal agency and should include at a minimum:

(a) Identifying potential purchasers of the recovered corrugated through standard market research techniques.

(b) Directly contacting buyers and determining the buyers' quality specifications, potential transportation agreements and any minimum quantity criteria.

(c) Determining the price that the buyer will pay for the recovered corrugated and the willingness of the buyer to sign a contract for purchase of the paper at a guaranteed minimum price.

§ 246.202–4 Recommended procedures: Methods of separation and storage.

The method selected will depend upon such variables as the physical layout of the individual generating facility, the rate at which the corrugated accumulates, the storage capacity of the facility, and the projected cost-effectiveness of using the various methods. All of the following suggested modes of separation and storage presuppose that the corrugated boxes will be accumulated at a central location in the facility after their contents are removed and that the boxes are flattened.

(a) Balers of various sizes: corrugated boxes are placed in balers and compacted into bales. These bales may be stored inside or outside of the facility. The bales should be protected from fire, inclement weather, theft, and vandalism.

(b) Stationary compactors or bulk containers: corrugated boxes are placed in a stationary compactor or bulk con-

tainers outside of the facility. The containers should be protected from fire, inclement weather, theft and vandalism.

§ 246.202–5 Recommended procedures: Transportation.

Transportation to market may be supplied by either the facility, a private hauler or the purchaser. In facilities to which goods are delivered from a central warehouse, corrugated may be backhauled by delivery trucks to the central facility and baled there for delivery to a user.

§ 246.202–6 Recommended procedures: Cost analysis.

After potential markets have been identified (but prior to initiation of formal bidding), preliminary determinations of various separation methods, storage and transportation costs have been made, and estimated tonnages of both recoverable material and residual solid waste have been established, an analysis should be conducted which compares the costs of the present waste collection and disposal system with the proposed segregated systems. At a minimum, the study should include all capital, operating and overhead costs and take into account credits for revenue from paper sales and savings from diverting recycled materials from disposal. Potential costs to upgrade collection and disposal practices to comply with EPA's Guidelines for the Storage and Collection of Residential, Commercial and Institutional Solid Wastes (40 CFR Part 243) and Thermal Processing and Land Disposal Guidelines (40 CFR Parts 240 and 241) should be included in the analysis. This cost analysis should enable the facility to determine the most cost effective method of implementing these guidelines.

§ 246.202–7 Recommended procedures: Establishment of purchase contract.

Formal bids should be requested for purchase of the recovered materials, such bids being solicited in conformance with bidding procedures established for the responsible agency. Contracts should include the buyer's quality specifications, transportation agreements, a guarantee that the material will be accepted for one year or more and a guaranteed minimum purchase price.

§ 246.203 Reevaluation.

§ 246.203–1 Requirement.

Agencies in which facilities make the determination not to comply with these guidelines must conduct the required analysis and report in accordance with § 246.100 (e) or (f), as appropriate, yearly.

APPENDIX—RECOMMENDED BIBLIOGRAPHY

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Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 723—THE LAUNDRY AND CLEANING INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended (29 U.S.C. 205, 206, 208)), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93–259; 84 Stat. 35), and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and by means of Administrative Order No. 641 (40 FR 58867); the Secretary of Labor appointed and convened Industry Committee No. 130 for the Laundry and Cleaning Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under sections 6 (b) and (c) of the Act to such employees, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 130 are hereby published, revising § 723.2 of Part 723, Title 29, Code of Federal Regulations. The increases in future wage rates prescribed by section 6(c) of the 1974 Fair Labor Standards Amendments are set forth in this wage order.

As revised, § 723.2 reads as follows:

§ 723.2 Wage rates.

(a) Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the industry who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce as those terms are defined in section 3 of the Act.

(b) The minimum wage for this industry is $1.90 an hour for the period ending April 30, 1976. Under section 6(c)(2) the rate will be increased by $0.15 an hour to $2.05 on May 1, 1976. The committee directs a further 10 cents increase to take effect on January 1, 1977, raising the rate to $2.15 an hour. Subsequently, the rate will, by reason of section 6(c)(2), be increased to $2.30 an hour on May 1, 1977.

(Secs. 5, 6, 8, 52 Stat. 1062 and 1064, as amended; 29 U.S.C. 205, 206, 208.)

Effective date: The effective date of this revision is May 9, 1976.

Signed at Washington, D.C. this 16th day of April.

RONALD J. JAMES,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.76–11808 Filed 4–22–76;8:45 am]

PART 724—THE HOSPITAL AND RELATED INSTITUTIONS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended (29 U.S.C. 205, 206, 208)), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93–259; 84 Stat. 35), and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and by means of Administrative Order No. 641 (40 FR 58867), the Secretary of Labor appointed and convened Industry Committee No. 129–B for the Hospital and Related Institutions Indus-

try in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under sections 6 (b) and (c) of the Act to such employees, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 129–B are hereby published, revising § 724.2 of Part 724, Title 29, Code of Federal Regulations. The increases in future wage rates prescribed by section 6(c) of the 1974 Fair Labor Standards Amendments are set forth in this wage order.

As revised, § 724.2 reads as follows:

§ 724.2 Wage rates.

(a) Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the industry who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce as those terms are defined in section 3 of the Act.

(b) The minimum wage for this industry is $1.90 an hour for the period ending April 30, 1976. Under section 6(c)(2) the rate will be increased by $0.15 an hour to $2.05 on May 1, 1976. The committee directs a further 10 cents increase to take effect on January 1, 1977, raising the rate to $2.15 an hour. Subsequently, the rate will, by reason of section 6(c)(2), be increased to $2.30 an hour on May 1, 1977.

(Secs. 5, 6, 8, 52 Stat. 1062 and 1064, as amended; 29 U.S.C. 205, 206, 208.)

Effective date. The effective date of this revision is May 9, 1976.

Signed at Washington, D.C. this 16th day of April 1976.

RONALD J. JAMES,
Administrator, Wage and Hour Division, U.S. Department of Labor.

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PART 725—THE EDUCATION INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended (29 U.S.C. 205, 206, 208)), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93–259; 84 Stat. 35), and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and by means of Administrative Order No. 641 (40 F.R. 58867), the Secretary of Labor appointed and convened Industry Committee No. 129–A for the Education Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under sections 6 (b) and (c) of the Act to such employees, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 129–A are hereby published, revising § 725.2 of Part 725, Title 29, Code of Federal Regulations. The increases in future wage rates prescribed by section 6(c) of the 1974 Fair Labor Standards Amendments are set forth in this wage order.

As revised, § 725.2 reads as follows:

§ 725.2 Wage rates.

(a) Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the industry who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce as those terms are defined in section 3 of the Act.

(b) The minimum wage for this industry is $1.90 an hour for the period ending April 30, 1976. Under section 6(c)(2) the rate will be increased by $0.15 an hour to $2.05 on May 1, 1976. The committee directs a further 15 cents increase to take effect on January 1, 1977, raising the rate to $2.20 an hour. Subsequently, the rate will, by operation of section 6(c)(2), be increased to $2.30 an hour on May 1, 1977.

(Secs. 5, 6, 8, 52 Stat. 1062 and 1064, as amended: 29 U.S.C. 205, 206, 208.)

Effective date. The effective date of this revision is May 9, 1976.

Signed at Washington, D.C. this 16th day of April.

RONALD J. JAMES,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.76-11810 Filed 4-22-76;8:45 am]

Title 29—Labor

CHAPTER XXV—OFFICE OF EMPLOYEE BENEFITS SECURITY, DEPARTMENT OF LABOR

PART 2520—RULES AND REGULATIONS FOR REPORTING AND DISCLOSURE

Reporting and Disclosure Requirements

The purpose of these amendments to Chapter XXV of Title 29 is to provide a deferral of certain reporting and disclosure requirements relating to summary plan descriptions for pension and welfare plans, to establish the reporting requirement for plan descriptions, and to promulgate final rules regarding disclosure of certain plan documents.

On December 4, 1974, notice was published in the FEDERAL REGISTER (39 FR 42234) of proposed regulations concerning reporting and disclosure under the Act. On May 5, 1975, a regulation was published (40 FR 19469; see also 40 FR 20628, May 12, 1975) deferring until August 31, 1975 the requirement that plan administrators file with the Secretary of Labor, and furnish to plan participants and beneficiaries, copies of a summary plan description, and that plan administrators file a plan description with the Secretary.

On May 6, 1975, a notice was published (40 FR 19715) that the Department of Labor had begun mailing to plan administrators copies of the official plan description form, EBS–1, and that certain final regulations concerning plan descriptions and summary plan descriptions would appear in the FEDERAL REGISTER. It should be noted that a revised, modified Form EBS–1 carrying a February, 1976 designation, has superseded and replaced the Form EBS–1 that was announced on May 6, 1975 and later distributed to plan administrators. The revised Form EBS–1 has been mailed to plan administrators and should be used to meet the filing requirements under the Act. It should be further noted that the Department will not promulgate a final version of proposed rule § 2520.-104a–3(d) (40 FR 24658), which provided for use of Form EBS–1 as a summary plan description. Revised Form EBS–1 (February, 1976) is inappropriate for use as a summary plan description.

On May 12, 1975, a final rule (40 FR 20629) and proposed rule (40 FR 20653) redesignating both final and proposed subchapters, parts and sections were published in the FEDERAL REGISTER. Under this redesignation system, the section numbers of proposed and adopted regulations promulgated under Chapter XXV are based on the section numbers of the Act to which each regulation relates.

The December 4, 1974, proposed regulations have been redesignated in accordance with this system.

On June 9, 1975, notice was published in the FEDERAL REGISTER (40 FR 24642) of proposed regulations concerning reporting and disclosure under the Act. These proposed regulations covered, among other items, the content, style and format of the summary plan description, general reporting and disclosure requirements and further deferral of certain initial reporting and disclosure requirements, including the plan description and summary plan description.

On August 15, 1975 final rules (40 FR 34526) were issued by the Department deferring until May 30, 1976 the reporting and disclosure of summary plan descriptions for pension and welfare plans.

On March 18, 1976 the Department issued a news release indicating that

employee benefit plans would be given an alternative to the requirement that summary plan descriptions be furnished on or before May 30, 1976. Instead, both pension and welfare plans could provide an ERISA Notice to plan participants and beneficiaries.

The regulations published here provide the alternative referred to in the March 18 announcement. Another Departmental press release (USDL-76-706, published April 21, 1976) announced that employee benefit plans intending to meet the disclosure date of May 30, 1976 for summary plan descriptions could rely upon the final regulations published in the FEDERAL REGISTER on August 15, 1975 (40 FR 34526) and on specific sections of the proposed regulations published in the FEDERAL REGISTER on June 9, 1975 (40 FR 24642) that are not superseded by the regulations published here.

The requirement to file a plan description, Form EBS-1, with the Department by May 30, 1976 remains in force.

Certain sections of these final regulations have been issued in proposed form and interested persons have submitted comments on these sections. Other sections have not previously been proposed and are promulgated as final regulations under section 104(a)(3) and 110 of the Act and 5 U.S.C. § 553(a)(3)(B) of the Administrative Procedure Act, which authorizes an agency to promulgate a final rule without public notice and comment if such procedure would prove impracticable or contrary to the public interest.

Sections 2520.101-1, 2520.102-1 and 2520.104-1. Final sections 2520.101-1 Duty of Reporting and Disclosure, 2520.102-1 Plan Description Form and 2520.104-1 General reporting and disclosure requirements are essentially unchanged from the proposed regulations published on June 9 (40 FR 24653, 24655). The reference to Department of Labor Form EBS-1, "Plan Description" in § 2520.102-1 is to the revised form dated February, 1976.

Section 2520.104-5. Section 2520.104-5 provides a deferral of the initial summary plan description reporting and disclosure requirements for welfare plans. § 2520.104-5 has not previously been proposed and is promulgated as a final rule under the authority of 5 U.S.C. § 553(a)(3)(B) of the Administrative Procedure Act, which permits an agency for good cause to issue a final rule without notice and opportunity for comment if "that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest." Pursuant to the requirement of 5 U.S.C. 553(a)(3)(B) a brief statement of reasons supporting a finding of good cause by an agency must accompany the issuance of a final rule without public notice and comment under this section. The following findings are made pursuant to 5 U.S.C. 553(a)(3)(B):

Issuance of a proposal to defer the May 30, 1976 reporting and disclosure deadline for summary plan descriptions would be impracticable because plan administrators must have a reasonable period of time before a due date in which to make preparations for compliance or deferral. Consequently, only a certain, i.e., final rule would be effective at this time.

The public comments received in response to final regulation § 2520.104-3 published in the FEDERAL REGISTER on August 15, 1975 (40 FR 34534) urged a further deferral of the summary plan description reporting and disclosure requirements beyond May 30, 1976. The comments noted the expense and burden of meeting the summary plan description requirement by May 30, 1976. In addition, it is likely that many welfare plans covering large numbers of employees will be modified as a result of the numerous collective bargaining agreements in major industries expiring late in the year. Such modifications would make a May 30 summary plan description out of date almost immediately. Disclosure of new plan provisions through a summary description of modifications and changes furnished 210 days after the close of the plan year in which such modifications and changes are adopted could confuse plan participants by contradicting the previously furnished summary plan description and could be easily lost or misplaced. To ease the burden and expense for plans the availability of a further deferral of the summary plan description requirements is necessary.

Final rule § 2520.104-5 has not previously been proposed. However, there have been previous rules which have deferred the effective date for reporting and disclosure requirements relating to the summary plan description. On May 5, 1975, 29 CFR § 2520.104-3 was promulgated (40 FR 19469; see also 40 FR 20628, May 12, 1975), deferring until August 31, 1975, the requirements set forth in sections 104(a)(1)(B), 104(a)(1)(C), and 104(b)(1) of the Act relating to reporting and disclosure of the plan description and summary plan description. On June 9, 1975 (40 FR 24655), a proposal to further revise and defer until May 30, 1976 the reporting and disclosure of the summary plan description was issued by the Department. Numerous comments on the June 9 proposal urged that the deferral of the initial reporting and disclosure requirements extend further than May 30, 1976. On August 15, 1975 (40 FR 34534) a final rule was issued by the Department revising the proposed 29 CFR § 2520.104-3 to defer until May 30, 1976 the reporting and disclosure of summary plan descriptions for pension plans. Under final rule § 2520.104-5 the reporting and disclosure requirements of sections 104(a)(1)(C) and 104(b)(1) of the Act relating to the summary plan description may be deferred until March 31, 1977 by welfare plans which comply with the conditions set forth in the rule. Plans which intend to meet the May 30, 1976 filing and disclosure date for the summary plan description may rely upon the final regulations published in the FEDERAL REGISTER on August 15, 1975 (40 FR 34526), and the following proposed regulations published in the FEDERAL REGISTER on June 9, 1975 (40 FR 24642):

§ 2520.102-2, Style and format of summary plan description; § 2520.102-3, Contents of summary plan description; § 2520.102-4, Option for different summary plan descriptions; § 2520.104a-3, Summary plan description; § 2520.104-b-2, Summary plan description; and § 2520.104b-3, Summaries of material modifications to the plan and changes in the information required to be included in the summary plan description.

Under the authority of section 104(a)(3), welfare plans which are subject to the provisions of Part 1, Title I on or before December 1, 1976 may defer the reporting and disclosure requirements relating to the summary plan description until March 31, 1977. A plan which elects to defer these requirements until March 31, 1977 will be required to comply with the statutory requirements relating to the summary plan description as of March 31, 1977.

The deferral regulation establishes March 31, 1977, as the new date for meeting the summary plan description reporting and disclosure requirements for all plans subject to Part 1 on or before December 1, 1976 (120 days before March 31, 1977). Thus, in accordance with the general rule of Part 1, all plans will be given 120 days to prepare, furnish and file a summary plan description. March 31, 1977 will also be the effective date for other disclosure requirements relating to the summary plan description, such as the requirement to furnish a summary plan description upon written request and a summary of material modifications in the plan or changes in the summary plan description which are not incorporated in the initial summary plan description.

The regulation establishes two categories of welfare plans which may take advantage of the deferral. Plans subject to Part 1, Title I on or before March 2, 1976 may defer the previously established May 30 disclosure requirement provided that an ERISA Notice is furnished to participants covered under the plan on or before May 30. Participants covered under the plan as of March 2, 1976 must receive an ERISA Notice by May 30, 1976 and employees obtaining the status of participant covered under the plan after March 2, 1976 but before December 2, 1976 must receive an ERISA Notice within 90 days.

Plans which become subject to Part 1, Title I between March 2, 1976 and December 2, 1976 may also take advantage of the deferral, provided that the plan furnishes an ERISA Notice to participants covered under the plan within 90 days after becoming subject to Part 1, Title I. Such plan must also furnish an ERISA Notice within 90 days to each employee who attains the status of participant covered under the plan after the plan becomes subject to Part 1, Title I but before December 2, 1976.

In addition, an ERISA Notice must be furnished upon request, without charge, to any participant covered under the plan or beneficiary who has not previously been furnished a Notice.

Plans which become subject to Part 1, Title I on or after December 2, 1976 will not be eligible for the deferral and will

be required to furnish a summary plan description within 120 days after becoming subject to Part 1, Title I.

Thus, the statutory period of 90 days for furnishing the disclosure document to new participants has been retained; however, the 120-day period for preparing the summary plan description in the case of new plans has been shortened to 90 days for the simpler ERISA Notice. In all cases, the 90-day period determines the group of employees to whom disclosure must be made, regardless of a subsequent loss of "participant covered under the plan" status or ability of the plan to compile more accurate lists of participants covered under the plan on a date closer to the required distribution date.

The regulation does not require that the ERISA Notice be filed with the Secretary of Labor, although it must be made available to the Secretary upon request.

Section 2520.104–6. Section 2520.104–6 provides an alternative method of compliance for pension plans which elect to defer the summary plan description reporting and disclosure requirements under sections 104(a)(1)(C) and 104(b)(1) of the Act. § 2520.104–6 has not previously been proposed and is promulgated as a final rule under the authority of 5 U.S.C. § 553(a)(3)(B) of the Administrative Procedure Act which permits an agency for good cause to issue a final rule without notice and opportunity for comment if "that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest." Pursuant to the requirement of 5 U.S.C. 553(a)(3)(B) a brief statement of reasons supporting a finding of good cause by an agency must accompany the issuance of a final rule without public notice and comment under this section. The following findings are made pursuant to 5 U.S.C. 553(a)(3)(B):

Issuance of a proposal to defer the May 30, 1976 reporting and disclosure deadline for summary plan descriptions would be impracticable because plan administrators must have a reasonable period of time before a due date in which to make preparations for compliance or deferral. Consequently, only a certain, i.e., final rule would be effective at this time.

Public comments received on the deferral promulgated as a final regulation § 2520.104–3 on August 15, 1975 (40 FR 34534) indicated that a deferral of the initial reporting and disclosure requirements until May 30, 1976 would be inadequate and inappropriate for pension plans. Because pension plans can be expected to undergo extensive amendment to come into compliance with the Act, a summary plan description of plan provisions which have not yet been amended would tend to confuse and mislead participants. Because pension plans are generally not required under the provisions of Title II of the Act to adopt amendments necessary to comply with ERISA until after the close of the 1976 plan year, a May 30, 1976 disclosure would in many instances reflect unamended plan provisions already obsolescent, since they would be retroactively changed by amendments made later but applicable to the entire 1976 plan year.

Therefore, a deferral of the May 30 summary plan description requirements is made available. Participants will be informed of certain rights under the Act and the imminence of new plan provisions through an interim disclosure requirement, the ERISA Notice.

Final rule § 2520.104–6 has not previously been proposed; however, there have been previous rules which have deferred the effective date for reporting and disclosure requirements relating to the summary plan description. On May 5, 1975, 29 CFR § 2520.104–3 was promulgated (40 FR 19469; see also 40 FR 20628, May 12, 1975), deferring until August 31, 1975 the requirements set forth in sections 104(a)(1)(B), 104(a)(1)(C), and 104(b)(1) of the Act relating to reporting and disclosure of the summary plan description. On June 9, 1975 (40 FR 24655) a proposal to further revise and defer until May 30, 1976 the reporting and disclosure of the summary plan description was issued by the Department. Numerous comments received on the June 9 proposed regulations urged deferral of the initial reporting and disclosure requirements beyond May 30, 1976. On August 15, 1975 (40 FR 34534) a final rule was issued by the Department revising the proposed 29 CFR § 2520.104–3 to defer until May 30, 1976 the initial reporting and disclosure requirements relating to the plan description and summary plan description for both pension and welfare plans. Under final rule § 2520.104–6, the reporting and disclosure provisions of sections 104(a)(1)(c) and 104(b)(1) of the Act relating to the summary plan description which were the subject of the previous deferrals cited herein may be further deferred as set forth in the final rule.

Employee benefit plans which intend to meet the filing and disclosure date of May 30, 1976 for the summary plan description may rely upon the final regulations published in the FEDERAL REGISTER on August 15, 1975 (40 FR 34526), and the following proposed regulations published in the FEDERAL REGISTER on June 9, 1975 (40 FR 24642):

§ 2520.102–2, Style and format of summary plan description; § 2520.102–3, Contents of summary plan description; § 2520.102–4, Option for different summary plan descriptions; § 2520.104–4, Alternative method of compliance for certain successor pension plans; § 2520.104a–3, Summary plan description; § 2520.104b–3, Summaries of material modifications to the plan and changes in the information required to be included in the summary plan description; and § 2520.104b–4, Alternative method of compliance for furnishing pension plan documents to retired participants and their beneficiaries. The regulation establishes two categories of plans which may take advantage of the deferral: plans which become subject to Part 1, Title I on or before March 2, 1976 and those which become subject to Part 1, Title I, between March 3, 1976 and December 2, 1976.

Plans which become subject to Part 1, Title I on or before March 2, 1976 may qualify for the deferral by furnishing an ERISA Notice on or before May 30, 1976 to participants covered under the plan and beneficiaries receiving benefits as of March 2, 1976. Persons who become participants covered under the plan or beneficiaries receiving benefits after March 2, 1976 must be furnished an ERISA Notice within 90 days after becoming a covered participant or beneficiary receiving benefits. However, the ERISA Notice need not be furnished to any person becoming a covered participant or beneficiary receiving benefits within 120 days before the plan is required to furnish its initial summary plan description.

Plans subject to Part 1, Title I after March 2, 1976 and before December 2, 1976 may qualify for the deferral by furnishing an ERISA Notice within 90 days after becoming subject to Part 1, Title I to those participants covered under the plan and beneficiaries receiving benefits as of the date the plan becomes subject to Part 1, Title I. As in the case of plans subject to Part 1, Title I on or before March 2, 1976, the plan which becomes subject to Part 1, Title I after March 2, 1976 but before December 2, 1976 must also furnish an ERISA Notice to those who later become covered participants or beneficiaries receiving benefits. The ERISA Notice must be furnished within 90 days of the date on which a person becomes a covered participant, or beneficiary receiving benefits, but need not be furnished to any person who becomes a covered participant or beneficiary receiving benefits within 120 days before the date by which the plan must furnish its initial summary plan description. In addition, the ERISA Notice must be furnished without charge, upon request, to any participant covered under the plan or beneficiary receiving benefits who has not previously been furnished a Notice. As in the case of welfare plans, the ERISA Notice is not required to be filed with the Department, although it must be made available to the Department upon request.

Plans subject to Part I, Title I on and after December 2, 1976 must file and furnish a summary plan description within 120 days after becoming subject to Part 1. Thus, in accordance with the general rule of Part 1, all plans will be given 120 days to prepare, furnish and file a summary plan description.

The ERISA Notice, described in § 2520.104b–5, provides a model notice which may be wholly adopted or used as a model by pension plans to fulfill the interim disclosure requirement. The ERISA Notice described in § 2520.104b–5 is intended to alert pension plan participants and beneficiaries to impending plan amendments.

This section establishes the dates for reporting and disclosure of summary

plan descriptions as 90 days after receipt of a final determination letter. Temporary Treasury regulations on retroactive amendments (26 CFR § 11.401 (b)–1, 44 FR 44544) set an initial time by which a request for a determination letter must be submitted, but also provide time for further amendment and resubmission of the determination request if the Internal Revenue Service response to the initial request so requires. Since a plan will not achieve the changes necessary to bring it into compliance with ERISA until this process is complete, disclosure is most appropriate at this point. However, in no case are summary plan descriptions required earlier than March 31, 1977.

The following findings are made with respect to the promulgation of § 2520.-104–6 as an alternative method of compliance under section 110 of the Act:

1. The deferral is consistent with the purposes of Title I of the Act, and provides adequate disclosure to plan participants and beneficiaries and adequate reporting to the Secretary. ERISA requires that pension plans in existence on January 1, 1974 make numerous significant plan amendments which will be effective for the 1976 plan year. Deferral of the filing and disclosure of the summary plan description until the date provided under § 2520.104–6 will enable plans that have not completed the necessary amendments by May 30, 1976 to include the amended provisions in their summary plan descriptions.

2. If the May 30 reporting and disclosure requirements for the summary plan description were maintained, plans would be subject to increased costs and to unreasonable administrative burdens with respect to their operation. Within a relatively short period after preparing, printing and distributing a summary plan description to participants and beneficiaries, many pension plans would have to prepare, print and distribute to the same recipients, extensive summaries of modifications, reflecting plan amendments made after May 30, 1976 to conform to the Act. The modifications would also have to be submitted to the Secretary of Labor. These successive filings and disclosures would involve substantial administrative burden and expense to most pension plans and will be avoided by use of the deferral procedure provided by this regulation.

3. Imposition of the May 30, 1976 summary plan description reporting and disclosure requirements would be adverse to the interests of participants and beneficiaries in the aggregate. The distribution of a summary plan description of plan provisions which had not yet been amended to meet the requirements of ERISA for the 1976 plan year could mislead plan participants. The subsequent adoption of new plan provisions would be described in a summary of material modifications and changes furnished within 210 days after the close of the plan year in which adopted. In many cases, the most significant plan provisions would be described only in the summary furnished after the close of the plan year. A summary description which contradicted the previously furnished summary plan description could confuse participants and is more likely to be lost or misplaced than a complete summary plan description or booklet.

Sections 2520.104a–1 and 2520.104a–2. Final section 2520.104a–1, which contains general filing requirements, and final section 2520.104a–2, which contains specific filing requirements relating to the plan description Form EBS–1 (February 1976) are essentially unchanged from the proposed regulations published on June 9 (40 FR 24657).

Section 2520.104a–4. Final regulation § 2520.104a–4 requires the filing with the Secretary of material modifications to the plan and changes in the information required to be included in the plan description in accordance with sections 101 (b), 102(a) and 104(a) (1) (D) of the Act. Regulation § 2520.104a–4 is essentially identical to the proposed regulation, which appeared in the Federal Register on June 9, 1975 (40 FR 24658).

Under this section the plan administrator is required to file a Form EBS–1 (February, 1976) with appropriate entries describing any material modification or change in the information contained in the plan description within 60 days after such amendment is adopted or occurred. Amendments which are described in the initial plan description need not be filed as a material modification or change in the plan description information. Similarly, the incorporation of an amendment in an updated plan description filed before the lapse of the 60-day material modification filing requirement will eliminate the necessity to report such an amendment separately.

Because an amendment must be reported within 60 days after its occurrence or adoption, a retroactive effective date will not affect the prescribed filing period. A comment received on the proposed regulation suggested that amendments to pension plans should not be filed until a determination of qualification has been received. However, plan administrators may not seek determination letters regarding every amendment, and in some circumstances the Internal Revenue Service will not issue such letters. In addition, securing a determination letter could take many months, during which time the amendment normally would be in effect. Thus, the suggestion in the comment would introduce undue complication and delay in reporting plan amendments to the Department of Labor.

Another comment requested clarification of the definition of a "material modification". This clarification has been provided in the instructions to the Form EBS–1 (February, 1976).

Section 2520.104b–1. This section describes the general requirements for fulfilling the disclosure obligations under section 104(b) of the Act.

The proposed regulation provided, among other things, that plan administrators must make certain plan documents available within three working days following the receipt of a request for disclosure at each employer establishment with at least 50 participants covered under the plan or at union meeting halls or offices.

Numerous comments received by the Labor Department, particularly those submitted on behalf of large plans, objected to this requirement. Essentially, the comments stated that the three day time limit is inadequate because mail service is often undependable, particularly in the delivery of mail to rural worksites.

Mail could understandably be delayed longer than three days, particularly when it is being delivered to rural worksites. Furthermore, assuming that it takes a plan administrator at least a day to process the request and have the copies made, under the proposed rules only two days would be left within which to deliver the documents to the worksite where the request was made. Comments suggested lengthening the time period from 5 to 30 days. The majority of comments recommended from 7 to 10 days. The final regulation provides for 10 days.

The purpose of requiring plan administrators to make plan documents available in each employer establishment in which at least 50 participants covered under a plan are customarily working is to include all locations necessary to make pertinent information available to all plan participants and beneficiaries, as required by section 104(b)(2) of the Act, while keeping the requirement workable for large plans, including multiemployer plans and plans covering employees on many different worksites.

Several comments opposed the rule that plan documents be made available for examination in employer establishments in which more than 50 participants customarily work. The suggestion was made to exempt from this requirement employer establishments in which as many as 500 employees, or 25 percent of all company employees, customarily work. However, since plan administrators are not required to maintain plan documents physically at each employer establishment or union meeting hall, as long as they may be made available at such locations within ten days after a request is received, to require documents to be made available at each employer establishment in which more than 50 participants covered under the plan customarily work should not be a significant burden. Consequently, after thorough consideration of the comments, the final regulation retains a 50-participant test for employer establishments where documents must be made available, and in the case of collectively bargained plans where employees do not customarily report to a single establishment, applies the same rule to local union meeting halls or offices.

One comment suggested that a request under section 104(b)(2) of the Act to examine plan documents be required to be in writing. The advantage to such a requirement is that it would minimize the possibility of failure to communicate

a request to the administrator. On the other hand, the Act makes no such requirement for disclosure under section 104(b)(2). In contrast, the disclosure requirement under section 104(b)(4) of the Act requires a request in writing.

The proposed regulation did not specify to whom or how a request to examine plan documents under section 104(b)(2) is made. The final regulation states that plan administrators may prescribe reasonable rules governing the making of requests for examination of plan documents. If such rules allow participants and beneficiaries to make requests conveniently and are made known to participants and beneficiaries, plan administrators will not be required to honor requests not made in accordance with the rules. However, no such rule would be considered in compliance unless it provided for requests to be made in a reasonably convenient manner at each employer establishment or union meeting hall or office where documents must be made available, as well as directly to the plan administrator. In the absence of such rules, on the other hand, any good faith effort by a plan participant or beneficiary to request examination shall be presumed to be notice to the administrator.

Proposed § 2520.104b–1(b)(1) provides that under certain circumstances copies of plan documents may be distributed by plan administrators as a special insert in a periodical such as a union newspaper. Such distribution is permissible if the mailing list includes the class of persons who are participants and beneficiaries and the list is up to date. However, if some participants and beneficiaries are not on the mailing list, a periodical must be used in conjunction with other methods of distribution such that the methods taken together are reasonably calculated to ensure actual receipt.

One comment noted that the initial cost of securing current addresses of participants would probably exceed a million dollars for the particular plan and that the job would take several years. Essentially, the comment requests an alternative method which would comply with ERISA as long as the Department interprets "adequate disclosure to the participants" as not requiring 100% distribution. In light of the alternative method of compliance for certain multiemployer plans set out in § 2520.104b–5(d), the problem referred to in the comment should be significantly alleviated. Therefore, an alternative method of compliance is not included in the final regulations. Paragraph (c) of § 2520.104b–1 is changed in the final regulation to include a reference to the alternative method of compliance for certain multiemployer plans.

A question was also raised as to when an individual is considered to be a beneficiary under a welfare plan. Section 3(8) of the Act defines the term "beneficiary" as "a person designated by a participant, or by the terms of an employee benefit plan, who is or may become entitled to a benefit thereunder." For purposes of clarity, a definition of the term "beneficiary under a welfare plan" is added to the final regulation by reference to 29 CFR 2510.3–3(d) and section 3(8) of the Act.

Finally, paragraphs (c), (d), and (e) of proposed section 2520.104b–1 have been changed by using cross-references to § 2510.3–3(d) and section 3(8) of the Act.

Section 2520.104b–5. Final regulation § 2520.104b–5 creates a new disclosure document, an ERISA Notice, which is to be used as an interim disclosure document by those welfare and pension plans which elect the deferral of §§ 2520.104–5 and 2520.104–6.

The ERISA Notice is designed to inform participants of the magnitude of the impact of ERISA on their plans and the nature of plan changes which will be occurring soon. It also informs them of the disclosure available to them immediately and what they may expect to see in the near future. Substantive information is limited to that which will be of use in securing further information and in exercising private enforcement rights. In some cases, it may be possible to combine the ERISA Notice for two or more employee benefit plans of the same sponsor in one document, provided that the requirements of § 2520.104b–5 are observed and the document is clear on its face that two or more different plans are described in one ERISA Notice. Special care would be required to retain a clear presentation if a combined notice were used for both pension and welfare plans.

There is no requirement that the ERISA Notice be attached to a previously published summary of the plan for disclosure to plan participants and beneficiaries. Special rules defining acceptable methods for disclosure reasonably calculated to ensure actual receipt of the ERISA Notice by plan participants and beneficiaries are provided in § 2520.104b–1, and special provisions for multiemployer plans are included in paragraph (d) of § 2520.104b–5.

In addition to providing rules for content, style and format, the regulation further provides two model notices, one for welfare plans and another for pension plans. These models serve two purposes. First, they are illustrative of the substantive rules. Second, an administrator who uses the models will be deemed to have complied with the requirements of the regulation, thus conferring certainty, unless the administrator has reason to know that the model notice will be seriously misleading or incomplete as to the particular plan.

Section 2520.104b–30. This section provides guidelines for assessing reasonable charges for furnishing plan documents.

The primary issue, raised by comments, arises from the maximum charge which may be imposed by plan administrators for furnishing copies of certain documents under section 104(b)(4) of the Act. No comment criticized the basic concept of limiting the charge to the least expensive means of acceptable reproduction.

The proposed regulation published on June 9, 1975 (40 FR 24661) limited the charge to the least expensive means of acceptable reproduction but in no case more than 10 cents per page. Thus, if a 50-page pamphlet costs $1.00, but only one page were requested, the charge could be as much as 10 cents even though the actual cost of reproduction for the entire pamphlet ($1.00) is equal to 2 cents per page. On the other hand, if 11 pages of the pamphlet were requested the charge could be no more than $1.00. One commenter noted that small employers often must use commercial facilities which may charge up to 25 cents per page for reproduction, and thus the limit of 10 cents per page was unrealistically low.

In light of these facts, the limit for single-page copying is raised in the final regulation from 10 cents to 25 cents. Plans should print a reasonable surplus of documents, but if there are many requests for many pages of documents and there are no longer printed copies available the individual making the request may be charged up to the maximum cost for single-page copying. The final regulation includes a provision which gives an individual the right to secure information concerning the cost in advance of making a request.

Accordingly, 29 CFR Part 2520 is amended by adding §§ 2520.101–1, 2520.102–1, 2520.104–1, 2520.104–5, 2520.104–6, 2520.104a–1, 2520.104a–2, 2520.104a–4, 2520.104b–1, 2520.104b–5, and 2520.104b–30 to read as follows:

Subpart A—General Reporting and Disclosure Requirements

Sec.

2520.101–1 Duty of reporting and disclosure.

Subpart B—Contents of Plan Descriptions and Summary Plan Descriptions

2520.102–1 Plan description form.

Subpart D—Provisions Applicable to Both Reporting and Disclosure Requirements

2520.104–1 General.

2520.104–5 Deferral of certain reporting and disclosure requirements relating to the summary plan description for welfare plans.

2520.104–6 Deferral of certain reporting and disclosure requirements relating to the summary plan description for pension plans.

Subpart E—Reporting Requirements

2520.104a–1 Filing with the Secretary of Labor.

2520.104a–2 Plan description reporting requirements.

2520.104a–3 [RESERVED] Summary Plan Description.

2520.104a–4 Material modifications to the plan and changes in plan description information.

Subpart F—Disclosure Requirements

2520.104b–1 Disclosure.

2520.104b–2 [RESERVED] Summary Plan Description.

2520.104b–5 ERISA Notice.

2520.104b–30 Charges for documents.

AUTHORITY: Secs. 101, 102, 104, 105, 109, 110, 111(b)(2), 111(c), 505, Pub. L. 93–406, 88 Stat. 840–1, 847–52, 894 (29 U.S.C. 1021–2, 1024–5, 1029–31, 1135); Secretary of Labor's Order No. 27–74, Labor-Management Services Administration Order No. 2–6.

Subpart A—General Reporting and Disclosure Requirements

§ 2520.101–1 Duty of reporting and disclosure.

The procedures for implementing the plan administrator's duty of reporting to the Secretary of Labor and disclosing information to participants and beneficiaries are located in Subparts D, E and F of this part.

Subpart B—Contents of Plan Descriptions and Summary Plan Descriptions

§ 2520.102–1 Plan description form.

The plan description required by section 102 of the Act shall consist of Department of Labor Form EBS–1, "Plan Description" completed in accordance with § 2520.104a–1(a) and the instructions to the Form.

Subpart D—Provisions Applicable to Both Reporting and Disclosure Requirements

§ 2520.104–1 General.

The administrator of an employee benefit plan covered by Part 1 of Title I of the Act must file reports and additional information with the Secretary of Labor, and disclose reports, statements, and documents to plan participants and to beneficiaries receiving benefits from the plan. The regulations contained in this Subpart are applicable to both the reporting and disclosure requirements of Part 1 of Title I of the Act. Regulations concerning only a plan administrator's duty of reporting to the Secretary of Labor are set forth in Subpart E of this part, and those applicable only to the duty of disclosure to participants and beneficiaries are set forth in Subpart F of this part.

§ 2520.104–5 Deferral of certain reporting and disclosure requirements relating to the summary plan description for welfare plans.

(a) *General Rule.* Under the authority of section 104(a)(3) of the Act, employee welfare benefit plans described in and meeting the conditions of paragraph (b) may defer certain reporting and disclosure requirements that apply on and after May 30, 1976. These requirements may be deferred until dates that are no earlier than March 31, 1977, as provided in paragraph (c). This deferral is available only to welfare plans that are subject to the provisions of Part 1, Title I on or before December 1, 1976. The requirements that may be deferred include filing a copy of a summary plan description with the Secretary, furnishing a copy of a summary plan description to participants of a plan; filing material modifications to the plan and changes in the information required to be included in the summary plan description with the Secretary; and furnishing a summary description of such modifications or changes to participants of a plan and furnishing a copy of the latest summary plan description to participants and beneficiaries upon written request. Welfare plans which become subject to Part 1 on or after December 2, 1976, shall meet the general reporting and disclosure provisions set forth in Part 1 and regulations issued thereunder.

(b) *Application.* (1) In the case of a welfare plan subject to the provisions of Part 1, Title I of the Act on or before March 2, 1976, the plan administrator may defer until the times specified in paragraph (c) compliance with the following requirements: to file a copy of the summary plan description with the Secretary on or before May 30, 1976, in accordance with section 104(a)(1)(C) of the Act and § 2520.104–3; to furnish a copy of the summary plan description to participants on or before May 30, 1976 in accordance with section 104(b)(1) of the Act and § 2520.104–3; to file with the Secretary material modifications to the plan and changes in the information required to be included in the summary plan description in accordance with section 104(a)(1)(D) of the Act and § 2520.104–3; to furnish a summary description of such modifications and changes to participants in accordance with section 104(b)(1) of the Act and § 2520.104–3; and to furnish a copy of the latest summary plan description to any participant or beneficiary upon written request in accordance with section 104(b)(4) of the Act and § 2520.104–3; if the administrator

(i) Furnishes an ERISA Notice which meets the requirements of § 2520.104b–5 on or before May 30, 1976 to each participant covered under the plan as of March 2, 1976,

(ii) Furnishes an ERISA Notice which meets the requirements of § 2520.104b–5 to each person who becomes a participant covered under the plan after March 2, 1976 and before Decmber 2, 1976, within 90 days after that person becomes a participant covered under the plan and

(iii) Furnishes a copy of the ERISA Notice, without charge, upon request to any participant covered under the plan or beneficiary to whom no copy of the Notice has been previously furnished.

(2) In the case of a welfare plan subject to the provisions of Part 1, Title I of the Act after March 2, 1976 but before December 2, 1976, the plan administrator may defer compliance with the following requirements: to file a copy of the summary plan description with the Secretary within 120 days after becoming subject to Part 1, Title I in accordance with section 104(a)(1)(C) of the Act; to furnish a copy of the summary plan description within 120 days after becoming subject to Part 1, Title I in accordance with section 104(b)(1) of the Act; to file with the Secretary material modifications and changes in the information required to be included in the summary plan description in accordance with section 104(a)(1)(D) of the Act; to furnish a summary description of such modifications and changes to participants in accordance with section 104(b)(1) of the Act; and to furnish a copy of the latest summary plan description to any participant or beneficiary upon request in accordance with section 104(b)(4) of the Act; if the administrator

(i) Furnishes an ERISA Notice which meets the requirements of § 2520.104b–5 within 90 days after the date the plan becomes subject to the provisions of Part 1, Title I, to each person who is a participant covered under the plan on the date the plan becomes subject to the provisions of Part 1, Title I,

(ii) Furnishes an ERISA Notice which meets the requirements of § 2520.104b–5 to each person who becomes a participant covered under the plan after the date on which the plan becomes subject to the provisions of Part 1, Title I and before December 2, 1976, within 90 days after that person becomes a participant covered under the plan, and

(iii) Furnishes a copy of the ERISA Notice, without charge, upon request to any participant covered under the plan or beneficiary to whom no copy of the Notice has been previously furnished.

(3) The administrator of a welfare plan who elects to defer compliance with the statutory requirements described in paragraph (b)(1) or (b)(2) is not required to file with the Secretary a copy of the ERISA Notice furnished to participants; however, such Notice must be filed with the Secretary upon request in accordance with section 104(a)(1) of the Act.

(c) The administrator of a welfare plan who elects to defer compliance with the statutory requirements described in paragraph (b)(1) or (b)(2)

(1) Shall file a copy of the summary plan description with the Secretary on or before March 31, 1977, in accordance with section 104(a)(1)(C) of the Act,

(2) Shall furnish a copy of the summary plan description on or before March 31, 1977 to each participant covered under the plan as of January 1, 1977, in accordance with section 104(b)(1) of the Act,

(3) Shall furnish a copy of the summary plan description to each person who becomes a participant covered under the plan after January 1, 1977 within 90 days after that person becomes a participant covered under the plan, in accordance with section 104(b)(1) of the Act, and

(4) Shall comply with the following provisions on and after March 31, 1977:

(i) Section 104(b)(4) of the Act and § 2520.104b–1, to the extent that they require a plan administrator to furnish a copy of the latest summary plan description to any participant or beneficiary upon written request and

(ii) Section 104(b)(1) of the Act, to the extent that it requires furnishing a summary description of material modifications to the plan and changes in information required to be included in the summary plan description, except that no summary description is required to be furnished for material modifications and changes in the information required to be included in the summary plan description if any such modification or change has been incorporated in the initial summary plan description furnished on or before March 31, 1977.

§ 2520.104–6 Deferral of certain reporting and disclosure requirements relating to the summary plan description for pension plans.

(a) *General Rule.* Under the authority of section 110 of the Act, an alternative method of compliance which defers certain reporting and disclosure requirements that apply on and after May 30, 1976 is provided for employee pension benefit plans described in and meeting the conditions of paragraph (b). The alternative method of compliance permits pension plans to defer these requirements until the times set in paragraph (c), and applies only to pension plans subject to the provisions of Part 1, Title I of the Act on or before December 2, 1976. The requirements which may be deferred include filing a copy of the summary plan description with the Secretary, furnishing a copy of the summary plan description to participants and beneficiaries of a plan, filing material modifications and changes in the information required to be included in the summary plan description with the Secretary, furnishing a summary description of such modifications or changes to participants and beneficiaries of a plan, and furnishing a copy of the latest summary plan description upon written request. Pension plans which become subject to Part 1 on or after January 1, 1977 shall meet the general reporting and disclosure provisions set forth in Part 1 and regulations issued thereunder.

(b) *Application.* (1) In the case of a pension plan subject to the provisions of Part 1, Title I of the Act on or before March 2, 1976, the plan administrator may defer until the times specified in paragraph (c) compliance with the following requirements: to file a copy of the summary plan description with the Secretary on or before May 30, 1976 in accordance with section 104(a)(1)(C) of the Act and § 2520.104–3; to furnish a copy of the summary plan description to participants and beneficiaries receiving benefits on or before May 30, 1976 in accordance with section 104(b)(1) of the Act and § 2520.104–3; to file with the Secretary material modifications and changes in the information required to be included in the summary plan description in accordance with section 104(a)(1)(D) of the Act and § 2520.104–3; to furnish a summary of such modifications and changes to participants and beneficiaries receiving benefits in accordance with section 104(b)(1) of the Act and § 2520.104–3; and to furnish a copy of the latest summary plan description to any participant or beneficiary upon written request in accordance with section 104(b)(4) of the Act and § 2520.104–3; if the administrator:

(i) Furnishes an ERISA Notice which meets the requirements of § 2520.104b–5 on or before May 30, 1976 to each participant covered under the plan and beneficiary receiving benefits as of March 2, 1976,

(ii) Furnishes an ERISA Notice which meets the requirements of § 2520.104b–5 to each person who becomes a participant covered under the plan or a beneficiary receiving benefits after March 2, 1976 but more than 120 days before the date prescribed in paragraph (c), within 90 days after that person becomes a participant covered under the plan or beneficiary receiving benefits, and

(iii) Furnishes a copy of the ERISA Notice, without charge, upon request to any participant covered under the plan or beneficiary receiving benefits to whom no copy of the Notice has been previously furnished.

(2) In the case of a pension plan subject to the provisions of Part 1, Title I of the Act after March 2, 1976 but before December 2, 1976, the plan administrator may defer compliance with the following requirements: to file a copy of the summary plan description with the Secretary within 120 days after becoming subject to Part 1, Title I in accordance with section 104(a)(1)(C) of the Act; to furnish a copy of the summary plan description to participants and beneficiaries receiving benefits within 120 days after becoming subject to Part 1, Title I in accordance with section 104(b)(1) of the Act; to furnish a summary description of such modifications and changes to participants and beneficiaries receiving benefits in accordance with section 104(b)(1) of the Act; and furnish a copy of the latest summary plan description to any participant or beneficiary upon written request in accordance with section 104(b)(4) of the Act; to file with the Secretary material modifications and changes in the information required to be included in the summary plan description in accordance with section 104(a)(1)(D) of the Act; to furnish a summary description of such modifications and changes to participants and beneficiaries receiving benefits in accordance with section 104(b)(1) of the Act; and to furnish a copy of the latest summary plan description to any participant or beneficiary upon written request in accordance with section 104(b)(4) of the Act; if the administrator

(i) Furnishes an ERISA notice which meets the requirements of § 2520.104b–5 within 90 days after the date the plan becomes subject to the provisions of Part 1, Title I to each person who is a participant covered under the plan or beneficiary receiving benefits on the date the plan becomes subject to the provisions of Part 1, Title I,

(ii) Furnishes an ERISA Notice which meets the requirements of § 2520.104b–5 to each person who becomes a participant covered under the plan or a beneficiary receiving benefits after the date on which the plan becomes subject to the provisions of Part 1, Title I but more than 120 days before the date prescribed in paragraph (c), within 90 days after that person becomes a participant covered under the plan or a beneficiary receiving benefits; and

(iii) Furnishes a copy of the ERISA Notice, without charge, upon request to any participant covered under the plan or beneficiary receiving benefits to whom no copy of the Notice has been previously furnished.

(3) The administrator of a pension plan who elects to defer compliance with the requirements described in paragraph (b)(1) or (b)(2) is not required to file a copy of the ERISA Notice with the Secretary; however, such Notice must be furnished to the Secretary upon request in accordance with section 104(a)(1) of the Act.

(c)(1) The administrator of a pension plan which elects to defer compliance with the statutory requirements described in paragraph (b)(1) or (b)(2)

(i) Which files a request for a determination letter within the period prescribed in section 401(b) of the Internal Revenue Code of 1954 and the regulations issued pursuant thereto, shall comply with the requirements described in paragraph (2) on or before, and the requirements described in paragraph (3) on and after, the later of March 31, 1977 or 90 days after the date on which notice of the final determination with respect to the request for a determination letter is issued by the Internal Revenue Service, the request is withdrawn or the request is otherwise finally disposed of;

(ii) Which does not file a request for a determination letter within the period prescribed in section 401(b) of the Internal Revenue Code and the regulations issued pursuant thereto, shall comply with the requirements described in paragraph (2) on or before, and the requirements described in paragraph (3) on and after the later of March 31, 1977 or the close of the period prescribed in section 401(b) of the Internal Revenue Code of 1954 and the regulations issued pursuant thereto.

(2) The following requirements apply on or before the date prescribed in paragraph (1) to a pension plan electing the alternative method of compliance:

(i) The provisions of section 104(a)(1)(C) of the Act and § 2520.104a–3 that require filing a copy of the summary plan description with the Secretary,

(ii) The provisions of section 104(b)(1) of the Act and § 2520.104b–2 that require furnishing a copy of the summary plan description to individuals who are participants covered under the plan or beneficiaries receiving benefits as of 90 days prior to the date prescribed in paragraph (1) and

(iii) The provisions of section 104(b)(1) of the Act and § 2520.104b–2 that require furnishing a summary plan description to individuals within 90 days after they become participants covered under the plan or beneficiaries receiving benefits, if they attain such status later than 90 days before the date prescribed in paragraph (1).

(3) The following requirements apply on or after the date prescribed in paragraph (1) to a pension plan electing the alternative method of compliance:

(i) The provisions of section 104(b)(4) of the Act and § 2520.104b–1 that require furnishing a copy of the latest summary plan description to any participant or beneficiary upon written request and

(ii) The provisions of sections 104(a)(1)(D) and 104(b)(1) of the Act that require filing with the Secretary, and furnishing to participants and beneficiaries receiving benefits a summary description of, material modifications to the plan and changes in information required to be included in the summary plan description, except that no summary description is required to be furnished for material modifications and changes in the information required to be included in the summary plan description if any such modification or change has been incorporated in the initial summary plan description furnished on or before the date prescribed in paragraph (1).

Subpart E—Reporting Requirements

§ 2520.104a–1 Filing with the Secretary of Labor.

(a) *General reporting requirements.* Part 1 of Title I of the Act requires that the administrator of an employee benefit plan subject to the provisions of Part 1 file with the Secretary of Labor certain reports and additional documents. Each report filed shall accurately and comprehensively detail the information required. Where a form is prescribed, the reports shall be filed on that form. The Secretary may reject any incomplete filing. Reports and documents shall be filed as specified in this part.

(b) *Exemption for certain welfare plans.* See §§ 2520.104–20, 2520.104–21, 2520.104–22, 2520.104–24, and 2520.104–25.

(c) *Alternative method of compliance for pension plans for certain selected employees.* See § 2520.104–23.

§ 2520.104a–2 Plan description reporting requirements.

(a) *Filing obligation.* The administrator of an employee benefit plan which is subject to the provisions of Part 1 of Title I of the Act after January 31, 1976, shall file a plan description (Form EBS–1) with the Secretary of Labor within 120 days after the plan becomes subject to Part 1. For example, a plan is established (and becomes subject to the provisions of Part 1) on January 1, 1977. The plan administrator files a plan description by April 30, 1977. For plans subject to Part 1 on or before January 31, 1976, see § 2520.104–3.

(b) *Filing address.* The plan description shall be filed with the Secretary of Labor by mailing it to EBS–I, U.S. Department of Labor, Washington, D.C. 20216 or by delivering it during normal working hours to Room N–4635, Department of Labor, 200 Constitution Avenue, NW., Washington, D.C.

(c) *Special rules for plans subject to deferred initial reporting requirements.* See §§ 2520.104–3, 2520.104–5 and 2520.104–6.

(d) *Contents of the plan description.* See § 2520.102–1.

§ 2520.104a–4 Material modifications to the plan and changes in plan description information.

(a) *Filing obligation.* The administrator of an employee benefit plan subject to the provisions of Part 1 of Title I of the Act shall file with the Secretary of Labor any material modification in the terms of the plan and any change in the information required by section 102(b) of the Act to be included in the plan description, within 60 days after the modification or change is adopted or occurs. This filing date is not affected by retroactive application of an amendment to a prior plan year; a modification "occurs" on the date it is adopted. A plan administrator is not required to file any material modification to the plan or change in information required to be included in the plan description that is

(1) Incorporated in the initial plan description filed pursuant to either section 104(a)(1)(B) of the Act and § 2520.104a–2 or, for plans which become subject to Part 1 of Title I on or before January 31, 1976, pursuant to § 2520.104–3 or

(2) incorporated within 60 days in an updated plan description filed pursuant to section 104(a)(1)(B) of the Act. For example: A new plan is established and subject to Part 1 on January 1, 1977. The plan is modified on February 1, 1977 before the initial plan description is filed. The modification is incorporated in the initial plan description which must be filed with the Secretary on or before April 30, 1977. No separate filing describing the modification is made. The same plan makes another material modification on September 17, 1978. The modification is filed with the Secretary on or before November 15, 1978.

(b) *Reporting form.* Material modifications to plan terms and changes in the information required to be included in the plan description shall be reported on Department of Labor Form EBS–1, "Plan Description." (see § 2520.102–1) in accordance with § 2520.104a–1(a) and the instructions to the Form.

(c) *Filing address.* Material modifications to the plan and changes in the information required to be in the plan description shall be filed with the Secretary of Labor at the address stated in § 2520.104a–2(b).

(d) *Special rules for plans subject to deferred initial reporting requirements.* See § 2520.104–3.

Subpart F—Disclosure Requirements

§ 2520.104b–1 Disclosure.

(a) *General disclosure requirements.* The administrator of an employee benefit plan covered by Part 1 of Title I of the Act must disclose certain material, including reports, statements and documents, to participants and beneficiaries. Disclosure under Part 1 takes three forms. First, the plan administrator must, by direct operation of law, furnish certain material to all participants covered under the plan and beneficiaries receiving benefits under the plan (other than beneficiaries under a welfare plan) at stated times or if certain events occur. Second, the plan administrator must furnish certain material to individual participants and beneficiaries upon their request. Third, the plan administrator must make certain material available to participants and beneficiaries for inspection at reasonable times and places.

(b) *Fulfilling the disclosure obligation.* (1) Where certain material, including reports, statements and documents, is required under Part 1 of the Act and this part to be furnished either by direct operation of law or on individual request, the plan administrator shall use measures reasonably calculated to ensure actual receipt of the material by plan participants and beneficiaries. Material which is required to be furnished to all participants covered under the plan and beneficiaries receiving benefits under the plan (other than beneficiaries under a welfare plan) must be sent by a method or methods of delivery likely to result in full distribution. For example, in-hand delivery to an employee at his or her worksite is acceptable. However, in no case is it acceptable merely to place copies of the material in a location frequented by participants. It is also acceptable to furnish such material as a special insert in a periodical distributed to employees such as a union newspaper or a company publication if the distribution list for the periodical is comprehensive and up-to-date and a prominent notice on the front page of the periodical advises readers that the issue contains an insert with important information about rights under the plan and the Act which should be read and retained for future reference. If some participants and beneficiaries are not on the mailing list, a periodical must be used in conjunction with other methods of distribution such that the methods taken together are reasonably calculated to ensure actual receipt.

Material distributed through the mail may be sent by first, second, or third-class mail. However, distribution by second or third-class mail is acceptable only if return and forwarding postage is guaranteed and address correction is requested. Any material sent by second or third-class mail which is returned with an address correction shall be sent again by first-class mail or personally delivered to the participant at his or her worksite.

(2) For purposes of section 104(b)(4) of the Act, materials furnished upon written request shall be mailed to an address provided by the requesting participant or beneficiary or personally delivered to the participant or beneficiary.

(3) For purposes of section 104(b)(2) of the Act, where certain documents are required to be made available for examination by participants and beneficiaries in the principal office of the plan administrator and in such other places as may be necessary to make available all pertinent information to all participants and beneficiaries, disclosure shall be made pursuant to the provisions of this paragraph.

Such documents must be current, readily accessible, and clearly identified, and copies must be available in sufficient number to accommodate the expected volume of inquiries. Plan administrators shall make copies of the plan description, latest annual report, and the bargaining agreement, trust agreement, contract, or other instruments under which the plan is established or operated available at all times in their principal offices.

They are not required to maintain these plan documents at all times at each employer establishment or union hall or office as described in paragraphs (b)(3)(i), (ii), and (iii) of this section, but the documents must be made available at any such location within ten calendar days following the day on which a request for disclosure at that location is made.

Plan administrators shall make plan documents available at the appropriate employer establishment or union meeting hall or office within the required ten day period when a request is made directly to the plan administrator or through a procedure establishing reasonable rules governing the making of requests for examination of plan documents. If a plan administrator prescribes such a procedure and communicates it to plan participants and beneficiaries, a plan administrator will not be required to comply with a request made in a manner which does not conform to the established procedure. In order to comply with the requirements of this section, a procedure for making requests to examine plan documents must permit requests to be made in a reasonably convenient manner both directly to the plan administrator and at each employer establishment, or union meeting hall or office where documents must be made available in accordance with this paragraph. If no such reasonable procedure is established, a good faith effort by a participant or beneficiary to request examination of plan documents will be deemed a request to the plan administrator for purposes of this paragraph.

(i) In the case of a plan not maintained according to a collective bargaining agreement, including a plan maintained by a single employer with more than one establishment, a multiple employer plan, and a plan maintained by a controlled group of corporations (within the meaning of § 1563(a) of the Internal Revenue Code of 1954 (the Code), determined without regard to § 1563(a)(4) and (e)(3)(C) of the Code), documents shall be made available for examination in the principal office of the employer and at each employer establishment in which at least 50 participants covered under a plan are customarily working. "Establishment" means a single physical location where business is conducted or where services or industrial operations are performed. Where employees are engaged in activities which are physically dispersed, such as agriculture, construction, transportation and communications, the "establishment" shall be the place to which employees report each day. When employees do not usually work at, or report to, a single establishment—for example, traveling salesmen, technicians, and engineers—the establishment shall be the location from which the employees customarily carry out their activities—for example the field office of an engineering firm servicing at least 50 participants covered under the plan.

(ii) In the case of a plan maintained solely by an employee organization, the plan administrator shall take measures to ensure that documents are available for examination at the meeting hall or office of each union local in which there are at least 50 participants covered under the plan. Such measures shall include distributing copies of the documents to each union local in which there are at least 50 participants covered under the plan.

(iii) In the case of a plan maintained according to a collective bargaining agreement, including a collectively bargained single employer plan with more than one establishment, a collectively bargained multiple employer plan, and a multiemployer plan which meets the definition of section 3(37) of the Act, § 2510.3-37 of this chapter, and section 414(b) of the Internal Revenue Code of 1954 and 26 CFR § 1.414(f) (40 CFR 43034), documents shall be made available for examination in the principal office of the employee organization and at each employer establishment in which at least 50 participants covered under the plan are customarily working. In employment situations where employees do not usually work at, or report to, a single establishment, the plan administrator shall take measures to ensure that plan documents are available for examination at the meeting hall or office of each union local in which there are at least 50 participants covered under the plan.

(c) *Participant and beneficiary status for purposes of section 101(a) and 104(b)(1) of the Act and Subpart F of this part.* See §§ 2510.3-3(d)(1), 2510.3-3(d)(2) and 2520.3-3(d)(3) of this chapter.

(d) *Beneficiary status for purposes of sections 104(b)(2) and 104(b)(4) of the Act and Subpart F of this part.* See Sec. 3(8), Pub. L. 93-406, 88 Stat. 834, 29 U.S.C. 1002(8).

(e) *Break in service for purposes of sections 101(a) and 104(b)(1) of the Act and Subpart F of this part.* See § 2510.3-3(d)(3) of this chapter.

§ 2520.104b-5 ERISA Notice.

(a) *Obligation to furnish.* The administrator of an employee benefit plan who elects the deferral provided by §§ 2520.104-5 or 104-6 must furnish a copy of an ERISA Notice to participants and beneficiaries as described in those sections.

(b) *Content, style and format.*

The ERISA Notice shall include:

(1) The name of the plan,

(2) The name, business address, business telephone number and Employer Identification Number of the plan administrator,

(3) A statement describing certain reporting and disclosure provisions of the Act, including the requirements to:

(i) File with the Secretary of Labor a plan description, in accordance with sections 104(a)(1)(B) of the Act,

(ii) File with the Secretary an annual financial statement, in accordance with section 104(a)(1)(A) of the Act,

(iii) Furnish to participants and beneficiaries a summary of the annual financial report, in accordance with section 104(b)(3) of the Act,

(iv) Furnish plan documents and information at a reasonable charge upon written request of a participant or beneficiary, in accordance with section 104(b)(4) of the Act, and

(v) Make plan documents available for examination at the plan administrator's office and certain other locations, in accordance with section 104(b)(2) of the Act,

(4) A statement that fiduciaries have obligations imposed by the Act to act prudently and solely in the interest of participants and beneficiaries of the plan,

(5) In the case of pension plans,

(i) A statement that the plan must meet certain new standards for participation, vesting and accrual of benefits and a brief statement of them, and

(ii) A general explanation of the plan amendment process that the plan has followed or will follow to comply with ERISA, including the dates of the first plan year to which amendments must apply, and the impact of any retroactive amendment.

The ERISA Notice may contain explanatory and descriptive provisions in addition to those prescribed herein. However, the style and format of the ERISA notice shall not have the effect of misleading, misinforming or failing to inform participants and beneficiaries of a plan. Any additional explanatory information shall be written in a manner calculated to be understood by the average plan participant, taking into account factors such as the level of comprehension and education of typical participants in the plan and the complexity of the items required under this section to be included in the ERISA Notice. Inaccurate or misleading explanatory material will fail to meet the requirements of this section.

(c) *Model ERISA Notice.* A plan administrator who uses the sample language of paragraph (1) or (2) will be deemed to meet the requirements of this section unless he has reason to know that the use of such language would be seriously misleading or incomplete as applied to the plan.

(1) Model ERISA Notice for pension plans.

On Labor Day of 1974 a new law was enacted to protect the interests of workers in pension and welfare benefits connected with their jobs. Its title is "Employee Retirement Income Security Act of 1974", but it is often referred to by its initials—ERISA.

ERISA requires plan administrators—the people who run plans—to tell you the most important facts you need to know, in writing and free of charge. They must also let you look at plan documents, and buy copies of them at reasonable cost if you ask. ERISA says that pension plans must give you certain minimum rights. For example, ERISA controls when you can join the plan. Also, a great many people have control over employee benefit plans. ERISA says that these people—called "fiduciaries"—must act solely in your interest and must be prudent in carrying out their plan duties. ERISA also has other special rules that limit what a fiduciary is allowed to do. Fiduciaries who violate ERISA may be removed, and may have to make good losses they cause to the plan.

Because ERISA contains many provisions which may affect your retirement benefits,

you should contact (name of plan administrator, business address, business telephone and Employer Identification Number) before making decisions about your future or retirement plans.

ERISA requires (name of administrator), the administrator of (name of plan), to file certain information about the plan with the U.S. Department of Labor. A description of the plan's provisions must be filed with the Department of Labor by May 30, 1976. (Name of Administrator) must also file an annual report with the Department of Labor by (date). The annual report gives detailed financial information about the plan. (Name of plan administrator) is also required to send a summary of the annual financial report to you, at no charge.

In addition, plan documents and other plan information must be provided to you by (name of plan administrator) if you request this information in writing. (Name of Plan Administrator) may make a reasonable charge for these documents. You may wish to find out how much the charge will be before making a written request. However, all plan documents must be made available for your examination at (office address of plan administrator) and certain other locations, such as worksites and union halls, at no charge.

ERISA also requires the (name of plan) to meet certain new standards for pension plans. These minimum standards determine when an employee must become eligible to participate in a plan, when he or she has a vested right (one which cannot be taken away, except in limited circumstances) to certain benefits, and the rate at which benefits must accrue in the participant's behalf.

(Choose the appropriate one of the following two paragraphs.)

Optional Paragraph 1.

The (name of plan) has NOT been amended to meet these standards yet. ERISA requires that (name of plan) apply the new standards to the plan year starting on (start of 1976 plan year). But ER SA does not require the plan to make amendments by (start of 1976 plan year). The amendments may come later. When they are made, they must be applied back to (start of 1976 plan year). For example, if you were not eligible to join the plan under the rule in force (start of 1976 plan year), but the amendment would make you eligible, the plan must count you as a member starting with (start of 1976 plan year).

Optional Paragraph 2.

The (name of plan) already has been amended. However, further plan amendments may have to be made to comply with ERISA standards. (Name of plan administrator) will provide information regarding these amendments.

As a result of the modifications which will be made, your right to a pension and the form and amount of your pension may be affected. Regardless of your age, if you are thinking about changing jobs or retiring you should contact (administrator, personnel office) about your pension situation before making any decisions.

If you have any questions about this Notice or your rights, contact (name of plan administrator). Also, the nearest Area Office of the Labor Department has people who will be able to assist you or provide you with additional information.

(2) Model ERISA Notice for welfare plans.

On Labor Day of 1974 a new law was enacted to protect the interests of workers in pension and welfare benefits connected with their jobs. Its title is "Employee Retirement Income Security Act of 1974" but it is often referred to by its initials—ER SA.

ERISA requires plan administrators—the people who run plans—to tell you the most important facts you need to know, in writing and free of charge. They must also let you look at plan documents, and buy copies of them at reasonable cost if you ask.

Also, a great many people have control over employee benefit plans. ERISA says that these people—called "fiduciaries"—must act solely in your interest and be prudent in carrying out their plan duties. ER SA also has other special rules that limit what a fiduciary is allowed to do. Fiduciaries who violate ERISA may be removed, and have to make good losses they cause to the plan.

ERISA requires (name of administrator), the administrator of (name of plan), to file certain information about the plan with the U.S. Department of Labor. A description of the plan's provisions must be filed with the Department of Labor by May 30, 1976. (Name of Administrator) must also file an annual report with the Department of Labor by (date). The annual report gives detailed financial information about the plan. (Name of plan administrator) is also required to send a summary of the annual financial report to you, at no charge.

In addition, plan documents and other plan information must be provided to you by (name of plan administrator) if you request this information in writing. (Name of Plan Administrator) may make a reasonable charge for these documents. You may wish to find out how much the charge will be before making a written request. However, all plan documents must be made available for your examination at (office address of plan administrator) and certain other locations, such as worksite and union halls, at no charge.

Certain amendments in the (name of plan) may have been made or may be made to meet the requirements of ERISA. (Name of plan administrator) will provide information regarding these amendments.

If you have any questions about this Notice or your rights, contact (name of plan administrator). Also, the nearest Area Office of the Labor Department has people who will be able to assist you or provide you with additional information.

(d) *Obligation to furnish for certain multiemployer plans.* In the case of a multiemployer plan which was in existence on January 1, 1974, and which does not, as of May 30, 1976, maintain complete records of participants covered under the plan, the Secretary will consider that the plan administrator has used methods reasonably calculated to ensure timely receipt of the ERISA Notice by participants covered under the plan and beneficiaries receiving benefits under a pension plan if the plan administrator takes the following measures for compliance:

(1) No later than May 30, 1976, the plan administrator shall furnish a copy of the ERISA Notice to all participants and beneficiaries of a pension plan who, as of March 2, 1976, are receiving benefits under the plan.

(2) No later than May 30, 1976, the plan administrator shall take measures to distribute copies of the ERISA Notice to substantially all individuals who, as of March 2, 1976, are participants covever under the plan and who can be identified. These measures may include the following:

(i) The plan administrator may deliver copies of the ERISA Notice to employers whose employees are participants covered under the plan, or employee organizations whose members are participants covered under the plan, or to both, in sufficient quantity and sufficiently in advance of May 30, 1976, to enable such employers or employee organizations to furnish them to employees or members who are participants covered under the plan by that date.

(ii) The administrator may publish the ERISA Notice before May 30, 1976, in a periodical or periodicals, the circulation of which includes participants covered under the plan.

(3) The plan administrator shall take measures to ensure that all individuals who become participants covered under the plan after March 2, 1976 (see §§ 2520.-104–5 and 104–6) receive copies of the ERISA Notice within 90 days after becoming such participants. These measures may include the following:

(i) The plan administrator may deliver copies of the ERISA Notice to employers whose employees are participants covered under the plan, to employee organizations whose members are participants covered under the plan, or to both, in sufficient quantity and with sufficient frequency to enable such employers or employee organizations to furnish them to participants within 90 days after they become participants covered under the plan.

(ii) The plan administrator may publish the ERISA Notice or a statement that the Notice may be secured on request free of charge and how it may be secured, in a periodical or periodicals, the circulation of which includes participants covered under the plan, at regular intervals after May 30, 1976.

(4) In instances where the plan administrator relies on employers or employee organizations to perform duties relating to the distribution of the ERISA Notice to participants covered under the plan, the plan administrator should take whatever steps are necessary and feasible under the circumstances to ensure that employers or employee organizations actually perform those duties. For example, after a prompt meeting of the Board of Trustees of a multiemployer plan, a plan administrator secures written commitments from appropriate employers and employee organizations that they will distribute copies of the ERISA Notice to identifiable participants covered under the plan who are in their workforce or membership.

§ 2520.104b–30 Charges for documents.

(a) *Application.* The plan administrator of an employee benefit plan may impose a reasonable charge to cover the cost of furnishing to participants and beneficiaries upon their written request as required under section 104(b)(4) of the Act, copies of the following information, statements or documents: the latest updated summary plan description, and the latest annual report, any terminal report, the bargaining agreement, trust agreement, contract, or other instru-

ments under which the plan is established or operated. No charge may be assessed for furnishing information, statements or documents as required by other provisions of the Act, which include, in Part 1 of Title I, sections 104 (b) (1), (2), (3) and (c) and 105 (a) and (c).

(b) *Reasonableness.* The charge assessed by the plan administrator to cover the costs of furnishing documents is reasonable if it is equal to the actual cost per page to the plan for the least expensive means of acceptable reproduction, but in no event may such charge exceed 25 cents per page. For example, if a plan printed a large number of pamphlets at $1.00 per 50-page pamphlet, the actual cost of reproduction for the entire pamphlet ($1.00) would be equal to 2 cents per page. If only one page of such a pamphlet were requested, the actual cost of providing that page from the printed copy would be $1.00, since the copy would no longer be complete. In such a case, the least expensive means of acceptable reproduction would be individually reproducing the page requested at a charge of no more than 25 cents. On the other hand, if six pages of the same plan document were requested and each page cost 20 cents to be reproduced, the actual cost of providing those pages would be $1.20. In such a case, if a printed copy is available, the least expensive means of acceptable reproduction would be to use pages from the printed copy at a charge of no more than $1.00. No other charge for furnishing documents, such as handling or postage charges, will be deemed reasonable. The plan administrator shall provide information to a plan participant or beneficiary, upon request, about the charge that would be made to provide a copy of material described in this paragraph.

Effective date: April 23, 1976.

Signed at Washington, D.C. this 20th day of April, 1976.

JAMES D. HUTCHINSON,
Administrator for Pension and Welfare Benefit Programs.

[FR Doc.76-11859 Filed 4-22-76;8:45 am]

Title 20—Employees' Benefits

CHAPTER V—EMPLOYMENT AND TRAINING ADMINISTRATION

PART 614—UNEMPLOYMENT COMPENSATION FOR EX-SERVICEMEN

Schedule of Remuneration

On January 20, 1976, a document was published in the FEDERAL REGISTER (41 FR 2828) proposing to amend 20 CFR 614.19, which prescribes the schedule used in computing Federal wages of ex-servicemen and ex-servicewomen covered under the program of Unemployment Compensation for Ex-servicemen (UCX program) established by Subchapter II of Chapter 85 of Title 5, United States Code (5 U.S.C. 8521-8525). Effective as of October 1, 1975, rates of monthly basic pay for members of the uniformed services were adjusted upward by Executive Order 11883 (40 FR 47091). The proposal published on January 20, 1976, would make corresponding adjustments in the schedule in 20 CFR 614.19.

Public comment. Interested persons were invited to submit comments on or before February 19, 1976, on the proposal to amend the schedule of remuneration in 20 CFR 614.19. One public comment was received. It suggested that the basis for computing the schedule of remuneration take into account benefits not contained in "regular military compensation" (RMC). RMC, the basis used in computing the schedule of remuneration, includes basic pay, basic allowances for quarters and subsistence, and the Federal tax advantage to military personnel accruing to the aforementioned allowances because the allowances are not subject to Federal income tax. See section 101(25) of Title 37, United States Code. The public comment suggested that other fringe benefits also be considered in computing the schedule, such as health care, commissary and exchange rights, FICA payments, and military retirement contributions. The comment alternatively suggested using RMC as a basis for the computation, as is done at present, but also taking into consideration the average number of service years that a military person completes by the time she or he reaches the middle of the pay scale that is associated with each rank.

The public comment was given due consideration but was not adopted for the following reasons:

1. Using RMC is the most reasonable method of meeting the requirements of Chapter 85 of Title 5, United States Code. Section 8502(b) of that chapter provides that compensation shall be paid to a former Federal employee in the same amount, on the same terms, and subject to the same conditions as compensation would be paid under the unemployment compensation law of the State in which the employee's last official station was located, if the employee's Federal service and Federal wages assigned under section 8504 of the chapter to the State had been included as employment and wages under that State law. Section 8521(a)(2) of that chapter applies section 8502(b) to UCX as well. Therefore, the miscellaneous fringe benefits, such as health care, commissary and exchange rights, FICA payments, and military retirement contributions, which are not considered in determining the prior wages of claimants for State unemployment compensation and unemployment compensation for former Federal civilian employees, should not be taken into consideration for UCX.

2. The alternative suggestion was to use the RMC, but also to take into account the claimant's length of service. This suggestion is not adopted because individuals who file for unemployment compensation under a State unemployment compensation law or under the program of unemployment compensation for former Federal civilian employees receive no increase in compensation due to the length of service in their prior employment. Length of service is taken into consideration already, however, since the schedule takes into account the average basic pay for all individuals in each pay grade.

Early effective date. Since this amendment grants a public benefit, and since the adjustment of basic military pay was effective October 1, 1975, it is essential to effectuate the increased compensation rights of military personnel by making the amendment effective as soon as possible, and to affirm administrative action putting the new schedule into effect on January 25, 1976. Therefore, as stated in paragraph (a) of the amended § 614.19, the revised schedule of remuneration shall be effective and apply to first claims under the UCX Program filed on or after January 25, 1976. Accordingly, 20 CFR 614.19 is amended to read as set forth below.

Effective date: January 25, 1976.

Signed at Washington, D.C., on April 16, 1976.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

Section 614.19 of Chapter V of Title 20, Code of Federal Regulations, is amended to read as follows:

§ 614.19 Schedule of remuneration.

(a) The following schedule of remuneration is issued pursuant to 5 U.S.C. 8521(a)(2), and shall be effective and apply to first claims under the UCX program filed on or after January 25, 1976.

Pay grade:	*Monthly rate*
1. Commissioned officer:	
O-10	$3,814
O-9	3,814
O-8	3,809
O-7	3,379
O-6	2,820
O-5	2,325
O-4	1,918
O-3	1,600
O-2	1,278
O-1	955
2. Warrant officer:	
W-4	1,833
W-3	1,527
W-2	1,244
W-1	1,114
3. Enlisted personnel:	
E-9	1,580
E-8	1,338
E-7	1,166
E-6	1,003
E-5	838
E-4	708
E-3	639
E-2	596
E-1	546

(b) The deletion from paragraph (a) of this section of the schedule of remuneration published at 40 FR 3, which was applicable prior to the effective date of the new schedule of remuneration set forth in paragraph (a) of this section, does not revoke the prior schedule or any preceding schedule or change the periods of time they were in effect.

(5 U.S.C. 8508, 8521(a)(2); Secretary's Order No. 4-75 (40 FR 18515).)

[FR Doc.76-11802 Filed 4-22-76;8:45 am]

Title 45—Public Welfare

SUBTITLE A—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, GENERAL ADMINISTRATION

PART 19—LIMITATIONS ON PAYMENT OR REIMBURSEMENT FOR DRUGS

Extension of Effective Date

This notice extends until August 26, 1976, the effective date of § 19.3 of Department regulations establishing "Limitations on Payments or Reimbursement for Drugs" (hereinafter referred to as the MAC ("maximum allowable cost") regulations). The MAC regulations were published on July 31, 1975 (40 FR 32284). A correction to § 19.3 was published on August 20, 1975 (40 FR 36342). This notice also extends to August 26, 1976, the effective dates for regulations published by various Department program agencies designed to implement the MAC regulations; such regulations were published by the Social Security Administration (20 CFR § 405.433), the Public Health Service (42 CFR §§ 50.501–50.504) and the Social and Rehabilitation Service (45 CFR § 250.30) on August 15, 1975 (40 FR 34512, 34513, 34516).

This extension of effective date results from information received by the Department from several State Medicaid programs that the present effective date of April 26, 1976, does not provide the State programs with sufficient time to establish estimated drug acquisition cost limits ("EAC limits") for the purposes of State payments under § 19.3 of the MAC regulations. In addition, procedures used by the Department for gathering and supplying EAC information for the guidance of all program agencies have been determined to need further development to make that information more current.

The Secretary has decided to grant additional time for State agencies to establish and utilize EAC limits and to permit the Department to update EAC information for guidance of program agencies. However, programs that are prepared to implement the EAC limitations on reimbursement before the extended effective date are not prohibited from so doing, and the Secretary encourages the implementation of State plans as they are completed.

This extension of effective date will have the effect of extending also the effective date for reimbursement limitations established for multiple-source drugs ("MAC limits"). While the Secretary believes it would be possible to separate these MAC provisions from the EAC provisions of the regulations, and thereby establish MAC limits for multiple-source drugs on the basis of other than EAC data, he is of the opinion that it is preferable from an administrative standpoint to preserve the overall scheme contemplated by the MAC regulations, i.e., that both multiple and single-source reimbursement be based on EAC figures, and thus has decided to extend as well the effective date of the MAC reimbursement provisions of the regulations. The effect on the MAC provisions will as a practical matter be minor; the Department is in the process of implementing the procedures by which MAC limits are to be established, and MAC limits would likely not in any event be established before the extended effective date. The extension of effective date will not have any effect on the Department's efforts to implement the procedures for establishing MAC limits.

In light of the above, the effective date of section 19.3 of Title 45, section 405.433 of Title 20, sections 50.501–50.504 of Title 42, and section 250.30 of Title 45, Code of Federal Regulations, is extended from April 26, 1976, to August 26, 1976.

Dated: April 22, 1976.

MARJORIE LYNCH,
Acting Secretary.

[FR Doc.76-12053 Filed 4-22-76;10:54 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 DEFENSE

Corps of Engineers

[33 CFR Part 209]

PERMITS FOR ACTIVITIES IN NAVIGABLE WATERS OR OCEAN WATERS

Fee Requirements

Notice is hereby given that the Secretary of the Army (acting through the Chief of Engineers) is proposing to revise paragraph (h)(2)(ii) 33 CFR 209.120 concerning fee requirements in the processing of applications for permits. This revision is being made pursuant to a recommendation of the U.S. General Accounting Office (GAO) and the following statutory authorities: The Independent Offices Appropriation Act (31 SC 483a) and Section 104(b) of the Marine Protection, Research and Sanctuaries Act of 1972 (33 USC 1414(b)).

To help defray the cost of administering its permit program, the Corps of Engineers intends to charge fees for all permit applications on either a "commercial" or "non-commercial" basis.

The Corps has historically charged fees for permit applications under Section 404 of the Federal Water Pollution Control Act of 1972 (FWPCA) (33 USC 1344) and Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (MPRSA) (33 SC 1413). Applicants for permits for these activities are currently required to pay a fee of $100 per application if the quantity of the material to be discharged in navigable waters or to be dumped in ocean waters exceeds 2,500 cubic yards; if the quantity of material is 2,500 cubic yards or less, the fee is $10 per application. Fees have not, however, been imposed for permit applications under Sections 9 and 10 of the River and Harbor Act of 1899 (33 USC 401, 403).

The following is a summary of the proposed change to the regulation:

A The fees will be imposed on the basis of either "commercial" or "non-commercial" categories, for all permit applications under Section 404 of the FWPCA, Section 103 of the MPRSA, and Sections 9 and 10 of the River and Harbor Act of 1899. A fee of $100 will be charged for permit applications involving commercial work and a $10 fee will be imposed if the work is non-commercial in nature. The new fee schedule will supersede the current fee schedule for Sections 404 and 103 applications as described in the paragraph above.

B Fees will be collected at the time the application is submitted to the Corps and deposited in a "suspense fund" account. At the time the permit is issued, the fee will be transferred to the Treasury of the United States. If the applicant withdraws his application at any time prior to issuance or if his application is denied, the fee will be returned.

C Multiple fees will not be charged if more than one law is applicable.

D When a permit is transferred from one property owner to another, no fee will be assessed.

E If the modification of previously permitted work is significant enough to require a permit, a fee will also be required.

F No additional fees will be required for time extensions to permits.

G There will be no charge for general permits, as these permits are to be issued to the public at large.

The choice of the $10 and $100 fee range compares favorably with the fees established by the Environmental Protection Agency in the 22 May 1973 promulgation of poliices and procedures for the National Pollutant Discharge Elimination System (NPDES) pursuant to Sections 402 and 405 of the FWPCA of 1972. The fees imposed under the NPDES reflect the nature of the facility that will discharge the pollutant, i.e., a $10 fee for private applications or municipal wastewater treatment facilities, and a $100 fee for applications by services, wholesale and retail trade, and all other commercial establishments.

Prior to adoption of the proposed fee schedule, consideration will be given to any comments, suggestions or objections which are submitted in writing to the Chief of Engineers, Forrestal Building, Washington, D.C. 20314 ATTN: DAEN-CWO-N, within 30 days of date of publication in the FEDERAL REGISTER.

§ 209.120 Permits for Activities in Navigable Waters or Ocean Waters.

* * * * *

(h) Applications for Authorizations.

(1) * * *

(2) * * *

(i) * * *

(ii) If the activity includes the discharge of dredged or fill material in the navigable waters or the transportation of dredged material for the purpose of dumping it in the ocean waters, the application must include the source of the material, a description of the type, composition and quantity of the material, the method of transportation and disposal of the material, and the location of the disposal site. Certification under Section 401 of the Federal Water Pollution Control Act is required for such discharges into navigable waters. In addition, fees will be imposed on the basis of either "commercial" or "non-commercial" categories, for all permit applications under Section 404 of the Federal Water Pollution Control Act, Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 and Sections 9 and 10 of the River and Harbor Act of 1899. A fee of $100 is to be charged for permit applications involving commercial work and a $10 fee is to be imposed if the work is non-commercial in nature. Fees will be collected at the time the application is submitted to the Corps and deposited in a "suspense fund" account. At the time the permit is issued, the fee will then be transferred to the Treasury of the United States. If the applicant withdraws his application at any time prior to issuance or if his application is denied, the fee will be returned to the applicant. Multiple fees are not to be charged if more than one law is applicable; however, the largest of the possible fees will be charged. Any modification significant enough to require a permit will also require a fee. No fee will be assessed when a permit is transferred from one property owner to another. No fees will be charged for time extensions or general permits. Agencies or instrumentalities of Federal, State or local governments will not be required to pay any fee in connection with applications for permits. This fee structure will be reviewed from time to time.

* * * * *

Dated: April 12, 1976.

MARVIN W. REES,
Colonel, Corps of Engineers,
Executive Director of Civil Works.

[FR Doc.76-11797 Filed 4-22-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF DATES

Miscellaneous Amendments

Notice is hereby given that the United States Department of Agriculture is proposing amendments to the United States Standards for Grades of Dates (7 CFR, 52.1001-52.1011). This grade standard is issued under authority of the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended, 7 U.S.C. 1624), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this Act upon request of the applicant and upon payment of a fee to cover the cost of such service.

All persons who desire to submit written data, views, or arguments for con-

sideration in connection with the proposed amendments should file the same in duplicate by May 24, 1976, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, DC 20250. All written submittals made pursuant to this notice will be available for public review at the Office of the Hearing Clerk during regular business hours (7 CFR, 1.27(b)).

NOTE: Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

Statement of consideration leading to the proposed amendments. The Food and Drug Administration (FDA) and the United States Department of Agriculture recognize that it is not now, and never has been, possible to grow, harvest and process crops that are totally free of natural or unavoidable defects. To allow for instances when this type of defect appears in a product, the FDA has established defect levels for natural or unavoidable defects in food for human use that present no health hazard, although such defect might be aesthetically unpleasant.

The purpose of proposing the amendments to the United States Standards for Grades of Dates is to eliminate the conflict with the present FDA action levels with respect to pits. This would be accomplished by eliminating specific reference to pits in the U.S. standards which would automatically make FDA tolerances applicable.

Therefore, it is proposed to revise § 52.1008 to read as follows:

§ 52.1008 Absence of defects.

(a) Definition of defects. * * *

(b) *(A) classification.* Whole or pitted dates that are practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that the number of defective units in whole or pitted dates does not exceed the total allowance or limitations shown in Chart I of this subpart.

(c) *(B) classification.* If the whole or pitted dates or whole dry dates for processing are reasonably free from defects, a score of 24 to 26 points may be given. Dates that fall into this classification shall not be graded above U.S. Grade B or U.S. Choice or U.S. Grade B (Dry) or U.S. Choice (Dry), whichever is applicable, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the number of defective units in whole or pitted dates for processing does not exceed the total allowance or limitations shown in Chart II of this subpart.

(d) *(C) classification.* If the whole or pitted dates, whole dry dates for processing, date pieces, or macerated dates are fairly free from defects, a score of 21 to 23 points may be given. Dates that fall into this classification shall not be graded above U.S. Grade C or U.S. Standard or U.S. Grade C (Dry) or U.S. Standard (Dry), whichever is applicable, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" has the following meanings with respect to the following styles:

(1) *Whole.* The number of defective units in whole dates or whole dry dates for processing does not exceed the total allowances and limitations shown in Chart III of this subpart.

(2) *Pitted.* The number of defective units in pitted dates does not exceed the total allowance and limitations shown in Chart III of this subpart.

(3) *Pieces; macerated.* The units or mass consist of clean and sound date material, fairly free from defects that seriously affect the appearance, edibility, or keeping quality of the product.

(e) *(SStd) classification.* Dates that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

* * * * *

Dated: April 20, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-11849 Filed 4-22-76;8:45 am]

Animal and Plant Health Inspection Service

[7 CFR Part 330]

REQUIREMENTS FOR INSPECTION OF VESSELS AND AIRCRAFT AND OF PRODUCTS AND ARTICLES THEREON

Notification and Documents Presentation

o The purpose of this document is to propose amendments to regulations in 7 CFR Part 330 to require advance notification of arrival of vessels and aircraft and presentation of documents for purposes of agricultural inspection. •

Notice is hereby given pursuant to the administrative procedure provisions of 5 U.S.C. 553, that the Animal and Plant Health Inspection Service (APHIS), proposes to amend 7 CFR Part 330 by adding a new subpart, "Notification and Documents Presentation Requirements for Inspection of Vessels and Aircraft and of Products and Articles Thereon." The new subpart would prescribe requirements for advance notification of arrival and presentation of specified documents directly to the appropriate APHIS inspector with respect to vessels or aircraft arriving in the United States (the States, the District of Columbia, Guam, Puerto Rico, or the U.S. Virgin Islands) from any place outside thereof, or arriving in the continental United States from Hawaii, Guam, Puerto Rico, or the U.S. Virgin Islands and arriving at each subsequent stop within the United States. The proposal also provides for exemptions from the proposed requirements. It is further proposed to change the heading of Part 330 as set forth herein.

Statement of considerations: Vessels and aircraft pose a threat of carrying dangerous "hitchhiking" plant pests and diseases into the United States. The U.S. Department of Agriculture is charged with the responsibility for keeping such pests and diseases from entering and becoming established in the United States. Detection and interception requires the effort of trained and experienced agricultural inspectors, and the proposed requirements with respect to notification of arrival and presentation of documents would appear to be helpful in assisting inspectors to discover prohibited or restricted articles.

The proposal would exempt certain vessels and aircraft from provisions relating to notification and presentation of documents. Under the proposal vessels and aircraft not carrying persons or cargo for fare would be exempted because they are inspected for agricultural purposes by other inspection agencies which would appear to preclude the need for further inspection. Aircraft which are preflight inspected by an inspector for plant pests and diseases in Hawaii, Puerto Rico, Virgin Islands, Nassau, and Bermuda would not appear to require further inspection, and therefore, it is proposed that such inspected aircraft be exempted. It is proposed to exempt vessels and aircraft arriving in the United States from Canada, because it appears that there is minimal risk of plant pests and diseases from Canada. Military personnel inspect certain military aircraft requiring inspection, and therefore, it is proposed to exempt such aircraft from the proposed provisions.

Pursuant to the Federal Plant Pest Act 7 U.S.C. 150aa *et seq.* and the Plant Quarantine Act (7 U.S.C. 151 *et seq.*) it is proposed to amend 7 CFR 330 in the following respects:

1. It is proposed to change the heading for Part 330 to read as follows:

PART 330—FEDERAL PLANT PEST REGULATIONS, GENERAL; PLANT PESTS; SOIL, STONE, AND QUARRY PRODUCTS; GARBAGE; NOTIFICATION AND DOCUMENT PRESENTATION REQUIREMENTS FOR CLEARANCE FOR VESSELS AND AIRCRAFT AND FOR PRODUCTS AND ARTICLES THEREON

2. It is proposed to add a new subpart to Part 330 to read as follows:

Subpart—Notification and Documents Presentation Requirements for Inspection of Vessels and Aircraft and of Products and Articles Thereon

§ 330.500 Notification of arrival; presentation of documents.

(a) *Notification of arrival.* The master of any vessel, pilot of any aircraft, or other representative of such vessel or aircraft arriving in the United States from any place outside thereof, or arriving in the continental United States from Hawaii, Guam, Puerto Rico, or the U.S. Virgin Islands, shall notify by radio, wire, or by other means prior to arrival, the Animal and Plant Health Inspection Service (APHIS), Plant Protection and Quarantine Programs' office which serves the intended place of arrival, and shall notify by radio, wire, or other means prior to each subsequent stop within the United States, the Animal and Plant Health Inspection Service, Plant Protec-

tion and Quarantine Programs office which serves such place. Such notifications shall specify the estimated date and time of arrival and, if known, the place of arrival, e.g. the dock, pier, wharf, mole, anchorage, apron, gate. However, such notification shall not be required with respect to any subsequent stop in the United States if an inspector determines that such notification would not be necessary in order to prevent the dissemination into or within the United States of plant pests and diseases.

(b) *Presentation of documents.* (1) The master of any such vessel, or other representative of such vessel, as described in paragraph (a) shall, upon arrival, in the United States and at each subsequent stop in the United States, prior to the unloading from the vessel of any person, cargo, baggage, products, or articles, provide to the boarding inspector a copy of a cargo manifest, the crew's effects list, and a stores list, accurately describing the cargo, crew's effects, and stores aboard.

(2) The pilot of any such aircraft or other representative of such aircraft as described in paragraph (a) of this section, shall upon arrival in the United States and at each subsequent stop in the United States, prior to the unloading from the aircraft of any person, cargo, baggage, products, or articles, present to the boarding inspector a manifest accurately describing the cargo aboard the aircraft.

(3) Such presentation of documents with respect to vessels or aircraft shall not be required with respect to any subsequent stops in the United States if an inspector determines that such presentation of documents would not be necessary in order to prevent the dissemination into or within the United States of plant pests and diseases.

(c) *Exemptions from requirements.* The following shall be exempted from the requirements of this section:

(1) Vessels and aircraft not carrying persons or cargo for fare;

(2) Vessels and aircraft that originate only in Canada or the United States and land only in Canada and the United States;

(3) Aircraft preflight inspected in Nassau and Bermuda;

(4) Aircraft preflight inspected at Hawaii pursuant to 7 CFR 318.13–10;

(5) Aircraft preflight inspected at Puerto Rico or the Virgin Islands pursuant to 7 CFR 318.58–14;

(6) Military aircraft inspected by military personnel. Any person wishing to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Regulatory Support Staff, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building, Hyattsville, Maryland 20782, by May 24, 1976.

All written submissions made pursuant to this notice will be made available for public inspection in Room 633, Federal Building, Hyattsville, Maryland 20782, during regular hours of business, unless the person makes the submission to the Regulatory Support Staff, Plant protection and Quarantine Programs, and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure could adversely affect any person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in the support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Done at Washington, D.C., this 19th day of April 1976.

JAMES O. LEE, Jr.,
Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service.

[FR Doc.76–77841 Filed 4–22–76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR Part 250]

MEDICAL ASSISTANCE PROGRAM

Limitations on Coverage of Inpatient Hospital Costs

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Acting Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The purpose of these regulations is to conform, where applicable, with regulations published in the FEDERAL REGISTER of June 6, 1974 (39 FR 20164) which establish cost limits under Section 223 of Pub. L. 92–603 in the Medicare program (title XVIII, Social Security Act). These regulations also affect the medical assistance program under title XIX, Social Security Act (Medicaid). The Title XVIII regulations provide that:

1. In the determination of the allowability of provider costs, costs estimated to be in excess of those necessary in the efficient delivery of needed health services are excluded. This is accomplished through the establishment of prospective per diem cost limitations on the inpatient general routine service costs. These limitations are subject to periodic change.

2. A provider of services which customarily furnishes an individual items or services which are more expensive than the items or services determined to be necessary in the efficient delivery of needed health services may, subject to meeting certain criteria, charge an individual entitled to benefits under title XVIII for such more expensive items or services even though not requested by the individual.

Title XIX regulations currently require that, except where an alternative reimbursement method is approved, reimbursement for inpatient hospital services must be made on the same basis as determined under title XVIII, excluding the routine nursing salary cost differential recognized by title XVIII: However, under title XIX, hospitals must accept the State's vendor payment as payment in full for the services rendered. (45 CFR 250.30(a)(7)).

Therefore, the proposed amendments to title XIX regulations:

1. Cross-refer to the appropriate new sections added to the title XVIII reimbursement regulations.

2. Specify that, under title XIX, the title XVIII option for hospitals to charge individuals for services not reimbursed under the routine services cost limitations is not applicable.

The basis for the amendments is the need to maintain general uniformity between the two programs with respect to reimbursement for inpatient hospital services.

Prior to the adoption of the proposed regulations, considerations will be given to written comments, suggestions, or objections thereto addressed to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2312, Washington, D.C. 20013, and received on or before May 24, 1976.

Such comments will be available for public inspection in Room 5223 of the Department's offices at 330 C Street S.W., Washington, D.C. beginning approximately two weeks after publication of this Notice in the FEDERAL REGISTER on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202–245–0950).

AUTHORITY: Section 1102, 49 Stat. 647 (42 U.S.C. 1302). (Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

It is hereby certified that the economic and inflationary effects of this proposal have been carefully evaluated in accordance with Executive Order No. 11821.

Dated: April 8, 1976.

DON WORTMAN,
Acting Administrator, Social and Rehabilitation Service.

Approved April 16, 1976.

MARJORIE LYNCH,
Acting Secretary.

Section 250.30 of Part 250, Chapter II, Title 45 of the Code of Federal Regulations is amended by revising subparagraphs (a)(2)(i) and (iii) and paragraph (b)(1) as set forth below:

§ 250.30 Reasonable charges.

(a) *State plan requirements.* A State plan for medical assistance under title XIX of the Social Security Act must:

* * * * *

(2) Provide for payment of the reasonable cost of inpatient hospital services as determined in accordance with methods and standards, consistent with the

provisions of section 1122 of the Social Security Act for participating States, which shall be developed by the State and approved in advance of implementation by the Regional Commissioner, Social and Rehabilitation Service. Under this requirement:

(i) Plans for payment of reasonable cost will be approved which adopt the title XVIII standards and principles described in 20 CFR 405.402–405.460 (excluding the inpatient routine nursing salary cost differential). With respect to cost reporting periods beginning after December 31, 1973, payments to hospitals for inpatient services shall be based on the lesser of the reasonable cost of services or the customary charges to the general public for such services, or, in the case of public hospitals rendering services free of or at a nominal charge, on the basis of fair compensation for such services, in accordance with the provisions of title XVIII regulations.

* * * * *

(iii) Plans for payment of reasonable cost will not be approved under which payment for inpatient hospital services exceeds the amount which would be determined as reasonable cost using the title XVIII standards and principles described in 20 CFR 405.402–405.460 (excluding the inpatient routine nursing salary cost differential) is modified under paragraph (a)(2)(i) of this section.

* * * * *

(b) *Upper limits.* * * *

(1) *Inpatient hospital services.* The upper limits for payment shall not exceed the payment which would be determined as reasonable cost using the title XVIII standards and principles described in 20 CFR 405.402–405.460 (excluding the inpatient routine nursing salary cost differential). Under title XIX, the title XVIII option for hospitals to charge individuals for services not reimbursed under the routine services cost limitations is not applicable. With respect to cost reporting periods beginning after December 31, 1973, payments to hospitals for inpatient services shall be based on the lesser of the reasonable cost of services or the customary charges to the general public for such services, or, in the case of public hospitals rendering services free of or at a nominal charge, on the basis of fair compensation for such services, in accordance with the provisions of title XVIII regulations.

* * * * *

[FR Doc.76–11767 Filed 4–22–76;8:45 am]

Office of Human Development

[45 CFR Part 1340]

CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAM

Notice of Proposed Rule Making

Notice is hereby given that the Assistant Secretary for Human Development with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Chapter XIII of Title 45 of the Code of Federal Regulations by revising §§ 1340.1–2(h), 1340.1–3(a), 1340.2–2 and 1340.2–3 of Part 1340.

The purpose of proposed § 1340.1–2 (h), definition of "State," is to conform it to the definition prescribed in section 4 of the Child Abuse Prevention and Treatment Act, as amended by section 8(d)(2) of the Headstart, Economic Opportunity, and Community Partnership Act of 1974.

The purpose of the proposed amendment to paragraph (a) of section 1340.1–3, covering general administration requirements with respect to grants, is the addition of the remaining subparts of Part 74 of Title 45 of the Code of Federal Regulations to those already made applicable in § 1340.1–3(a) to grants to private nonprofit organizations made under Part 1340. This proposed amendment will make Part 74 of Title 45 applicable in its entirety to all grants made under Part 1340 to units of State and local government and to private nonprofit organizations.

The purpose of the proposed amendments to §§ 1340.2–2 and 1340.2–3 is to add the authority to make grants as conferred by section 2(c) of the Child Abuse Prevention and Treatment Act, as amended by section 8(d)(1) of the Headstart, Economic Opportunity, and Community Partnership Act of 1974.

The basis of the proposed amendments to §§ 1340.1–2(h), 1340.2–2, and 1340.2–3, is found in the applicable law. The basis of the proposed amendment to § 1340.1–3 is the administrative desirability of having all grants, whether to public or private grantees, governed by the same set of regulations.

Written comments concerning this proposed regulation are invited from interested persons. Comments may be addressed to the Director, Office of Administration and Management, Office of Human Development, Department of Health, Education, and Welfare, 200 Independence Ave., S.W., Washington, D.C. 20201, on or before May 24, 1976. Comments received will be available for public inspection in Room 342E of the Office of Human Development at the above address on Monday through Friday of each week from 9 a.m. to 5:30 p.m. (202) 245–0805, Federal holidays excepted.

It is proposed to amend 45 CFR 1340 by revising §§ 1340.1–2(h), 1340.1–3(a), 1340.2–2, and 1340.2–3 as set forth below:

(Catalog of Federal Domestic Assistance Program number is 13.628)

Dated: March 24, 1976.

STANLEY B. THOMAS, JR.,
Assistant Secretary for Human Development.

Approved: April 16, 1976.

MARJORIE LYNCH,
Acting Secretary.

It is proposed to revise Part 1340, §§ 1340.1–2(h), 1340.1–3(a), 1340.2–2, and 1340.2–3 of Title 45 to read as follows:

§ 1340.1–2 Definitions.

* * * * *

(h) "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam and the Trust Territory of the Pacific.

§ 1340.1–3 General administrative requirements.

(a) The provisions of Part 74 of this title shall apply to all grants made under this part to units of State and local government and to nonprofit private organizations.

§ 1340.2–2 Technical assistance.

Technical assistance authorized in subsection 2(b)(4) of the Act will be furnished by the National Center on Child Abuse and Neglect directly, by grant, or by contract, to public agencies and nonprofit private organizations to assist them in planning, improving, developing and carry out programs and activities relating to the prevention, identification, and treatment of child abuse and neglect.

§ 1340.2–3 Training materials and training.

The National Center on Child Abuse and Neglect, directly, through grants, or through contracts, will develop, compile and publish training materials and conduct training for personnel who are engaged or intend to engage in the prevention, identification, and treatment of child abuse and neglect.

(Sec. 8(d)(1) and (2), 88 Stat. 2310 (Sec. 8(d)(2), Pub. L. 93–644); Section 4(a), 88 Stat. 5 (Sec. 4(a), Pub. L. 93–247).)

[FR Doc.76–11766 Filed 4–22–76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 528–2]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Notice of Proposed Revision to the New Jersey State Implementation Plan

The State of New Jersey submitted to the EPA Region II Office, on January 8, 1976, a proposed revision to the New Jersey State implementation plan. This revision request was submitted in accordance with all applicable EPA requirements as contained in 40 CFR Part 51. The proposed revision consists of newly adopted N.J.A.C. 7:27–16.1 et. seq., entitled: "Control and Prohibition of Air Pollution By Volatile Organic Substances" (Subchapter 16). In addition, a technical justification supporting the regulation was submitted on March 3, 1976. The regulation provides for the control of hydrocarbon emissions from the following:

(1) Storage of volatile organic substances; and

(2) Transfer operations.

This regulation is intended by the State to replace the Federal regulations which appear in 40 CFR §§ 52.1594.

Storage of Volatile Organic Liquids, 52.-1595, Organic Liquid Loading, and § 52.-1598, Gasoline Transfer Vapor Control.

The technical justification submitted by the State shows that the reduction in hydrocarbon emissions attainable from section 16.2, Storage of Volatile Organic Substances, of subchapter 16 is greater than the reduction attainable if the provisions of 40 CFR § 52.1594 were met by all affected sources. In order to demonstrate this, the State randomly surveyed its files on storage facilities existing in New Jersey. These facilities were then assumed to meet the requirements specified in section 16.2 and in 40 CFR § 52.1594. A comparison of the two regulations showed that the reduction in hydrocarbon emissions attainable through enforcement of section 16.2 would be greater than that which would result from the enforcement of 40 CFR § 52.1594.

The State did not submit a technical justification comparing section 16.3, Transfer Operations, of Subchapter 16 with the Federal regulations contained in 40 CFR §§ 52.1595 and 52.1598. The Region II Office completed a preliminary comparison of the applicable regulations and concludes the following:

(1) For transfer of non-gasoline organics from bulk terminals to delivery vessels, section 16.3 is equally as stringent or possibly more stringent than 40 CFR § 52.1595.

(2) For transfer of gasoline from bulk terminals to delivery vessels, 40 CFR § 52.1595 is more stringent than section 16.3. § 52.1595(c)(1) specifies that there must be 90% recovery of hydrocarbon vapors, whereas section 16.3 only requires a submerged fill pipe or vapor return line, which cannot achieve a 90% recovery of hydrocarbon vapors from gasoline.

(3) For transfer of gasoline from delivery vessels to receiving vessels, 40 CFR § 52.1598 is more stringent than section 16.3 for the same reason as discussed in paragraph (2) above. It should be noted that section 16.3 requires control on the transfer of other organics as well as gasoline, whereas 40 CFR § 52.1598 only controls the transfer of gasoline.

Subchapter 16, as submitted by the State of New Jersey, provides for control of hydrocarbon vapors on a State-wide basis whereas the Federal regulation only requires reductions in hydrocarbon emissions in the New Jersey portions of the New Jersey-New York-Connecticut and Metropolitan Philadelphia Interstate Air Quality Control Regions (AQCRs). The Region II preliminary analysis did not attempt to compare the reduction in hydrocarbon emissions on a State-wide basis but showed the relative stringency of the regulations as they apply to the AQCRs in question.

The preliminary analysis performed by the Region II Office has led to the following preliminary conclusions:

(1) The portion of 40 CFR § 52.1595 controlling the transfer of non-gasoline organics should be revoked.

(2) The portion of 40 CFR § 52.1595 controlling gasoline transfer should remain in effect and enforceable.

(3) 40 CFR § 52.1598 should remain in effect and enforceable.

(4) 40 CFR § 52.1594 should be revoked.

As a result of the Regional Office preliminary conclusions discussed in (2) and (3) immediately above, those sources engaged in the transfer of gasoline within the applicable AQCRs will be required to meet the more stringent Federal requirements specified in 40 CFR §§ 52.1595 and 52.1598.

If Subchapter 16 is found approvable then the Administrator will modify 40 CFR § 52.1595 to reflect the fact that it will only apply to the transfer of gasoline and not to the transfer of all organics.

This notice is issued, as required by section 110 of the Clean Air Act, to advise the public that comments may be submitted on whether the proposed revision should be approved or disapproved. Only comments received during the 30-day public comment period will be considered. The Administrator's decision to approve or disapprove the proposed plan revision will be based on whether such revision meets the requirements of section 110(a)(2)(A)–(H) and EPA regulations in 40 CFR Part 51.

Copies of the proposed plan revision and EPA preliminary analysis are available for public inspection during normal business hours at the Air Branch, EPA, Region II, 26 Federal Plaza, New York, New York 10007, and at the New Jersey State Department of Environmental Protection, Bureau of Air Pollution Control, John Fitch Plaza, Trenton, New Jersey 08625. Additional copies are available for inspection at the Public Information Research Unit, 401 M Street, S.W., Washington, D.C. 20460. All comments should be addressed to the Regional Administrator, Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10007.

Dated: April 14, 1976.

GERALD M. HANSLER,
Regional Administrator,
Environmental Protection Agency.

[FR Doc.76-11865 Filed 4-22-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[FCC 76-240; Docket No. 20735, RM-1974, RM-2355]

NONCOMMERCIAL EDUCATIONAL FM BROADCAST STATIONS

Proposed Assignment and Operation

INTRODUCTION

In the matter of changes in the rules relating to Noncommercial Educational FM Broadcast Stations.

1. On May 12, 1972, the Corporation for Public Broadcasting ("CPB") filed a petition for rule making in which it sought a series of changes in the Commission's rules relating to the assignment and operation of noncommercial educational FM broadcast stations.[1] In response to the Commission's Public Notice of the filing of the CPB petition, 42 responsive filings were received, all but two of which were timely filed.[2] Many were informal comments, but a number of formal pleadings also were received. The only reply comments were those filed by CPB. Sixteen parties supported the petition without reservation. Ten others provided filings which generally supported the petition and its goals, but which also included discussion on variations or alternatives. More specifically, three supported and five opposed CPB on its proposals relating to Class D (low power) stations. Three generally opposed the petition. Also on December 2, 1975, Operation Outreach, Inc. filed its petition for rule making (RM-2655) seeking the assignment of Channel 200 to Washington, D.C. Since this issue is directly related to the CPB proposal, these petitions are being considered together.

2. The CPB petition raises a series of issues that cover a wide range of topics. Not only are there differences in terms of substantive areas affected, in addition the procedural context in which they are are raised varies as well. After some introductory material, we shall address each major topic in a separate discussion. Each will be placed in a proper procedural as well as substantive posture. For the most part, this latter aspect is one of placing the present proposal in context in relation to the Commission's previous consideration of the same or related issues. Some have been resolved; others remain pending.

INTRODUCTION

3. CPB believes that high quality noncommercial radio services will not be fully available to the citizens of the United States until certain alterations are made in the Commission's rules relating to the engineering standards governing the assignment of these stations and the rules which govern their operation as well. As several parties have pointed out in their filings, CPB is not the only organization dedicated to educational broadcasting or speaking on behalf of its fulfillment, and they do not necessarily subscribe to CPB's philosphy on how best to achieve this goal.

4. The CPB petition includes a number of topics already under review by the Commission in proceedings in which

[1] Generally speaking, the rules are contained in Subpart C of Part 73 (i.e., the rules beginning with § 73.501). However, a number of applicable technical requirements are derived from the rules pertaining to commercial FM stations. Thus, frequent reference in the rules is made to Subpart B (i.e., the rules beginning with Section 73.201). Also see the note to Section 1.573.

[2] Since no specific reliance is being placed on the points made in these pleadings (principally directed to the treatment of 10-watt stations), no purpose would be served by rejecting these filings because of their lateness.

CPB (in most cases at least) has been an active participant. Because the CPB petition was filed some while ago, some issues have been resolved since its petition was filed. Other issues have not been previously considered. In the discussion which follows we shall cover both the old and the new material. In so doing, we intend to interject our own observations where appropriate. We agree that the petition provides a good general framework for our actions, but some alteration is needed. We shall follow the discussion of the issues as posed by CPB with some additional points raised by the Commission on its own motion. Before proceeding to examine the new points CPB raises, we begin the discussion of the petition with the topics which already are or had been under consideration.

ISSUES TO BE RESOLVED

5. *Allocations Standards (Docket No. 14185).* The proceeding was instituted on July 5, 1961, by the issuance of a *Notice of Inquiry and Notice of Proposed Rule Making and Memorandum Opinion and Order*, 26 Fed. Reg. 6130, 21 R.R. 1655. It represented a major undertaking by the Commission designed to reexamine the allocations policies followed in the assignment of commercial and educational FM stations. Then or subsequently the Commission considered a wide range of topics relating to how to promote the maximum efficiency and fairness in the assignment standards governing the use of FM channels in the various states and localities. When that proceeding began, applications for FM stations were treated on a demand basis. That is, the applications were judged on their own terms. The only test applied was that of compliance with current requirements that 1 mV/m interference not be caused or received. This approach did not make any provision for future need. One of the steps of particular importance taken in Docket No. 14185 was establishment of the Table of FM Assignments. This Table, which does not cover the group of channels reserved for noncommercial educational use was designed to anticipate future need for stations and make it possible to protect those needs against encroachment. This was done through use of mileage separation criteria that were incorporated into an FM table. Under the Table channels were reserved for use in or near the assigned community. The protection provided was approximately equivalent to protecting the 1 mV/m contour at maximum facilities. Various other issues dealing with classes of stations, permissible facilities, etc. were also considered and resolved. In fact, all the matters in that Notice have been disposed of and the proceeding concluded with the exception of certain issues relating to educational radio, including the possible establishment of a Table to govern usage of the 20 FM channels, 201 through 220 (88.1 through 91.9 MHz) which are reserved for educational use.

That matter was raised in First Report and Order, 23 R.R. 1801, 33 F.C.C. 309 (1962); and in the Notice of Inquiry, FCC 66-1007, 31 Fed. Reg. 14755 (1966). Although that issue remains unresolved, the Commission did take certain other actions relating to the educational channels, particularly by placing certain mileage separation restrictions on the use of Channels 218, 219 and 220. Stations on these channels were to be assigned in such a manner as to protect assignments on commercial Channels 221A, 222 and 223. Under this system both groups of stations benefitted from the same mileage protections. Except for these three channels (218, 219 and 220) in all parts of the country and all channels in border areas, educational stations continue to be assigned on the basis of not causing or receiving interference within their respective 1 mv/m contours. (See Note to Section 1.573(c) as well as Section 73.207.) In the Mexican border areas of the states of Arizona, California, New Mexico and Texas assignment practices are governed by an agreement between the governments of the United States and Mexico which became effective August 9, 1973, pursuant to which an educational table of assignments has been adopted.[3] In addition to the massive amount of work which establishment of a nationwide table would require, it is clear that there are other, even more serious problems. This can be learned from a reading of the recent Notice of Proposed Rule Making in the Moorpark, California, educational FM proceeding in Docket No. 20702, 41 Fed. Reg. 7428, FCC 76-92 (1976). A series of special problems arise in connection with any effort to establish an educational FM Table. Unlike the relatively simple balancing of equities involved in deciding upon the relative need for commercial assignments in various localities, based on their size and available media outlets, conclusions regarding need for and ability to use educational channels are not so simply resolved. In the case of commercial assignments, there is an essentially direct correlation between community size and the demand for (as well as ability to support) an assignment. If the population is large enough, it will be desirable from an advertising point of view for a station to be established in an attempt to reach it. In effect, the question becomes one of apportioning channels between communities where demand does exist or would in the future be expected to exist. No protection for future need is provided by a demand system that would allow the larger cities (or other places where FM developed earlier) to garner most channels. Letting the demand system continue would have forever foreclosed many slower developing areas. For these reasons the Commission adopted a Table and it has served its purpose well.[4]

6. In connection with its establishment of a commercial FM table, the Commission announced a system of priorities[5] and of population criteria to govern the number of assignments normally possible for a community of a particular size. These two sets of standards also have been applied to the making of additional assignments which might subsequently be requested. In addition, the Commission has established preclusion criteria to apply to these requests for new or changed assignments which parties seek to have added to the table. In other words, the Commission examines what opportunities are lost when it is presented with a proposal to add a channel to a particular community. We have found that this system works well indeed when it is possible to predict relative need. Moreover, the Table has the additional advantage of protecting the assignment, once occupied (but not yet used at full facilities) from encroachment. The Commission hoped that the same approach could be employed for educational assignments, but it has not been possible to proceed in this fashion.

7. CPB's Proposed Assignment Standards. Under the alternative approach urged by CPB, the test would remain one of not causing or receiving 1 mV/m interference.[6] However, instead of protecting a station's actual (or proposed) facilities, the protection would be based on the maximum facilities available to that class of station, Class A, Class B or Class C.[7] Thus, these stations would not be prevented from obtaining maximum facilities by other grants made after they are established but before they seek a power increase. In many cases, stations already face considerable restrictions on their ability to increase facilities, so to some degree, such a plan must yield to the realities of current patterns of station allocations.

8. Like an FM table, the CPB system is designed to protect future needs from present encroachment. It uses the current classes of stations and the power limits tentatively applied to them.[8] We

[3] The Table governs use of noncommercial educational FM channels in the border area covered by the U.S.-Mexico FM Broadcasting Agreement appearing in Section 73.507.

[4] Needless to say, in establishing the table the Commission had to reach a number of related decisions on power, coverage, classes of station and other points on which the tables rested.

[5] Continuation of all existing operations was given top priority after which came lesser preferences to first FM service, first local service, second FM reception service, etc. These priorities were listed in the Further Notice of Proposed Rule Making in the FM proceeding in Docket 14185, FCC 62-867 (1962) and more recently in the Memorandum Opinion and Order and Further Notice of Proposed Rule Making concerning Anamosa, Iowa, in Docket No. 19161, 46 F.C.C. 2d 520 (1974).

[6] CPB has some technical suggestions to offer in this regard. They would not so much change the premises of the standards as to make their applicability clearer and more certain. These points are mentioned below.

[7] Class D (or 10-watt) stations would get different treatment, as will be made clear shortly.

[8] For commercial stations, the power limits appear in the Commission's rules, but for educational stations this point has not been finally resolved. Thus, as a result of a policy (but not a rule) the Commission does not make grants in excess of those limits.

have attached as an appendix various proposed rule changes. However, we are ready to consider various other possible approaches suggested by the commenting parties.

9. *Other Possible Approaches.* It does not follow that the desire to protect a station's ability to obtain more substantial facilities means that such protection must be given without limit. Being able to increase to the level of a Class A station at maximum facilities assumes different importance than does insuring the ability to increase to the Class C maximum. Full use of a Class A channel assumes importance because even then the station's primary coverage contour (1 mV/m or 60 dBu) would extend less than 15 miles from the transmitter. For a Class C station the figure approaches 58–60 miles. A study of existing stations shows that very few educational stations in Zones I and IA have facilities whose coverage exceeds that available to Class B stations at their 50 kW at 500 feet maximum. Moreover, only eight have power in excess of the maximum permitted,[9] and thus relatively few stations would be non-conforming ones under adoption of the present limits for use in developing protection standards. The number of non-conforming Class C stations is small too and only four exceed the power limit. Not only this, but many stations do not approach the maximum. Therefore, it may well be unrealistic, unnecessary and in fact wasteful to provide protection to maximum facilities. In such a situation we could either lower the limits themselves by any number of means or just not protect to the level of maximum facilities.[10]

10. Nor is it clear that the classes should be based on use of the zone system that exists for commercial stations. In Zone I (in the northeast) and Zone IA (in the more heavily populated southern three-quarters of California)[11] channels are labeled Class B which elsewhere are Class C.[12] Even if a Zone system is appropriate, it does not follow that the borders must parallel those used for the commercial zones. It may well be that once we have more information in hand we will discover that a different set of classes of stations should be established. Or, it may be that we can continue to use the present classification system (or perhaps part of it) but alter the power limits that these staions could utilize.[13] We could establish a class of stations between the present Class A and Class B. Class A begins at 100 watts power and Class B ends at 50 kilowatts. Perhaps more classes than two could be used to cover this wide range. Also, since so few stations have ever sought the equivalent of maximum Class C facilities, perhaps the limit should be reduced to 100 kilowatts at 1000 instead of 2000 feet or another figure. Also, if Class B and C are to both remain, should we use geographical location for the purpose of indicating which is which? Or would another method be preferable? Even though at present channels are not denominated for use by a particular class of station, there is no necessary reason not to consider doing so. We hope that useful suggestions can be offered in response to this Notice. As mentioned, to aid commenting parties, proposed rule changes and data derived from Commission files are attached as Appendix A and Appendix B, respectively.

TREATMENT OF 10-WATT OPERATIONS

11. Another key point to be considered in any proposed modification of the engineering criteria is what to do with Class D or 10-watt stations.[14] When CPB filed its petition, it quoted statistics indicating that a large portion of the authorized educational stations were of the 10-watt variety. Our experience since then shows that there has been no reduction in the percentage of applications which are for 10-watt stations. Earlier, in Docket No. 14185, the Commission observed, "in our view, * * * the time may well be at hand when proper use of the increasingly crowded educational FM band requires restrictions on the future authorization and continuance of 10-watt operation. * * *" Action implementing this concern has not yet been taken, nor has the Commission decided if action is even necessary. Certainly, it is possible to accommodate some 10-watt operations with only minimal problems or loss of efficiency as used to fill the gaps where more powerful stations could not be put. However, the 10-watt operations authorized to date have not been restricted in this manner. The only engineering test now applied is one designed to avoid 1 mV/m interference, not promote efficiency. As a result, a large number of 10-watt operations may have been established without any concern about possible preclusion, and their cumulative impact may well be to restrict the establishment of new stations or of power increases by existing stations. The information on hand does not enable us to determine their overall net impact but we do know enough to be concerned and to recognize the need to study this issue.

12. Under the proposal CPB offers, 10-watt operations would not stand on the same footing as would those with greater facilities. Under CPB's proposed amendments to Sections 73.504 and 73.508, 10-watt stations would have to protect all stations from interference. However, they would not be protected from interference except that which would be caused by another 10-watt station. Moreover, any Class D station[15] would be required to change channel to accommodate a more powerful station even if the latter were proposed long after the Class D station went on the air. Thus, the Class D station would have to change channel or leave the air entirely if a channel could not be found. As will be discussed, CPB would not limit the choices of a channel to use to those in the educational portion of the band but would include the commercial portion as well. CPB's proposal to give these stations a lesser position reflects its emphasis on reaching the entire country with public radio stations able to provide wide area coverage.

13. *Other Approaches.* Other parties, with different goals in mind, do not share CPB's views. They assert that CPB's proposals regarding 10-watt operations are unacceptable. They assert that often a station can only be started on a small scale. Only then, as public acceptance grows, is it realistic to expect that they could extend their coverage. Closing the door on future 10-watt stations is seen as putting a halt to this process. Also, some operations are thought to be best conducted with limited facilities. Such operations are seen as an integral part of the community to which it is licensed or to a neighborhood which is a part of its city of license. According to this view, operation on a greater scale with substantial facilities would bring about a separation of the station from community and thereby cause a loss of effective station/community dialogue and involvement. We have various choices open to us. We can consider pursuing the approach urged by CPB or we can consider other possibilities that might place a higher value on the role of low power stations, or we could continue as we have in our treatment of these stations. Some hard choices are presented. What is the role of a community station? What should we do with questions of college stations, especially those using (and perhaps needing) only 10 watts of power to reach the campus and surrounding community? In this area the Commission need data to help make clear the impact

[9] The Commission has always held the view that in determining the limit of facilities, it is not permissible to increase power above the limit as long as there is a compensatory decrease in height. The reverse is acceptable, however. While both methods keep coverage the same, exces power has a greater potential for causing interference.

[10] Because particular channels are not set aside for use by a single class of station there are many co-channel and adjacent channel spacing combinations to use for applications in or near the Mexican border area. Separately, we need to consider what to do with current short spacings not covered by Section 73.213 of the Rules.

[11] These areas are denominated Zones I and IA. The balance of the country is Zone II.

[12] Class A channels have the same 3kW at 300 feet maximum regardless of location.

[13] The Commission has studied the matter and has plotted a graph showing the power and height of all Class B and Class C stations. These graphs are attached as Appendix B.

[14] Ordinarily, the height above average terrain for these Class D stations is low (100 feet or under), but there are a few anomalies. One or two even approach the coverage of a Class A station at maximum facilities.

[15] Under proposed rule 73.508(e) a Class D station would be limited to 10 watts transmitter power output and a height of 100 feet. While this would no longer permit the coverage possible with great antenna height, it would not deal with high gain antennae that could produce an effective radiated power of several times the 10-watt figure. However, this would have a lesser impact, since effective radiated power would be limited to a few hundred watts.

of these stations on efficient use of educational channels. We need to know to what extent 10-watt operations are and have already been a useful beginning point for establishment of more powerful stations. The filings contain such a suggestion, and the Commission examined its records to determine if this observation were valid.[16] Interestingly enough 40% of the stations which began with 10 watts have sought or obtained increased facilities, 60–70% at least reaching the equivalent of Class A maximum facilities. A number of others increased still further (or increased a second time) and obtained Class B or Class C facilities. Also it is clear that many of the stations which have not increased have not because of an inability to do so because of engineering considerations rather than other causes. We need to consider what might happen if the CPB proposal or one like it were adopted. Would it end this chance to begin at 10 watts on the way to establishing these stations with adequate funding to extend their coverage and perhaps their program efforts as well?

14. In an earlier step in Docket No. 14185 the Commission indicated that it wished to explore the 10-watt situation. As we have stated in a companion document issued March 25, 1976, we have decided to terminate the proceeding in Docket No. 14185 and in effect to transfer the remaining questions to this proceeding. For various reasons we do not think the context of that proceeding or the way the issues were posed there would be appropriate to a resolution of the issues as they now appear. This is particularly true since that proceeding anticipated the development of a table, something that may well not come to pass.

15. In our view, it is time to make a judgment about whether the present allocations standards for 10-watt operations should continue. We do not believe that a "freeze" on 10-watt operations is required or that action on pending applications would have to be withheld. If we learn otherwise, we are prepared to take either step promptly. Aside from the allocations questions as such, we need to consider whether 10-watt operations still have a significant role to play as for example in fostering minority ownership. While carrier current operations may be a preferable place for certain operations, it cannot be an answer for all. Although current information is not complete in all these regards, enough is known about the impact of 10-watt assignments to suggest that there is some validity to CPB's expressions of concern.

16. *Interference to Channel 6 Television Reception.* This issue raised by CPB was also the main (but not only) focus of attention in the proceeding in Docket No. 19183. By Notice of Inquiry adopted March 24, 1971, 36 Fed. Reg. 6459, the Commission indicated an intention of exploring the various issues relating to the importance of interference considerations in the assignment of educational stations. CPB is concerned about the possibly overly severe inhibitions placed on educational FM channel utilization and development in those areas served by television Channel 6, and it recommends the adoption of various standards which it hopes will permit the making of additional educational FM assignments as well as providing a mechanism for eliminating FM Channel 6 interference problems even if they do occur. Both short and long-range solutions were proposed.[17] Although the Docket 19183 inquiry produced extensive data by interested parties, at this point it is not clear whether this data will be sufficient to resolve the issues raised.

17. At this time the Commission has no rule providing guidance in the assignment of educational FM stations whose location would be such as to have a possible impact on the reception of the signals of Channel 6 television stations. Using the information now available[18] as the Commission's best guide, action on some applications has been held in abeyance so as to avoid the possibility of creating serious interference problems. Other applications which now have appeared to present interference problems of only a low order have been granted after careful evaluation. Where possible, the selection of FM transmitter sites well removed from heavily populated residential areas has been encouraged as a means of reducing the interference potential. We have recognized that protecting against all interference would mean little use for educational frequencies in large areas. Since some (perhaps most) interference can be corrected, it may be appropriate to grant applications even if they would cause interference, so long as the educational station would accept the burden of correcting such problems as they occur. Parties should comment on how best to deal with this situation. They may update their comments in Docket No. 19183 or provide new material.

18. *Establishment of a new Channel 200 (87.9 MHz).* CPB makes a suggestion for how to bring more service to this portion of the band: establish a new Channel 200.[19] This frequency rather than being one set aside for educational FM use is actually part of the frequency band of 82–88 MHz which is assigned to television Channel 6. Moreover, it lies below that band of frequencies (88–108 MHz) which the International Radio Regulations set aside for Broadcasting in Region 2, the area which includes the United States of America. Further, the agreements now in force between the United States of America and Canada[20] and between the United States of America and the United Mexican States[21] do not recognize the use of frequencies below 88 MHz for FM broadcasting. In fact, both agreements identify the FM channels as those beginning with Channel 201 (88.1 MHz) exactly as does 73.501(a) of the Commission's own rules. Television Channel 6, assigned the six megahertz band between 82 and 88 MHz has as the center frequency for its FM sound carrier the frequency 87.75 MHz. Inevitably, the closeness of frequencies (87.9 MHz v. 87.75 MHz) would portent great problems if Channel 6 stations were in the area where Channel 200 was to be employed. Also, Channel 200 could not be established without giving due regard to the treaty obligations relating to our neighbors to the north and south. However, we are of the view that these international agreements do not preclude all possible uses of this frequency in this country. Rather, in our view, the restriction applies only to the border areas. Accordingly, we believe that it is feasible to consider whether the frequency 87.9 MHz could be utilized to establish a Channel 200 for use in certain areas of the conterminous United States for educational FM only. No other use is contemplated.[22] It may be that obstacles not here touched on may negate any possible benefits, or they may show that the benefits are not sufficient to warrant taking the action requested. Nonetheless we think the subject merit exploration.

19. Those who wish to deal with the Channel 200 issue should bear in mind the need for protection to the service now rendered by Channel 6 television

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[16] Stations less than three years old were excluded on the basis that it was too soon to use these stations as a guide because we could not expect these stations to have sought increased facilities even if they might do so later.

[17] In essence, CPB's proposal was as follows:
(1) Employing FM/TV transmitter colocation in order to alleviate interference.
(2) Establishing allocation standards for educational stations over 60 miles from TV Channel 6 but within their service areas.
(3) Develop criteria for locations closer than 60 miles to a Channel 6 transmitter but which do not involve co-location.
(4) Revise the Commission's regulations regarding VHF television translators to provide Channel 6 viewers affected by FM interference with an alternate interference-free source of television programming.
(5) A revision of the Commission's regulations applicable to educational FM stations to permit the use of vertically polarized transmission only to minimize interference to Channel 6.

[18] Principally a report on the subject prepared by the Commission's Office of Chief Engineer, R–6702.

[19] A petition seeking the assignment of Channel 200 to Washington, D.C. has been filed by Operation Outreach, Inc. It will be considered as part of our action here. Two applications also were filed in which experimental use of the frequency was sought.

[20] North American Regional Broadcast Agreement, 61 Stat. 1726, TIAS 1726, 6 Bevans 447.

[21] Agreement Between the United States of America and the United Mexican States Concerning Frequency Modulation Broadcasting in the 88 to 108 MHz band (effective date August 9, 1973), TIAS 7697.

[22] In Alaska, no such assignment is possible because the band including 88 MHz to 100 MHz is allocated to government use rather than broadcast. There is some question about the appropriateness of this possibility to Hawaii. In Puerto Rico and the Virgin Islands, use of Channel 6 at San Juan makes the use of 87.9 MHz of doubtful utility.

stations as well as by FM stations on adjacent frequencies. If Channel 6 interference poses a problem for the lower educational channels, it is clear that this would be all the more true for any Channel 200 operation. To help us evaluate the possibility, commenting parties should show how Channel 200 could be established, consistent with applicable treaty domestic protection requirements, and and still provide a significant contribution in terms of making a frequency available for use in enlarging possible educational assignments. Also, to the extent it is pertinent, parties commenting on this proposal should consider any special requirements they think might be necessary to maximize the service such an arrangement might provide,[23] or to minimize any deleterious impact it otherwise might have.

20. The Channel 200 question is related to the problem of Channel 6 interference, to the protection standards which are to be used and to the treatment of 10-watt stations. Thus, in order to offer comments having maximum usefulness, parties are requested to cinsider these correlations and not view these points as isolated matters.

21. *Engineering and Technical Standards.* CPB has proposed the use of the FM F(50,50) chart in Section 73.333 and the F(50.10) chart referred to in Note 1 (2) (ii) to Section 1.573 of the Rules concerning Processing of FM and noncommercial educational FM broadcast applications. It should be noted that replacement charts for both the above are discussed in Dockets 16004/18052. Except for the fact that the F(50,10) chart had earlier been deleted from the rules, the proposal would not have had any significant impact itself on the processing of most applications. Now that the F(50,10) chart is again in the rules, the point has become moot.

22. Finally, among the technical matters mentioned by CPB but dealt with elsewhere is that of changes in the rules governing transmitter performance measurements. The CPB proposal dealt both with an upgarding of transmitter performance meansurements (§ 73.554) and an abolition of daily transmitter inspection requirements under certain circumstances (§ 73.565). The latter subject has, in our view, been adequately considered in connection with the Commission's ongoing re-regulatory efforts. We believe the change put into effect is responsive to CPB's desire that the Commission consider the matter, and that the transmitter performance questions should be considered separately. Accordingly, we do not propose to give these subjects further consideration here.

23. On the apparent proposal to delete the Note to Section 73.501 of the rules which contains the reservation of a channel for the United Nations, we do not intend to consider that issue. Although the United Nations has not used the channel, the reservation has not prevented other use of the channel in the interim. In these circumstances we see no reason to believe continuation of the reservation to have any harmful effect, and we see no reason why it should not be retained.

24. *Subsidiary Communications Authorizations ("SCA's") (Docket Nos. 19078 and 19079).* CPB's petition dealt with educational SCA's,[24] something considered by the Commission in these two docketed proceedings. In our view, this Docket is not the place to resolve any additional questions related to SCA's not yet resolved in these two proceedings.

25. *Ascertainment by Educational Stations. Docket No. 19816 (RM–1851, RM–1874).* On September 6, 1973, the Commission adopted a Notice of Inquiry and Notice of Proposed Rule Making to evaluate whether specific ascertainment requirements should be imposed on educational broadcast applicants. At issue was the possible amendment of Section IV (Statement of Program Service) of two FCC Broadcast Application forms.[25] The Report and Order adopted March 11, 1976, FCC 76–234, concluded that proceeding. That proceeding dealt with a wide variety of specific points not at issue here, but it did resolve one of the key issues before us, that of the program service expectations that legitimately ought to be placed on educational stations.

26. *The role of educational radio.* This area, on which CPB places great stress involves two interrelated issues: minimum operating schedule and responsiveness to demonstrated community need. CPB believes that adoption of these requirements would have more importance than any others in terms of encouraging a full and valuable use of the spectrum space devoted to educational radio.

27. *Responsiveness to local need.* According to CPB, the service provided by some stations is indistinguishable from that provided by ordinary commercial stations, except for the absence of commercials. CPB sees no educational purpose being served or educational program followed except in terms of training students who work at the station. As the Commission rules now describe the station's obligation, it is called upon to pursue an educational program and to describe the nature of that program when applying for a station. However, nowhere is the term "educational program" defined. As a result, there has been a confusion about whether this meant a station was necessarily obliged to offer educational programming, and if so, did it need to be educational in the instructional sense or was it meant to be broader. Also, what is the role of information and cultural programming in the schedule of these stations. As part of its proposal CPB would require programming responsive to community needs of an educational, cultural and informational nature. Thus, it raises a question of whether the current ambiguous situation should be allowed to continue. When spectrum space was not at a premium, the Commission did not have to address these questions. Now, circumstances have changed. Clear answers are needed about whether all of these uses can still be accommodated now that spectrum space is so limited. In our view, CPB's conceptualization provides an adequate framework on which parties can focus in filing their comments. As phrased by CPB (see Section 73.503 in the Appendix), the key is serving demonstrated community need of an educational, informational or cultural nature. By definition, this would seem to exclude stations whose educational aspect did not relate to the program service provided to the listener. Also it would suggest that the orientation would need to be on local needs. CPB did not raise and we do not intend to address the question of eligibility standards governing what entities are eligible to operate on reserved educational channels.

28. *Minimum Schedule of Operation.* The other point on which CPB places major emphasis is the establishment of a minimum operational schedule for educational radio stations. At present the Commission's rules contain no specific minimum requirement expressed in terms of hours of operation or in terms of days of the year on the air. Instead, as stated by Section 73.561 of the Commission's rules, the extent to which the frequency is used is a matter of importance only at renewal time, and even then, only if spectrum space is inadequate to accommodate the demand. The rule is not self-enforcing, and, in fact, it virtually never has been invoked. While it may serve well as a basis upon which to premise action if such action is to be taken, it clearly lacks any power to bring about across-the-board changes in terms of insuring a fuller use of these frequencies. We are in agreement with CPB that the time has come to examine the present situation to see if changes are necessary.

29. CPB would use the standard previously applied to commercial FM stations (now much increased) and require a minimum schedule of 36 hours per week and no less than 5 hours of operation on any one day at least six days per week.[26] The first question that CPB's petition raises is what to do with stations not meeting this minimum. Quite

[23] For example, if Channel 200 were established should it be reserved for use in such locations as would allow the employment of powerful facilities or should it be used on a regular or low power basis? Should the area of possible use be restricted to insure that all or some of the area would receive a first educational service?

[24] An SCA authorizes a subcarrier transmission by an FM station and it is not receivable on ordinary sets. It is offered as a service to subscribers.

[25] Form 340 is used to apply for a new station or for major changes in an existing station's facilities, and Form 342 is used to seek station renewal.

[26] CPB did not put its proposal quite this way. However, unlike CPB, we do not wish to restrict the choice of what day to be allowed to be off the air. We and they propose a 6-day minimum, but we are willing to consider arguments in favor of 5-day minimum with the same number of hours.

a number, usually school or college stations, are in this category. Assuming that such a requirement is to be adopted, should it take effect at once or should it become effective gradually? Does power (e.g., 10 watts) have a bearing on the adoption of a minimum schedule of operation? Can a legitimate exception be made for low power stations or those offering a particular type of service, for example in-school instructional? We also need to decide what to do about stations licensed to schools which are off the air in summer or during school breaks. Now that spectrum space is at a premium, we must decide if the present pattern of usage provides adequate efficiency.

30. Assuming adoption of a 36-hour minimum or some standard of an equally modest kind, does this step alone suffice? To meet this problem, one possibility would be to have a two-level approach to minimum hours of operation. Under this approach, less than 36 hours (or any other minimum figure selected) would not be acceptable; operating between 36 and 72 hours would be acceptable but would not provide protection against proposals for time sharing.[27] Over 72 hours of operation would demonstrate such full use as to exempt a station from possible time sharing. Needless to say, such a system could use other numbers just as well. Time sharing, as always, would mean a division of broadcast hours in a manner agreed to by the parties themselves with Commission intervention only where the parties are unable to reach an agreement. This system could well have the advantage of recognizing the need for a minimum operating schedule yet could keep it at a lower level than otherwise might be necessary. At the same time, it would accommodate the need for a frequency when one station's operation is less than fully utilizing available hours. Finally, it could protect entirely those stations making more extensive use of the frequency. In addition to general comments on our possible use of such an approach, we seek suggestions as to possible benchmarks to use if we do proceed in that direction. Also parties should indicate what treatment should be given to stations that would observe vacations or operate only during school hours as instructional stations. One way to deal with vacations is to base the minimum schedule on a weekly average over the entire year. Doing this would allow some vacations but would require more hours at other times to compensate.

SUMMARY

31. Although the preceding discussion makes clear the complications involved, we do hope to be able to develop a system which will at least offer some protection to enable existing stations to obtain more substantial facilities. Also, even if more far reaching steps to accommodate new stations are not possible (as for example through use of a table), it still may be possible to offer some protection for future channel need. It is clear that a decision about 10-watt stations plays a key role in deciding how to proceed. To this end we propose to examine their place in this context and what role they might play in the future. Although engineering considerations are an important facet of this inquiry, these are not the only considerations. We are not now proposing the end of all all 10-watt or other lower power operations.[28] Some truly fit in the open spaces that would not accommodate more powerful stations. In these instances the impact on power increase is virtually nonexistent. At least as to their present channel assignments, it could be argued that abolishing these 10-watt operations would be like banishing the oil from a sardine can because of an alleged lack of space. At the other extreme is the situation in which 10-watt stations forever preclude a series of otherwise possible assignments. Also, education clearly means more than just using the station as a training ground, and it must be recognized that stations whose only educational function is as a training ground could profitably move to carrier current operation. This would give more effective training since it may offer experience with a commercial operation. It is important to have as clear an insight as possible into the implications of the current situation so the Commission will be able to proceed knowledgeably. Current developments make it clear that action cannot longer be postponed. Similarly we should reserve the issue of Channel 6 interference.

32. Comments on all of the above issues are invited. In addition, parties should not consider themselves bound to respond only to those issues or possible approaches specifically mentioned. Unless directly indicated as being precluded, other suggestions of any relevant variety are sought. To accommodate those who wish to develop engineering or other data and then base their comments on such data, we shall provide ample time for this purpose, about three and one-half months for initial comments and six weeks for reply comments.

33. In accordance with the above discussion and pursuant to Sections 4(i), 303 (a), (b), (g) and (r) and 307(b) of the Communications Act of 1934, as amended, rule making is proposed.

34. Pursuant to applicable procedures set forth in § 1.415 of the Commission's Rules, interested persons may file comments on or before July 1, 1976, and reply comments on or before August 16, 1976. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding.

35. 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.

36. In accordance with the provisions of § 1.419 of the Rules, an original and 11 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. All filings made in this proceeding will be made available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

Adopted: March 17, 1976.

Released: April 19, 1976.

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

1. It is proposed to amend § 73.501 to read as follows:

§ 73.501 Channels available for assignment.

(a) The following frequencies, except as provided in paragraph (b) of this section, are available for noncommercial educational FM broadcasting:

Frequency (megacycles per second)	Channel No.
87.9	[1] 200
88.1	201
88.3	202
88.5	203
88.7	204
88.9	205
89.1	206
89.3	207
89.5	208
89.7	209
89.9	210
90.1	211
90.3	212
90.5	213
90.7	214
90.9	215
91.1	216
91.3	217
91.5	218
91.7	219
91.9	220

[1] The frequency 87.9 mHz, channel 200 is available only on a noninterference basis with respect to TV channel 6 stations. See § 73.504(g)(5).

(b) In Alaska, the frequency band 87.9–100 mHz is allocated exclusively to Government fixed service. The frequencies 87.9 mHz through 91.9 mHz (Channels 200 through 220, inclusive) will not be assigned in Alaska for use by noncommercial educational FM broadcast stations; however, the frequencies 100.1–107.9 mHz (Channels 261 through 300, inclusive) are available for such use.

2. It is proposed to amend § 73.503 to read as follows:

§ 73.503 Licensing requirements and service.

The operation of, and the service furnished by noncommercial educational

[27] Time sharing is an old concept of dual (or more) use of a single frequency, usually (but not always) in one particular locality. This pattern of usage has essentially disappeared from AM and TV broadcasting and never was really involved in commercial FM broadcasting. Still, in this context, it may have a real purpose, recognizing as it does that full-blown schedules may be unrealistic as a present requirement.

[28] These very stations may be able to play a key role in fostering the expansion of minority ownership.

FM broadcast stations shall be governed by the following:

(a) A noncommercial educational FM broadcast station will be licensed only to a nonprofit educational organization and upon showing that the station will be used primarily to serve demonstrated community needs within the station's primary service area which are of an educational, informational, and cultural nature.

(1) * * *

(2) * * *

(b) Each station may transmit programs directed to specific schools in a system or systems for use in connection with the reuglar courses as well as routine and administrative material pertaining thereto.

* * * * *

3. It is proposed to amend § 73.504 to read as follows:

§ 73.504 Zones, classes of stations, use of channels, facilities, minimum mileage separations between stations, and determination of interference-limited contours.

* * * * *

(b) * * *

(1) A Class D educational station is one operating with a transmitter power output of 10 watts or less and a maximum antenna height of 100 feet above average terrain on any FM Channel 200 to 300. No Class D station may cause objectionable interference to the direct reception of any FM broadcast station operating on the same channel or on the second or third adjacent channel as specified in § 73.504(g).

* * * * *

(d) Facilities: (1) Except as provided in § 73.504(b)(1) the minimum effective radiated power of a noncommercial educational station shall be 100 watts (-10 dbk).

(2) * * *

(e) Existing stations. Class A, B, and C stations authorized as of [effective date] which do not meet the requirements of paragraph (d) of this section, may continue to operate as authorized; but any application to change facilities will be subject to the provisions of this section. Class D stations may continue to operate as authorized until expiration of their license. Renewals of Class D stations will be accepted only on the "noninterference" basis set forth in § 73.504(b)(1), except that existing Class D stations may file for Class A, B, or C facilities on their currently authorized channel at any time prior to expiration of their license.

(f) Stations separated in frequency by 10.6 or 10.8 Mc/s (53 or 54 channels) from stations or assignments on commercial channels will not be authorized unless they conform to the following separation table:

Class of Stations:	*Required spacing (miles)*
A to A	5
B to A	10
B to B	15
C to A	20
C to B	25
C to C	30

(g) Availability of channels. (1) Availability of channels shall be determined by interference considerations with respect to:

(i) Co-channel educational stations, and stations on the first, second, and third adjacent channels, except for Class D stations.

(ii) Commercial stations separated by +53 or +54 channels (10.6 to 10.8 mMz). See § 73.504(f).

(iii) Channel 6 television stations. See § 73.507.

(2) Co-channel stations, and stations on the first, second, and third adjacent channels shall be protected against objectionable interference within their 1 mV/m contour except for Class D stations which need not be protected. Similarly, a proposed station may not receive objectionable interference within its 1 mV/m contour from existing stations or assignments. Objectionable interference shall be considered to exist whenever the ratio of undesired to desired signal within the 1 mV/m contour of an existing station or a proposed station, exceeds the following values:

(i) Co-channel stations: —20 dB.

(ii) First adjacent channel: —6 dB.

(iii) Second adjacent channel: +20 dB.

(iv) Third adjacent channel: +40 dB.

(3) In determining the facilities to be used in calculating the signal fields and interference fields for calculating objectionable interference, the following effective radiated powers and antenna heights shall be used:

(i) For all commercial stations involved, it shall be presumed that stations are operating with full facilities for their particular class; i.e., Class A stations shall be assumed to be operating with 3 kW at 300 feet above average terrain, Class B stations with 50 kW at 500 feet above average terrain and Class C stations with 100 kW at 2000 feet above average terrain.

(ii) For all educational FM stations involved, it shall be presumed that such stations are operating at their full facilities; Class A stations shall be assumed to be operating with 3 kW at 300 feet above average terrain, Class B stations with 50 kW at 500 feet above average terrain, and Class C stations with 100 kW at 2000 feet above average terrain. Provided, however, that if a proposed station cannot be activated on any educational channel consistent with protection of the full facilities of existing educational stations, and if an existing stations is unable to demonstrate the intent and capability of utilizing its full facilities then the calculation of objectionable interference may be made on the basis of the currently authorized facilities of the existing station.

(iii) In the calculation of signal and interference fields, the height above average terrain shall be calculated on the basis of the average height above average terrain for the eight equally spaced radials emanating from the transmitter site.

(4) The calculation of signal field (1 mV/m contour) shall be made by use of Figure 1 of § 73.333 [F(50,50 chart]. The calculation of interference fields shall be made by use of Figure 1 of § 73.600 [F(50,10 chart] of this chapter.

(5) Availability of Channel 200 (87.9 mHz). Channel 200 will be available for use by noncommercial educational FM stations only in areas where interference is not caused to the direct reception of TV Channel 6. Channel 200 is available to all classes of noncommercial FM stations subject to the following restrictions:

(i) The proposed Channel 200 station meets all interference protection criteria of § 73.504(b) with respect to other noncommercial and commercial FM stations.

(ii) The proposed Channel 200 station is located outside the Channel 6 Grade B contour and the ratio of the interference field from the proposed FM station to the signal field of the Channel 6 station does not exceed —8.3 dB at the Grade B contour of the Channel 6 station.

(iii) The calculation of the Channel 6 and signal field shall be made by use of Figure 9 of § 73.609 [F(50,50 curves], and calculations shall be based on the assumption that the Channel 6 station is operating with full facilities, i.e., 100 kW at 2000 feet above average terrain for Zones 2 and 3, and 100 kW at 1000 feet above average terrain for Zone I.

(iv) The calculation of the interference field from the proposed FM station shall be made by use of Figure 1 of § 73.600 [F(50,10) chart] of this chapter.

4. It is proposed to add new § 73.507 to read as follows:

§ 73.507 FM/TV Channel 6 interference.

(a) Station location. Except as provided in § 73.507(b) below, no educational FM channel will be authorized in an area served by TV Channel 6 unless:

(1) The educational FM transmitter is co-located with the Channel 6 television transmitter and conforms to the power limitations shown in Figure 2 of § 73.600 of this chapter. Construction permit applications proposing co-location shall be accompanied by an engineering showing detailing the design of the co-located antenna system and demonstrating that the FM and TV antenna systems have essentially similar horizontal and ver-

tical radiation patterns. Further, the engineering showing shall demonstrate that the coupling of signals between the antennas of the co-located stations, or the coupling between transmitters connected to a common antenna, will not result in the radiation of objectionable cross-modulation components generated from nonlinear mixing of signals in the final amplifier of either transmitter. The polarization of the co-located FM antenna shall be exclusively horizontal.

(2) The educational FM transmitter is located 60 miles or more from the Channel 6 transmitter site, and is operated at a power and antenna height which provides no greater subjective interference to Channel 6 than the adjacent channel interference provided by a Channel 5 television station operated at maximum power and maximum antenna height at the minimum 60-mile adjacent channel television mileage separation. The determination of equivalent interference shall be made by use of the curves in § 73.600, Figures 3, 4, and 5 of this Chapter.

(b) Exceptions. Exceptions to the provisions of § 73.507(a) above, will be granted when a Construction Permit Application is accompanied by an adequate showing that co-location with Channel 6 or location 60 miles or further from a Channel 6 transmitter is infeasible and one or more of the following conditions is met.

(1) The interference from the educational FM station falls in an essentially unpopulated area where there is little residential population.

(2) The interference from the educational FM station falls in an area where viewers have alternative "same-network" service available from another television station or translator.

(3) Interference from the educational FM station may be reduced to acceptable levels or eliminated at the television receiver by installation of an outboard FM rejection filter.

(c) Vertical polarization. The provision of § 73.316 which prohibits vertically polarized ERP from exceeding horizontally polarized ERP will be waived for educational FM stations which wish to employ only vertical polarization to minimize interference to TV Channel 6.

(d) Co-location. Where educational FM interference to the reception of TV Channel 6 reception has been documented, the licensee of the educational FM station causing such interference shall make available space on its transmitting antenna tower for the installation of receiving and transmitting antennas for a television translator to be supplied, installed, and maintained by the affected Channel 6 station. Such space shall be provided whenever requested by the affected Channel 6 station. Provided, however, that the educational FM station shall not be required to conform to the above requirements when it can be shown that the additional tower windloading caused by installation of the translator antennas would derate the tower windload rating to the extent that a hazard to life and/or property results.

5. It is proposed to add new § 73.508 to read as follows:

§ 73.508 Class D stations.

(a) Class D noncommercial stations will be authorized and permitted to continue to operate only where they cause no interference to the direct reception by the public of the off-the-air signals of any authorized broadcast station, operating on the same channel or on the first, second and third adjacent channels. Class D stations will not be required to provide interference protection to the signals of FM translators. Class D stations will be required to furnish interference protection to TV Channel 6 stations as required in § 73.504(1) of this chapter.

(b) No minimum distance separation or other interference protection will be required between Class D stations operating on the same or adjacent channels. However, assignments which will result in interference between Class D stations will not be made.

(c) In assigning Class A, Class B, and Class C noncommercial FM facilities, the Commission will endeavor to make assignments which do not conflict with existing Class D stations. However, when the avoidance of such conflicts is not possible, the affected Class D station or stations will be required to change channel or discontinue operation to accommodate the new Class A, B, or C stations.

(d) Class D noncommercial educational stations will be authorized to operate on any FM channel, Channel 200 to Channel 300. Authorizations for operation on Channels 221 to 300 will be granted only when accompanied by a showing that Channels 200 to 220 are not available.

(e) Class D noncommercial educational stations are limited to a maximum transmitter power output of 10 watts and a maximum antenna height of 100 feet above average terrain.

6. It is proposed to amend § 73.561 to read as follows:

§ 73.561 Time of operation.

(a) All Class A, B, and C noncommercial educational FM broadcast stations will be licensed for unlimited time operation. However, a minimum of 36 hours per week during the hours of 6:00 a.m. to midnight, consisting of not less than 5 hours in any one day, except Sunday, must be devoted to the FM broadcast operation. Class D stations are not required to operate on a regular schedule and no minimum number of hours of operation is specified. For all stations, regardless of class, however, the hours of actual operation during a license period shall be taken into consideration in considering the renewal of noncommercial educational FM broadcast licenses wherever it appears that the channels available for such stations are insufficient to meet the demand.

(b) Class A, B, and C stations which are principally involved in instructional programming for use in schools as of [effective date of the rule], are exempt from the operation time requirements of (a); provided, however, that where such a station does not meet the requirements of (a) the Commission shall accept applications proposing to share the frequency assigned to such station for other noncommercial educational FM broadcast purposes.

7. It is proposed to amend § 73.562 to read as follows:

§ 73.562 Experimental operation.

(a) The period between 12 midnight and 6:00 a.m., prevailing local time may be used for experimental purposes in testing and maintaining apparatus by the licensee of any FM broadcast station on its assigned frequency and not in excess of its authorized power, without specific authorization from the Commission.

(b) FM broadcast stations may (with prior notification to the Commission and the engineer in charge of the radio district in which the station is located) test, maintain, and adjust the apparatus at the station during other time periods; and may (upon informal application) conduct technical experimentation directed to the improvement of technical phases of operation during other time periods, and for such purposes may utilize a signal other than the standard FM signal, subject to the following conditions:

(1) That the licensee complies with the provisions of § 73.561 with regard to the minimum number of hours of operation.

(2) That emissions outside the authorized bandwidth shall comply with § 73.317(a) and that no interference is caused to the transmissions of other FM broadcast stations.

[FR Doc.76-11782 Filed 4-22-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release 34-12348]

SECURITIES TRANSACTION FEES

Proposal To Exempt Fees Imposed by Section 31 of Securities and Exchange Act

Notice is hereby given that the Securities and Exchange Commission (the "Commission"), pursuant to its authority under Sections 2, 3, 23, and 31 of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. §§ 78b, 78c, 78w, and 78ee, has under consideration a proposal to adopt Rule 31-1. Proposed Rule 31-1 concerns transaction fees, on "covered" securities, prescribed by Section 31 of the Securities Exchange Act of 1934, as amended by the Securities Acts Amendments of 1975 (the "1975 Amend-

ments").[1] The proposed rule would exempt from the fee imposed by Section 31: (1) sales of securities offered pursuant to an effective registration statement under the Securities Act of 1933; (2) certain other sales of securities; and (3) sales of securities effected by a registered broker dealer on a foreign exchange or in a foreign country otherwise than on any exchange, which are not voluntarily reported to, and which are not required to be reported to, the Consolidated Tape Association ("CTA").

PAYMENT OF TRANSACTION FEES BY REGISTERED BROKER-DEALERS AND EXCHANGES

Prior to the effective date of the 1975 Amendments to Section 31 of the Act, the payment of a transaction fee on the sale of securities was required only for transactions effected on a national securities exchange. The primary purpose of the 1975 Amendments to Section 31 of the Act, however, was to ensure "even-handed treatment" for transactions, in exchange-listed securities, occurring on the national sceurities exchanges and in the over-the-counter market.[2] In accord with that purpose, the scope of Section 31 was expanded to encompass any transaction, in a security registered on a national securities exchange, effected by a registered broker or dealer otherwise than on an exchange.

In addition, the 1975 Amendments to Section 31 modified the description of debt securities excluded from the imposition of the transaction fees, and increased the fee to one three-hundredths of one percent (one cent for each three hundred dollars or fraction thereof) of the total dollar sales volume for the year of securities covered by the Section.[3] Payment of the transaction fees incurred in a preceding calendar year must be made to the Commission on or before March 15 of the following year.

The "Preliminary Notes" preceding the proposed rule, infra, are intended to clarify which registered broker or dealer in a transaction incurs the fee, and the basis for determining the fee in connection with transactions in, and related to, put and call options.[4]

Section 31 fees become applicable when a security not traded on any exchange is admitted to exchange trading for the first time. The fees are not applicable to transactions occurring after a security, as a result of delisting or termination of unlisted trading privileges, is no longer admitted to trading on any exchange. Notice of new listings, delistings and terminations of unlisted trading privileges will be published on a daily basis in the SEC News Digest, under the heading, "Listing, Delisting and Unlisted Trading Actions."

The proposed rule would exempt from the fee any sale of securities offered pursuant to an effective registration statement under the Securities Act of 1933, certain other sales in connection with the offering of securities, and certain sales in connection with tender and exchange offers, the exercise of warrants and rights and the conversion of convertible securities. In addition, the proposed rule would also exempt from the fee any sale of securities listed on a national exchange, effected by a registered broker or dealer in a foreign nation or on a foreign exchange, and not required, directly or indirectly, to be reported to the CTA, nor voluntarily reported to the CTA.[5]

These proposed exemptions are, it is believed, in accord with the expressed intent of Congress in amending Section 31 of the Act to apply the fee only to secondary market transactions in exchange-traded securities, rather than to offerings of securities, and to have the exchange markets and the over-the-counter markets in exchange-traded securities bear the fee in a comparable fashion.[6] Comments are expressly invited concerning whether proposed Rule 31-1 effectively implements the Congressional intent underlying the 1975 Amendments to Section 31 of the 1934 Act.

The Commission is currently developing forms to be used by all national securities exchanges and registered broker-dealers to report periodically to the Commission information concerning their sales of securities covered by Section 31 of the Act.[7] As noted earlier, however, payment of transaction fees to the Commission shall be on an annual basis only, on or before March 15 of each calendar year for sales transacted during the previous calendar year. The first date upon which exchanges and reg-

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[1] Pub. L. No. 94-29 (June 4, 1975). The text of Section 31, as amended is:

"Every national securities exchange shall pay to the Commission on or before March 15 of each calendar year a fee in an mount equal to one three-hundredths of 1 per centum of the aggregate dollar amount of the sales of securities (other than bonds, debentures, and other evidences of indebtedness) transacted on such national securities exchange during each preceding calendar year to which this section applies. Every registered broker and dealer shall pay to the Commission on or before March 15 of each calendar year a fee in an amount equal to one three-hundredths of 1 per centum of the aggregate dollar amount of the sales of securities registered on a national securities exchange (other than bonds, debentures, and other evidences of indebtedness) transacted by such broker or dealer otherwise than on such an exchange during each preceding calender year: Provided, however, That no payment shall be required for any calendar year in which such payment would be less than one hundred dollars. The Commission, by rule, may exempt any sale of securities or any class of sales of securities from any fee imposed by this section, if the Commission finds that such exemption is consistent with the public interest, the equal regulation of markets and brokers and dealers, and the development of a national market system." A "covered" security is any security (other than a bond, debenture or other evidence of indebtedness) which is registered on a national securities exchange under Section 12 (b) of the Act or which is the subject of unlisted trading privileges on such an exchange under Section 12(f) of the Act.

[2] The report of the Committee on Banking, Housing and Urban Affairs of the Senate, concerning the amendments to Section 31, states:

"At present, section 31 applies only to transactions on an exchange. Transactions in registered securities taking place in the over-the-counter market are not subject to registration fees. The Committee believes even-handed treatment of transactions in registered securities is necessary in view of the fact that the over-the-counter market involves Commission regulation and oversight as well as that of the exchange market. The cost of such regulation and oversight should be borne in comparable fashion. Moreover, as further progress is made toward a national market system in which registered securities may be traded either on an exchange or in other markets, equal regulation and fair competition require that the fees prescribed under this section should be applied uniformly to all markets. Accordingly, this section would extend the payment of the fee to transactions in listed securities which occur in the over-the-counter market." S. Rep. No. 94-75, 94th Cong., 1st Sess. 139-140 (1975).

[3] At the election of the payor, the date of a transaction subject to Section 31 of the Act may continue to be either the trade date or the settlement date, consistent with whatever is its present practice.

[4] The fee is applicable to transactions in exchange-traded put or call option contracts. It should be noted, however, that the Commission has not yet authorized trading in put options upon exchanges.

[5] Under paragraph (a) of proposed Rule 31-1, the sale of securities delivered in satisfaction of an oversubscription of an offering would be exempt from the fee. Other sales, however, of securities acquired in the course of stabilizing purchases covered by Rule 10b-7 would be subject to the fee.

[6] "In extending the fee requirement to transactions in exchange-listed securities which occur in the over-the-counter market, the Committee does not propose that these fees apply to distributions in connection with the underwriting of securities. It is intended that such fees will attach only to secondary market trading in listed securities." H.R. Rep. 94-123, 94th Cong., 1st Sess. 88 (1975).

The Commission recognizes that a registered offering of securities by an issuer does not in every case involve the services of an underwriter. Nevertheless, the exemption for registered offerings in proposed Rule 31-1 encompasses such distributions because they are clearly not the type of secondary market transaction which Congress intended to be subject to the fee.

All options listed on national securities exchanges are issued by the Options Clearing Corporation pursuant to an effective registration statement under the Securities Act of 1933. Transactions in such securities, nevertheless, have been excluded from the exemption for registered offerings because those securities are issued in the course of the type of secondary market trading which Congress intended to be subject to a transaction fee.

[7] The Commission will continue its efforts to reduce its part of the total information reporting burden placed on private industry by the Federal government and will seek, ultimately, to use automated means as much as possible to gather the required information. In the interim any reporting forms necessitated by the extension of Section 31 fees to the over-the-counter market will be developed in consultation with the Report Coordinating Group.

istered broker-dealers will pay the new Section 31 fees, as amended, is March 15, 1977. As provided by Rule 0–9 (17 CFR § 240.0–9), "All payment of fees shall be made in cash, certified check, personal check or by U.S. postal money order, bank cashier's check, or bank money order payable to the Securities and Exchange Commission, omitting the name or title of any official of the Commission."

The Commission hereby publishes proposed Rule 31–1 for comment pursuant to the Administrative Procedure Act and pursuant to the Securities Exchange Act of 1934, particularly Sections 2, 3, 23, and 31 thereof:

§ 240.31–1 Securities transactions exempt from transaction fees.

Preliminary Notes

A "covered" security is any security (other than a bond, debenture or other evidence of indebtedness) which is registered on a national securities exchange under Section 12(b) of the Act or which is the subject of unlisted trading privileges on such an exchange under Section 12(f) of the Act.

If a sale of a security covered by Section 31 is effected on a national securities exchange, the transaction fee must be paid by that exchange. With regard to sales of covered securities effected otherwise than on a national securities exchange, the fee is to be paid by the registered broker or dealer on the sale side of the transaction. When there is no registered broker or dealer on the sale side of the transaction (as, for example, where a third market dealer purchases securities for its own account from a public customer), the fee is to be paid by the registered broker or dealer on the purchase side of the transaction. Where no registered broker or dealer is involved in the transaction, no fee arises. The fee for options transactions occurring on an exchange is to be paid by the exchange itself or the Options Clearing Corporation on behalf of the exchange, and such a fee is to be computed on the basis of the option premium (market price) for the sale of the option, and the exercise price of the option in the event of its exercise. In addition, any sale of covered securities, occurring otherwise than on a national securities exchange, to or by a person exercising an option contract shall require payment of a Section 31 fee, in an amount determined on the basis of the exercise price, by the registered broker or dealer selling the securities. If there is no registered broker or dealer on the sale side of such a transaction, then the fee is to be paid by the registered broker or dealer on the purchase side of the transaction. If no registered broker or dealer is involved in the transaction, no fee arises.

The following shall be exempt from Section 31 of the Act:

(a) Transactions in securities offered pursuant to an effective registration statement under the Securities Act of 1933 (except transactions in put or call options issued by the Options Clearing Corporation) or offered in accordance with an exemption from registration afforded by Section 3(a) or 3(b) thereof, or a rule thereunder;

(b) Transactions by an issuer not involving any public offering within the meaning of Section 4(2) of the Securities Act of 1933;

(c) The purchase or sale of securities pursuant to and in consummation of a tender or exchange offer;

(d) The purchase or sale of securities upon the exercise of a warrant or right (except a put or call), or upon the conversion of a convertible security;

(e) Transactions which are executed outside the United States and are not reported, or required to be reported, to the Consolidated Tape Association pursuant to Rule 17a–15 under the Act, and any approved plan filed thereunder.

This notice of proposed rulemaking is issued under the authority of Sections 2, 3, 23 and 31 of the Securities Exchange Act of 1934, Act of June 6, 1934, Pub. L. No. 291, §§ 2, 3, 23, and 31, as amended (15 U.S.C. §§ 78b, 78c, 78w, and 78ee).

Comments regarding proposed Rule 31–1 and the applicability of Section 31 fees to particular classes of transactions should be addressed, in writing, on or before May 24, 1976 of this release, to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All such comments should refer to File No. S7–626.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

APRIL 15, 1976.

[FR Doc.76–11857 Filed 4–22–76;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

Agency for International Development

ADVISORY COMMITTEE ON VOLUNTARY FOREIGN AID

Notice of Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a)(2), Public Law 92-463, Federal Advisory Committee Act, notice is hereby given of the meeting of the Advisory Committee on Voluntary Foreign Aid which will be held on May 20, 1976, from 9:00 a.m. to 1:00 p.m., in Room 1107, New State Building, 21st and Virginia Avenue, N.W.

The purpose of the meeting is to exchange information regarding the programs and relationships of other donor nations and agencies with private voluntary organizations, to determine whether there are issues of mutual interest to be pursued, and to consider such other matters related to the foreign assistance advisory concerns of the Committee as may be appropriate.

This session will be open to the public. Any interested person may attend, appear before, or file statements with the Committee in accordance with procedures established by the Committee and to the extent time available for the meeting permits. Written statements may be filed before or after the meeting.

Mr. Fred O. Pinkham will be the A.I.D. representative at the meeting. Information concerning the meeting may be obtained from Mr. Robert S. McClusky, Telephone: AC202-632-1892. Persons desiring to attend the meeting should enter the New State Building through the Main Entrance, 22nd and C Streets.

Dated: April 16, 1976.

FRED O. PINKHAM,
Assistant Administrator for Population and Humanitarian Assistance.

[FR Doc.76-11780 Filed 4-22-76;8:45 am]

[Public Notice CM-E6/1]

ADVISORY COMMITTEE TO THE U.S. SECTION OF THE NATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNAS

Establishment of an Advisory Committee

The Atlantic Tunas Convention Act of 1975 (P.L. 94-70) gives effect to the International Convention for the Conservation of Atlantic Tunas, signed at Rio de Janeiro on May 14, 1966, and directs the establishment of an advisory committee to the United States Commissioners to the International Commission for the Conservation of Atlantic Tunas.

The Act gives the Secretary of State authority to designate alternate United States Commissioners to the Commission, as well as authorization to receive reports, requests and other communications of the Commission and to take action thereon. Therefore, the Department of State is taking the requisite action to charter a committee, which will be known as the Advisory Committee to the United States Section of the National Commission for the Conservation of Atlantic Tunas, in accordance with the Federal Advisory Committee Act (P.L. 92-463).

The purpose of the Advisory Committee is solely advisory with respect to United States participation in the work of the Commission, with particular reference to development of United States policies, positions and negotiating tactics.

The members of the Advisory Committee may attend all public meetings of the Commission and its components, as provided for in the Act, and shall be invited to attend all non-executive meetings of the United States Commissioners. At the non-executive meetings the members of the Advisory Committee shall be given the opportunity to examine and be heard on all proposed programs of study and investigations, reports, recommendations, and regulations of the United States National Section.

The Committee shall have a chairman and an executive secretary and not more than 20 public members, plus the exofficio members composed of a representative from each of the fisheries agencies of the States which maintain a substantive tuna fishery in the regulatory area as provided for by the Convention. This prescribed membership provides a balance in terms of points of view represented for the sectors of the society concerned with fisheries.

A copy of the Charter of this Advisory Committee will be deposited with the Library of Congress, Chief, Exchange and Gift Division, Federal Advisory Committee Desk, Washington, D.C. for use by the public.

Dated: April 16, 1976.

MRS. SUE M. MORELAND,
Advisory Committee Management Officer.

[FR Doc.76-11741 Filed 4-22-76;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 76-111]

FOREIGN CURRENCIES

Certification of Rates

APRIL 8, 1976.

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 76-30 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Ireland pound:	
March 29, 1976	$1.9170
March 30, 1976	1.9155
March 31, 1976	1.9159
Italy lira:	
March 29, 1976	$0.001177
March 30, 1976	.001186
March 31, 1976	.001189
Portugal escudo:	
March 29, 1976	$0.0342
March 30, 1976	.0341
March 31, 1976	.0341
Spain peseta:	
March 29, 1976	$.014905
March 30, 1976	.014915
March 31, 1976	.014935
United Kingdom pound:	
March 29, 1976	$1.9170
March 30, 1976	1.9155
March 31, 1976	1.9159

(LIQ-3)

JAMES D. COLEMAN,
Acting Director, Duty Assessment Division.

[FR Doc.76-1186 Filed 4-22-76;8:45 am]

Office of the Secretary

ANTIDUMPING: WITHHOLDING OF APPRAISEMENT NOTICE

Tantalum Electrolytic Fixed Capacitors From Japan

Information was received in proper form on September 24, 1975, alleging that tantalum electrolytic fixed capacitors from Japan were being sold in the United States at less than fair value, thereby causing injury to, or the likelihood of injury to, or the prevention of establishment of an industry in the United States, within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). On the basis of this information and subsequent preliminary investigation by the Customs Service, an "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER of October 17, 1975 (40 FR 48702).

TENTATIVE DETERMINATION OF SALES AT LESS THAN FAIR VALUE

On the basis of information developed in Customs' investigation and the reasons stated below, pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), I

hereby determine that there are reasonable grounds to believe or suspect that the exporter's sales price of tantalum electrolytic fixed capacitors from Japan is less, or is likely to be less, than the fair value, and thereby the foreign market value, of such or similar merchandise.

STATEMENT OF REASONS

The reasons and bases for the above tentative determination are as follows:

a. *Scope of the Investigation.* It appears that approximately 75 percent of all imports of the subject merchandise from Japan were manufactured by Matsuo Electric Co., Ltd., Osaka, Japan, and Nippon Electric Co., Ltd., Tokyo, Japan. Therefore, the investigation was limited to these two manufacturers.

b. *Bases of Comparison.* For the purpose of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper bases of comparison appear to be between either purchase price and the home market price of such or similar merchandise, or between exporter's sales price and the home market price of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used for export sales which appear to be made to an unrelated United States purchaser. Exporter's sales price, as defined in section 204 of the Act (19 U.S.C. 163), was used for export sales which appear to be made to related United States purchasers. Home market price, as defined in section 153.3, Customs Regulations (19 CFR 153.3), was used since such or similar merchandise appears to be sold in the home market in sufficient quantities to provide a basis of comparison for fair value purposes.

In accordance with section 153.31(b), Customs Regulations (19 CFR 153.31 (b)), pricing information was obtained concerning imports and home market sales of tantalum electrolytic fixed capacitors from Japan during the 6-month period May 1, 1975 through October 31, 1975.

c. *Purchase Price.* For the purpose of this tentative determination of sales at less than fair value, for all of the merchandise purchased or agreed to be purchased, prior to the time of exportation, by the person by whom or for whose account it was imported, within the meaning of section 203 of the Act, the purchase price has been calculated on the basis of the f.o.b. foreign port price with deductions for inland freight.

d. *Exporter's Sales Price.* For the purpose of this tentative determination of sales at less than fair value, for all of the merchandise sold or agreed to be sold in the United States, before or after the time of importation, by or for the account of the exporter, within the meaning of section 204 of the Act, the exporter's sales price has been calculated on the basis of the price to unrelated original equipment manufacturers or distributors, delivered, in the United States. Deductions have been made for transportation and other charges to United States delivery point, inland freight in the United States and Japan, and selling expenses and commissions, as appropriate, incurred in the United States.

The transportation and other charges which have been deducted are ocean or air freight, marine insurance, brokerage fees, clearance fees, and United States duties.

e. *Home Market Price.* For the purpose of this tentative determination of sales at less than fair value, the home market price has been calculated on the basis of the weighted average delivered price to original equipment manufacturers or distributors, as appropriate. Adjustments have been made to the home market price of Matsuo Electric for the following home market expenses: credit, transportation, warranty, testing services, royalty payments, selling and packing as appropriate, in accordance with section 153.8, Customs Regulations (19 CFR 153.8). The adjustment for packing relates to the difference in packing costs between home market and export sales. Adjustments to the home market price of Nippon Electric included all of the above except for technical services and royalty payments. In addition, Nippon Electric was granted an adjustment for travel costs and for advertising. Nippon Electric also made a claim for technical services, which subsequently may be allowed in part pending proper documentation. Both Matsuo and Nippon Electric claimed an allowance for certain administrative and selling expenses. Since such expenses do not bear a direct relationship to the sales under consideration, no adjustment can be made.

Adjustments for differences in circumstances of sale in accordance with section 153.8, Customs Regulations (19 CFR 153.8), for credit costs, royalty payments, travel costs, and technical services were allowed as having a direct relationship to the sales under consideration. These adjustments are based on actual costs incurred in home market sales. An adjustment for advertising expenses was allowed, since such expenses for brochures and catalogs were attributable to later sales of the merchandise. The testing expenses relate to the costs incurred in tests made by the manufacturer at the request of home market purchasers. The adjustment for selling expenses was made as an offset for selling expenses and commissions, as appropriate, deducted in the United States market.

f. *Result of Fair Value Comparisons.* Using the above criteria, preliminary analysis suggests that the exporter's sales price probably will be lower than the home market price of such or similar merchandise. The purchase price probably will be higher than the home market price of such or similar merchandise. Comparisons were made on virtually all of the tantalum electrolytic fixed capacitors sold in the United States by the two manufacturers during the period of investigation. Margins were tentatively found ranging from less than one percent to 140 percent on nearly 26 percent of the sales compared. The weighted average margin tentatively appears to be 45 percent.

Accordingly, Customs officers are being directed to withhold appraisement of tantalum electrolytic fixed capacitors from Japan in accordance with section 153.48, Customs Regulations (19 CFR 153.48).

In accordance with sections 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportuunity to present oral views.

Any request that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Avenue NW., Washington, D.C. 20229, in time to be received by his office not later than 10 calendar days from the date of publication of this notice in the FEDERAL REGISTER. Such request must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice, which is published pursuant to section 153.34(b), Customs Regulations (19 CFR 153.34(b)), shall become effective upon publication in the FEDERAL REGISTER. It shall cease to be effective at the expiration of 6 months from the date of this publication, unless previously revoked.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

APRIL 20, 1976.

[FR Doc.76-11725 Filed 4-22-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

ARMY FINANCIAL MANAGEMENT ADVISORY COMMITTEE

Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), announcement is made of the following Committee meeting:

Name of committe: Army Financial Management Advisory Committee.
Date of meeting: 11-12 May 1976.
Place: Room 2D 680, the Pentagon.
Time: 0800-1700 11 May 1976; 0800-1500 12 May 1976.
Proposed agenda: The agenda consists of a progress report and briefing of draft initial committee report to include a discussion and review of the report. This will be followed by a presentation of committee positions and identification of issues; committee guidance to staff on resolution of final issues and preparation of final draft report. This meeting is open to the public; however, space accommoda-

tions are limited. Persons wishing to attend, appear before, or file statements with the Committee at the time and in the manner permitted by the Committee should advise the Deputy Chairman of the Committee, in writing prior to the meeting at the following address: Office, Assistant Secretary of the Army (Financial Management), Room 2E 665, The Penatgon, Washington, DC 20310.

Dated: April 20, 1976.

By authority of the Secretary of the Army:

R. S. SEEBERG,
Lt. Colonel, U.S. Army Chief, Administrative Systems Division, TAGCEN.

[FR Doc.76-11796 Filed 4-22-76;8:45 am]

Defense Supply Agency

ARTISAN, INC.

Notice of Proposed Ineligibility for Future United States Government Contracts

Notice of Hearing. The Department of Defense requested and received approval from the Director, Office of Federal Contract Compliance Programs, United States Department of Labor, to issue a Notice of Proposed Ineligibility for Future United States Government Contracts to Artisan, Incorporated because of its continual noncompliance with Executive Order 11246, as amended, and applicable rules and regulations. Artisan, Incorporated has been given 14 days after receipt of this notice to respond to the allegations and to request a hearing on this matter with the Director, Defense Supply Agency.

DEFENSE CONTRACT ADMINISTRATION SERVICES

Notice of Proposed Cancellation of Contracts and Debarment The following letter is published in accordance with the requirements of 41 CFR 60-1, 60-5 and ASPR 7-103.18(b)(4):

DCAS-VO

Mr. Landon B. Deane,
President, Artisan, Incorporated,
324 Dominion Road, NE.,
Vienna, Virginia 22180.

DEAR MR. DEANE: Artisan, Incorporated, has agreed, pursuant to the Equal Opportunity clause of United States Government contracts to comply with all provisions of Executive Order 11246, as amended by 11375, and the rules and regulations, and relevant orders of the Secretary of Labor. The applicable regulations are 41 Code of Federal Regulations (CFR), Chapter 60, Parts 60-1, 60-5 (the Washington Plan). The Defense Supply Agency is charged with responsibility for securing compliance with the referenced Order and regulations under Department of Defense Directive No. 1100.11.

As of 28 July 1975, Artisan, Incorporated, had not met Minority Manpower Utilization Goal of 25% to 30% minority man-hours for the period 10 March 1975 to 19 June 1975 for the trades of Plumbers/Steamfitters/Pipefitters.

It was also determined at that time that Artisan, Incorporated, had failed to demonstrate sufficient affirmative action efforts to recruit minority employees.

Further, Artisan, Incorporated, has continually failed to demonstrate affirmative action efforts in meeting minority manpower utilization goals as set forth in the Washington Plan.

In October 1972, November 1973, and March 1974, Artisan, Incorporated, was issued show cause notices for failure to fulfill previous commitments under the Washington Plan. In each instance our Philadelphia Office provided technical assistance which resulted in a withdrawal of the show cause notices.

The show cause notice issued in August 1975 is a further example of the continued failure to fulfill commitments agreed to under the Washington Plan. Our Philadelphia Office again offered assistance during the 30-day show cause period. No response has been received to that office's detailed letter of 24 November 1975, which replied to your Mr. Cowle's letter dated 23 October 1975.

In view of your continuous noncompliance with the Order and applicable regulations, you are hereby notified of the proposed cancellation or termination of any existing United States Government contracts or subcontracts. It is also proposed that you be declared ineligible for futher contracts and subcontracts with the United States Government.

This action is pursuant to Section 209 of the Order and 41 CFR 60-1.26(b). Artisan, Incorporated, may within 14 days after receipt of this notice file an answer to the allegations set forth in this letter and request a hearing on the issues with the Director, Defense Supply Agency, Cameron Station, Alexandria, Virginia 22314. The answer and reqeust for hearing should conform with the requirements of 41 CFR 60-1.26(b)(2)(iii).

Sincerely,

HENRY SIMON,
Deputy Director,
Contract Administration Services.

[FR Doc.76-11723 Filed 4-22-76;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

NATIONAL ADVISORY COMMITTEE ON CRIMINAL JUSTICE STANDARDS AND GOALS

Notice of Meeting

This is to provide notice of meeting of the Disorders and Terrorism Task Force of the National Advisory Committee on Criminal Justice Standards and Goals.

The Disorders and Terrorism Task Force will be meeting at the American University Law Institute, 4900 Massachusetts Avenue NW., 3rd Floor Conference Room, Washington, D.C. on May 15 and 16, 1976. (If the Task Force members feel that the items on the agenda have not been adequately addressed by the time of adjournment on Sunday, May 16, the meeting will reconvene on Monday, May 17, 1976 at 9 a.m.) The meeting is open to the public.

Meeting Times: May 15—6 p.m.-9 p.m., May 16—9 a.m.-6 p.m.

Discussion will focus on the review and final development of the entire report on Disorders and Terrorism.

For further information, contact William T. Archey, Director, Policy Analysis Division, Office of Planning and Management, 633 Indiana Avenue NW., Washington, D.C.

JAY A. BROZOST,
Attorney-Advisor,
Office of General Counsel.

[FR Doc.76-11721 Filed 4-22-76;8:45 am]

COMMISSION ON CIVIL RIGHTS

KANSAS/MISSOURI ADVISORY COMMITTEE

Correction

The meeting of the Missouri Advisory Committee to the United States Commission on Civil Rights, scheduled for May 4, 1976, a notice of which was previously published on page 16201 in the FEDERAL REGISTER on Friday, April 16, 1976 (FR Doc. 76-11062) has been amended to read Kansas/Missouri Advisory Committee. The time, date and place remain the same.

Dated at Washington, D.C., April 20, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-11850 Filed 4-22-76;8:45 am]

NORTH DAKOTA ADVISORY COMMITTEE

Cancellation of Meeting

The meeting of the North Dakota Advisory Committee to the United States Commission on Civil Rights, originally scheduled for May 3, 1976, a notice of which was previously published on page 15058 in the FEDERAL REGISTER on Friday, April 9, 1976 (FR Doc. 76-10216) has been cancelled.

Dated at Washington, D.C., April 19, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-11851 Filed 4-22-76;8:45 am]

TENNESSEE ADVISORY COMMITTEE

Change of Meeting Place

The meeting of the Tennessee Advisory Committee to the United States Commission on Civil Rights, originally scheduled for May 14, 1976, a notice of which was previously published on page 16202 in the FEDERAL REGISTER on Friday, April 16, 1976 (FR Doc. 76-11068) has been changed to the Sheraton Airport Inn, 2411 Winchester Road, Memphis, Tennessee 38130. (Apollo I Room) The date and time of the meeting remain the same.

Dated at Washington, D.C., April 19, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-11852 Filed 4-22-76;8:45 am]

CANADA AND UNITED STATES—INTERNATIONAL JOINT COMMISSION

EQUITABLE APPORTIONMENT OF THE WATERS OF THE POPLAR RIVER

Public Hearings

The International Joint Commission, a permanent Canada and United States body, established under the Boundary Waters Treaty of 1909, will hold public hearings at the times and places noted below on the matter of long-term apportionment on the waters of the Poplar River in Saskatchewan and Manitoba.

The Governments of Canada and the United States by letters dated September 26 and September 30, 1975, respectively, concurred in the Commission's decision to request its International Souris-Red Rivers Engineering Board to prepare a study and to make recommendations to the Commission on an equitable apportionment between the two countries of the flows of the Poplar River system so as to safeguard the uses of waters in both countries and enable each country to make sound water development plans for that area; all in accordance with the terms of the Reference to the Commission dated January 12, 1948.

The Board has submitted a Report of its Task Force entitled: "Joint Studies for Flow Apportionment—Poplar River Basin in Saskatchewan and Manitoba—February 1976" and the purpose of these hearings is to receive testimony and evidence relating to this Report, as well as any other pertinent information which would help the Commission in preparing its report to the Governments.

Copies of the Board's Report may be obtained upon request from the International Joint Commission in either Washington or Ottawa at the addresses noted below or at the office of the U.S. Geological Survey, P.O. Box 1696, Helena, Montana.

Opportunity will be given to anyone, either on his own behalf or in a representative capacity, to offer pertinent information which may assist the Commission in its inquiry. Statements may be made orally or in writing. If written statements are submitted, it is requested that, if possible, thirty (30) copies be provided for the Commission's use. Additional copies may be deposited with the Secretaries at the hearings for the use of the news media and others present.

TIMES AND PLACES OF HEARINGS

Date, Local Time, and Place

May 26, 1976, 2:00 p.m. & 8:00 p.m., Catholic Center, Scobey, Montana.

May 27, 1976, 10:30 a.m., Kinsmen Hall, Coronach, Saskatchewan.

W. A. Bullard, Secretary, U.S. Section, International Joint Commission, Suite 200, 1717 H Street, N.W., Washington, D.C. 20440, STOP NO. 86. (202) 296-2142.

D. G. Chance, Secretary, Canadian Section, International Joint Commission, Suite 850, 151 Slater Street, Ottawa, Ontario, Canada, K1P 5H3. (613) 992-2945.

APRIL 16, 1976.

[FR Doc.76-11746 Filed 4-22-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

MARINE MAMMAL PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit has been received under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407).

Applicant: University of Miami, John Elliott Reynolds, III, 4600 Rickenbacker Causeway, Miami, Florida 33149.

OMB NO. 42-R1572

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☑ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
A) SWIM WITH MANATEES (TRICHECHUS MANATUS) IN ORDER TO OBSERVE AND RECORD THEIR BASIC BEHAVIOR, ESPECIALLY SOCIAL BEHAVIOR, AND ECOLOGY.
B) PLACE A MESH BARRIER ACROSS A CANAL TO PREVENT MANATEE MIGRATION INTO BISCAYNE BAY WHERE MORTALITY IS GREATER FOR MANATEES

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
JOHN ELLIOTT REYNOLDS III
RSMAS - UNIVERSITY OF MIAMI
4600 RICKENBACKER CAUSEWAY
MIAMI, FLORIDA 33149
305-350-7310 OFFICE / 305-642-1455 HOME

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☑ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 5'10" WEIGHT: 160
DATE OF BIRTH: NOVEMBER 8, 1952
COLOR HAIR: BROWN COLOR EYES: BLUE
PHONE NUMBER WHERE EMPLOYED: 305-350-7310
SOCIAL SECURITY NUMBER: 214-48-2451
OCCUPATION: GRADUATE STUDENT AND GRADUATE RESEARCH ASSISTANT
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. DR. DANIEL K. ODELL
PROFESSOR, UNIV OF MIAMI - 305-350-7310
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
A) THE SWIMMING WILL BE DONE WHEREVER MANATEES ARE NATURALLY FOUND, BUT ESPECIALLY IN SOUTHEAST FLORIDA.
B) THE MESH WOULD BE PUT IN THE TAMIAMI CANAL WHERE IT DRAINS BLUE LAGOON LAKE (MIAMI, DADE COUNTY, FLORIDA)

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☑ NO
(If yes, list license or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of document)

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ 25.00

10. DESIRED EFFECTIVE DATE: SOON AS POSSIBLE

11. DURATION NEEDED: FOUR YEARS

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
FOLLOWED 50 CFR 17.22 and 18.31 "AS CLOSELY AS POSSIBLE".

CERTIFICATION
I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): John Elliott Reynolds III
DATE: 02-March-76

3-200
(6/74)

Attachments:

1. *Description of the Animal Involved:*
a. *Species:* Florida manatee (*Trichechus manatus*).

b. *Number, Age and Sex of Animals to be taken:* No animals will be taken. The applicant seeks only to swim with the manatees in order to observe them in their natural habitat.

c. *Population size:* There is scant information concerning the size of the manatee population in Florida. Further, nothing is known about manatee reproductive biology or mortality rates. Hartman (1971) estimates that there are 800-1300 manatees in Florida.

2. *Present Location of Animals Sought:* The State of Florida.

3. *Current and Previous Permits:* The applicant has not in the past, nor does he currently hold, permits for studying manatees.

4. *Currently Captive Animals:* Not Applicable.

5. *Facility Description and Location:* The mesh would be placed in the Tamiami Canal where it drains Blue Lagoon Lake near Miami International Airport (Dade County, Florida). The net will be approximately 50 feet wide and 25 feet deep and will have mesh about 4 inches square. A diagram of the proposed

structure and its location is attached. See section 7 for additional information concerning the structure and its purpose.

6. *Capture Contracts:* Not Applicable.

7. *Justification for Issuance of the Permit:* The Florida manatee is an obscure animal about which there is very little biological information. The manatee is an endangered species. In order that management programs be maximally effective, a thorough understanding of the ecology and behavior of the species is mandatory. Further, it is desirable to have such information from a purely scientific viewpoint.

Manatee habitats range from pure fresh water to salt water and Hartman (1971) feels that individuals migrate from one to another. Manatees are unique as they are the only herbivorous marine mammals. Essentially nothing is known, however, concerning the amount of food these animals consume daily under natural conditions.

Man, either directly or indirectly, probably kills more manatees than any other single factor. Being struck by boat propellers is probably the primary cause of manatee mortality in South Florida (Odell, pers. comm.). This ill-treatment is unfortunate since, if the manatee population were allowed to increase significantly, the animals might be effectively used for either weed clearance (Allsopp, 1961; 1969; National Science Research Council, 1974) or as a source of meat (Bertram and Bertram, 1965).

Should a permit be granted allowing the proposed study to begin, the information gained would prove invaluable to future efforts to protect the manatee from extinction. In addition, the study would provide details concerning the biology in general and population dynamics specifically of the species. It is especially important that man gain some insight into the ecology and natural history of an animal which occupies a unique niche and which could be of potential economic value to man.

The mesh would serve two functions. First, it would keep an isolated colony of manatees in Blue Lagoon Lake intact so that studies on their social interactions and diurnal behavior patterns could be conducted more easily. Second, the net would protect the Blue Lagoon manatee population from mortality factors which they presently do not face. There is, at this time, a salinity dam which prevents the manatees from following the Tamiami canal into the Miami River and Biscayne Bay. In May, 1976, this dam will be removed and a large automatic flood gate used in its place. The manatees could get through the flood gates into Biscayne Bay, where boating traffic is especially heavy. Also, many manatees in South Florida are crushed in flood gates of the type being installed (Odell, pers. comm.). The mesh barrier would thus protect the manatees from potential dangers that do not exist in Blue Lagoon.

The position of the net would be such that boats could not reach it and become entangled. A permit application has been submitted to the Florida Flood Control headquarters in West Palm Beach, Florida to secure their permission to place such a structure in the canal.

8. *Research Goals:* The purpose of the proposed study is to examine the ecology and behavior of the individuals comprising an isolated colony of Florida manatees. Their habitat will be examined, as well as their food habits, diurnal behavior patterns, social groupings and individual postures and movements.

a. *Description of Natural Habitat:* The manatee colony in Blue Lagoon Lake is comprised of nearly 40 individuals that have become established as a breeding unit as demonstrated by the birth of at least three calves there in the past year. This study will examine the habitat of Blue Lagoon, including seasonal and daily fluctuations thereof, in order to realize a habitat which will support a breeding population of manatees. The habitat will be described specifically in terms of such factors as temperature, depth and vegetation.

b. *Individual Recognition of Manatees:* Physically, each manatee is distinctive due both to scars (usually from propeller wounds) and other identifying physical characteristics such as body form, shape of head, sex and obvious physical deformities (for example, one scarless animal floats noticeably high out of the water and tilts to one side).

c. *Social Groups and Social Behavior:* Based on individual recognition, component members of social groups will be determined. The frequency with which each animal is observed with other individuals will be recorded, as well as noting which animal in a group, if any, seems to take the initiative as leader. Manatees are apparently unaggressive towards one another, so any such leader would probably not have gained its position due to a trait such as fighting ability. A presumed function of leadership in manatees would be to initiate transitions from one behavioral activity to another.

d. *Ethology and Diurnality:* Basic ethology such as postures, patterns of movements and diurnal patterns for individual manatees will be studied. Diurnality will be studied by following the animals in a boat or along the shore for as many consecutive hours as possible. Nocturnal behavior would be difficult to assess in this manner, so hydrophones will be used to locate and follow the animals. Time budgets will be compiled for as many individuals as possible.

e. *Feeding Rates and Catalog of Plant Species Consumed:* By comparing well-grazed areas of Blue Lagoon with a fenced off area, the rates of plant growth and manatee grazing can be measured. The catalog of plant species consumed there should be of special interest since the lake is fresh water. A complete list of plants eaten by manatees in fresh water, salt water and estuarine habitats will be compiled.

f. *Safety of Experiments:* In swimming with the animals, actual touch-contact will be avoided. An effort will be made by the observer to be as unobstrusive as possible so that the behavior of the manatees will be unaffected. To gain the information desired, it is important that the observer be able to watch the manatees underwater as visibility from boats or the shoreline can be very limited by turbidity and water depth.

The mesh will be weighted to the bottom so that manatess can not become lodged beneath it and drown. Also, the size of the mesh should prevent animals from sticking their heads through and getting stuck in this way. If there is any indication that the barrier is a hazard to the animals, it will be removed and appropriately modified.

g. *Grants and Contracts:* No grants or contracts have been in the past, nor are they presently held regarding the proposed study. Funding will be provided by the applicant. Much of the equipment used will be borrowed from personnel at the Rosenstiel School of Marine and Atmospheric Science (University of Miami).

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received by May 24, 1976 will be considered.

Dated: April 16, 1976.

LOREN K. PAUCHER,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-11779 Filed 4-22-76;8:45 am]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: North Carolina State Museum of Natural History, Department of Agriculture, P.O. Box 27647, Raleigh, North Carolina 27611.

OMB NO. 42-R1673

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate type of permit)
[ ] IMPORT OR EXPORT LICENSE [X] PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED:
Salvage and/or collection of up to six specimens each of the bats Myotis sodalis and M. grisescens, and bodies and/or parts of both species, for scientific research in connection with endangered and threatened species programs. Materials will become part of systematics collections at the N. C. State Museum of Natural History.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
North Carolina State Museum of Natural History, Department of Agriculture, P. O. Box 27647, Raleigh, NC 27611.
919/829-7451, ext. 4

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
[ ] MR. [ ] MRS. [ ] MISS [ ] MS.
HEIGHT: WEIGHT:
DATE OF BIRTH: COLOR HAIR: COLOR EYES:
PHONE NUMBER WHERE EMPLOYED: SOCIAL SECURITY NUMBER:
OCCUPATION:

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION:
State Museum conducting basic research on fauna of the southeastern United States, especially North Carolina.

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT:

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.: Dr. John B. Funderburg, Director. 919/829-7451, ext. 31

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED:

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED:
Caves of the western part of North Carolina, and caves of northern Alabama, excluding hibernacula.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? [X] YES [ ] NO
(If yes, list license or permit numbers)
PRT-7-16-C-2-NV

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? [ ] YES [ ] NO
(If yes, list jurisdictions and type of document(s))
Not Required

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF:
$ Not Required

10. DESIRED EFFECTIVE DATE:
15 June 1976

11. DURATION NEEDED:
2 years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
17.22

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): John E. Cooper — DATE: March 16, 1976

2-200 GPO 892-042

John B. Funderburg Director March 24, 1976

Attachments required under 50 CFR 17.22 for Endangered Species—Scientific Research Permit:

(1) Indiana bat, *Myotis sodalis*, and Gray bat, *Myotis grisescens*. Taking and/or salvaging up to six specimens (including cadavers and/or parts) of each species, sex immaterial, but possibly including young if found dead. Specimens are to be used for scientific purposes and will become part of the catalogued systematics collections of the N.C. State Museum of Natural History.

(2) Specimens and/or parts sought are still in the wild.

(3) Not applicable.

(4) Not applicable.

(5) North Carolina State Museum of Natural History, Box 27647, Raleigh NC 27611. This Museum is a scientific and educational institution with a staff of twelve researchers and a curated systematics collection of mammals, including bat skins and skulls.

(6) Not applicable.

(7) It is impossible at this juncture to provide specific dates for the collecting and/or salvage activities, since they will be determined by the vagaries of bat movements and by field opportunities on the part of our staff. It is likely that some attempt will be made in north Alabama in the summer of 1976. If our objectives have not been met within the two year duration period requested, which is highly unlikely, we will re-submit request for permit. The reseachers who will engage in these activities are: Dr. John E. Cooper, Director of Research and Collections, NCSM; Mr. David S. Lee, Curator of Birds and Mammals, NCSM; and an as yet undesignated student intern in the Research and Collections Division of the N.C. State Museum.

(8) (i) The activities sought to be authorized are collection of (primarily) parts (cadavers, skulls, other bones) and (secondarily) living specimens of the two bat species involved.

(ii) The activities will be carried out by investigating known roost areas of the bat species in Alabama, and suspected roosts of social bat species in North Carolina, for cadavers and parts, with a minimum of disturbance to living animals. Several live specimens may be hand-collected for preparation into study skins, skeletons, and preserved bodies.

(iii) These activities are primarily aimed at enabling us to obtain comparative material for systematics collections, and materials for voucher purposes, in a general research program involving endangered and threatened fauna of North Carolina. The N.C. State Museum has assumed the responsibility for identifying and assessing the status of such fauna.

(iv) All materials will become part of our catalogued mammal holdings.

Prepared by: John E. Cooper, Director of Research and Collections, North Carolina State Museum of Natural History, Box 27647, Raleigh NC 27611.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received by May 24, 1976 will be considered.

Dated: April 19, 1976.

BERTRAM S. FALBAUM,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-11777 Filed 4-22-76;8:45 am]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: Eastern Illinois University, Department of Zoology, Charleston, Illinois 61920. Dr. Edward O. Moll.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Importation of preserved specimens of Batagur baska for scientific purposes. Only dead turtles will be preserved. No living turtles will be sacrificed for this purpose.

APPLICATIO

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Dr. Edward O. Moll
Department of Zoology
Eastern Illinois University
Charleston, Illinois 61920
Phone: (217) 581-5810

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 5'10" WEIGHT: 155
DATE OF BIRTH: 30/11/39
COLOR HAIR: Brown COLOR EYES: Blue
PHONE NUMBER WHERE EMPLOYED: 581-5810
SOCIAL SECURITY NUMBER: 345-32-9342
OCCUPATION: Associate Professor of Zoology
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT:
Eastern Illinois University
Charleston, Illinois

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Specimens will be obtained in Malaysia.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit number)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of documents)
Professional visitor's pass to W. Malaysia - Permit from Nat'l. Wildlife Board of W. Malaysia

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ none

10. DESIRED EFFECTIVE DATE: February 1976
11. DURATION NEEDED: one year

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
50 CFR 17

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE RE... REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER ... MATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS ... I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ... ...TIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL ...HAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFOR... ...TE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. ... THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): Edward O. Moll
DATE: 3 January 1976

3-200
16-741

DEPARTMENT OF ZOOLOGY,
University of Malaya,
Kuala Lumpur, Malaysia.

Ref. FWS/LE PRT 2-21-07-I Attn. A. Eugene Herter.

C. R. BAVIN,
Chief,
Division of Law Enforcement,
United States Department of the Interior,
Fish and Wildlife Service,
Washington, D.C. 20240.

MARCH 19, 1976.

DEAR SIR: Thank you for your letter of 25 February 1976. The letter was sent to my US address first and thus the delay in my reply. Please address future correspondence to the University of Malaya address above.

Your question of how many river terrapins I wish to import is difficult to answer. The river terrapin specimens consist of shells and skeletons found along the river and hatchlings which die at the government hatchery. To date I have acquired 12 hatchlings and 6 partial skeletons. There is no way of accurately predicting how many more I will obtain. Inasmuch as I have acquired these specimens in the first 6 months of my year's stay in Malaysia, a working estimate of the total specimens would be double the above or 36. I regret that I can be no more accurate than this.

Sincerely,

EDWARD O. MOLL,
Associate Professor of Zoology,
Eastern Illinois University.

INFORMATION REQUIRED FOR ENDANGERED SPECIES IMPORTATION PERMIT

General: During the period August 1975 to August 1976, I am working with the Game Department of West Malaysia in an effort to improve their conservation program for the endangered River Terrapin, *Batagur baska*. In the course of this study, I occasionally run across dead specimens of *Batagur* which I preserve (e.g. hatchlings die at the turtle hatchery and nursery, shells and partial skeletons turn up along the river). Inasmuch as *Batagur* is quite rare in museums, I would like to import these specimens into the United States for their scientific value. The specimens would be stored in the Eastern Illinois Scruggs Museum and the Museum of Lower Vertebrates at the University of Utah. The total number of specimens to be sent will depend upon how many dead individuals can be found.

17.23a 1. River Terrapin (Tuntong)—*Batagur baska* (all ages and both sexes).

2. No commercial use is intended.

3. Imported specimens will be utilized by me in studies of variation and taxonomy of this little known species. Furthermore all specimens wil be available for loan to other members of the scientific community.

4. Eastern Illinois Scruggs Museum, Eastern Illinois University, Charleston, Illinois. A small research collection (approximately 800 specimens—mostly turtles) is maintained by the investigator for studies on taxonomy, ecology, and reproductive physiology. Lower Vertebrate Museum, University of Utah, Salt Lake City, Utah, 84112 maintains one of the largest collections of turtles in the United Staes. Dr. John M. Legler is curator of this collection. Several specimens would be deposited here for convenient access by the scientific community.

5–6. No live specimens will be sacrificed. Specimens wil be taken from those which have already died from various causes. Consequently this collection will have no effect on the population.

As I will be in Malaysia through the end of August 1976 and shipping may require several months, please issue a permit valid for one year beginning February 1976.

My present mailing address (until May 1, 1976) is: 81 Pekan Baharu, Telok Anson, Perak, Malaysia.

Documents and complete information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received before May 24, 1976 will be considered.

Dated: April 19, 1976.

BERTRAM S. FALBAUM,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-11778 Filed 4-22-76;8:45 am]

Bureau of Land Management

[M 33891]

MONTANA

Application

APRIL 13, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185) as amended by the Act of November 16, 1973 (87 Stat. 576), Belle Fourche Pipeline Company has applied for a natural gas pipeline right of way for a 4½ inch line across the following lands:

PRINCIPAL MERIDIAN, MONTANA

T. 9 S., R. 23 E.,
Sec. 33, E½SW¼, W½SE¼, SE¼NW¼, and NE¼NW¼.

This pipeline will convey natural gas across .8 mile of national resource lands in Carbon County, Montana.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and,

if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their names and address to the District Manager, Bureau of Land Management, P.O. Box 2020, Billings, Montana 59103.

ROLAND F. LEE,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-11747 Filed 4-22-76;8:45 am]

SALT LAKE DISTRICT MULTIPLE USE ADVISORY BOARD, UTAH

Notice of Meeting

Notice is hereby given in accordance with P.L. 92-463, that a meeting of the Salt Lake District Multiple Use Advisory Board will be held May 25, 26, and 27, 1976, commencing at 8:00 a.m. at the District Office at 2370 South 2300 West in Salt Lake City, Utah. The subject Advisory Board was established to advise the District Manager on matters pertaining to multiple use management in the Salt Lake District.

The meeting will consist of a field trip on the first and second day and a formal conference meeting on the third day, on the following schedule:

The first day field trip:

(1) General tour of the Onaqui-Oquirrh Planning Unit and enroute discussion on inventoried resources, resource potential, and problems.

(2) Simpson Springs and surrounding area and en route discussion on management potential and problems.

(3) Camp out at Simpson Springs and discussion of day's tour.

The second day field trip:

(1) General tour of the Onaqui-Oquirrh Planning Unit and en route discussion on inventoried resources, resource potentials, and problems.

(2) Simpson Springs and surrounding area and en route discussion on management potential and problems.

The third day conference meeting will be held in the Salt Lake District conference room at 2370 South 2300 West in Salt Lake City, Utah and will commence at 8:00 a.m. This meeting will consist of presentations and discussions on the following topics:

(1) Discussion and feedback from the previous Advisory Board meeting (April 13, 14, 1976).

(2) Oil and gas leasing in the Salt Lake District.

(3) A discussion of management policies and resource potentials on those areas covered on the preceding days' field trips.

(4) Predator control plans for the District.

(5) Report on progress made with Bonneville Salt Flats maintenance and management plans.

The tour and meeting will be open to the general public. The general public should provide their own transportation, camping and lunch facilities for the tour. Time will be made available beginning at 3:00 p.m. on May 27th for brief statements by members of the general public. Such statements should be limited to matters set forth in the agenda. Those wishing to make an oral statement on the tour or agenda topics should notify the District Manager, Bureau of Land Management, 2370 South 2300 West, Salt Lake City, Utah, 84119. Telephone number (801) 524-5348, by close of business on May 21, 1976. The Board chairman or authorized federal official may limit public attendance and participation to the extent that available facilities and time require limitation. Any interested person or organization may file a written statement with the board for its consideration. Such statements may be submitted at the meeting or mailed to the District Manager. Minutes of the meeting will be available for public inspection and copy 30 days after the meeting at the Salt Lake District Office, 2370 South 2300 West, Salt Lake City, Utah.

Dated: April 15, 1976.

RULON G. MCRAE,
Acting District Manager.

[FR Doc.76-11743 Filed 4-22-76;8:45 am]

OREGON STATE MULTIPLE USE ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Oregon State Multiple Use Advisory Board will meet in Burns, Oregon, on May 18-19, 1976. On the first day, the group will tour national resource lands in the Drewsey and Andrews Resource Areas to observe conditions pertinent to preparation of environmental impact statements and to wild horse management. The second day will be devoted to a meeting in the conference room of the Burns District, 74 South Alvord Street, Burns, Oregon. Subjects to be discussed are natural resource management objectives, laws, regulations, and procedures governing natural resource management; management framework plans, allotment management plans, and environmental impact statements; and demands on national resource lands for environmental quality, wildlife habitat, energy sources, wild horses, livestock forage, and other purposes. A chairman and vice chairman of the board will be elected to serve until December 31, 1976.

The meeting on May 19 is open to the public. Time will be allowed at 11:30 a.m. for brief statements by members of the public on subjects limited to items on the agenda. Those wishing to make oral statements on May 19, or to arrange to participate in the tour on May 18, should notify the State Director, Bureau of Land Management, P.O. Box 2965, Portland, OR 97208, by May 10. Written statements for consideration by the board may be sent to the same address.

E. J. PETERSEN,
Acting State Director.

APRIL 14, 1976.

[FR Doc.76-11776 Filed 4-22-76;8:45 am]

National Park Service

MIDWEST REGIONAL ADVISORY COMMITTEE

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Midwest Regional Advisory Committee will be held beginning at 1:30 p.m. (EDT) on Wednesday, May 19, 1976, and continuing until approximately 3:30 p.m. (CDT), Saturday, May 22, 1976.

The meeting will be held in two segments, the first at Boston Heights, Ohio, and the second in the vicinity of Michigan City, Indiana. The exact meeting times and locations are given below.

The Committee was established pursuant to Public Law 91-383 to provide for free exchange of ideas between the National Park Service and the public, and to facilitate the solicitation of advice or other counsel from members of the public on programs and problems pertinent to the Midwest Region of the National Park Service.

The members of the Advisory Committee are as follows:

Honorable Robert W. Berrey III (Chairman)
Mrs. Mildred Curtis
Mr. Norman G. Duke
Mr. John J. Franke, Jr.
Mr. Glenn C. Gregg
Mr. Fred D. Hartley
Mr. Lewis W. Jones
Mr. William L. Lieber
Mr. Erwin D. Sias

The following is the Committee's schedule:

WEDNESDAY, MAY 19

1:30 p.m.-5:00 p.m. (EDT)—Tour of Cuyahoga National Recreation Area. Transportation will be provided for members of the Committee and staff. Members of the public are welcome to accompany the Committee in their own transportation.

THURSDAY, May 20

8:00 a.m.-12 noon (EDT)—Meeting in the Lancelot Room, Boston Heights Holiday Inn, between Cleveland and Akron, one-half mile north of the intersection of Ohio Route 8 and the Ohio Turnpike. Members of the public are invited to attend and to address the Committee on agenda items. Approximately 60 persons can be accommodated.

FRIDAY, MAY 21

8:00 a.m.-2:30 p.m. (CDT)—Tour of Indiana Dunes National Lakeshore. The first 1½ hours will be devoted to a helicopter flight for the Committee. For the ground portion of the tour, beginning at 9:30 a.m., transportation will be provided for members of the Committee and staff. Members of the public are welcome to accompany the Committee in their own transportation.

2:30 p.m.-4:30 p.m. (CDT)—Meeting at Red Lantern Inn, Banquet Room, Lake Front Drive, Beverly Shores, Indiana. Members of the public are invited to attend and to address the Committee on agenda items. About 90 persons will be able to attend the meeting in addition to the committee.

SATURDAY, MAY 22

12:30 p.m.–3:30 p.m. (CDT)—Meeting at Indiana Dunes National Lakeshore Tremont Visitor Center, Intersection of State Park Road and U.S. Highway 12, Chesterton, Indiana. This session, while open to the public will be a working meeting of the Committee and will not present opportunities for participation by members of the public other than by written statement. Approximately 90 persons in addition to the Committee can be accommodated. (From 9:00 a.m. to 11:30 the Committee will attend the meeting of the Indian Dunes National Advisory Commission at the same location.)

Matters to be discussed at the meeting include the following:

1. Consideration of the Committee's report on NPS public participation efforts in the Midwest Region.
2. The NPS role in urban recreation.
3. Benefits and liabilities incurred by local jurisdictions in connection with establishment of new NPS areas in urban locations.
4. Progress report covering current problems and activities.

The meeting will be open to the public as indicated above. Any member of the public may file with the Committee a written statement concerning matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Bill W. Dean, Associate Regional Director, Cooperative Activities, Midwest Regional Office at area code 402, 221–3481. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Midwest Region, 1709 Jackson Street, Omaha, Nebraska 68102.

Dated: April 19, 1976.

MERRILL D. BEAL,
Regional Director, Midwest Region.

[FR Doc.76–11784 Filed 4–22–76;8:45 am]

PROCUREMENT ACTIONS

Legal Review

Pursuant to Department of the Interior Procurement Regulations, Subpart 14–1.352, the National Park Service has issued a memorandum to the field directorate regarding legal review of procurement actions.

This directive requires that the following National Park Service contractual documents be reviewed by the Department of the Interior, Office of the Solicitor for legal sufficiency:

1. All proposed solicitations, procurement contracts, and grants and amendments thereto (including supporting documentation) anticipated to exceed $100,000: Provided, however, that this threshold amount may be modified by written agreement of the Chief, Division of Contracting and Property Management and the Assistant Solicitor—Procurement.
2. All solicitations, procurement contracts and grants, regardless of amount, which involve the interpretation of contract or grant authority which have not previously been approved by the Solicitor's Office.
3. Any solicitation, procurement contract or grant or amendments thereto or any other procurement action may be submitted for legal review, if in the judgment of the Contracting Officer, such review is desirable.
4. All findings and decisions to be issued pursuant to the disputes clause.
5. All protests and mistakes in bids.
6. All proposed terminations for convenience or default, cure notices, and show cause letters.

In addition to the requirements above, each Regional Director, Director, National Capital Parks, and Managers, Denver Service Center and Harpers Ferry Center shall establish a written policy of review below the $100,000 threshold with the agreement of the appropriate Regional or Field Solicitor to insure that a reasonable sampling of contracts are reviewed.

Any communications regarding this notice should be addressed to National Park Service, Chief, Division of Contracting and Property Management, Washington, D.C. 20240.

Dated: April 20, 1976.

J. LEONARD NORWOOD,
Associate Director, Administration.

[FR Doc.76–11783 Filed 4–22–76;8:45 am]

[INT FES 76–21]

GUADALUPE MOUNTAINS NATIONAL PARK, TEXAS

Proposed Master Plan; Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental statement for a proposed Master Plan for Guadalupe Mountains National Park, Texas.

The environmental statement considers the extent and kind of physical development needed to accommodate the types and levels of public use that can be allowed within the widely varying environmental conditions of the park area. Proposed master plan concepts include a park operations headquarters, transportation system, management facilities, interpretive facilities, access roads, wilderness-use facilities and land classification.

Copies are available from or for inspection at the following locations:

Southwest Regional Office, National Park Service, Old Santa Fe Trail, Post Office Box 728, Santa Fe, New Mexico 87501.
Office of the Superintendent, Guadalupe Mountains National Park, 3225 El Paso Road, Carlsbad, New Mexico 88220.
Chamizal National Memorial, Room 620, Southwest National Bank Building, 300 East Main Drive, El Paso, Texas 79901.

Dated: April 8, 1976.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.76–11840 Filed 4–22–76;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

LAND USE PLAN, BITTERROOT SOUTH PLANNING UNIT

Notice of Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Land Use Plan, Bitterroot South Planning Unit, Forest Service Report Number USDA–FS–FES (Adm.) R1–75–12.

The environmental statement concerns the proposed implementation of a Land Use Plan for the Bitterroot South Planning Unit, Darby Ranger District, Bitterroot National Forest, Ravalli County, Montana. About 71,830 acres of National Forest land are affected. The planning unit is divided into 13 subunits of similar resource potential and limitations to management. Significant values, management direction, and specific statements to guide land management have been developed for each subunit.

This final environmental statement was filed with C.E.Q. on April 16, 1976.

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

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave. SW, Washington, DC 20250.
USDA, Forest Service, Northern Region, Federal Building, Missoula, MT 59801.
USDA, Forest Service, Bitterroot National Forest, 316 North Third Street, Hamilton, MT 59840.
USDA, Forest Service, Darby Ranger Station, Darby, MT 59829.

A limited number of single copies are available upon request to:

Robert S. Morgan, Forest Supervisor, Bitterroot National Forest, 316 North Third Street, Hamilton, MT 59840.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the C.E.Q. guidelines.

ROBERT S. MORGAN,
Forest Supervisor, Bitterroot National Forest.

APRIL 16, 1976.

[FR Doc.76–11744 Filed 4–22–76;8:45 am]

LAND USE PLAN, MILL CREEK PLANNING UNIT

Notice of Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Land Use Plan, Mill Creek Planning Unit, Forest Service, Report Number USDA–FS–R1 (17)–FES–Adm–76–10.

The environmental statement concerns the proposed implementation of a revised Land Use Plan for the Mill Creek Planning Unit, Slate Creek and Clearwater Ranger Districts, Nezperce National Forest, Idaho County, Idaho. About 38,985 acres of National Forest land are affected. The planning unit is divided into 20 subunits for the purpose of resource allocation and direction. Significant values, management direction, and specific statements to guide land management have been developed for each subunit.

This final environmental statement was transmitted to CEQ on April 16, 1976.

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

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave., SW, Washington, D.C. 20250.
USDA, Forest Service, Northern Region, Federal Building, Missoula, MT 59801.
USDA, Forest Service, Nezperce National Forest, 319 East Main, Grangeville, ID 83530.
USDA, Forest Service, Slate Creek Ranger Station, Whitebird, ID 83554.
USDA, Forest Service, Clearwater Ranger Station, 319 East Main, Grangeville, ID 83530.

A limited number of single copies are available upon request to:

USDA, Forest Service, Nezperce National Forest, 319 East Main, Grangeville, ID 83530.
USDA, Forest Service, Slate Creek Ranger Station, Whitebird, ID 83554.
USDA, Forest Service, Clearwater Ranger Station, 319 East Main, Grangeville, ID 83530.

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

E. Bruce Pewitt,
Acting Forest Supervisor,
Nezperce National Forest.

April 16, 1976.

[FR Doc.76–11745 Filed 4–22–76;8:45 am]

Rural Electrification Administration

HOOSIER ENERGY DIVISION

Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administoration intends to prepare a Draft Environmental Impact Statement (EIS) in accordance with Section 102(2)(c) of the National Environmental Policy Act of 1969 in connection with an anictipated request for financial assistance for Hoosier Energy Division, Indiana Statewide R.E.C., Inc., P.O. Box 908, Bloomington, Indiana 47401 which will provide financing for the construction of a proposed generating plant and related transmission facilities. The facilities to be included in this anticipated request for financing assistance include:

1. A generating station consisting of 2–490 MW coal-fired steam-electric generating units with associated support facilities to be located approximately three miles east of Merom in Sullivan County, Indiana. Included is a cooling lake and storage reservoir of 1,965 acres surface area formed by an earth core dam to be erected across Turtle Creek adjacent to the plant site.

2. Twenty-eight miles of 345kV transmission line from the proposed Merom Generating Plant to an existing Hoosier Energy Division substation near Worthington, Indiana.

3. Twenty-nine miles of 345kV line from the Worthington substation to a Public Service Company of Indiana substation near Bloomington, Indiana.

4. Seventeen miles of 345kV transmission to loop existing and proposed PSI 345kV transmission lines into and out of the Merom Generating Station and Hoosier's Worthington and Taswell Substations.

Additional information may be obtained at the office of Hoosier Energy Division, Indiana Statewide R.E.C., Inc., P.O. Box 908, Bloomington, Indiana 47401 during regular business hours.

Interested persons are invited to submit comments which may be helpful in preparing the Draft Environmental Impact Statements.

Comments should be forwarded to the Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, with a copy to Hoosier Energy Division whose address was given above.

Dated at Washington, D.C. this 19th day of April 1976.

David A. Hamil,
Administrator, Rural
Electrification Administration.

[FR Doc.76–11761 Filed 4–22–76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

DOWNSTATE MEDICAL CENTER, ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of Nuclear Magnetic Resonance Spectrometers pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975.) (See especially Section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76–00186–33–77030. Applicant: Downstate Medical Center, 450 Clarkson Avenue, Brooklyn, New York 11203. Article: Coherent Nuclear Magnetic Resonance Pulse Spectrometer, CPS–2. Manufacturer: Spin-Lock Electronics Co., Canada. Intended use of article: The article is intended to be used in the study of the chemical characteristics of cancerous tissue as part of a continuing program of research and development aimed at evolving a method for early detection of human tumors. Photon relaxation times will be studied with specific measurements to be made of the spin-lattice relaxation time in the laboratory (T_1) and rotating frames ($T_1\rho$) and the spin-spin relaxation time (T_2). These measurements will be made on both normal and diseased tissue of humans and various experimental animals. Application received by Commissioner of Customs: October 28, 1975. Advice submitted by the Department of Health, Education, and Welfare on: March 15, 1976. Article ordered: December 10, 1974.

Docket number: 76–00265. Applicant: Case Western Reserve University, 2040 Adelbert Road, Cleveland, Ohio 44106. Article: Two modules, Model CPS–2 Coherent NMR Pulse spectrometer, with two probes for operation at 17 MHz and at 36 MHz. Manufacturer: Spin-Lock Electronics Ltd., Canada. Intended use of article: The article is intended to be used for the study of water in adrenal cortex and muscle. Estimates on molecular motion of the water molecules in or about the cells of the adrenal cortex or tissue of a muscle sample may be given by the values of the relaxation times determined in a nuclear magnetic resonance experiment. It is proposed to measure spin-lattice relaxation in the rotating frame by measuring the time constant or constants ($T_1\rho$) for these processes in biological samples. Another research project involves the application to the study of enzyme-substrate interactions. The article will also be important for training graduate students in biochemistry, biophysics, chemistry, physiology and in other disciplines. Application received by Commissioner of Customs: January 14, 1976. Advice submitted by the Department of Health, Education, and Welfare on: March 19, 1976. Article ordered: October 17, 1975.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, was being manufactured in the United States at the time the articles were ordered. Reasons: Each foreign article provides the capability to measure the parameter T_1 rho (T_1 in the rotating

frame). The Department of Health, Education, and Welfare (HEW) advises in its respectively cited memoranda that the capability described above is pertinent to the purposes for which each foreign article is intended to be used. HEW also advises that it knows of no domestic instrument of equivalent scientific value to any of the articles to which the foregoing applications relate for such purposes as these articles are intended to be used which was being manufactured in the United States at the time the articles were ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which were manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-11727 Filed 4-22-76;8:45 am]

GEORGIA INST. OF TECHNOLOGY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897), and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00253. Applicant: Georgia Institute of Technology, 225 North Avenue, Atlanta, Georgia 30332. Article: Electron Microscope with Scanning attachments, Model JEM-100C/SEG/ASID-4D System. Manufacturer: JEOL, Japan. Intended use of article: The article is intended to be used for the study of crystalline and non-crystalline solids comprising various metal alloys, ceramics, polymers, and minerals. Experiments to be conducted include: (1) deformation microstructures of alloys (2) phase transformation mechanisms and kinetics in alloys, polymers, and ceramics, and (3) characterization of defect structure and physical properties.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a specified resolving capability of 3 Angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forgflo Corporation. The Model EMU-4C has a specified resolving capability of 5 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capability.) We are advised by the National Bureau of Standards (NBS) in its memorandum dated April 7, 1976 that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU-4C is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-11726 Filed 4-22-76;8:45 am]

KY. DEPT. OF AGRI.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq, 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00240. Applicant: Kentucky Department of Agriculture, Diagnostic Laboratory, North Drive, Hopkinsville, Kentucky 42240. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used to determine the presence of viral particles in tissue fluids and tissue culture fluids.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (March 25, 1975). Reasons: The foreign article is a relatively simple, easy to operate, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. The article provides 7 Angstroms point to point resolution, and accelerating voltage of 60 kilovolts (KV), and low distortion magnifications from 140-60,000X (Magnifications of 140 to 1000X are within the normal, light microscopic range). Thus the article covers the range of light and electron microscopy. The most closely comparable domestic instrument available at the time the article was ordered was Adam David Company's (AD) Model EMU-4C, a more complex instrument (designed for the use of an experienced operator) which provides low distortion magnification at 500X and higher. The Department of Health, Education and Welfare (HEW) advises in its memorandum dated March 30, 1976 that the best low magnification capabilities available specifically in the optical range at 140X followed by higher magnification viewing of the specimen are pertinent to the purposes for which the foreign article is intended to be used. HEW also advises that the EMU-4C did not have equivalent low magnification capability. Furthermore, HEW advises that AD's Model PA-1 was in a development stage at the time the article was ordered. In this regard, it is noted that a prototype of the PA-1 was first shown by AD in November, 1974. Neither the Department of Commerce nor its consultants have been able to determine or verify the capabilities of the PA-1 as of the date of this decision. Thus, the Department does not have a sufficient basis for ruling that AD was able to supply the PA-1 within a normal delivery time at the time the foreign article was ordered.

We, therefore, find that the Model EMU-4C was not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

RICHARD M. SEPPA,
Director,
Special Import Programs.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc.76-11728 Filed 4-22-76;8:45 am]

SMITHSONIAN INST.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq, 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00238. Applicant: Smithsonian Institution, Ft. Pierce Bureau, Ft. Pierce, Florida 33450. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in research on life histories of marine organisms which will include investigations of gametogenesis, development of larval metamorphosis of representative marine organisms. The article will be used as tool for the elucidation of specific aspects of these projects. In addition, the article will be used as an educational tool in training postdoctoral fellows in ultrastructural studies of reproduction and development of marine organisms. The trainees will be familiarized with principles and operation of the electron microscope and in interpretation of fine structure of gametes, embryos and larvae of marine organisms.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (December 5, 1975). Reasons: The foreign article is a relatively simple, easy to operate, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. The article provides 7 Angstroms point to point resolution, an accelerating voltage of 60 kilovolts (KV), and low distortion magnifications from 140–60,000X (Magnifications of 140 to 1000X are within the normal, light microscopic range). Thus the article covers the range of light and electron microscopy. The most closely comparable domestic instrument available at the time the article was ordered was Adam David Company's (AD) Model EMU-4C, a more complex instrument (designed for the use of an experienced operator) which provides low distortion magnification at 500X and higher. The Department of Health, Education and Welfare (HEW) advises in its memorandum dated March 30, 1976 that the best low magnification capabilities available specifically in the optical range of 140X with low distortion are pertinent to the purposes for which the foreign article is intended to be used. HEW also advises that the EMU-4C did not have equivalent low magnification capability. Furthermore, HEW advises that AD's Model PA-1 was in a development stage at the time the article was ordered. In this regard, it is noted that a prototype of the PA-1 was first shown by AD in November, 1974. Neither the Department of Commerce nor its consultants have been able to determine or verify the capabilities of the PA-1 as of the date of this decision. Thus, the Department does not have a sufficient basis for ruling that AD was able to supply the PA-1 within a normal delivery time at the time the foreign article was ordered.

We, therefore, find that the Model EMU-4C was not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc.76-11729 Filed 4-22-76;8:45 am]

USC SCHOOL OF MEDICINE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00246. Applicant: USC School of Medicine, Veterans Administration Hospital, Columbia, S.C. 29201. Article: Balzers-HAF 301 High Vacuum Freeze Etch Unit and accessories. Manufacturer: Baltzers, Ltd., Switzerland. Intended use of article: The article is intended to be used to examine nerve tissue that has undergone various photoperiodic and histochemical treatments, specifically the interaction of cell connections, i.e. gap junctions, synapses and type junctions of cells in Manduca. Another aspect of research involves the phenomena of secretion of neurohormones. Freeze fracture techniques will be taught in graduate and medical school classes on histology and histochemistry.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article permits simultaneous handling of four specimens and larger sample sizes. The article is also equipped with a built in microtome. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated March 30, 1976 that (1) the characteristics of the article described above are pertinent to the applicant's intended use and (2) it knows of no domestic instruments which provide the pertinent characteristics.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

RICHARD M. SEPPA,
Director, Special
Imports Programs Division.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc.76-11731 Filed 4-22-76;8:45 am]

STATE UNIVERSITY OF NEW YORK, ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, (40 FR 12253 et seq, 15 CFR 701, 1975) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00262. Applicant: State University of New York at Stony Brook, Dept. of Pathology, Health Sciences Center, Stony Brook, N.Y. 11790. Article: Electron Microscope, Model HU-12. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used to study details of structure of animal and human tumors arising in various tissues and establish possible etiologies by identification of viruses or physical agents in the tissue. These studies include recognition of molecular details such as melanosome lattice before pigment deposition, cytoplasmic filament dimensions and nature of intercellular junctions. Application received by Commissioner of Customs: January 13, 1976.

Docket number: 76-00363. Applicant: Veterans Administration Hospital, West Spring Street, West Haven, Connecticut 06516. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the investigation of virus particles in passaged cell cultures (monolayer) and in many types of tissues derived from naturally and experimentally infected

animals. Experiments will include the following lines of investigation:

(1) *In vivo* and *in vitro* infections of guinea pig leukocytes.

(2) Mode of transmission of herpes-like virus in guinea pigs.

(3) Activation of guinea pig C-type virus in cultured spleen cells by BrdU (5-bromo-2'-deoxyuridine).

(4) *In vitro* transformation of leukocytes with GPHLV (guinea pig herpes-like virus).

(5) Ultrastructural studies of the envelopment and release of GPHLV in cultured cells.

(6) Oncogenic potential of guinea pig herpes- and C-type viruses.

(7) Natural history of herpes- and C-type virus infections and their possible relation to viral oncogenesis.

(8) Animal models for DNA–RNA virus interaction.

(9) Induction of tumors by guinea pig herpesvirus transformed hamster cell line.

(10) Comparison of guinea pig cytomegalovirus and guinea pig herpes-like virus: growth characteristics, antigenic relationship, pathogenesis and persistence in experimentally infected animals.

(11) Distribution of latent herpes-like virus in trigeminal ganglion and brain of guinea pigs.

In addition, the article will be used to prepare demonstration grids of a variety of tissues and cultured cell monolayers for the following courses: Post-graduate course in Diagnostic Virology, and course in Clinical Virology given to medical students. Application received by Commissioner of Customs: April 2, 1976.

Docket number: 76–00364. Applicant: Memorial Hospital, 1901 Arlington Street, Sarasota, Florida 33579. Article: EMI Scanner Tomographic System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used to make three dimensional x-ray examinations of the brain with such precision as to discriminate between different types or qualities of brain tissue, thus enabling the production (by computer) of a picture of the brain structure at any point, without introducing contrast dyes, air, etc. into the brain without using high levels of radiation, and without discomfort and risk to the patient. Research will be conducted to expand the medical knowledge about causes of and treatment of diseases of the brain. The article will also be used for educational purposes in courses in radiologic technology and post graduate medicine. Application received by Commissioner of Customs: April 2, 1976.

Docket number: 76–00365. Applicant: National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014. Article: Electron Microscope Scanning Attachment and Large Angle Tilting Attachment. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is an accessory to an existing electron microscope and will be used to observe the presence of deposits of immunohistochemical reagents on the surface of plastic sections by SEM. Application received by Commissioner of Customs: April 7, 1976.

Docket number: 76–00366. Applicant: The University of Texas Health Science Center at Dallas, Department of Pathology—Room H2–104, 5323 Harry Hines Boulevard, Dallas, Texas 75235. Article: Ultramicrotome, Model LKB 8800A, and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological materials, mainly dog and human heart, lung and kidney as well as tissue culture lines exhibiting both normal and pathological structure. The experiments to be conducted will include an evaluation of a number of models of cardiac ischemia utilizing enzyme cytochemistry, diffusion tracer studies of membrane permeability, and energy dispersive x-ray analytical electron microscopy. The article will also be used for courses entitled Ultrastructure and Cytochemistry which will include instruction in basic and cytochemical techniques of electron microscopy. Application received by Commissioner of Customs: April 7, 1976.

Docket number: 76–00367. Applicant: National Radio Astronomy Observatory, Associated Universities, Inc., P.O. Box 0, 1000 Bullock Blvd., Socorro, NM 87801. Article: Circular Rectangular Waveguide adapters. Manufacturer: Hitachi Shibaden Corp., Japan. Intended use of article: The article is intended to be used with other waveguide coupling components as a part of the Very Large Array radio telescope to transmit radio wavelength radiation received from extraterrestrial objects to recording apparatus. Application received by Commissioner of Customs: April 7, 1976.

Docket number: 76–00368. Applicant: Regents of the University of California, Department of Botany, Davis, California 95616. Article: Electron Microscope, Model JEM–100S and accessories. Manufacturer: JEOL, Japan. Intended use of article: The article is intended to be used to examine botanical material after it has been fixed, dehydrated, embedded in plastic, and thin sectioned. Some botanical material prepared by freeze-etch techniques will also be examined. The experiments to be conducted will be designed to determine the fine structure of male and female gametophytes of conifers, of somatic and reproductive structures of fungi, and of blue green and green algae. Other experiments will be conducted to determine the effects of various chemicals and environmental conditions on plant cell structure. In addition, the article will be used in the course Botany 231L. Biological Electron Microscopy an introductory course to biological microscopy which emphasizes specimen preparation and transmission electron microscope operation. Application received by Commissioner of Customs: April 7, 1976.

Docket number: 76–00369. Applicant: Brookhaven National Laboratory, Associated Universities, Inc., Upton, Long Island, New York 11973. Article: 2 (Two) Infrared optical data transmission systems. Manufacturer: Triskelion Ag., Switzerland. Intended use of article: The article is intended to be used in conjunction with a tandem accelerator in research programs to investigate the properties of atomic nuclei. In particular, nuclei in high states of excitation are produced by charged particle accelerators and the various properties of their excited energy levels are determined and compared with the predictions of nuclear models. Application received by Commissioner of Customs: April 7, 1976.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-11730 Filed 4-22-76;8:45 am]

ADVISORY COMMITTEE ON EAST-WEST TRADE

Notice of Open Meeting

A meeting of the Advisory Committee on East-West Trade will be held at 9:30 a.m. Wednesday, May 26, 1976, in Room 4832, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C.

The Committee was established to advise the Department, through the Deputy Assistant Secretary for East-West Trade, on ways to facilitate and coordinate the expansion of two-way trade with countries having centrally planned economies, so as to enhance the balance of trade and payments situation.

Agenda items are as follows:

Morning Session, 9:30 a.m.–12 noon

(1) Review of miscellaneous items outstanding from previous meetings.

(2) Review of the results of a circularization of business entities to identify specific transactions lost due to restrictions imposed by the Trade Act of 1974.

(3) Report on the first U.S. Government official exhibit at Leipzig, the world's oldest international fair.

(4) Report on the Polish-U.S. Economic Council meeting.

(5) Review of the submissions by Committee members to a study on the Policy Implications of East-West Trade.

Afternoon Session, 1:00 p.m.—3:30 p.m.

(6) Commentary and discussion on the current political and economic situation in the People's Republic of China.

(7) Review of items submitted by Committee members.

(8) Review of items submitted by the public.

The meeting will be open to public observation and, within the limits of time available, a period will be set aside for oral comments or questions by the public which do not exceed five minutes each.

More extensive questions or comments should be submitted in writing before May 14, 1976. Other public statements may be submitted at any time before or after the meeting.

Approximately 20 seats will be available to the public (including 5 seats reserved for media representatives) on a first-come first-served basis.

Copies of minutes will be available 30 days after the meeting upon written re-

quest to the Domestic and International Business Administration, DIBA Freedom of Information Officer, Freedom of Information Control Desk, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

Persons who wish to attend the meeting should contact Robert Frothingham, III, Liaison Officer, Office of East-West Policy and Planning, Bureau of East-West Trade, Domestic and International Business Administration, Washington, D.C. 20230, telephone 202/377-4691.

Dated: April 19, 1976.

RAUER H. MEYER,
Acting Deputy Assistant Secretary for East-West Trade.

[FR Doc.76-11733 Filed 4-22-76;8:45 am]

COMPUTER PERIPHERALS, COMPONENTS AND RELATED TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Notice of 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, May 25, 1976, at 9:00 a.m., in Room 4833, Main Commerce Building, 14th and Constitution Avenue, N.W., 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. 20404(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 four parts:

GENERAL SESSION

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Discussion of work programs, particularly technological clarification methods for peripheral devices and evaluation of direct access storage devices.

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 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 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

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, was published in the FEDERAL REGISTER (40 FR 59462 appearing in the issue of December 24, 1975).

Dated: April 21, 1976.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.76-11982 Filed 4-22-76;8.45 am]

National Oceanic and Atmospheric Administration

MARINE FISHERIES ADVISORY COMMITTEE

Notice of Public Meetings

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C., Appendix I, notice is hereby given of meetings of the Marine Fisheries Advisory Committee (MAFAC) and subcommittees.

The committee meeting will be held on Monday, Tuesday and Wednesday, May 24, 25, and 26, 1976, in Room 6802 of the Department of Commerce Building, 14th Street between E Street and Constitution Avenue, N.W., Washington, D.C. The committee will meet at 1:30 p.m. on Monday, May 24, in a workshop session on Limited Entry. The workshop is scheduled to adjourn at 4:30 p.m. The committee will then meet at 8:30 a.m. on Tuesday, May 25, to consider the agenda items specified below. The Tuesday session is scheduled to conclude by 5:00 p.m. On Wednesday, May 26, the committee will meet for its last session at 8:30 a.m. to consider the remaining agenda items. It is anticipated that the meeting will be adjourned at about noon on Wednesday.

Two subcommittee meetings will be held in conjunction with the committee meeting. On Monday morning, May 24, the MAFAC subcommittee on Extended Jurisdiction will meet at 9:00 a.m. in Room 6802 to consider developments in National Marine Fisheries Service (NMFS) planning for extended jurisdiction. That subcommittee meeting will be concluded by about noon of that day. A meeting of the MAFAC subcommittee on Marine Recreational Fisheries has also been scheduled for the evening of May 24, beginning at about 5:15 p.m. and concluding by 7:30 p.m. The subcommittee will review recent NMFS actions taken on marine recreational fisheries. This meeting will also be held in Room 6802.

Items proposed for discussion at the committee meeting include the following:

MAY 24, 1976

1:30-4:30 p.m.	Workshop, Limited Entry.

MAY 25, 1976

8:30-8:45 a.m.	Chairman's Announcements.
8:45-9:45 a.m.	The NMFS Budget.
9:45-10:45 a.m.	Evaluation, New England Fisheries Development Program.
10:45-11:45 a.m.	National Plan Framework.
11:45-1:00 p.m.	Lunch.
1:00-3:00 p.m.	An Assessment of the Status of Estuarine Research in the National Oceanic and Atmospheric Administration.
3:00-4:00 p.m.	Industrial Fish for Human Consumption.
4:00-5:00 p.m.	Report on Workshop on Limited Entry.
5:00 p.m.	Adjourn for the day.

MAY 26, 1976

8:30-9:30 a.m.	Chairman's Report, Extended Jurisdiction Subcommittee. Staff Remarks on Extended Jurisdiction Planning.
9:30-10:30 a.m.	Implementing the NMFS Reorganization.
10:30-11:00 a.m.	Marine Recreational Fisheries Subcommittee Report.

MAY 26, 1976—Continued

11:00–12:00 noon. Items for discussion, committee.

12:00 noon..... Adjourn meeting.

The following is listed as a contingency item and will be discussed on a time available basis:

1. Law of the Sea Report

The committee meeting as well as the subcommittee meetings are open to the public and there will be seating for approximately 20 public members available on a first come, first served basis. Members of the public having an interest in specific items for discussion are advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact:

Mr. Milfred J. Bilik, Executive Secretary, Marine Fisheries Advisory Committee, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Washington, D.C. 20235. Telephone: Area Code 202–634–7270

on or about May 17, 1976.

At the discretion of the Chairman, interested members of the public may be permitted to speak at times which will allow the orderly conduct of committee business, and a reasonable time relation between the committee's discussion of a given subject and an address to that same subject by a member of the public.

Interested members of the public who wish to submit written comments should do so by addressing the same to the Executive Secretary, as above. To receive due consideration and facilitate their inclusion in the record of the meeting, written statements should be received within 10 days after the close of the committee meeting.

Dated: April 19, 1976.

ROBERT M. WHITE,
Administrator, National Oceanic and Atmospheric Administration.

[FR Doc.76–11762 Filed 4–22–76;8:45 am]

JOHN D. HALL

Receipt of Application for Scientific Research and Scientific Purposes

Notice is hereby given that the following Applicant has applied for permits to take marine mammals for the purpose of scientific research under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and for scientific purposes under the Endangered Species Act of 1973 (16 U.S.C. 1531–1543).

Mr. John D. Hall, Department of Interior, Fish and Wildlife Service, Office of Coastal Ecosystems, 800 A Street, Suite 110, Anchorage, Alaska 99501, to take, over a three (3) year period in Prince William Sound, Alaska and adjacent waters, 580 cetaceans of the following species:

1. 280 Dalls' porpoise (*Phocoenoides dalli*).

2. 100 Harbor porpoise (*Phocoena phocoena*).

3. 50 Killer whale (*Orcinus orca*).

4. 50 Minke whale (*Balaenoptera acutorostrata*).

5. 50 Humpback whale (*Megaptera novaeangliae*).

6. 50 Fin whale (*Balaonoptera physalus*).

Of these 30 Dalls' porpoise and 10 harbor porpoise will be captured, marked, lavaged and released. The remaining cetaceans listed will be tagged with spaghetti type Floy tags. Both the humpback whale and fin whale, from the above named species to be remotely tagged, are classified as endangered species pursuant to the Endangered Species Act of 1973.

Live capture for marking, lavage, and release will be by break away hoop net from the bow of a moving boat. The captured animals will be held in a padded stretcher during the operation. Remote tagging will be by crossbow deployed spaghetti type Floy tags for non-bow riding species and by pole deployed Floy tag for bow riding species.

The applicant also proposes to take up to 50 stranded and dead cetacean or pinniped specimens which occur on Alaskan beaches. Remains of all stranded specimens will ultimately be delivered to the U.S. National Museum, Washington, D.C. 20560.

In addition, aerial and surface surveys will be conducted. The aerial surveys, covering 525 nautical miles on a monthly basis, will provide a permanent record of cetaceans sighted during the surveys. The surface surveys of one week duration, will be conducted monthly.

All animal capturing and tagging will be done by John D. Hall, Senior Ecologist for the U.S. Fish and Wildlife Service.

The applicant states no dead specimens are anticipated during the marking program but if any mortalities occur their remains will be shipped to the U.S. National Museum or its designate. Further, the applicant states that all the tagging methods and techniques are of standard nature and have been previously approved for marine mammal research.

The proposed project intends to provide information on the numbers, species and movements of cetaceans inhabiting Prince William Sound, Alaska and adjacent waters in order to assess the possible impact of petrochemical development in the area upon the marine mammals. Also, indirectly, the project will provide information on the effect of increased ship traffic and associated human activity on cetacean stocks.

The application for the Marine Mammal Protection Act permit will be considered under the Regulations Governing the Taking and Importing of Marine Mammals. The application for the Endangered Species Act permit will be considered under the Regulations Governing Endangered Fish and Wildlife Permits.

Documents submitted in connection with these applications are available in the following Offices: Director, National Marine Fisheries Service, Department of Commerce, 3300 Whitehaven Street, N.W., Washington, D.C. 20235; Regional Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is sending copies of the application for the Marine Mammal Protection Act permit to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written views or data, or requests for a public hearing on these applications should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of these applications are those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: April 20, 1976.

HARVEY M. HUTCHINGS,
Acting Associate Director for Resource Management, National Marine Fisheries Service.

[FR Doc.76–11801 Filed 4–22–76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Assistant Secretary for Planning and Evaluation

[Contract No. HEW–100–76–0081]

ANALYSIS DATA ON STATUS OFFENDERS IN CORRECTIONAL PROGRAMS

Contract Award

Pursuant to Section 606 of the Community Services Act of 1974, (P.L. 93–644) 42 USC 2946, this agency announces the award of Contract No. HEW–100–76–0081 to the University of Michigan, Ann Arbor, Michigan 48104 for a research project entitled, "Analysis of Data on Status Offenders in Correctional Programs." The purpose of this project is to conduct secondary analysis of the National Assessment of Juvenile Corrections data on status offenders in correctional programs, with respect to issues, concerns, and characteristics of those youth who have been institutionalized for committing a status offense (e.g. runaways, school truants, incorrigibles). The estimated cost of this contract is $18,001, and the intended completion date is April 30, 1976.

WILLIAM A. MORRILL,
Assistant Secretary for Planning and Evaluation.

Dated: April 19, 1976.

[FR Doc.76–11794 Filed 4–22–76;8:45 am]

TECHNICAL AND EDITORIAL SUPPORT FOR THE STUDY ON THE RELATIVE MEASURE OF POVERTY

Program Results

Pursuant to Section 606 of the Community Services Act of 1974 (P.L. 93–644)

42 USC 2946, this agency announces the results of activities associated with HEW Contract entitled, "Technical and Editorial Support for the Study on the Relative Measure of Poverty."

Section 823 of the Education Amendments of 1974 (P.L. 93–380) authorizes and requires the Assistant Secretary for Education of the Department of Health, Education, and Welfare to prepare a study of the measure of poverty used under Title I of the Elementary and Secondary Education Act of 1965. Because of the impact which the findings of the study could have on other Federal programs making use of the official poverty line, an interagency Poverty Studies Task Force was established to carry out the study. The Task Force approved a study plan which led to the development of a draft of a study report along with 18 technical appendices containing essential supporting documentation for the study. Both the report and the technical appendices contain a mixture of highly complex technical material and straightforward adaptations and paraphrasings of material already generally available through government sources. In order to compile the material and to check its accuracy, the assistance of a contractor was requested.

It was the responsibility of designated government personnel to formulate concepts in the study. Responsibility for subtantive issues was not delegated to the contractor, rather, the contractor was asked to provide technical and editorial assistance to the government project officer and to the technical representatives of the government.

The general type of support provided during the course of the contract included (1) preparation of first draft of some technical appendices based on outlines and reference materials provided to the contractor by the government project officer, (2) the editing of first drafts to insure that important issues were adequately explained, (3) final editing of material to provide uniform style which is readable and understandable to non-technical persons, (4) technical assistance such as the performance of calculations for data adjustments and the checking of data for accuracy, and (5) assistance in the preparation of graphical material and general recommendations on the presentation of data and conclusions.

These kinds of technical and editorial support activities were performed by Mathematica, Inc. during the course of the contract and such assistance affected the material included in the study and in the various appendices. Some technical appendices were prepared in first draft form by the contractor. These included a description of Federal data bases relating to poverty measurement and an explanation of the relationship of the Consumer Price Index and the Consumer Expenditure Survey to poverty measurement. In addition, assistance was provided in the preparation of an analysis of the characterictics of low-income persons under alternative poverty definitions. This material, along with all other material prepared in connection with the study, is currently being reviewed by government technical represenatives and will be issued in a suitable form when the study is completed.

Dated: April 19, 1976.

WILLIAMA. MORRILL,
Assistant Secretary for Planning and Evaluation.

[FR Doc.76–11795 Filed 4–22–76;8:45 am]

Center for Disease Control

SAFETY AND OCCUPATIONAL HEALTH STUDY SECTION

Notice of Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), the Center for Disease Control announces the following National Institute for Occupational Safety and Health Committee meeting:

Name: Safety and Occupational Health Study Section.

Date: June 3–4, 1976.

Place: Parlor A, Terrace Hilton Hotel, 15 West Sixth Street, Cincinnati, Ohio 45202.

Time: 8 a.m.

Type of Meeting: Open: 8 a.m. to 9 a.m., on June 3, Closed: Remainder of meeting.

Contact Person: John F. Bester, Ph.D., Executive Secretary, Park Building, Room 1–10, NIOSH, 5600 Fishers Lane, Rockville, Maryland 20852, Phone: 301–443–4493.

Purpose: The Committee is charged with the initial review of research, training, demonstration, and fellowship grant applications for Federal assistance in program areas administered by the National Institute for Occupational Safety and Health, and with advising the Institute staff on training and research needs.

Agenda: Agenda items for the open portion of the meeting will include reading of minutes of previous meeting, administrative and staff reports, and a presentation on the Standards Completion Program. During the closed session beginning at 9 a.m., June 3, 1976, through adjournment on June 4, 1976, the Study Section will be performing the initial review of research grant and training grant applications for Federal assistance, and will not be open to the public, in accordance with the provisions set forth in Section 552(b) (5) and (6), Title 5, U.S. Code, and the Determination of the Director, Center for Disease Control, pursuant to Public Law 92–463.

Agenda items are subject to change as priorities dictate.

The portion of the meeting so indicated is open to the public for observation and participation. A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: April 15, 1976.

WILLIAM C. WATSON, Jr.,
Director, Center for Disease Control.

[FR Doc.76–11773 Filed 4–22–76;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Meeting

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), that the next meeting of the Full Council of the National Advisory Council on Indian Education will be held May 7, 8, 9, 1976, at the Quality Inn Pentagon City, 300 Army Navy Drive, Arlington, Virginia 22202.

The National Advisory Council on Indian Education is established under Section 442 of the Indian Education Act (P.L. 92–318, Title IV, 20 U.S.C. 1221g). The Council, among other things, is directed to:

(1) Advise the Commissioner of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate, or from which they can benefit, including sections 241aa to 241ff and 887c of this title and with respect to adequate funding thereof;

(2) Review applications for assistance under sections 241aa to 241ff, 887c, and 1211a of this title, and make recommendations to the Commissioner with respect to their approval;

(3) Evaluate programs and projects carried out under any program of the Department of Health, Education and Welfare in which Indian children or adults can participate, or from which they can benefit, and disseminate the results of such evaluations;

(4) Provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

(5) assist the Commissioner in developing criteria and regulations for the administration and evaluation of grants made under section 303(b) of the Act of September 30, 1950, (Public Law 874, Eighty-first Congress); and

(6) to submit to the Congress not later than March 31 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include statement of the National Council's recommendations to the Commissioner with respect to the funding of any such programs.

The May 7–9, 1976 meeting of the National Advisory Council on Indian Education shall be closed to the public, since the Council members will be reviewing proposals that must be held in confidence, under the authority of Section 10 (d) of the Federal Advisory Committee Act (P.L. 92–463) and under the exemptions contained in the Freedom of Information Act, Section 552(b) (4) and (6) of Title 5 U.S.C., (P.L. 90–23), 45 CFR § 5.71(a) and § 5.71(c).

The proposed agenda includes:

(1) Review of Title IV proposals submitted under Part A; and

(2) Recommendations to the Commissioner with respect to their approval.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the National Advisory Council on Indian Education located at 425 13th Street, N.W., Room 326, Washington, D.C. 20004.

Signed at Washington, D.C. on April 19, 1976.

LINCOLN C. WHITE,
Executive Director, National Advisory Council on Indian Education.

[FR Doc.76-11740 Filed 4-22-76;8:45 am]

Federal Council on the Aging

TASK FORCE ON THE FRAIL ELDERLY

Meeting

The Federal Council on the Aging was estabilshed by the 1973 amendments to the Older Americans Act of 1965 (Pub. L. 93-29) for the purpose of advising the President, the Secretary of Health, Education, and Welfare, the Commissioner on Aging, and the Congress on matters relating to the special needs of older Americans.

Notice is hereby given pursuant to Pub. L. 92-463 that the Council's Task Force on the Frail Elderly will meet on May 14, 1976, from 9:30 a.m. to 4 p.m., in Room 4549, Donohoe Building, 400 Sixth Street, S.W., Washington, D.C. The agenda will consist of: Review of Report on National Policy Recommendations for Community-Based Services to the Frail Elderly; Review of Report on the Legal and Administrative Ramifications of Two-Tiered Legal Status for the Elderly; Review of FCA Strategy on Frail Elderly Priority.

This meeting will be open for public observation.

Further information on the Council may be obtained from: Cleonice Tavani, Executive Director, Federal Council on the Aging, Room 4022, Donohoe Building, 400 Sixth Street, S.W., Washington, D.C. 20201, telephone: (202) 245-0441.

Dated: April 19, 1976.

CLEONICE TAVANI,
Executive Director, Federal Council on the Aging.

[FR Doc.76-11792 Filed 4-22-76;8:45 am]

Public Health Service

HEALTH RESOURCES ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 7 (Health Resources Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (39 FR 1456, January 9, 1974), as amended by 40 FR 3797, January 24, 1975 is further amended to reflect the following changes in the Office of the Administrator under Section 7-B:

ORGANIZATION AND FUNCTIONS

1. Under the *Office of Operations and Management (7A19)*, the following statement is inserted immediately following the statement for the *Division of Personnel Management (7A1909)*:

Division of Operations (7A190A). (1) Develops and conducts an HRA operational workplan system, with emphasis on integrating HRA-wide and Bureau/Center goals, objectives, and priorities, and coordinating and overseeing the development of program specifications and plans for the implementation of new or revised legislation; (2) serves as the focal point for HRA on the Department's operational planning system (OPS), with responsibility for managing the OPS for HRA, issuing instrustions, coordinating and recommending objectives for tracking by the Administrator, the Office of the Assistant Secretary for Health (OASH), and the Office of the Secretary, advising the Administrator and HRA Bureau/Center staff in the area of the OPS and on the management of specific objectives established for tracking under the system, and communicating with OASH on reports, accomplishments, and variances; (3) in coordination with OASH, through the Office of Regional Operations, PHS, serves as the principal HRA-wide focal point for interaction with the PHS Regional Offices, with responsibility for coordinating and monitoring Bureau/Center activities in the regions, advising and making recommendations to the Administrator on policy, program planning, and resource allocations among the Regional Offices, and serving as liaison between the Administrator and the Regional Health Administrators; (4) in conjunction with the Office of Planning, Evaluation, and Legislation, HRA, provides a focal point for liaison with other organizations and agencies with which HRA has program relationships, with particular reference to ensuring compatibility in policy formulation and program development and providing a formal channel to the Administrator for the resolution of interagency policy issues; (5) provides an HRA focus for ADP and information systems analysis, design, programming, and data maintenance to support HRA components in data use operations, the application of operations research methodology, and the development, implementation, and continued improvement of an HRA-wide management information system; (6) directs and participates in the formulation of HRA policies, standards, methods, and procedures for ADP and information system activities; and (7) provides liaison between HRA and OASH on ADP and information system matters.

2. Under the *Office of Operations and Management (7A19)*, the statement for the *Division of Management Policy (7A1902)* is deleted and the following statement is substituted:

Division of Management Policy (7A1902). (1) Develops, recommends, and provides advice and assistance on policies, methods, and procedures for the management of HRA programs; (2) provides analysis, recommendations, and guidance related to the establishment or modification of organizational structures and functions; (3) conducts and coordinates HRA-wide management improvement programs, including manpower utilization and productivity measurement; (4) participates in program and legislative planning and implementation from the standpoint of assuring recognition of management problems; (5) coordinates the preparation of proposed rules and regulations relating to HRA programs, and coordinates HRA review and comment on other HEW regulations that may affect HRA programs; (6) initiates or reviews proposed program and administrative delegations of authority; (7) conducts and coordinates the HRA issuance management system; (8) conducts and coordinates the HRA records, reports, and forms management programs; (9) coordinates HRA and, as required, PHS responses to GAO and HEW program audit reports; (10) oversees and coordinates HRA implementation of legislation and directives relating to the privacy of records; (11) prepares and maintains the HRA Index of Policy Documents required to implement Freedom of Information legislation and directives; (12) conducts management studies nd surveys; and (13) negotiates solutions to intra- and interagency problems and issues in such areas as organization, functions, delegations, and procedures.

Dated: April 12, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.76-11793 Filed 4-22-76;8:45 am]

Office of the Secretary

PRIVACY ACT OF 1974

System of Records and Notice of Proposed Routine Uses Therefor

Correction

In FR Doc. 76-10477 appearing in the issue of Friday, April 16, 1976 on page 16297, the following corrections should be made:

(1) In the second full paragraph the time requirement in the fourth line should read, "* * * May 17, 1976 * * *"

(2) In the sixth line from the bottom the paragraph heading which reads, "Authority for maintence of the system" should read, "Routine uses of records maintained in the system, including categories of users and the purposes of such uses".

PRIVACY ACT OF 1974

System of Records

Pursuant to the Privacy Act of 1974 (P.L. 93-579) 5 U.S.C. 552a(e)(4), the following revision to a previously published and adopted notice of a system of records that is maintained by the De-

partment of Health, Education, and Welfare is published as set forth below. The modified or additional information is italicized.

Public comments should be addressed to the Director, Fair Information Practice Staff, Department of Health, Education, and Welfare, 330 Independence Ave., S.W., Washington, D.C. 20201. Comments received will be available for inspection in Room 4513, at the above address.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

APRIL 20, 1976.

NOTIFICATION SYSTEM OF RECORDS REQUIRED BY THE PRIVACY ACT OF 1974

HEW CDC/BE 0139.01

System Name:

Epidemiologic *Studies* of Special Disease Problems—HEW/CDC/BE.

Security Classification:

None.

Location:

Bureau of Epidemiology, Center for Disease Control, Building 1, Room 5009, Atlanta, GA 30333.

Categories of Individuals:

Individuals with reported diseases and other preventable conditions of public health significance; also included are control group participants.

Categories of Records:

Case reports, line listings, hand sort cards.

Authority:

Public Health Service Act, Sec. 301 (42 U.S.C. 241).

Routine Uses:

Health Departments and other public health or cooperating medical authorities.

Storage:

Computer tapes or file folders/Lockable cabinets.

Retrievability:

By name of individual/identification number.

Safeguards:

Personnel screening during working hours; secured building with guard after working hours.

Retention and Disposal:

Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed by program official. Personal identifiers may be deleted from records when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate.

System Manager(s) and Address:

Director, Bureau of Epidemiology, Center for Disease Control, Bldg. 1, Room 5009, Atlanta, Georgia 30333.

Notification Procedure:

Center for Disease Control, Attention: Privacy Act Coordinator, Management Analysis Office, Atlanta, Georgia 30333.

Record Access Procedures:

Same as above.

Contesting Record Procedures:

Same as above.

Record Source Categories:

Individuals, private physicians, State and local health departments, and other health providers.

Systems Exempted from Certain Provisions of the Act:

None.

[FR Doc.76-11860 Filed 4-22-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-328, FDAA-501-DR]

NORTH DAKOTA

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 April 16, 1976, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of North Dakota resulting from flooding beginning about March 18, 1976, 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 North Dakota.

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. Donald G. Eddy, HUD Region VIII, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas in the State of North Dakota to have been adversely affected by this declared major disaster:

The Counties of:

Bottineau	Renville
Burke	Rolette
Divide	Ward
McHenry	Williams
Mountrail	

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: April 16, 1976.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administrator.

[FR Doc.76-11774 Filed 4-22-76;8:45 am]

Office of Interstate Land Sales Registration

[Docket No. N-76-517]

SEVEN LAKES

Notice of Hearing

In the matter of Seven Lakes, OILSR No. 0-2869-38-149 and (A) 76-76-IS, Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), Notice is hereby given that:

1. Seven Lakes, Longleaf, Inc. and Fred R. Lawrence, President, its officers and agents, hereinafter referred to as "Respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law. 90-448) (15 U.S.C. 1701, et seq.) received a Notice of Proceedings and Opportunity for Hearing issued March 19, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Seven Lakes, Longleaf, Inc., Fred R. Lawrence, President and their agents, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received April 5, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), it is hereby ordered that a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street SW., Washington, D.C., on June 9, 1976 at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before May 25, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an Order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: April 12, 1976.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.76-11775 Filed 4-22-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[OST File No. 40; Notice 76-6]

INTERAGENCY TASK FORCE ON MOTOR VEHICLE GOALS BEYOND 1980

Request for Information and Public Comment

On March 21, 1975, Secretary Rogers Morton, Chairman of the Energy Resources Council, requested that the Secretary of Transportation lead a Federal Interagency Task Force to examine long-range energy goals of the motor vehicle fleet, compatible with environmental, safety and economic objectives. The members of the Task Force include representatives from Department of Transportation, Federal Energy Administration, Environmental Protection Agency, Energy Research and Development Administration, National Science Foundation, and other agencies of the Federal Government.

As a means of accomplishing this study, panels were convened to review data concerning specific areas relating to motor vehicles. The output of the panels will contribute to a comparative analysis of a number of competing considerations for reduced vehicle emissions and noise and enhanced safety and fuel economy. For each design, there will be a definition of strategies for implementing rational policies with respect to motor vehicles. The report will describe the merits and demerits of the design alternatives. The period of time being considered is model year 1981 through the following decade. The panels have considered the subjects of:

1. Automotive Design.
2. Automotive Manufacturing and Maintenance.
3. Marketing and Mobility.
4. Safety.
5. Fuels and Materials Resources for Automobiles in the 1980–1990 Decade.
6. Air Quality, Noise and Health.
7. National Industrial and Consumer Economics.

The panel reports, in their present draft form, represent revisions of the drafts made available for public comment in the period ending December 1975.

The purpose of this notice is to solicit advice contributing to the improvement of the panel reports which comprise the data base for the Interagency Task Force Study. The information and advice received by this solicitation will contribute to the final version of the Task Force Report, to be submitted to the Energy Resources Council on June 1, 1976. Material submitted to the file will be available for public inspection and copying, and responsive comment, in the same manner.

Limited numbers of reports of the panels on Marketing and Mobility, on Safety and on Air Quality, Noise and Health are now available; those on the topics of Automotive Manufacturing and Maintenance and of National, Industrial and Consumer Economics will be available beginning April 23, and those on the other topics will become available in the next thirty days. The copies are available for inspection during normal working hours (9:00 a.m.—5:30 p.m., Monday through Friday, except legal holidays) in the Department of Transportation, Office of the Assistant General Counsel for Operations and Legal Counsel, Room 10100, 400 Seventh Street, S.W., Washington, D.C. 20590, telephone: (202) 426-4723. Comments (three copies, if possible) should identify the file number (OST File No. 40) and be sent to the Docket Clerk, Office of the General Counsel, TGC, Department of Transportation, Washington, D.C. 20590, to be received by May 10, 1976.

Issued in Washington, D.C., on April 20, 1976.

HAMILTON HERMAN,
Assistant Secretary for Systems Development and Technology.

[FR Doc.76-11785 Filed 4-22-76;8:45 am]

Office of the Secretary

[Docket No. 6337]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY

Findings of the Secretary of Transportation Pursuant to Section 3(a) of the Emergency Rail Services Act of 1970

By application dated July 30, 1975, filed pursuant to section 3(a) of the Emergency Rail Services Act of 1970, 45 U.S.C. 661 et seq. ("Act"), the Trustee of the Chicago, Rock Island and Pacific Railroad Company ("Trustee") seeks the guarantee by the Secretary of Transportation ("Secretary") of trustee certificates in the principal amount of $19 million.

Section 3(a) of the Act authorizes the Secretary to make such a guarantee, after consultation with the Interstate Commerce Commission, and upon making certain findings in writing. The Act further requires the Secretary to publish notice of his intention to make such findings in the FEDERAL REGISTER not less than 15 days prior to making such findings. Such notice was published in the FEDERAL REGISTER on October 30, 1975 (40 Fed. Reg. 50557) and a correction was published on November 7, 1975 (40 Fed. Reg. 52077).

FINDINGS REQUIRED BY SECTION 3(A)

I hereby find, for the reasons stated in the discussion which follows, that:

(1) *cessation of essential transportation services by the Chicago, Rock Island and Pacific Railroad Company ("railroad" or "Rock Island") would endanger the public welfare;*

(2) *cessation of such services is imminent;*

(3) *there is no other practicable means of obtaining funds to meet payroll and other expenses necessary to provide such services than the issuance of such certificates;*

(4) *such certificates cannot be sold without a guarantee;*

(5) *the railroad can reasonably be expected to become self-sustaining;* and

(6) *the probable value of the assets of the railroad in the event of liquida-*

tion provides reasonable protection to the United States.

DISCUSSION

As to Finding number 1: The Rock Island operates a 7,400 mile rail system in the states of Illinois, Iowa, Minnesota, Missouri, Arkansas, Tennessee, Louisiana, Texas, Oklahoma, Kansas, Nebraska, Colorado, and New Mexico. Material submitted by the Rock Island indicates that of approximately 6300 shippers served by the railroad as of March 1975, more than 3900 were served exclusively by the Rock Island. The railroad's most important function, indeed the one most critical to the states it serves, is that of a granger railroad serving the producers ,and their purchasers, of all four major cash crops (wheat, corn, sorghum, and soybeans). In this capacity it performs the gathering function for all of the major producing areas of these crops and operates direct single-line service from those areas to the Gulf of Mexico for export. According to the Rock Island, 1,211 grain elevators receive rail service exclusively from the Rock Island.

Cessation of certain services provided by the Rock Island would assuredly cause economic displacement and hardship in the region and in particular in the major grain producing areas. This hardship would fall principally upon those grain elevator operators who would not be able to provide adequate service to the grain producers or purchasers, or could do so only as a result of substantially increased transportation costs. Given the volatile and competitive nature of our grain markets, these increased costs could result in substantial economic hardship to the producers, elevator operators, or purchasers involved, endangering the public welfare. While it could be expected that eventually the impact of the cessation of service by the Rock Island would be distributed throughout the grain market and service patterns would ultimately be normalized, during the interim a substantial number of people could be exposed to significant hardship.

It is also clear that the rail system in the granger area served by the Rock Island suffers from a surfeit of duplicative rail facilities and that these facilities must be restructured as quickly as possible. The recently enacted Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. No. 94–210) provides an important first step toward achieving this critical objective. Until a thorough, well-planned restructuring program is developed as a result of this statute, essential services currently provided on key Rock Island routes must be preserved. Financial assistance provided through the issuance of guaranteed trustee certificates will enable the Rock Island to continue service on those routes until a comprehensive restructuring program can be effectuated.

As to Finding number 2: The physical plant of the Rock Island is in a severely deteriorated condition. We estimate that by the end of 1976, approximately 2,800 miles of running track and 2,000 miles of yard and switching track may deteriorate to such an extent as to require termination of rail freight service on those lines. These mileage figures represent about 32% of the railroad's total running track and 80% of its yard and switching tracks. Cessation of operations over 80% of the track on which yard operations are performed would effectively end all yard and switching functions. Additionally, severely deteriorated segments are scattered randomly along strategic mainlines as well as little used branches. Failue to adequately maintain these sections of the mainline track will result in cessation of service over those lines due to their unsafe condition, resulting in dislocations sufficient to render operation of the railroad impractical.

We have reviewed the railroad's 1976 financial and track rehabilitation program. The amount of funds which would be required to rehabilitate the Rock Island System to the minimum acceptable level and maintain it at that level exceeds the railroad's maintenance and rehabilitation budgets by an estimated $78 million. The Rock Island estimates that its cash balance at the end of 1976 will be $30,300,000. These figures assume the availability of $19 million in rehabilitation funds requested in the Trustee's application. Thus, even if all available cash were used to rehabilitate and maintain its plant, the railroad would fall short of the necessary expenditures by about $48 million. While some adjustments in the 1976 program, along with a continuation of the favorable cash flow trends now being experienced, might narrow the gap, they would not contract the shortfall to any significant extent. Therefore, the Rock Island would become inoperable as a system as early as the end of 1976 due to track conditions. The lead times required to perform the necessary maintenance are such that affirmative steps must be taken now in order to avoid a cessation of service.

As to Finding number 3: The Rock Island is unable to generate funds internally in an amount sufficient to assure continued maintenance of its entire plant at Class I track safety standards. External sources, other than guaranteed trustee certificates, are not available to the Rock Island in amounts sufficient to provide essential services. The only other practicable source of funds, apart from the sale of the certificates, is the disposition of assets.

Disposition of assets includes such items as salvage from the abandonment of excess rail capacity and the sale of non-transportation properties. Abandonment is subject to the abandonment provisions of the Interstate Commerce Act (49 U.S.C. 1a). Potential funds from this source cannot be realized quickly enough to meet the Rock Island's immediate needs.

Disposition of rail and non-rail assets requires an orderly, well structured plan in order to prevent undue loss of values. Sales of certain major rail properties are under negotiation with connecting railroads. However, even if such sales could be consummated on a timely basis, the proceeds may be escrowed by the reorganization court in order to protect bondholders. In addition, isolated sales of rail assets to other railroads would probably revive the traditional protests of the competitors of the acquiring carriers and result in lengthy regulatory proceedings.

As to Finding number 4: The Trustee has explored the financing of trustee's certificates with the following financial institutions:

The First National Bank of Chicago
Salomon Brothers
Continental Illinois National Bank and Trust Company of Chicago
The Northern Trust Company

The efforts were unsuccessful in each case.

The Federal Financing Bank can provide the necessary financing only if the certificates are guaranteed by a Federal agency.

As to Finding number 5: The Rock Island is in great difficulty at this time. The railroad has experienced losses each year for the last 10 years. During this period, while a proposed merger with the Union Pacific Railroad remained pending before the Interstate Commerce Commission, the management of the Rock Island could best be characterized as a "caretaker" management, which strived merely to preserve the status quo while awaiting approval of the merger by the Commission.

While the new management of the Rock Island has been in place for only a short period of time, they have taken a series of affirmative actions that have already led to improvement in the operations of the carrier. This management has demonstrated a willingness and desire to create a more efficient rail carrier by actively pursuing a feasible restructuring program through negotiation of trackage rights, paired track agreements, coordination projects and the sale of portions of their present system.

In addition to these efforts toward fundamental restructuring, the new management has demonstrated an ability to eliminate wasteful and unnecessary operating expenditures. Employment has been reduced from an average of 11,434 equivalent positions in 1974 to 8,118 equivalent positions for the week ended April 1, 1976. One "equivalent position" is equal to 40 manhours worked during a seven day period. Petitions for abandonment of approximately 250 miles of excess track are currently pending before the Interstate Commerce Commission. The new management expects the implementation of operating improvements and reductions in costs to result in a substantial improvement in the operating ratio of the railroad. Based on this projected change and an industry by industry analysis of the future transportation requirements of the shippers it serves, the Rock Island forecasts a substantial improvement in revenue levels over the next five years.

Realization of the importance of certain of the Rock Island's services has resulted in continued, and in some cases increased, financial support from state

and regional transportation authorities for maintenance of plant and continuation of rail commuter service. There are indications that such support can be expected to increase further in the future.

Considering all of these changes and trends, it is reasonable to expect that the Rock Island system, restructured through reorganization or otherwise to retain in service lines shown to be economically viable and to be necessary to provide services which are essential to the region served, can and will become self-sustaining. However, it is important that appropriate terms and conditions be attached to the guarantee of the trustee's certificates in order to provide maximum assurance that these trends continue and this expectation is realized. Therefore, the Guarantee Agreement will, among other things, require the Trustee to (1) identify an economically viable system based on the revenues and costs associated with individual line segments, (2) apply available revenues whenever possible to program maintenance and rehabilitation on key main and branch lines of the railroad and (3) submit to the reorganization court and to the Commission as an appendix to his reorganization plan a report concerning a system or systems composed of Rock Island lines that would preserve essential services and be economically viable.

As to Finding number 6: The Act states that the Secretary "shall not guarantee any certificate unless the certificate is treated as an expense of administration and receive (sic) the highest lien on the railroad's property and priority in payment under the Bankruptcy Act." Section 3(c), 45 U.S.C. 662(c). The order of the Reorganization Court authorizing the trustee to issue the certificates shall so specify. 49 C.F.R. 250.5(a)(ii).

Exhibit 33 of the Application consists of a computation of the estimated market value of assets made by the Rock Island and a review of the Rock Island's methodology by the engineering firm of Ford, Bacon and Davis. The valuation assumes a planned and orderly liquidation of the assets of the corporation over a five year period. Ford, Bacon and Davis state, "In our opinion, the methodology and values used by the Rock Island in estimating the net market value of its assets by liquidation to be $401.6 million dollars are reasonable and tend to conservatively state the value." While we do not endorse this valuation, we are satisfied that the assets of the railroad would provide reasonable protection to the United States in the event of liquidation.

The agreements entered into with the Trustee in connection with the guarantee will provide sufficient opportunity for close and continuing review to assure the preservation of assets sufficient to protect the Government's interest.

Accordingly, in light of the findings made herein, I will guarantee certificates to be issued by the Trustee in an aggregate principal amount of not to exceed $17.5 million.

(Section 3(a), Pub. L. No. 91-663, 45 U.S.C. 662(a))

Issued in Washington, D.C. on April 20, 1976.

WILLIAM T. COLEMAN, Jr.,
Secretary of Transportation.

[FR Doc.76-11856 Filed 4-22-76;8:45 am]

Federal Railroad Administration

CLASSIFICATION AND DESIGNATION OF RAIL LINES

Revision of Guidelines

On March 12, 1976, a document was published in the FEDERAL REGISTER (40 Fed. Reg. 10727) entitled "Guidelines for Submission of Traffic Density Analysis" ("Guidelines"). Those Guidelines are hereby revised as follows:

1. The information requested in subparagraphs A through C of paragraph 3 of the Guidelines shall be submitted to the Federal Railroad Administration ("FRA") by Class I line-haul railroads and, to the extent that such information is available, by Class I railroads primarily engaged in terminal or switching operations or both. Each such railroad shall supply two copies of the traffic density maps requested in subparagraphs A and B of paragraph 3 of the Guidelines instead of the one copy originally requested.

2. If the information required under subparagraphs A through C of paragraph 3 of the Guidelines is not available to a Class I railroad primary engaged in terminal or switching operations or both, then such railroad shall submit to the FRA for each connecting carrier or tenant company two copies of the information contained in scheduled 532 of the railroad's Annual Report to the Interstate Commerce Commission (Form R-1 or Form A) for each of the calendar years 1971 through 1975.

3. Each Class I railroad shall submit two copies each of its current operating timetables and map of its operating divisions instead of the one copy each originally requested in subparagraph I of paragraph 3 of the Guidelines.

4. Where reference is made in subparagraphs B through F of paragraph 3 of the Guidelines to "millions of gross tons per mile," "million gross tons per mile," "gross ton miles," "gross tonnages," and "tonnage," it should be understood to mean "millions of gross ton miles per mile of road."

(Section 503(a), Pub. L. No. 94-210, 45 U.S.C. 823(a); delegation of authority from the Secretary of Transportation).

Issued in Washington, D.C., on April 22, 1976.

ASAPH H. HALL,
Administrator.

[FR Doc.76-12052 Filed 4-22-76;10:56 am]

CIVIL AERONAUTICS BOARD

[Order 76-4-90; Docket 26560]

PAN AMERICAN WORLD AIRWAYS, INC.

Establishment of Subsidy Mail Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of April 1976.

The proceeding in this docket was instituted by a petition filed by Pan American World Airways, Inc. (Pan Am), on April 3, 1974, requesting the establishment of a final subsidy mail rate for its system operations pursuant to section 406 of the Federal Aviation Act of 1958, as amended. The carrier requested the amount of $194 million for each annual period commencing April 3, 1974, consisting of $85.7 million to cover its projected operating loss plus $108.6 million as a return on investment. On August 23, 1974, Pan Am petitioned the Board for the establishment of a temporary subsidy mail rate in the abount of $10.1 million per month, effective on and after April 3, 1974, to cover its estimated monthly operating loss of $6.3 million and its forecast net monthly interest expense of $3.8 million.

Action on these petitions was taken by the Board in Order 74-9-62, September 18, 1974. In that Order, the Board denied the petition of Pan Am for temporary subsidy upon finding that the petition did not set forth "a detailed economic justification sufficient to establish the reasonableness of the rate or rates proposed" as required by Rule 303(a) of the Board's Rules of Practice. The Board found, moreover, that the carrier had not demonstrated satisfactorily that it faced such a financial crisis as to require an immediate infusion of federal subsidy. Finally, it was indicated that in order to avoid the unwarranted disbursement of government funds, the Board has followed a consistent policy of not awarding temporary subsidy unless the carrier would ultimately be entitled to final subsidy and that it was by no means clear that Pan Am would ultimately receive subsidy support for its operations. As the Board pointed out, the petitions of Pan Am for temporary and final subsidy were filed after a long period (over 17 years) of competitive, subsidy-free operations, and hence raised substantial legal as well as factual questions under sections 406 of the Act.

While recognizing that Pan Am's management had taken measures to reduce losses, the Board was not convinced that all of the "belt-tightening" measures normally associated with a cash crises had been undertaken. In this regard, the Board stated that it expected Pan Am to explore such measures as further reductions in operational levels, discontinuance of uneconomic services, paring of capital expenditures, sales of capital assets not required to continue certificated authority, and other actions which are

characteristic of a firm confronted with a severe cash shortage. Further, the Board indicated the types of services which traditionally have been considered ineligible for subsidy support and which, because of their voluntary nature, require careful monitoring on the part of management in order to avoid losses that cannot be considered for subsidy determination. The Board found, in general, that the circumstances surrounding Pan Am's difficulties created an obligation on the part of Pan Am to scrutinize all aspects of the carrier's worldwide services which would include its route structure as well as all levels of operations. In this regard, Pan Am was assured that the Board would give expedited consideration to any proposals for suspension or deletion of unecomonic points or operations and the carrier was urged to seek unilateral or bilateral solutions to overcapacity problems in individual markets.

Lastly, it was pointed out that the Board had recently approved several large increases in both passenger fares and freight rates to try to compensate for general as well as specific cost increases such as the rise in fuel costs. With respect to passenger fare increases, we expressed our expectation that prudent management would, to the extent possible, tailor capacity to reflect the decline in passenger traffic in price-sensitive markets.

Subsequent to the issuance of Order 74–9–62, Pan Am undertook further review of its route structure and level of operations and has undertaken to implement many of the measures suggested by the Board in Order 74–9–62. In this regard, it has moved to rationalize its route structure by eliminating unnecessary competition and uneconomic service by various means. Thus, it has entered into a mutual route realignment with TWA with respect to their Atlantic and Pacific route systems,[1] and a route exchange with American involving the latter's South Pacific routes and certain Caribbean routes of Pan American.[2] In addition, Pan Am and British Airways have agreed to certain mutual suspensions of service in the internal German markets.[3] Furthermore, Pan Am has acted to suspend service at marginal or uneconomic points throughout its system, especially in the Caribbean and North Atlantic.[4] Lastly, it has entered into various capacity reduction agreements with foreign carriers in the North Atlantic, South America, and the South Pacific markets.[5]

The adoption of such measures[6] has enabled Pan Am to reduce its operational levels and capacity offered, resulting, among other things, in a reported decrease in the carrier's system fuel consumption below that of comparable periods in 1974. With the moderation in fuel cost increases in international air transportation during the past year, Pan Am's total monthly fuel bill was held below prior-year levels for the last seven months of 1975.[7] In addition, the reduction in capacity has enabled Pan Am to sell approximately 13 narrow-body jet aircraft since the start of 1975, capping a major reduction in its fleet of 707's and 727's in favor of the relatively more fuel-efficient 747 aircraft.[8] According to the carrier, its fleet of 747's now form the backbone of its long-haul scheduled operations, the importance of which has increased substantially as a result of the recent route restructuring. Finally, such measures have enabled the carrier to consolidate, reduce, or even eliminate some of its ground support operations, such as its large maintenance base at Miami, resulting in significant long-term cost reduction benefits.[9]

The cumulative effect of the foregoing, coupled with increased yields resulting from the passenger, freight, and mail rate increases granted by the Board during 1974–1975, and from Pan Am's partial or complete withdrawal from many unprofitable markets such as Hawaii, the Caribbean, and the Iberian Peninsula, has been a substantial reduction in its scheduled service passenger breakeven load factor from an average of approximately 58% in 1974 to 50% in 1975, one of the lowest in the airline industry. This in turn has produced an impressive and encouraging turnaround in Pan Am's financial picture. According to preliminary year-end Form 41 results reported by the carrier, its operating loss on system operations for 1975 was $33.3 million, down from the record $98.6 million loss in 1974, while its net loss declined from $85.5 million to $46.1 million during the period.[10] The carrier was able to hold operating expenses to a relatively miniscule 1.2 percent increase during 1975, while operating revenues were up 5.4 percent from 1974, despite a substantial reduction in revenue passenger-miles as a result of the route restructuring program and stagnant international traffic levels.

The 1975 results are particularly impressive in view of the fact that they include the adverse impact of $12.1 million in Mutual Aid payments, up from $3.5 million in 1974,[11] and a year-end provision for severance pay of $10.5 million attributable to recent reductions in operational levels and support facilities. Moreover, the net loss in 1975 reflects a much-reduced available tax credit of $6.4 million, compared to the credit of $48.9 million available in 1974.[12] Finally, Pan Am's 1975 performance must be viewed in its industry context. Preliminary calendar year results for the 11 trunkline carriers as a group indicates a combined net loss of $87.0 million, down substantially from the reported $250.8 million profit in 1974. In fact, Pan Am appears to be the only trunk to show financial improvement during the past year.

In addition, calendar year results partially obscure the substantial and rather immediate impact of the major measures taken by Pan Am during the course of 1975. Thus, quarterly figures for the carrier reveal record operating losses of $59.5 million ($48.5 million net) for the fourth quarter of 1974 and $54.6 million ($59.1 million net) for the first quarter of 1975, largely as a result of spiraling unit costs and a declining passenger load factor. These two quarters account for nearly all of the record $112.1 million operating loss for the year ended March 31, 1975. They were followed, however, by a 1975

[1] This agreement was approved by the Board in Order 75–1–133, January 30, 1975, and was implemented for the most part on March 12, 1975.

[2] The Board approved this agreement by Orders 75–6–152, 75–6–153 and 75–6–154, dated July 1, 1975, for effectiveness on August 29, 1975. Order 75–7–145, July 30, 1975, extended the date of initial effectiveness to September 8, 1975, with regard to certain markets.

[3] Pursuant to this agreement, Pan Am has agreed to suspend its service in the Berlin-Cologne/Dusseldorf/Hanover markets. Order 75–6–95, June 20, 1975, granted the suspension of service at Hanover, and Order 75–9–42, September 15, 1975, granted the suspension at Cologne/Dusseldorf.

[4] See e.g., Orders 75–8–143, August 28, 1975; 75–7–97, July 21, 1975; 75–6–95, June 30, 1975; 75–6–48, June 10, 1975; 75–4–117, April 24, 1975; 75–4–19, April 3, 1975; 75–4–16, April 2, 1975; 74–12–66, December 18, 1974; 74–12–30, December 9, 1974; and 74–12–29, December 9, 1974.

[5] Orders 75–10–77, October 20, 1975; 75–7–27, July 3, 1975; 74–12–29, December 9, 1974; 74–11–54, November 13, 1974; 74–11–34, November 7, 1974.

[6] In addition to the foregoing, Pan Am agreed in October, 1974, to sell its Pacific Northwest-Alaska route, together with one Boeing 707 aircraft, to Western Airlines, Inc. for $6.7 million, including $0.4 million for the route authority. Although the agreement was approved by the Administrative Law Judge (Initial Decision of E. Robert Seaver in Docket 27104, Pan American-Western Route Transfer Agreement, issued February 13, 1975), the agreement has since been terminated by Pan Am and Western, and the application has been dismissed. Order 75–7–48, July 11, 1975.

[7] Source: Form 41 data, Schedule P–12(a). Similarly, Pan Am's fuel and oil costs have nearly stabilized as a percent of total operating expenses, amounting to about 21% during the first three quarters of 1974 and 22% during the same period in 1975.

[8] Pan Am estimates the breakeven load factor of the 747 at about 45% compared to nearly 60% for the older 707's.

[9] In its effort to control labor costs, a major component of total operating expense, the carrier has reduced average personnel employed in air transport operations by over 11% during 1975.

[10] The 1974 net loss of $85.5 million reflects a recent adjustment by Pan Am relating to a change in its accounting treatment of foreign exchange transactions and hence is slightly higher than the figure previously reported by the carrier.

[11] Pan Am withdrew from the Mutual Aid Pact as of December 31, 1975.

[12] Stated in other terms, Pan Am's 1975 pretax loss was $52.4 million in contrast to $134.4 million in 1974.

second-quarter operating profit of $7.4 million, up from an $8.7 million loss the prior year, as operating expenses were held to a modest 1.0 percent increase. During the third quarter, Pan Am posted an operating profit of $47.2 million, up $36.6 million from the third quarter of 1974, as operating expenses actually decreased from the corresponding 1974 level. This represented the only improvement in third-quarter financial results among any of the trunks. While Pan Am's second quarter results were favorably affected by the transfer in April of $28.3 million from its unearned transportation revenue to its operating revenue accounts, this transfer should not obscure the important fact that the carrier was able to reduce its passenger breakeven load factor to a level below that of its actual load factor for both the second and third quarters. And while Pan Am has reported a preliminary operating loss of $33.4 million ($33.1 million net) for the off-peak fourth quarter, this was down considerably from the $59.5 million loss a year earlier. Moreover, operating expenses were again held to a level below the comparable 1974 period, while operating revenues increased 6.3 percent.

Overall, Pan Am gives every indication of being in a much sounder operational and marketing position than it was in at the start of 1975. To the extent that international traffic picks up during 1976, and on this point most industry observers are guardedly optimistic, Pan Am should be in an excellent position to resume profitable operations after seven years of net losses. Even under uncertain economic conditions, Pan Am's curtailment of operations in numerous "vacation" markets should render its revenues less susceptible to violent fluctuations than was previously the case. And from the standpoint of costs, the extensive route realignment should provide the carrier with opportunities for continued improvement in capacity control, fleet utilization, traffic servicing efficiency and related measures to hold down its breakeven load factor. In this connection, it is worth noting that Pan Am appears to hold similar views as to the short- and long-run benefits of the measures implemented in 1975. For example, the carrier projected a first year benefit from the TWA route exchange of $24.2 million, a benefit of $6.5 million from the American route exchange, and a benefit of $23.0 million from its suspension of service in U.S.-Caribbean/South American markets, a total of $53.7 million.[13] Given the carrier's reported $65.3 million improvement in 1975 operating results, such estimates appear to have been quite justified.

In sum, while Pan Am has not yet achieved system profitability on a yearly basis, and while its previous losses have left it in a weakened financial position, the carrier's dramatically improved performance in the face of market forces adversely affecting all other trunklines strongly suggests that the carrier is now in a position to regain profitability and hence to maintain self-sufficiency. Certainly, Pan Am's major premise in petitioning for subsidy, i.e. that available self-help measures would prove inadequate to reverse its losses and that direct financial assistance would be necessary to guarantee its existence, at least over the short run, has been substantially undercut by this recent experience. Moreover, despite Pan Am's compilation of net losses in recent years, it is our tentative judgment that the carrier has not, and under present circumstances cannot, meet the implicit statutory requirements for returning to a subsidized status.

Under the broad mandate of section 406, the Board's subsidy mail rate policies are basically oriented toward the purpose of furthering and encouraging the development of a sound overall air transportation system in conformity with the fundamental objectives of the Federal Aviation Act. To achieve this statutory purpose, the Board has consistently followed policies designed to induce and enable the carriers to achieve commercial self-sufficiency as rapidly as possible, thus freeing themselves from the need for government support.[14] As emphasized by the Board in the early "Big Four" case,

> "It was never the intention of the Congress in passing the Civil Aeronautics Act [now the Federal Aviation Act] that the industry would be forever subsidized. The purpose of the Act was to render financial assistance where it was needed to build an air transportation system to serve the national interest. Once carriers are assisted to the point where they have the opportunity for self-sufficient operations, it devolves upon them to make the best of such opportunity. * * *"[15]

From the outset, the air transportation industry has evidenced a substantial degree of cyclicality in the relationship of capacity to demand, resulting, on the one hand, from equipment acquisition policies spurred by changing technology, and, on the other, from shifts in demand related to fluctuations in the general economic environment. As we have stated in our recent order denying the petition of TWA for subsidy support of its domestic operations,[16] it is manifest from a reading of the Act and the Board's numerous subsidy determinations thereunder, that subsidy was never intended to supplant the operation of normal market mechanisms. Self-sufficiency obviously carries with it an increased economic risk. In recognition of this, carriers in a self-sufficient status may retain profits from favorable periods which exceed the return on investment which would be allowed them if they were receiving subsidy.[17] As discussed further below, among the normal risks which self-sufficient carriers must bear are those of maintaining profitability during periods of increased costs or reduced traffic, whether due to short-term fluctuations in the general economic environment or to specific management decisions such as the acquisition and integration of new flight equipment. Section 406(b)(3) has as its primary focus the eligibility of operations, not the preservation of particular air carrier entities or route systems which do not contribute efficiently to the statutory objective, and therefore there may well be instances in which drastic management action, including retrenchment, route realignment, and even corporate reorganization will be necessary for a carrier to fulfill its statutory functions. To permit a self-sufficient carrier to claim direct public support upon a lesser showing than that of inherent unprofitability would eliminate the incentive for such stringent management control and, ultimately, undermine the statutory objective of an economically viable air transportation system.[18]

To the extent, then, that a self-sufficient carrier has experienced a period of losses in its operations, the following limitations upon its subsidy claim must be recognized. First, it is well established that subsidy is not available under section 406 to make up for a carrier's losses incurred prior to the date of filing of its petition.[19] Second, the Board must determine which, if any, of the carrier's operations contribute to the national interests set forth in sections 102(a) and 406(b)(3) of the act and which therefore qualify for subsidy recognition. Third, the carrier must then produce a prima facie case that such operations are inherently unprofitable. In this connection, of course, the Board has long adhered to a policy of viewing carrier earnings over an extended period of time,

[13] See Orders 75-1-133, 75-6-152, and 75-4-16.

[14] In addition to getting the trunkline industry on its feet, subsidy has been used over the years to support domestic air service to small communities which otherwise would not be served. Again, however, the Board has endeavored to encourage self-sufficiency and to minimize the demand on the public treasury through a policy of route-strengthening on behalf of the subsidized local-service carriers. Under this policy, the Board has awarded potentially profitable routes to such carriers, on a subsidy-ineligible basis, in order to reduce their need for subsidy on the inherently unprofitable parts of their system.

[15] American Airlines, Inc., et al., Mail Rates, 14 C.A.B. 558, 569 (1951). Earlier cases recognizing this goal of self-sufficiency include Pan American Airways (Delaware), Transatlantic Mail Rates, 1 C.A.A. 220, 253-54 (1939), and 1 C.A.A. 529, 542 (1939), supra.

[16] Order 76-3-102, March 16, 1976.

[17] Transatlantic Final Mail-Rate Case, Reopened, 23 C.A.B. 307, 322-325, 366-367 (1956), upheld in *Trans World Airlines, Inc. v. Civil Aeronautics Board*, 385 F. 2d 648 (D.C. Cir. 1967).

[18] We would note, moreover, that a showing that Pan American's system cannot be operated profitably would not by itself demonstrate that essential parts of its system could not be served without subsidy by other carriers—either alone or in conjunction with a further restructured Pan American.

[19] Chicago and Southern Air Lines, Inc., Mail Rates, 4 C.A.B. 419 (1943).

a period sufficient under all the circumstances to permit the Board to focus on basic trends in the economics of its operations rather than on the more volatile effects of short-term business cycles or specific management decisions. Only after the preceding threshold inquiries have been answered in the affirmative would the Board be justified in proceeding with a detailed examination of the carrier's revenues, investment and expenses under "honest, economical and efficient management."

Pan American has not shown that adequate international air transportation services are impossible without subsidy. There is nothing in Pan Am's filings in this docket, or in its subsequent reported experience, to indicate that there has been any fundamental change in the inherent profit potential of its basic route structure such as would render it unable to maintain long-run self-sufficiency despite experienced or foreseeable fluctuations in the business cycle. Indeed, nothing in Pan Am's filings to date suggests disagreement with the Board's statement in Order 74–9–62 that the carrier's worldwide operations are generally associated with long-haul traffic markets that can and must be operated, in the long run, on a nonsubsidy basis.

While Pan American has experienced seven consecutive years of net losses, beginning in CY 1969, such losses, as the carrier itself has emphasized, have primarily resulted from the impact of a major re-equipment cycle compounded by traffic stagnation due to the combined effects of economic recession, inflation, and dollar devaluation. While we recognize, as the carrier also points out, that competition from both scheduled service and charter operations increased substantially in major international markets during the last decade, this should not obscure the fact that Pan Am itself was a profitable carrier until the impact of the introduction of widebody aircraft began to be felt, or the fact that other U.S. carriers in international markets, such as Braniff, Northwest, National, and TWA, have reported profitable results in such operations at least until the advent of the Arab oil embargo and the dramatic jump in fuel prices.

It would appear that the root cause of Pan Am's losses from 1969 through 1973 was Pan Am's decision to invest heavily in B–747's coincidentally with a softening of international traffic. Although this decision may be found upon close examination to have been the result of an acceptable and prudent business judgment,[20] it has nevertheless been the long-standing policy of the Board to place the risk of the introduction of new equipment upon the shoulders of the carrier and not the taxpayer. For example, as the Board noted in Continental Air Lines, Inc., Mail Rates, 11 C.A. B. 487 (1950) at pages 499–500:

> "The Board has always held that the choice of equipment is a problem for management to decide. It is assumed, however, that the exercise of managerial judgment in this manner will be borne out by operating results which will be at least as favorable as those obtained prior to the substitution, if not more so."[21]

As previously noted, the airline industry is a cyclical one, both with respect to production and demand. Carrier managements must bear the inherent financial risk that, for example, a major re-equipment decision will occur at the same time as a cyclical downturn in traffic, and they cannot expect subsidy to cushion the effect of these essentially short-term phenomena.

As Pan Am noted in its petition,[22] it had made a significant recovery by the beginning of 1973 and had even projected a small net profit for the year. However, the cumulative impact of the losses of the previous four years had left it in a weakened position from which to cope with the tremendous short-term problems caused by the Arab oil embargo and resulting fuel crisis which affected the profitability of all carriers, both international and domestic. The dramatic increase in the price of fuel certainly contributed to the record losses experienced by Pan Am during 1974. However, as reflected in data reported to the Board, fuel cost increases moderated substantially during 1975, particularly in the case of international supplies. While it appears that a high and perhaps steadily increasing cost of fuel has become a fact of life for the airline industry, there is no evidence to warrant the conclusion that the dramatic increases between the fourth quarter of 1973 and the first quarter of 1975 were other than a short-term phenomenon.

Although seven years is not an insubstantial period of time for a carrier to sustain losses, it is our judgment that Pan Am's losses are the result of a combination of circumstances and causes which should not be underwritten by subsidy and do not warrant returning Pan Am to a subsidy status.

In reaching this conclusion, we are not unmindful of the possibility that Pan Am may yet face the need for tough management decisions of the type implemented during 1975. However, we believe that as a result of the measures already taken, Pan Am is a much leaner carrier, one which has already demonstrated the inherent profit potential of its restructured route system. In this context, we take notice of testimony and information supplied by Pan Am in recent Board proceedings which indicate that in terms of operating efficiency it compares favorably with both its foreign competitors and with comparably situated U.S. carriers. For example, in exhibits submitted in the South Pacific Service Case, Docket 28036,[23] Pan Am purports to show that its system operating costs are lower than those of its major foreign scheduled service competitors by as much as one-third, and that when specific geographic areas are compared, such as the North Atlantic, Pan Am's unit costs for both direct and indirect expenses are below the industry average. In addition, Pan Am's data indicate that it has the lowest B–747 and B–707 aircraft operating unit cost per revenue block hour in scheduled passenger operations of the 14 major carriers serving the North Atlantic.[24] Similarly, in the same exhibits, and also in Exhibit PA–IR–52, submitted in the Transatlantic, Transpacific, and Latin American Service Mail Rates Investigation, Docket 26487, Pan Am sets forth comparisons of operating expense per ATM and RTM showing that it compares favorably with the domestic trunkline industry and with its U.S. competitors in international service.[25] Without passing on the validity of the comparisons made by Pan Am, we take note of the fact that the carrier quite clearly believes that, on the basis of recent experience, it is in a strong competitive position vis-a-vis its competitors generally.

In its filings in this docket, Pan Am attributes a substantial portion of its previous losses to the decline in passenger fare yields experienced in many of its major markets, such as the North Atlantic. However, to the extent that Pan Am now enjoys a relative cost advantage over many of its foreign-flag competitors, and to the extent that international fares are set by IATA on the basis of industry costs, there is no reason to believe that Pan Am cannot conduct operations in

[20] In the event that a full-scale evidentiary hearing is required to determine the merits of Pan Am's subsidy claim, we would expect that the additional capacity created by the purchase of the 747 and the timing of their introduction into service would be among the important questions to be resolved.

[21] See also Trans-Pacific Airlines, Ltd., and Hawaiian Airlines, Ltd., Mail Rates, 20 C.A.B. 668, 670–674 (1955); Transatlantic Final Mail-Rate Case, 19 C.A.B. 464, 516–521 (1954); Braniff Airways, Inc., Domestic Operation Mail Rates, 18 C.A.B. 764, 770 (1954); Pioneer Airlines, Inc., Mail Rates, 17 C.A.B. 499, 513–515 (1953); Southwest Airways Company Mail Rates, 17 C.A.B. 301, 303, 304 (1953).

[22] Page 1 of Petition filed on April 3, 1974.

[23] These exhibits were not received as evidence by the Administrative Law Judge on the grounds that they did not relate to issues in that proceeding; they do, however, accompany the record as an offer of proof.

[24] See Appendices GG, HH and II to PA–R–900.

[25] PA–R–900, supra, p. 52 and Appendix JJ.

such markets on a self-sufficient basis. In this connection, it is instructive to note that Pan Am has recently forecast an increase in its system yield from 7.28 cents per passenger-mile in 1975 to 7.68 cents in 1976. According to the carrier, the fromerly depressed yield in the North Atlantic has recently risen substantially from 4.89 cents in 1973 to 6.70 cents in 1975, with a forecast of 7.17 cents in 1976. It would therefore appear that Pan Am is now in an excellent position to take advantage of any increase in international traffic during the coming year.

Therefore, based on the considerations and policies expressed herein, the Board tentatively concludes that subsidy support for Pan American's operations is not warranted under the Act.

On the basis of the information available to the Board and the matters raised in the pleadings contained in this docket, it is our opinion that a hearing is not necessary to dispose of the threshold issues of the essential profitability of international services discussed in this order. However, in the event that Pan Am believes that a material issue of fact exists with respect to any of the tentative findings and conclusions herein, it may, of course, file a proper notice of objection within 15 days of service of this order. In that event, we will require Pan Am to file an answer and supporting documents within 60 days of service of this order, and we expect that the supporting documents will contain complete exhibits supporting the positions expressed in the answer. These exhibits should contain whatever evidence Pan Am desires to produce which may have a bearing upon the threshold issues raised herein with respect to whether the international operations of Pan Am are inherently self-sufficient. After the receipt of Pan Am's exhibits, the Board will determine what further procedural steps are necessary. If it appears at that time that some sort of evidentiary hearing is warranted, the hearing will be limited to the findings and conclusions regarding the essential probability of Pan Am's international operations made herein. In the event that it is then determined that Pan Am's international air services are by their nature unprofitable over the long run, then further proceedings may well be necessary to carry out the detailed analysis and screening of Pan Am's operations required under section 406 of the Act. In this connection, we would reiterate that a carrier's expenses are recognized in determining subsidy need only to the extent that they are found to have been incurred under honest, economical, and efficient management, and only to the extent that such underwriting serves one or more of the developmental purposes of the Act.[26] In this regard, the Board has held that a carrier bears a particular burden of justification if its expenses exceed those of other carriers under comparable circumstances.[27] Similarly, the statute permits subsidy only with respect to those operations, including routes, equipment, and schedules, which are required for the statutory purposes. In this connection, the Board has traditionally refused to underwrite losses on all-cargo operations, and military and civilian charter operations, as well as on all non-transport activities. Also, the Board has developed criteria for distinguishing eligible from ineligible routes based on such factors as the presence or absence of unsubsidized competition, and the inherent potential for profitable operations.[28] In Order 74-9-62, we specifically questioned the propriety of providing subsidy for competitive markets served by two or more U.S. certificated carriers.

The attachments[28a] hereto illustrate the type of analysis which would be involved in considering the foregoing issues. We have not, however, relied upon this analysis in reaching the findings and conclusions with respect to the threshold issues contained herein. In our opinion, a full evidentiary hearing on issues of this character would be a protracted and exhaustive investigation involving a substantial commitment of resources by both the Board and the carrier. Moreover, such an investigation would create uncertainties as to the Government's obligations to Pan Am, and we are concerned that the possibility of subsidy support may result in a lessening of urgency on Pan Am's part to implement any further measures necessary to maintain self-sufficiency. For these reasons, it is apparent that the threshold issues regarding the inherent system profitability of Pan Am's international services should be resolved before an investigation of such magnitude is undertaken.

We therefore tentatively find and conclude that on and after April 3, 1974, the fair and reasonable rate of compensation to be paid to Pan American World Airways, Inc., for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, are the service mail rates payable to Pan American World Airways, Inc., by the Postmaster General in effect on April 3, or thereafter established by the Board.[29]

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a) and 406 thereof, and the regulations promulgated in 14, Part 302,

It is ordered, That: 1. All interested persons, and particularly Pan American World Airways, Inc., are directed to show cause why the Board should not adopt the foregoing findings and conclusions and fix, determine, and publish the mail rates specified above;

2. Further procedures herein shall be in accordance with the Rules of Practice, 14 CFR, Part 302, and, if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be filed within 15 days, and, if notice is filed, written answer and supporting documents shall be filed within 60 days after the date of service of this order;

3. If notice of objection is not filed within 15 days, or if notice is filed and answer is not filed within 60 days after service of this order, or if any answer timely filed raises no material issue of fact, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final order, and the Board may enter an order incorporating the findings and conclusions propoesd herein and fixing and determining the rates herein specified;

4. If notice of objection and answer are filed presenting issues for hearing, issues going to the establishment of the fair and reasonable rates herein shall be limited to those specifically raised by such answers with respect to the issues set forth in this order, except as otherwise provided in 14 CFR Section 302.307;

5. This order shall be served upon Pan American World Airways, Inc., and the Postmaster General.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-11788 Filed 4-22-76;8:45 am]

[26] Transatlantic Final Mail-Rate Case, 21 C.A.B. 484. 499 (1955).

[27] 21 C.A.B. 484, supra, at 500; Pan American World Airways, Inc., Latin American Division Mail Rates, 17 C.A.B. 775, 782-84 (1953); Transatlantic Final Mail-Rate Case, 19 C.A.B. 464, 500-01 (1954).

[28] E.g., 17 C.A.B. 775, supra, at 782-84, Northeast Airlines, Inc., Subsidy Mail Rates, 48 C.A.B. 1, 3-4 (1968); Orders to Show Cause 73-10-65 and 75-7-15 (p. 4).

[28a] The attachments to this document were filed as part of the original document.

[29] We also tentatively find and conclude that the petitions of the Airline Pilots Association, Inc., and the Davis Agency, Inc., to intervene in this docket should be dismissed as moot.

CIVIL SERVICE COMMISSION

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary (Executive Secretary to the Department), Office of the Secretary.

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

[FR Doc.76-11451 Filed 4-22-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Secretary (Regulatory Review), Office of the Secretary.

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

[FR Doc.76-11452 Filed 4-22-76;8:45 am]

FEDERAL EMPLOYEES PAY COUNCIL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2:00 p.m. on Wednesday, May 19, 1976. This meeting will be held in room 5323 of the U.S. Civil Service Commission building, 1900 E. Street, N.W., and will consist of continued discussions on future comparability adjustments for the statutory pay systems of the Federal Government, which are defined in section 5301 of title 5, United States Code.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent.

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.76-11843 Filed 4-22-76;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

ADVISORY COMMITTEE ON DEFINITION AND REGULATION OF MARKET INSTRUMENTS

Meeting

Notice is hereby given, pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 1., §10(a), that the Commodity Futures Trading Commission Advisory Committee on Definition and Regulation of Market Instruments ("Advisory Committee on Market Instruments") will conduct an advisory committee meeting on May 10 and 11, 1976, at the Watergate Hotel, 2650 Virginia Avenue, N.W., Washington, D.C., in the Continental Room, beginning at 9:30 a.m. each day. The Advisory Committee on Market Instruments was chartered to consider and submit reports and recommendations to the Commission on the following subjects:

(1) Appropriate standards to be utilized by the Commission in regulating forms of transactions that are subject to the Commodity Exchange Act, as amended, including consideration of such matters as:

(i) Appropriate standards to be utilized by the Commodity Futures Trading Commission regarding the definition of commodity futures contracts; and

(ii) Appropriate restrictions or prohibitions for options relating to commodity transactions and margin or leverage transactions subject to Section 217 of the CFTC Act.

(2) Responsibilities of the Commission over cash commodity markets. This will include consideration of such matters as:

(i) Contracts for forward delivery;

(ii) Cash market manipulations; and

(iii) Data and reporting needs for cash markets.

The summarized agenda for the meeting is as follows:

The Committee will seek to approve its recommendations to the Commission with respect to commodity options trading.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public that wishes to file a written statement with the Committee should mail a copy of the statement to Mr. Nowicki, The Advisory Committee on Market Instruments, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, by May 3, 1976.

The Commission is maintaining a list of persons interested in the operations of this advisory committee and will mail notice of the meetings to those persons. Interested persons may have their names placed on this list by writing DeVan L. Shumway, Director, Office of Public Information, Commodity Futures Trading Commission, 2033 K Street, N.W., Washing is as follows:

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

Dated: April 20, 1976.

[FR Doc.76-11789 Filed 4-22-76;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1976

Additions to Procurement List

Notices of Proposed Additions to Procurement List 1976, November 25, 1975 (40 FR 54742) were published in the FEDERAL REGISTER on January 5, 1976 (41 FR 815), February 13, 1976 (41 FR 6791), and November 14, 1975 (40 FR 53068).

Pursuant to the above notices, the following commodities and service are added to the Procurement List:

CLASS 8465

Whistle, Ball, Plastic (IB), 8465-00-254-8803.

CLASS 7360

Flatware Set, Plastic (IB), 7360-00-634-4800 (GSA requirements only).

STANDARD INDUSTRIAL CLASS 7331

Mailing services at following locations:
U.S. Dept. of Labor (SH), 200 Constitution Avenue, N.W., Washington, D.C.
U.S. Dept. of Labor (SH), Manpower Administration, Washington, D.C.
President's Committee on Employment of the Handicapped (SH), Washington, D.C.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76-11770 Filed 4-22-76;8:45 am]

PROCUREMENT LIST 1976

Notice of Proposed Additions

Notice is hereby given pursuant to Section 2(a)(2) of Public Law 92-28; 85 Stat. 79, of the proposed addition of the following commodities to Procurement List 1976, November 25, 1975 (40 FR 54742.)

CLASS 6810

Liquid Household Bleach, 6810-00-598-7315, 6810-00-598-7316.

CLASS 6850

Carbon Removing Compound, 6850-00-281-3044, 6850-00-281-3042.

CLASS 7930

Wax, Floor, Water Emulsion, 7930-00-205-2870, 7939-00-141-5888, 7930-00-205-2871.

Dishwashing Compound, Hand, 7930-00-880-4454, 7930-00-899-9534.
Finish, Floor, Non-buffing, 7930-00-926-1688, 7930-00-926-1689, 7930-00-926-1687.

CLASS 8520

Liquid Toilet Soap, 8520-00-228-0598, 8520-00-141-2519.

Comments and views regarding these proposed additions may be filed with the Committee not later than 30 days after the date of this FEDERAL REGISTER. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suit 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76-11771 Filed 4-22-76;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

REPUBLIC OF CHINA

Announcing Additional Exempt Textile Products

APRIL 19, 1976.

On April 24, 1973, there was published in the FEDERAL REGISTER (38 F.R. 10132) a letter of April 19, 1973 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs establishing a certification mechanism to exempt certain traditional textile products from the levels of restraint of the Bilateral Wool and Man-Made Fiber Textile Agreement of December 30, 1971, as amended, between the Governments of the United States and the Republic of China.

Under paragraph 14 of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of May 21, 1975, as amended, between the Governments of the United States and the Republic of China, which superseded the cotton and wool and man-made fiber textile agreements of December 30, 1971, as amended, between the Governments of the United States and the Republic of China, it has been agreed to exempt the following traditional items in addition to those designated in the directive of April 19, 1973:

1. Judo Uniforms.
2. Kung Fu Uniforms.
3. Padded Jackets—(Traditional Chinese wear consisting of a padded jacket with the low mandarin collar. The garment is ¾ length or shorter and is constructed from two panels of fabric joined together in the middle of the back. The sleeve is not joined to the jacket by a shoulder seam, but is a continuous part of one panel with a continuous seam running from the cuff, under the armpit and down the side to the bottom hem of the garment. The front closures of the garment consist of "frogs" (knotted strips of fabric or cords) that are inserted through button holes. The fabric is woven with Chinese figures in the weave, or plain).

Accordingly, there is published below a letter of April 19, 1976 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs further amending the directive of April 19, 1973 to include three additional exempt textile products. A complete list of currently exempt items is published as an enclosure to the letter set forth below.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

APRIL 19, 1976.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: This directive further amends, but does not cancel, the directive of April 19, 1973 from the Chairman, Committee for the Implementation of Textile Agreements, which established a certification procedure to exempt certain traditional textile products from the levels of restraint of bilateral textile agreements between the Governments of the United States and the Republic of China.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to paragraph 14 of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 21, 1975, as amended, 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, the directive of April 19, 1973 is hereby further amended to exempt the following items, in addition to those previously designated, when they are properly certified:

1. Judo Uniforms.
2. Kung Fu Uniforms.
3. Padded Jackets—(Traditional Chinese wear consisting of a padded jacket with the low mandarin collar. The garment is ¾ length or shorter and is constructed from two panels of fabric joined together in the middle of the back. The sleeve is not joined to the jacket by a shoulder seam, but is a continuous part of one panel with a continuous seam running from the cuff, under the armpit and down the side to the bottom hem of the garment. The front closures of the garment consist of "frogs" (knotted strips of fabric or cords) that are inserted through button holes. The fabric is woven with Chinese figures in the weave, or plain).

A complete list of currently exempt items is enclosed.

The actions taken with respect to the Government of the Republic of China and with respect to imports of cotton, wool, and manmade 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, U.S. Department of Commerce.

DESIGNATED EXEMPT TEXTILE PRODUCTS FROM THE REPUBLIC OF CHINA

1. Pincushions.
2. Embroideries (needlework), of man-made fabrics with designs embroidered with wool thread.
3. Handmade carpets, i.e., in which the pile was inserted or knotted by hand.
4. Christmas or Easter ornaments having a non-textile core or a non-textile structured frame and man-made fiber textile covering.
5. Toy (novelty) animals, birds or insects with a plastic, wire, or other non-textile core that are covered or decorated with textile thread or fiber.
6. Judo Uniforms.
7. Kung Fu Uniforms.
8. Traditional Chinese Padded Jackets.

[FR Doc.76-11732 Filed 4-22-76;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

PRODUCT SAFETY ADVISORY COUNCIL

Meeting

Notice is given that a meeting of the Product Safety Advisory Council will be held on Tuesday, May 4, 1976, (9:30 a.m. to 5 p.m.) and Wednesday, May 5, 1976, (9:30 a.m. to 4 p.m.) in the 6th Floor Conference Room, 1750 K Street, N.W., Washington, D.C.

The Advisory Council has been established pursuant to section 28 of the Consumer Product Safety Act (Pub. L. 92-573, 86 Stat. 1230; 15 U.S.C. 2077). The Act provides that the Commission may consult with the Council before prescribing a consumer product safety rule or taking other action under the Act.

The agenda for this meeting will include on May 4, 1976, from 9:30 a.m. to Noon, discussion by the Council of its Sub-committee structure and consideration of a recommendation from the Sub-committee on Education and Information held over from the Council's previous meeting. The afternoon of May 4, beginning at 2 p.m. and continuing until 5 p.m., will be devoted to discussion of policy issues relating to the recommended product safety standard on power lawn mowers and of a CPSC policy on priorities.

On Wednesday, May 5, 1976, the Council will discuss policy issues relating to (1) Proposing a Product Identification Rule implementing Section 14(c) of the CPSA; and (2) Criteria for making the determination that a product is an "imminently hazardous consumer product" (Sect. 12, CPSA) or a "substantial product hazard" (Sect. 15, CPSA). Also, time permitting, the Council will consider policy issues related to the offeror process under Section 7 of the CPSA.

Persons wishing to make oral or written presentations to the Council should notify the Secretary of the Consumer Product Safety Commission at least five days in advance of the meeting. The meeting is open to the public, however, space is limited. Further information concerning this meeting may be obtained from the Office of the Secretary, Consumer Product Commission, Washington, D.C. 20207, phone (202) 634–7700.

Dated: April 20, 1976.

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

[FR Doc.76–11853 Filed 4–22–76;8:45 am]

COUNCIL ON WAGE AND PRICE STABILITY

DATA NEEDS FOR STATE AND LOCAL GOVERNMENT EMPLOYEE COMPENSATION

Background Paper for Public Meeting

On March 31, 1976, the Council on Wage and Price Stability announced that it would conduct a study of data on state and local government employee compensation with the dual purposes of identifying what data are available and recommending what more are needed to provide an accurate picture of compensation trends in the public sector of the economy.

On April 8, 1976, the Council published a notice in the FEDERAL REGISTER announcing a public meeting to be held on April 30 as part of this study. In that same notice the Council also announced that it would publish a paper on Federal Government compensation data for private sector and state and local government workers in a later issue of the FEDERAL REGISTER. The Council is now publishing this paper to serve as the basis for a discussion of data needs at the April 30 meeting.

MICHAEL H. MOSKOW,
Director.

INTRODUCTION

This report identifies sources within the Federal government of data on the compensation of State and local government employees. It is designed to serve as the basis for a discussion of the needs for such information and how they can be met—with either existing resources or new ones to be developed. The report is organized into three parts: (1) descriptions of available Federal wage and benefit data for the private economy, for comparative purposes; (2) a brief outline of the structure of local government across the U.S. as helpful background to discussing compensation of local government employees; (3) descriptions of available Federal salary and benefit data for employees of State and local government.

I. FEDERAL GOVERNMENT DATA ON COMPENSATION OF PRIVATE EMPLOYEES

It is useful to review compensation data collected for private sector workers as a preliminary to discussing data available for employees of state and local government, since private sector data are considerably more complete. The next few pages discuss each of the following measures briefly:

Average hourly and weekly earnings
Hourly earnings index
Average hourly compensation
Average effective wage-rate adjustments in major collective bargaining units
Wage and benefit adjustments in major collective bargaining settlements
Biennial survey of total labor costs in the private nonfarm sector
The Professional, Administrative, Technical, and Clerical (PATC) Survey
Area Wage Surveys
Industry Wage Surveys
Union Wage Scales

AVERAGE HOURLY AND WEEKLY EARNINGS

Regular hourly or weekly payroll expenditures before deductions, i.e., straight-time earnings plus premium and incentive pay.

Weekly earnings in 1967 dollars adjust for price changes, while real spendable earnings adjust for Federal income and social security tax changes as well.

Data for the private nonfarm economy cover production and related workers in mining and manufacturing, construction workers in contract construction, and nonsupervisory workers in all other industries.

Published monthly.

Available separately for roughly 500 SIC classifications.

HOURLY EARNINGS INDEX

Adjusts hourly earnings data to exclude effects of two kinds of changes unrelated to the underlying wage rate changes:

(1) fluctuations in overtime premiums in manufacturing (overtime data are unavailable for nonmanufacturing);

(2) effects of changes in the proportion of workers in high-wage and low-wage industries.

Seasonal adjustment also removes the effect of changes that occur normally at the same time and in about the same magnitude each year.

Published monthly.

Available separately for mining, contract construction, manufacturing, transportation and public utilities, wholesale and retail trade, finance, insurance and real estate, and services.

AVERAGE HOURLY COMPENSATION (COMPENSATION PER MANHOUR)

Measures changes in wages and salaries plus supplements (as defined in National Income Accounts) or benefits per hour paid for.

Data for all persons in the total private economy include compensation of employees and imputed labor compensation of the self-employed.

Data for employees in the private nonfarm sector include employees of government enterprises and private household workers.

Data in 1967 dollars for private nonfarm sector adjust current-dollar series for price changes.

Published quarterly.

AVERAGE EFFECTIVE WAGE RATE ADJUSTMENTS IN MAJOR COLLECTIVE BARGAINING UNITS

Data show general wage rate adjustments made effective under approximately 2,300 collective bargaining agreements covering 1,000 or more workers in the private nonfarm sector (about 10.2 million workers).

Data break out newly negotiated, previously negotiated, and cost-of-living adjustments as components of the general wage rate changes that are expressed as a percentage of straight-time hourly earnings.

Averages are affected by workers whose wage rates are not adjusted as well as by those receiving adjustments, and are worker-weighted.

Data are limited to production and related workers in manufacturing and to nonsupervisory workers in nonmanufacturing industries.

Published quarterly.

WAGE AND BENEFIT ADJUSTMENTS IN MAJOR COLLECTIVE BARGAINING SETTLEMENTS

Data cover wages in about 2,300 collective bargaining settlements affecting 1,000 or more workers and wages and benefits in about four hundred (400) settlements affecting 5,000 or more workers in the private nonfarm sector.

Limited to production and related workers in manufacturing and to nonsupervisory workers in nonmanufacturing.

First-year adjustments are changes to go into effect within 12 months of the effective date of the agreement, while changes over the life of agreements are total agreed-upon changes (excluding any future cost-of-living adjustments) expressed as an annual average rate of change.

Wage rate changes are expressed as a percent of straight-time hourly earnings; wage and benefit package changes are expressed as a percent of total compensation including legally required employer payments for social insurance.

Averages are worker-weighted.

Published quarterly.

BIENNIAL SURVEY OF TOTAL EMPLOYEE COMPENSATION IN THE PRIVATE NONFARM SECTOR

Data collected from survey of more than 5,000 establishments in the private nonfarm sector of the economy.

Data show average employer hourly expenditures (weighted by hours) for the following components of labor costs: (1) pay for time worked; (2) paid leave; (3) retirement; (4) insurance and health; (5) other.

Data cover all employees, although separate breakdowns are available for office and nonoffice workers.

Published biennially (latest available is 1972).

PATC SURVEY

Covers a small number of specific professional, administrative, technical, and clerical positions in private industry that are comparable to positions in the Federal executive branch.

Serves as the basis for the President's pay Agent (OMB and the Civil Service Commission) to determine the appropriate size of the annual comparability pay increase that it recommends for Federal employees.

Survey conducted annually by the BLS.

AREA WAGE SURVEYS

Cover companies with 50 or more employees in manufacturing, utilities, wholesale and retail trade, and finance and services (excluding education and hospitals).

Do not cover mining, construction, or government.

Conducted annually for wages and every three years for benefit provisions (but not costs).

Data show average straight-time weekly earnings for office clerical and some technical workers, and average straight-time hourly earnings for indirect (non-production) plant workers.

Data also show annual percentage increases in wages from previous year, adjusted for shifts in inter-industry employment.

Data published annually for 70 largest metropolitan areas; modified version available (but unpublished) for additional 112 areas.

INDUSTRY WAGE SURVEYS

Conducted for 50 manufacturing and 20 non-manufacturing SIC 4-digit industries on a weighted sample basis.

Done every 5 years for most industries but every 2 or 3 years for some.

Data show straight-time average hourly earnings for production workers only (except in banking and life insurance) and benefit provisions but not costs.

UNION WAGES AND HOURS

Surveys of wage rates for specified crafts or jobs as provided in labor-management agreements in five industries.

Done annually for construction, printing, local transit, and local trucking, and biennially for grocery stores.

Wage rates shown are effective July 1st.

NOTE: The BLS is developing a comprehensive measure of the prices of labor services, covering all civilian employment including government and covering total compensation. This employment Cost Index will provide data for the total economy and separately for occupations, regions, industries, and unionized groups of workers.

II. THE STRUCTURE OF LOCAL GOVERNMENT

"Local" government is a general term for a variety of organizational units below the state level, and some understanding of the structure of local government is a helpful background to a consideration of salary and benefit information for employees of these various units.

The quinquennial Census of Governments—last taken by the Census Bureau in 1972—provides much useful information on governmental organization. In 1972 there were 78,269 governmental units in the United States: The Federal Government, 50 State governments, 3,044 counties, 18,517 municipalities, 16,991 townships, 15,781 local school districts, and 23,885 special districts. Thus the local school and special districts accounted for half of the 78,000 total, which was down 3,000 from the 1967 census. The number of municipalities and townships remained roughly the same over the period 1967–72, but a 12 percent increase in the number of special districts was more than offset by a 28 percent decline in school districts.

Counties carry on governmental functions everywhere except in Connecticut, Rhode Island, and the District of Columbia, and they do not perform such functions in some of our largest metropolitan areas such as New York. Many governmental functions are performed by other local government units within the counties, however, so that county officials are usually responsible for a limited range of activities. There is an average of 25 other local governments per county for the U.S. as a whole.

The Census Bureau defines a municipality as a "political subdivision within which a municipal corporation has been established to provide general local government for a specific population concentration in a defined area." A municipality may be a city, a town, a village or a borough, but in any case it is incorporated and exercises general governmental powers. Municipalities are the most significant local government units as measured by a combination of the scope of their powers and the proportion of the population that they serve (about two-thirds as of 1967; county governments serve almost 90 percent of the population but generally have more limited powers).

Townships exist as organized units of local government in 21 states, and serve more than 20 percent of the population. They are distinguished from municipalities by serving inhabitants of areas defined without regard to population concentrations (according to Census Bureau classifications). They vary widely in the scope of their powers and functions, exercising relatively broad powers in New England, New Jersey, and Pennsylvania but very limited powers in the North Central States. In 10 of the 21 states where they exist townships overlap with municipalities.

The variety of State legislative provisions for administration and operation of public schools results in a great diversity of organizational arrangements across the U.S. Responsibility for primary and secondary public schools rests solely with independent school districts in 30 states, while in 15 others there is a mix of independent school districts and control by other local governmental units. In the remaining five states and the District of Columbia there are no independent school districts—all public schools being administered by agencies of county, city, or State government. The sharp decline in the number of school districts since the early 1960's (from 34,678 in 1962 to 15,781 in 1972) has been due to consolidation and reorganization.

Special districts are the most varied units of local government, performing a wide range of functions in every state except Alaska. The vast majority of the 23,885 such districts counted in 1972 (up from 18,323 in 1962) were established to perform a single function, and the following table shows the major ones:

Function	Number	Percent
Total	23,885	100.0
Fire protection	3,872	16.2
Soil conservation	2,561	10.7
Urban water supply	2,333	9.8
Housing	2,271	9.5
Drainage	2,192	9.2
Sewerage	1,411	5.9
Other single-function	8,341	34.9
Multiple function	904	3.8

More than one-fourth of all special districts are concerned in some way with natural resources and about one-sixth with fire protection, but the fastest growing functional category from 1967 to 1972 was housing—due to urban renewal efforts in many large cities. Recent and proposed special revenue sharing legislation, by consolidating categorical federal programs and channeling federal funds through municipalities rather than special purpose governmental units, may bring about a gradual reduction in the number of such units over time. Most of these special districts operate on a small scale, with only 5½ percent of them having more than 20 full-time employees and about ⅔ of them having no full-time employees at all.

III. FEDERAL GOVERNMENT DATA ON COMPENSATION OF STATE AND LOCAL GOVERNMENT EMPLOYEES

This section describes the following sources of data within the Federal Government on state and local government employee compensation:

BLS 1972 Summary of State Government Employee Compensation
BLS Municipal Government Wage Surveys
BLS Salary Trends for Groups of Government Employees
Bureau of Census Reports on Public Employment, City Employment, County Government Employment, and Local Government Employment in Selected Metropolitan Areas and Large Counties
HEW Statistics of Public Elementary and Secondary Day Schools
Civil Service Commission State Salary Survey
Bureau of Census Quinquennial Census of Governments

SUMMARY OF STATE GOVERNMENT EMPLOYEE COMPENSATION

BLS surveyed 1.8 million employees of the 50 state governments in 1972, using data collected in conjunction with the Census Bureau's Quinquennial Census of Governments.

Data include straight-time and premium pay for hours worked, pay for leave, and State government expenditures for employee retirement plans, insurance and health benefits plans, and unemployment benefits.

Survey covered regular, temporary, and part-time employees of all state agencies with ten or more employees (except educational institutions).

Separate breakouts are shown for hospitals and highways, the two functional groups covered with the largest employment, and nine economic regions of the U.S.

Survey is similar to total employee labor cost survey done biennially for the private sector.

MUNICIPAL GOVERNMENT WAGE SURVEYS

BLS surveys wages and related benefits in 27 cities with populations of 500,000 or more.

Survey designed to be comparable to Area Wage Surveys of private industry, but some positions peculiar to city government were added.

Survey goes back to 1970 for eight major cities and to 1973 for the other cities.

Surveys cover about 50 job titles in six broad municipal job classifications: (1) office clerical; (2) data processing; (3) maintenance, custodial, trades, and labor; (4) public safety and correction; (5) sanitation; (6) professional, administrative, and technical.

Specific jobs do not always match among cities, but many basic jobs are the same for all cities, e.g., accountants, firemen, clerks.

Data show mean and median monthly earnings for each job title, as well as distributions of workers by salary range.

Benefit provisions are described in some detail but are not costed out—making it possible to compare provisions but not total employment costs.

Surveys also indicate which groups of employees in each municipality are unionized and which of these may bargain collectively for wages and benefits.

Published annually.

SALARY TRENDS FOR GROUPS OF GOVERNMENT EMPLOYEES

BLS publication covers: (1) police patrolmen; (2) firefighters; (3) refuse collectors; (4) teachers.

Data for policemen, firefighters, and refuse collectors are supplied by the International City Mangement Association for cities of 100,000 or more population; they show minimum and maximum annual salary scales broken out by city size and by four major regions of the U.S.

Data for refuse collectors go back only to 1972; data for policemen and firefighters go back to 1924, with detailed analyses of percentage changes and distributions by salary range from 1969 through 1974.

These data show minimum and maximum salary scales only; they do not show means or medians, nor any benefits.

Data for teachers are supplied by the National Educational Association from its biennial survey, and the latest figures available are for 1973.

Data show average annual salaries of urban classroom teachers, by city size and for nine regions of the U.S. back to 1925; analyses are also done of percentage increases and of distributions by salary range.

Data do not cover benefits.

CENSUS BUREAU PUBLIC EMPLOYMENT REPORTS

Bureau of Census publishes five reports that contain data on state and local government employee compensation: (1) Public Employment; (2) City Employment; (3) County Government Employment.

Public Employment report shows:

(1) Average monthly earnings for October of all full-time employees in 15 state and 22 local government functions, e.g., education, highways, hospitals, police protection;

(2) Average October earnings of all full-time employees in each individual state by type of government—state, local (total), county, municipality, school district, and special district.

City Employment report shows average October earnings for employees of each individual city having 50,000 or more population, and county Government Employment report shows the same data for each individual county having 100,000 or more population.

Data do not cover benefits.

Published annually.

Metropolitan Area and Large County Employment Report shows average October earnings for employees in 74 largest SMSAs, approximately 350 largest county areas, and approximately 800 largest individual local governments.

Census of Governments (quinquennial) shows average earnings for employees in all municipalities of 10,000 or more population, all school districts with 3000 or more enrollment, all special districts with 100 or more employees, all county governments individually, all SMSAs, and each county and type of government within each SMSA.

Unpublished information on any individual government in sample reports or Census of Governments is available from the Bureau.

STATISTICS OF PUBLIC SCHOOLS

Collected by the National Center for Education Statistics at HEW.

Data show average annual salaries for: (1) Total professional instructional staff (including supervisors and principals); and (2) Classroom teachers.

Data are broken out by individual states and by twenty of the largest cities in the U.S.

Data do not cover benefits.

Published annually.

STATE SALARY SURVEY

Survey published by the Bureau of Intergovernmental Personnel Programs at the Civil Service Commission from data collected in the individual states by regional offices of the Commission.

Survey covers 102 job titles in 31 occupational categories described generally as administrative, professional, and technical and chosen as those which: (1) Are used commonly by State governments; (2) Employ relatively large numbers; (3) are important as a basis for adjusting State pay plans.

Surveys are available for 1973, 1974, and 1975 (although some classifications were changed and some new ones added in 1975).

Each job title has a broad job description stating responsibilities, duties, and qualifications.

Data show minimum and maximum salaries for each job title in each state, and mean minimum and maximum salaries for the U.S.

Data do not cover benefits.

Published annually.

Also available is a Regional Governmental Salary and Fringe Benefit Survey for the Chicago Metropolitan Area, done by the Cook County Bureau of Administration semi-annually since 1970 and financed by a grant from the Civil Service Commission under the Intergovernmental Personnel Act of 1970; the data show salary ranges and means and median salaries (as late as January 1, 1975) for a large number of job titles in each of the local government entities in the metropolitan Chicago area, provide a comprehensive list of current fringe benefit practices.

SUMMARY

The available information on State and local government compensation can be summarized as follows:

STATE GOVERNMENT

A one-time survey (1972) of average total compensation—salaries and benefits—for all employees of State governments except teachers.

Annual surveys (since 1973) of minimum and maximum salaries for more than 100 key administrative, professional, and technical positions in each of the 50 States.

Annual surveys of the average salaries of all employees of each State government.

LOCAL GOVERNMENT

Annual surveys of average salaries for a broad cross-section of employees in cities of 500,000 or more population.

Annual surveys in more detail of salaries paid to several important occupations at the local level (policemen, firemen, refuse collectors, and teachers).

Annual surveys of average salaries of public school teachers in each state and in 20 major cities.

Annual surveys of average salaries for all employees of local government units in each State, broken down into counties, municipalities, townships, school districts, and special districts.

Thus it is possible to make some comparisons between jurisdictions and to measure some trends over time, but with just a few exceptions there are significant limitations on the scope, detail, and appropriateness of such comparisons, e.g., comparisons cannot be made for fringe benefit costs.

NOTE: The BLS maintains a limited file of state and local government collective bargaining agreements, and publishes summaries of their provisions periodically.

[FR Doc.76-11873 Filed 4-22-76;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Availability

Environmental impact statements received by the Council on Environmental Quality from April 12 through April 16, 1976. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements in forty-five (45) days from this FEDERAL REGISTER notice of availability (June 7, 1976). The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Coordinator of Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, 202-447-3965.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Final

Veterinary Biologics Laboratory, Ames, Iowa, April 12: The statement concerns the construction of the Veterinary Biologics Laboratory on a new site to replace and upgrade the present facilities in Ames, Iowa. Adverse impacts include air and noise pollution and odor due to solid waste disposal, land use change, and the presence of microorganisms causing diseases in animals. Comments made by: EPA, DOI, DOT, and State and local agencies. (ELR Order No. 60533.)

FOREST SERVICE

Draft

St. Francis Unit Plan, Ozark-St. Francis National Forest, Lee and Phillips Counties, Ark, April 12: The proposed action is to manage the 20,946 acre St. Francis Unit, St. Francis National Forest, in accordance with the 10 year management direction continued in the Unit Plan. It is proposed that this Unit be managed for a wide range of multiple-use benefits, including water, wildlife, recreation, range, minerals, and timber. Adverse environmental effects will include soil movement, temporary increases in stream turbidity, and changes in the characteristic landscape. There will be a reduced volume of wood products harvested from the unit. (ELR Order No. 60524.)

Four Seasons Development, Unita National Forest, Utah County, Utah, April 15: The statement concerns a proposal for the Unita National Forest by Four Seasons, Inc. to construct and operate a major resort on approximately 7,500 acres directly east of Proro, Utah. This resort would be developed for intensified year-round recreational use, with emphasis on skiing. The proposed area for Four Seasons is in mountain terrain on the west slope of the Wasatch Range. Adverse effects include a slight increase in ambient air pollution and a temporary increase in soil erosion. The project may cause a significant and permanent change in the character of the nearby Utah County communities due to increased numbers of people visiting the community. (ELR Order No. 60550.)

Trapper-Siouxon Unit, Gifford Pinchot National Forest, Skamania County, Wash., April 15: Proposed is the implementation of a comprehensive management plan for the 58,600-acre Trapper-Siouxon Planning Unit, Gifford Pinchot National Forest. The proposed management plan would provide for every resource use except Wilderness. Adverse effects include the physical and biological impacts that would be caused by additional people on the area. Logging and roads will have the potential to cause soil compaction and disturbance, some water quality degradation, and interference with natural biological systems. (ELR Order No. 60551.)

Black Hills National Forest, Timber Management, Wyoming and South Dakota, April 13: This statement proposes the revision of the FY 1963–1973 Timber Management Plan (extended to June 1977) for the Black Hills National Forest in Western South Dakota and Northeastern Wyoming. The revision is for the ten years from 1977–1986. The proposed action would apply silvicultural treatment to 39,000 acres and construct and/or improve 80 miles of road and travelways annually. In addition, 161 miles of travelways will be closed and obliterated annually, resulting in an overall reduction of 81 miles of travelways. Environmental impacts of the proposed plan are the cutting of trees and the construction and/or improvement of roads. (ELR Order No. 60544.)

RURAL ELECTRIFICATION ADMINISTRATION

Final

Reid Plant Addition, Henderson, Webster, and McLean Counties, Ky., April 15: The Big Rivers Electric Corporation intends to apply for financial assistance from REA to provide

for additional coal-fired steam generating capacity at the existing Reid generating station. In addition, the project will include 50 miles of 161 kv transmission line. Some oxides of sulfur and nitrogen along with particulate matter will be released to the atmosphere from the coal-burning plant, and impact is expected on the Green River. The transmission lines will result in some land use changes, visual impact, and some minor erosion. Comments made by: EPA, USDA, DOT, DOI. (ELR Order No. 60553.)

SOIL CONSERVATION SERVICE

Draft

Harquahala Valley Watershed, Maricopa, and Yuma Counties, Ariz., April 12: Proposed is a project for watershed protection and flood prevention, including both conservation land treatment and structural measures, in Maricopa and Yuma Counties, Arizona. Conservation land treatment is proposed for 13,000 acres of irrigated cropland and about 200,000 acres of rangeland. The proposed structural program includes two floodwater retarding structures, 1.58 miles of channel work, 4.64 miles of new diversion, and 9.45 miles of levee. About 10,472 acres of land will be required for land easements and rights-of-way. (ELR Order No. 60538.)

Final

Sedgwick-Sand Draws Watershed Project, Nebraska and Colorado, April 13: The objective of the project is to reduce floodwater, erosion, and sediment damages to agricultural lands, crops, irrigation systems, wildlife habitat, roads, railroad, and farmsteads in Sedgwick County, Colorado and Cheyenne and Deuel Counties, Nebraska. Adverse impacts include the loss of 361 acres to structural measures, the subjection of 272 acres behind the structures to sedimentation, and construction disruption. Comments made by: USA, HEW, DOI, DOT, EPA, AHP, and State agencies. (ELR Order No. 60545.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental affairs, Department of Commerce, Washington, D.C. 20230, 202-967-4335.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Final

Coastal Zone Management Program, Washington, April 16: The statement concerns the Coastal Zone Management Program application of the State of Washington. Approval and implementation of the program will restrict or prohibit land and water uses in certain parts of the Washington coast, while promoting and encouraging development and use activities in other parts. This may affect property values, property tax revenues, and resource extraction and exploration.

Comments made by: USDA, COE, USN, DOI, DOT, EPA, HUD, NRC, ERDA, FPC, NASA, and State and local agencies. (ELR Order No. 60567.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contract: Dr. C. Grant Ash, Office of Environmental Policy Development, Attn: DAEN-CWP-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, S.W., Washington, D.C. 20314, 202-693-6795.

Draft

Army Electronics Research and Development Command, April 16: The action under consideration is the formation of a new command to integrate many of the common research activities of the US Army Electronics Command and the Harry Diamond Laboratories. It will also consolidate related activities of the Electronics Command and the Army Security Agency. The action will reduce and consolidate physical location to varying degrees depending upon which of the ten alternatives is chosen. In addition, the action will result in a civilian employment reduction ranging from 366 to 614 jobs. Adverse effects of the action include sociological, economic, and transportation impacts at the 11 sites. (ELR Order No. 60568.)

Dow Petrochemical Facility (Permit), Contra Costa and Solano counties, Calif., April 15: The Dow Chemical Company proposes the building of two new chemical plants to produce plastic raw materials. One plant would be constructed on 250 acres near Pittsburg, adjoining the existing Dow facilities, and the other plant would be constructed on the north side of the Sacramento River on 600 acres of a 2,700 acre parcel in the Montezuma Hills, three miles east of Collinsville. Four pipelines, crossing Lower Sherman Island, wil connect the two plant sites. A Department of the Army permit is required for the four pipelines, a dock with turning basin, water supply intake, and wastewater discharge facilities (Sacramento District). (ELR Order No. 60552.)

Stockton Lake, Sac River-Flooding (Supplement), Cedar County, Mo., April 12: Proposed is a solution for downstream flooding, Stockton Lake, Missouri. Project plans involve acquisition of sloughing easements over 1,337 acres of land, construction of a channel cutoff, and limitation of hydropower releases for purposes of controlling downstream flooding damages due to releases for hydropower production. Adverse effects include the temporary disruption of fish and wildlife habitat, and the ultimate loss of aquatic habitat in Horseshoe Bend. (Kansas City District). (ELR Order No. 60532.)

Final

Lake Seminole and Jim Woodruff Lock and Dam, Fla., Ga., and Ala., April 16: The statement concerns the operation and maintenance of the powerhouse, lock, dam, and reservoir, including associated buildings, water quality monitors, access roads, public use areas, and boat channels. The construction of new recreational areas is also covered. The reservoir provides ideal habitat for the continued growth of aquatic plants and mosquitoes. Other adverse impacts include the loss of fish food organisms due to fluctuating pool levels, aggravated pollution due to increased navigation, and dredging disruption. (Mobile District). Comments made by: DOI, DOC, HUD, DOT, EPA, USDA, FPC, and State agencies and individuals. (ELR Order No. 60554.)

Maintenance, Black Warrior and Tombigbee Rivers, Ala., April 16: The project involves the continuation of operation and maintenance of the authorized navigation project extending from the mouth of the Tombigbee River along the Black Warrior and Tombigbee River System for a distance of approximately 463 miles. Dredging and snagging along certain stretches of the system are required to maintain navigability. Adverse impacts include short-termed localized turbidity due to dredging, and the loss of some wildlife because of the disposal of spoil material within the river banks. (Mobile District). Comments made by: EPA, DOI, DOC, HUD, DOT, USDA, and State agencies. (ELR Order No. 60557.)

Milan-Big Island Flood Protection, Illinois, April 12: The project provides for flood protection for the Milan-Big Island area near the confluence of the Rock and Mississippi Rivers. The project elements include levees along the south bank of Rock River, the west bank of Case Creek, the east bank of Kyte Creek and both banks of Mill and Eckhart Creeks. Four ponding areas are proposed to relieve interior drainage problems. Adverse impacts are disruption of terrestrial biota, and the aesthetic and recreation impairment of levees. (Rock Island). Comments made by: DOI, EPA, USDA, AHP, and State and local agencies interested groups. (ELR Order No. 60536.)

Mississippi River Between Ohio and Missouri Rivers, Ill., and Mo., April 16: The project consists of the continuing attainment and operation and maintenance of a 9-foot deep by 300-foot-wide navigation channel contraction dikes, protective bankline revetments, and any necessary dredging. Adverse impacts include: eventual loss of side channels as fish and wildlife habitat; narrowing of the river channel and its further corresponding loss in aquatic habitat; disruption of benthic communities by the placement of dredged material along main channel border areas; and increased flood stages due to the combined effects of the channel stabilization works, levees, and utilization of the flood plain by man. (St. Louis District). Comments made by: HUD, DOC, USDA, DOI, HEW, DOT, AHP, and State agencies, environmental groups, and one individual. (ELR Order No. 60562.)

Lake St. Clair, Channel Dredging, Michigan, April 16: The proposed project is the maintenance dredging of the Lake St. Clair Federal Navigation Channels and the construction of diked disposal areas for polluted dredged materials. Adverse impacts will include decreased local water quality in the dredging area and increased turbidity, which will discourage fish from frequenting the area. (Detroit District). Comments made by: EPA, DOI, DOT, USDA, USCG, AHP, and State and local agencies. (ELR Order No. 60556.)

Pomme de Terre Lake, Hickory and Polk Counties, Mo., April 16: The statement concerns the continued operation and maintenance of Pomme de Terre Lake consisting of water control operations, operation and maintenance of recreation areas, and management of project land and water resources. An adverse effect associated with the project is the overuse of project facilities and lands that has caused environmental damage. Other problems associated with fluctuating lake levels include disruption of recreation use, erosion of the lake shore and disruption of the fish and wildlife use of project lands and waters. (Kansas City District). Comments made by: USDA, EPA, DOI, DOC, DOT, AHP, and State, regional, and local agencies. (ELR Order No. 60555.)

Atlantic Intracoastal Waterway, S.C., April 16: Proposed is the maintenance of a channel 12 feet deep and not less than 90 feet wide in the Atlantic Intracoastal Waterway from Little River to and including Port Royal Sound, a total distance of 210 miles. The project will result in the increase in turbidity and siltation in the vicinity of the dredge, disturbance of disposal areas, the destruction of some benthic organisms by the cutterhead, and an increase in the local mosquito population. (Charleston District). Comments made by: USDA, DOI, EPA, DOC, FPC, DOT, HEW, HUD, and State agencies and environmental groups. (ELR Order No. 60559.)

Aquilla Lake Project, Hill County, Tex., April 13: The statement refers to a proposed multi-purpose project (flood control, water supply, recreation, fish and wildlife enhancement) project on Aquilla Creek. Project measures will include a reinforced concrete gate tower and outlet works, access roads, project buildings, public-use facilities, and reservoir cleaning. The conservation pool will inundate 7.6 miles of creek and 1,288 acre of land; an additional 5,077 acres would be inundated during flood control operations. Approximately 125 archeological sites will be affected by the impoundment. (Tulsa Dis-

trict). Comments made by: USDA, DOT, AHP, DOC, DOI, HEW, EPA, HUD, and State and local agencies, and interested groups. (ELR Order No. 60546.)

NAVY

Contact: Mr. Peter M. McDavitt, Special Assistant to the Assistant, Secretary of the Navy (Installations and Logistics), Washington, D.C. 20350, 202-692-3227.

Draft

Trident Support Site, Bangor (Supplement), Wash. April 13: The supplement to the Final Environmental Impact Statement evaluates the final drydock design concept to determine any significant variances in environmental impact when compared to the Trident Support Site FEIS filed with CEQ 19 July 1974. Additional studies show that the magnitude of the artesian aquifer fully encompassed the drydock site, and the construction of the drydock will require operation of an artesian relief pumping system. (ELR Order No. 60542.)

Naval PET 3, Teapot Dome Field, Natrona County, Wyo., April 16: Proposed is the development of the Naval Petroleum Reserve No. 3 (Teapot Dome Field), Wyoming to aid in the energy independence program. Approximately 500 new wells will be drilled and oil will be produced at the maximum efficient rate. Peak production will be about 22,000 barrels of oil per day with a 5 year daily production of 12,000 bpd. Impacts will be those associated with petroleum production. (ELR Order No. 60560.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Ms. Rebecca W. Hammer, Acting Director, Office of Federal Activities, Room WSMW 537, 401 M Street, S.W., Washington, D.C. 20460, 202-755-0777 (stop 460.)

Draft

Gulf of Mexico Chemical Waste Incineration, April 16: The proposed action is the designation of a site in the Gulf of Mexico where permissible incineration of chemical wastes can be performed aboard a sepcially designed or adapted incineration equipped vessel. The proposed site, occupying approximately 4900 square kilometers in the Gulf of Mexico, lies 135 kilometers SSE of Galveston, Texas and 350 kilometers SSW of Cameron, Louisiana. Adverse effects include the effects on air and water quality due to the products of incineration and the risk of pollution through accidental spillage of unburned wastes due to ship sinkage or grounding. (ELR Order No. 60561.)

Los Angeles County Joint Outfall System, Los Angeles County, Calif., April 14: This statement covers the environmental impacts of alternative plans for water pollution control for the joint sanitation districts of Los Angeles County, California. This report will affect the future of the sewer and treatment plant network known as the Joint Outfall System. This network processes and disposes of wastewater (sewage from home and business and liquid industrial wastes) for over half of Los Angeles County's residents, more than three and one-half million people. (Region IX.) (ELR Order No. 60548.)

FEDERAL POWER COMMISSION

Contact: Dr. Jack M. Heinemann, Acting Asst. Director for Environmental Quality, 441 G Street NW., Washington, D.C. 20426, 202-275-4791.

Final

Alaska Natural Gas Transportation Systems, Alaska, April 12: Proposed is the conveyance of Alaskan natural gas from the Prudhoe Bay Field in Alaska and from the MacKenzie Delta region of Canada to market areas in the lower 48 states. Two separate natural gas transportation systems have been proposed. Environmental impacts would occur with respect to effects on man, wildlife, vegetation, soil, water quality, air quality, and noise levels. Comments made by: DOI, FPC, DOC, DOT, USDA, EPA, HEW, USA, STAT, CEQ, FEA, and State, local, and regional agencies, citizen groups and industry. (ELR Order No. 60522.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, 202-343-4161.

Draft

Central Heating and Refrigeration Plant, District of Columbia, April 16: This statement concerns the Central Heating and Refrigeration Plant located between C and D Streets and 12th and 13th Streets SW., in Washington, D.C. Proposed is the removal of two coal-fired boilers and the installation of two multi-fuel fired boilers. The project also includes replacing of auxiliary equipment, installation of new high efficiency precipitators, and the modification of the plant penthouse to accommodate the new precipitators. Adverse effects are limited to those associated with construction. (ELR Order No. 60558.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258, 451 7th Street SW., Washington, D.C. 20410, 202-755-6308.

Final

Woodbridge Village, Orange County, Calif., April 13: Proposed is the provision of mortgage insurance, if requested, on 1700 acres of various residential sites in a new development known as the Village of Woodbridge in the south-central section of Orange County, California. Adverse effects include the conversion of agricultural land to urban use, elimination of native wildlife and flora, and modification of natural land forms in a flood plain. Project implementation would also cause an increase in public service, energy and facilities demand. Comments made by: AHP, COE, USDA, DOT. (ELR Order No. 60540.)

New Elmira Urban Renewal Project, Chemung County, N.Y., April 12: The New Elmira Project is a major recovery and redevelopment effort resulting from the Hurricane Agnes Flood Disaster of June 1972. Project proposals call for the acquisition and demolition structures and the relocation of families, individuals, and businesses within a 1100 acre area. Some structures only slightly damaged will be rehabilitated. Improvements to damaged streets, sewer and water lines, and other utilities along with development of new housing, commercial and recreational facilities will be included. Comments made by: DOT, HEW, USDA, DOC, EPA, DOI, ERDA, FPC, COE, AHP. (ELR Order No. 60534.)

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD).

Section 104(h)

Draft

Guernsey's Orange View Sewer Outfall, Black Hawk County, Iowa, April 13: Proposed is the construction of a sanitary sewer in Census Tract 30.31 in the City of Waterloo, Iowa. The project will involve construction of a sanitary sewer outfall line from an existing sanitary sewer line to the Gurensey's Orange View Subdivision. Adverse short-term impacts on resources, soil stability, soil erodability, plant and animal life, and energy resources will result. (ELR Order No. 60543.)

Final

Culver City Community Development Plan, Los Angeles County, Calif., April 12: The statement concerns HUD "Community Development Block Grant Program" to renovate and rehabilitate a 4.8 square mile area of Culver City, California to provide increased space for activities of the City's Senior Citizens' Center and to correct sewer system deficiencies. Adverse impacts include construction disruption. Comments made by: EPA. (ELR Order No. 60531.)

Buenaventura Drive, Redding, Shasta County, Calif., April 12: This project consists of the acquisition of property, relocation of residents and businesses and the construction of an arterial street in Redding between Eureka Way and Railroad Avenue. Other supportive projects in the area include park expansion and development, housing rehabilitation, relocation assistance, neighborhood planning, neighborhood improvements and storm drainage construction. Adverse effects include removal of vegetation and disruption of wildlife. Approximately 100 residents and 2 businesses will be relocated. Comments made by: DOT, EPA, USDA, and State and local agencies. (ELR Order No. 60537.)

Center City Project, National City, California, San Diego County, Calif., April 16: The project include the construction of high and low rise senior citizen housing facilities, construction of low to moderate income, multi-family apartment housing, extensive improvements to the Paradise Creek Channel, realignment of 12th Street, spot clearance, improvements to homes, construction of public parking facilities, erection of an office building, and historic preservation. The project will result in the change to higher density of the area, an increase in community population by 575-860 individuals, and a reduction of owner occupied housing. Comments made by: EPA, AHP, USCG, and State and local agencies. (ELR Order No. 60564.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF INDIAN AFFAIRS

Draft

Sherwood Uranium Project, Stevens County, Wash., April 16: Proposed is the approval of a lease allowing development of an open-pit uranium mine and processing facilities near the town of Wellpinit on the Spokane Indian Reservation in Stevens County, Washington. The 10.6 year project involves a minimum of approximately 35 million bank cubic yards of overburden, removal, and processing of 7,950,000 tons of ore from which approximately 14,000,000 pounds of uranium oxide will be removed. Adverse effects include the emigration or death of most wildlife due to changes in project area. Mining and processing will affect approximately 320 acres. (ELR Order No. 60566.)

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Draft

Avian Agent PA-14 Control of Blackbirds, Starlings, April 13: This statement examines the use of Avian Stressing Agent PA-14 at Fish and Wildlife Service approved sites to

alleviate problems associated with blackbird and starling roosts. The FWS anticipates that between 5 and 20 million blackbirds and starlings will be removed annually through this proposal. The Service will not remove over 50 million backbirds annually. The short-term impacts on the environment from the use of PA–14 are considered to be minor and local in nature. At treated sites there will be a short-term reduction in invertebrates and a minimal short-term reduction in plant vigor. (ELR Order No. 60541.)

NATIONAL PARK SERVICE

Final

Master Plan, Guadalupe Mountains National Park, Culberson, and Hudspeth Counties Tex., April 12: The National Park Service is proposing a master plan for Guadalupe Mountains National Park in Culberson and Hudspeth Counties, Texas. The master plan is a document to guide the development, public use, and management of this National Park for an estimated period of at least five years. The adverse effects of project implementation are limited primarily to some future disturbance of natural vegetation, surface rock and soil around principal development sites and proposed road alignments, and the problems associated with increased use of the park by visitors. Comments made by: AHP, DOI, USDA, DOT, EPA, and State and local agencies. (ELR Order No. 60528.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, 202–426–4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

Relocated Maryland Route 193 (Supplement), Md., April 15: The 4(f) statement is a supplement to the draft EIS filed with CEQ 10 August 1973, concerning additional historic structures in the area. The project, 3.0 miles of highway construction from Maryland Route 193 to the intersection of existing Maryland Routes 450 and 556, will require land for right-of-way from the three of the historic structures. (ELR Order No. 60549.)

State route 333, Relocated U.S. 30—Relocated U.S. 62, Stark County, Ohio, April 12: Proposed is the construction of a new highway designated as S.R. 333 on new right-of-way approximately 3.1 miles long on the east side of the city of Canton, Ohio, beginning at the interchange with relocated U.S. Route 30 on the south and ending at an interchange with relocated U.S. Route 62 on the north. S.R. 333 is proposed as a major arterial street with access limited to specific signal controlled at-grade intersections. Adverse effects include the relocation of approximately 148 families, 45 individuals, 14 businesses, 4 churches, and 1 nursing home. (Region 5). (ELR Order No. 60535.)

Interstate 20 and Interstate 820, Parker and Tarrant counties, Tex., April 14: Proposed are highway improvements on Interstate Highway 20, from proposed I–20—I–30 Junction to the Junction of I–20 and I–820 southeast of Fort Worth, and I–820 from I–30 west of Fort Worth S. to Proposed I–20. The proposed project will be an approximately 22 mile, 6 lane freeway section all on new location or possibly utilizing an existing 8 mile section of I–20 (I–820) in south Fort Worth. Adverse effects include a slight displacement of wildlife, and a substantial conversion of grazing lands to permanently paved roadways. (Region 6). (ELR Order No. 60547.)

Interstate 15, Through Bear River Valley, Box Elder County, Utah, April 12: Proposed is the construction of a 15 to 25 mile segment of four-lane divided Interstate Route 15, between Interstate 80N near Tremonton and that portion of I–15 under construction near the community of Plymouth, Utah. Environmental impacts would be expected primarily in the spheres of agriculture, wildlife, business relocations, aesthetics, and changes in land use. Some land currently in crop production would be converted to residential use as the growth projected for the valley (resulting from project implementation) is approached. (ELR Order No. 60525.)

Cheyenne Federal-aid Urban System, North Portion, Laramie County, Wyo., April 12: Proposed is the construction of portions of the Cheyenne Federal-aid Urban System in the northern part of the city. Portions of Routes 4000, 4001, 4010, and 4037 and isolated intersection improvements encompassing approximately 17 miles of improvements in a 9 square mile area are included. Improvements will consist of constructing new arterials or upgrading existing roads to meet functional requirements. Depending upon the width of right-of-way required, the occupants of several residences may have to be relocated. A 4(f) statement is included. (ELR Order No. 60527.)

Final

Iowa 2-Bedford Bypass, Taylor County, Iowa, April 12: Proposed is the construction of a bypass of the city of Bedford presently served by Iowa 2 which passes through the city. The project begins just west of the intersection of Pollock Boulevard and Madison Street in Bedford and extends easterly and southeasterly to existing Iowa 2, a length of approximately 1.9 miles. The project will displace one family and will divert approximately 31 acres from agriculture use to highway use. Comments made by: HUD, USDA, DOI, HEW, EPA, COE, DOT, and State agencies. (ELR Order No. 60526.)

Maryland Routes 2 and 4, Route 264 to New Patuxent River Bridge, Calvert County, Md., April 12: The proposed action involves the improvement to 4 lanes of an approximately 15 mile long segment of Maryland Routes 2 and 4 from Route 264 south to the approaches of the new Patuxent River Bridge. Noise levels will rise, and the number of people affected will depend upon the alignment selected. As many as 74 families and 15 businesses will be displaced, and productive farmland will be removed from cultivation for right-of-way. Comments made by: DOI, HUD, USDA, DOC, HEW, EPA, COE, USN, and State and local agencies. (ELR Order No. 60529.)

Final

F.M. 1382, Grand Prairie, Dallas County Tex., April 12: The statement refers to the construction of F.M. 1382 and Northeast Eighth Street from Spur 303 north to the Dallas-Fort Worth Turnpike in the city of Grand Prairie. The proposed six-lane urban facility will be 3.4 miles in length. The project will require the displacement of 16 families, 56 individuals, 6 businesses, and 1 non-profit organization. Comments made by: HEW, HUD, COE, USDA, DOI, EPA, and State and local agencies. (ELR Order No. 60530.)

State Highway 36, Jones Creek to East of Brazos River, Brazoria County, Tex., April 13: Proposed is the construction of a four-lane divided highway on new location in Brazoria County, Texas, extending from Jones Creek to east of the Brazos River Diversion Channel in Freeport. The project would also include construction of a fixed structure over the Brazos River Diversion Channel. Adverse effects include the acquisition of approximately 80 acres of rural land presently used for grazing, and an increase in distance between the area immediately west of Freeport and the CBD. Comments made by: DOT, HEW, USDA, USCG, COF, EPA, and local agencies. (ELR Order No. 60539.)

U.S. COAST GUARD

Draft

Loop Deepwater Port License, La., April 16: The proposed action consists of the granting of a license by the Secretary of Transportation to LOOP, Inc., to own, construct, and operate a deepwater port in the Gulf of Mexico approximately 18 miles off Grand Isle, Louisiana. Among the actions covered are designation of safety fairways, permits for facilities on navigable waters by the US Army Corps of Engineers, and new source determinations and national pollution discharge elimination permits by EPA. Adverse impacts include the disruptive effects of extensive pipeline construction through marine, marsh, swamp, and dry land environments. (ELR Order No. 60565.)

Seadock Deepwater Port License, Tex., April 16: The proposed action consists of the granting of a license by the Secretary of Transportation to Seadock, Inc., to own, construct, and operate a deepwater port in the Gulf of Mexico approximately 26 miles off Freeport, Texas. Among the actions covered are designation of safety fairways and permits for facilities in navigable waters by the US Army Corps of Engineers, and new source determinations and national pollution discharge elimination permits by EPA. Major adverse effects include possible oil spills in the area surrounding the deepwater port and the preemption of approximately 860 acres of land associated with the onshore facility for other potential uses. (ELR Order No. 60563.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.76–11737 Filed 4–22–76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP–42017; FRL 528–3]

COMMONWEALTH OF VIRGINIA

Submission of State Plan for Certification of Pesticide Applicators

In accordance with the provisions of section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.A. 136) and 40 CFR Part 171 (39 FR 36446 (October 9, 1974) and 40 FR 11698 (March 12, 1975)), the Honorable Mills E. Godwin, Jr., Governor of the Commonwealth of Virginia, has submitted a State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides to the Environmental Protection Agency (EPA) for approval.

Notice is hereby given of the intention of the Regional Administrator, EPA Region III, to approve this plan.

A summary of the plan follows. The entire plan, together with all attached appendices may be examined during normal business hours at the following locations:

Room 3323, Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, Pesticide Branch, U.S. Environmental Protection Agency, Region III, Phone: 215/597–9869.

Office for Pesticide, Paint and Hazardous Substances Section, Virginia Department of Agriculture and Commerce, 203 N. Governor Street, Richmond, Virginia 23219, Phone: 804/786–3798.

Room 401, East Tower, 401 "M" Street, S.W., Washington, D.C. 20460, Office of Pesticide Programs, EPA, Federal Register Section (WH-569), Phone: 202/755-4854.

SUMMARY OF VIRGINIA STATE PLAN

The Virginia Department of Agriculture and Commerce (VDAC) has been designated as the State lead agency for the administration of the pesticide certification program, including enforcement activities.

Policy decisions are made by the Commissioner of Agriculture and Commerce after benefit of consultation with Staff members. A twelve member Pesticide Advisory Committee has been established for the express purpose of providing advice and guidance in all pesticide related matters. Further guidance and direction is available from the Board of Agriculture and Commerce which has rule making authority as provided by statute.

A training program to prepare pesticide applicators for certification has been planned, organized and developed by a "Steering Committee" under the leadership of the Director of Agriculture and Natural Resources, Virginia Polytechnical Institute and State University.

These training activities are a function of an intra-agency service agreement which outlines the responsibilities of the lead agency and the State Cooperative Extension Service (SCES) as they relate to training and certification. In addition, a "Plan for Pesticide Applicator Training" has been submitted by the SCES to the EPA.

Legal authority for the program is contained in the "Virginia Pesticide Use and Application Act of 1975" and the resulting Regulations 24 through 29 which were adopted by the Board of Virginia Department of Agriculture and Commerce on September 23, 1975.

The plan indicates that the State lead agency and cooperating agencies have sufficient qualified personnel and funds needed to carry out the proposed program. The Virginia General Assembly appropriated $48,500 for development and implementation of the program for fiscal year 1976. However, the plan does point out that the lead agency is expecting financial assistance from the EPA.

The State estimates that 2,095 commercial applicators and 35,000 private applicators will need to be certified. Both certified commercial and private applicators will be issued a license indicating the category or limitation of their certification. Pocket size identification cards will also be issued for use in purchasing pesticides classified for restricted use.

The State lead agency will submit an annual report to the EPA Administrator on or before April 1 of each year covering the previous calendar year.

The commercial applicator categories proposed are those which are listed in 40 CFR 171.3. No additional categories or subcategories are contemplated at this time. However, all certified commercial applicators engaged in the aerial application of pesticides classified for restricted use must, in addition to meeting minimum EPA standards, be in compliance with all FAA regulations and those of the Aeronautics Division of the State Corporation Commission.

The standards of competency for commercial applicators in Virginia are addressed in the Plan and will conform to the requirements of 40 CFR 171.4 (b) and (c). The standards for supervising non-certified applicators by certified commercial and private applicators are based on 40 CFR 171.6.

All commercial applicators will be required to complete a written examination covering both general standards and the specific standards for the category in which they wish to become certified. Sample examination questions are attached to the plan as provided for by 40 CFR 171.7(e)(1)(i)(D) and (ii)(C).

Examinations will be administered and proctored by extension agents or VDAC personnel at designated times and places throughout the State depending upon the demand in any given locality. All examinations will be evaluated and scored by VDAC.

Upon successful demonstration of required competency, each candidate will be notified and required to furnish evidence of financial responsibility as well as submit the necessary fee before issuance of a license. All licenses will expire December 31 of each year.

The standards of competency for private applicators are based on 40 CFR 171.5 and 171.6.

The plan lists various types of certification options available to the private applicator:

(1) General Certification,

(2) Pesticide Class Certification,

(3) Commodity/Crop/Site Certification,

(4) Single Product Certification, and,

(5) Single Product/Single Use Authorization.

The Single Product/Single Use Authorization will be used only as an emergency provision to accommodate situations such as an unexpected pest problem that would require immediate certification of a noncertified applicator. Furthermore, the Plan lists several methods for determining the competence of private applicators. These methods are optional to the applicator, per se, and are listed as follows:

(1) Written examination (open book) following lecture type training.

(2) Written examination (open book) following self study.

(3) Written examination without prior training.

(4) Oral examination and demonstration following self study, and,

(5) Fact finding interview. This method is available only for emergency certification.

All oral or demonstration examinations will be administered by VDAC field inspectors with the exception of the emergency option provided in Regulation 27 (5). This examination may be administered by the extension agent. This is the only area in which extension agents will be involved in competency determination.

In any case where a person, at the time of testing for certification, is unable to read a label, the applicator's competence will be determined by an oral and/or demonstration procedure administered by VDAC personnel. Such certification will be limited to the use and handling of pesticide(s) for which the applicator has demonstrated competence.

The Virginia State Plan also indicates that the State will give full consideration to accepting federal employees certified under the Government Agency Plan (GAP). In the absence of GAP all federal employees will be expected to qualify for certification under the Virginia plan.

The State has not completed plans for certification of applicators on the two small Indian Reservations in Virginia. Nevertheless, the State will certify these applicators under the Virginia Plan.

The Virginia Pesticide Law as amended, provides for reciprocal agreements with other states for purposes of applicator certification. Upon entering into such agreements, the State will so notify the EPA.

Other regulatory activities listed in the State plan which will supplement the Virginia certification program include: State registration of all pesticides; routine surveillance activities; and full investigation with appropriate action of misuse or accidents involving pesticides.

With respect to the maintenance of the State plan, it is suggested that the pesticide applicator certification program will be conducted much like the automobile operators licensing program. Periodic inspections will be conducted to determine that applicators of restricted use pesticides have proper credentials and that they use such pesticides properly. Commercial applicator records will be inspected randomly; and routine inspections will be made to determine that storage and disposal practices are properly conducted.

Periodic recertification will be an important part of the entire program.

Authority to require reexamination is provided for applicators whose license or permit has been suspended or revoked or when technological developments warrent such reexamination. Also, provisions are made such that applicators, to become recertified, will be required to successfully complete approved educational courses related to applicator certification.

PUBLIC COMMENTS

Interested persons are invited to submit written comments on the proposed State Plan for the Commonwealth of Virginia to the Chief, Pesticide Branch, Region III, U.S. Environmental Protection Agency, 6th & Walnut Streets, Room 3323, Philadelphia, Pennsylvania 19106. The comments must be received on or before May 24, 1976, and should bear the identifying notation OPP-42017. All written comments filed pursuant to the this notice will be available for public inspec-

tion at the above mentioned locations from 8:30 a.m. to 3:30 p.m. Monday through Friday.

Dated: April 2, 1976.

A. R. MORRIS,
Acting Regional Administrator, U.S. Environmental Protection Agency, Region III.

[FR Doc.76-11866 Filed 4-22-76;8:45 am]

[FRL 528-1; OPP-50094A]

MOBIL CHEMICAL CO.

Issuance of Experimental Use Permit; Correction

In FR Doc. 76-9707 appearing at page 14587 in the issue of April 6, 1976, the following correction should be made:

The second line of the second paragraph now reading "224-EUP-10 allows the use of 6,587.5" should read "2224-EUP-10 allows the use of 6,587.5".

Dated: April 16, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76-11869 Filed 4-22-76;8:45 am]

[FRL 527-8; OPP-50116]

OREGON STATE UNIVERSITY

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973); 7 U.S.C. 136), an experimental use permit has been issued to Oregon State University, Corvallis, Oregon 97331. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 38705-EUP-1) allows the use of 1,910 units of a product containing 1.91 x 10^9 viable cells of the fungicide *Agrobacterium radiobactor* for use on almond, apricot, cherry, peach and plum seeds and seedlings to evaluate control of crown gall disease. Approximately 28,650 pounds of seeds/seedlings are to be treated; the program is authorized only in the States of Alabama, Arkansas, California, Florida, Georgia, Illinois, Michigan, Minnesota, Montana, Ohio, Oregon, Pennsylvania, Texas, Washington, and Wisconsin. The experimental use permit is effective from March 23, 1976, to March 23, 1977.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: April 16, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76-11868 Filed 4-22-76;8:45 am]

[FRL 528-4; PP5G1581/T44]

ROHM AND HAAS CO.

Notice of Extension of a Temporary Tolerance

On June 9, 1975, the Environmental Protection Agency (EPA) announced (40 FR 24553) that in response to a pesticide petition (PP5G1581) submitted by Rohm and Haas Co., Independence Mall West, Philadelphia PA 19105, a temporary tolerance was established for combined negligible residues of the herbicide 2-chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl) benzene and its metabolites containing the diphenyl ether linkage in or on the raw agricultural commodities corn and soybeans at 0.05 part per million (ppm). This temporary tolerance is scheduled to expire June 4, 1976.

Rohm and Haas Co. has requested a one-year extension of this temporary tolerance to permit continued testing to obtain additional data and to permit the marketing of corn and soybeans treated in accordance with two experimental use permits that are to be extended concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

An evaluation of the scientific data reported and other relevant material has shown that an extension of the temporary tolerance will protect the public health, and it is concluded, therefore, that the temporary tolerance should be extended on condition that the herbicide be used in accordance with the experimental use permits with the following provisions.

1. The total amount of the herbicide to be used must not exceed the quantity authorized by the experimental use permits.

2. Rohm and Haas Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires June 4, 1977. Residues not in excess of 0.05 ppm remaining in or on corn and soybeans after this expiration date will not be considered to be actionable if the herbicide is legally applied during the term of and in accordance with the provisions of the experimental use permits and temporary tolerance. This temporary tolerance may be revoked if the experimental use permits are revoked or if any scientific data or experience with this herbicide indicate such revocation is necessary to protect the public health.

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

Dated: April 8, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76-11867 Filed 4-22-76;8:45 am]

[FRL 527-6]

WISCONSIN AIR QUALITY IMPLEMENTATION PLAN

Notice of Cancellation of Public Hearing

On March 9, 1976 (41 FR 10069), notice was given that a public hearing under Section 110(c) of the Clean Air Act would be held on April 22, 1976, in Madison, Wisconsin, to consider regulations proposed by the Environmental Protection Agency to correct new source review deficiencies in the Wisconsin Air Implementation Plan.

On April 15, 1976, the Governor of Wisconsin signed into law certain provisions which appear to correct the noted deficiencies. Notice is hereby given that the public hearing, scheduled to be convened on April 22, 1976, beginning at 9:30 A.M. at the Park Motor Inn, 22 S. Carroll Street, in Madison, Wisconsin, is cancelled.

Dated: April 15, 1976.

GEORGE R. ALEXANDER, Jr.,
Regional Administrator, Region V.

[FR Doc.76-11870 Filed 4-22-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP70-196]

DISTRIGAS CORP. AND DISTRIGAS OF MASSACHUSETTS CORP.

Notice of Application To Amend

APRIL 14, 1976.

Take notice that on March 31, 1976, Distrigas Corporation (Distrigas) and Distrigas of Massachusetts Corporation (DOMAC), 125 High Street, Boston, Massachusetts 02110, filed in Docket No. CP70-196 an application to amend the Commission's Opinion No. 613 and accompanying order, issued March 9, 1972, in said Docket No. (47 FPC 752) pursuant to Section 3 of the Natural Gas Act by authorizing DOMAC to sell liquefied natural gas (LNG) from its Everett, Massachusetts, terminal to certain intrastate distribution customers in Massachusetts, all as more fully set forth in the application to amend which is on file with the Commission and open to public inspection.

Applicants state that in Opinion No. 613 the Commission authorized Distrigas to import certain annual volumes of LNG from Algeria to be purchased from Alocean, Ltd., which ships the supplies to the Everett, Massachusetts, terminal. Applicants further state that according to the proposals, Distrigas would construct and operate the Everett terminal and sell LNG to interstate and intrastate distribution company customers and that in Opinion No. 613 it was held that

construction and operation of the terminal and the sale of LNG to intrastate customers were not subject to Commission jurisdiction. Distrigas asserts that it constructed the Everett terminal and began operations, but that on May 25, 1973, and June 20, 1973, in Docket No. CP73–78, *et al.*, the Commission issued orders reversing its position taken in Opinion No. 613 and holding that Distrigas, or an affiliate, is required to obtain a certificate to construct and operate the Everett terminal and to make all sales for resale from that terminal.

Applicants indicate that on October 1, 1973, Distrigas transferred the Everett terminal and assigned its sales contracts to its affiliate, DOMAC, and that the latter requested that it be substituted as applicant in the Distrigas Docket No. CP73–135 for authority to make interstate sales. It is said that DOMAC, under protest, also filed an application in Docket No. CP74–137 for authority to construct and operate the Everett terminal, which had already been completed and placed in operation, and that Distrigas filed for authorization in Docket No. CP74–227 to sell to DOMAC the LNG to be imported under authorization in Opinion No. 613.

Applicants assert that upon review of the orders of May 25 and June 20, 1973, the Court of Appeals in *Distrigas Corp. v. F.P.C.*, 495 F. 2d 1057; *cert. denied*, 419 U.S. 834 (1974), (*Distrigas* case) held that the Commission could not require Distrigas to obtain certificates under Section 7 of the Natural Gas Act for construction and operation of the terminal or for the sales for resale within Massachusetts and remanded the proceedings for consideration to be given to authorization of such activities under Section 3 of the Natural Gas Act. Applicants states that by order issued September 12, 1974, the Commission reopened the proceedings in Docket No. CP70–196 in order to carry out the Court's mandate. Applicants further state that in order to facilitate Commission review of questions presented by the decision of the Court of Appeals and so that they may be afforded certainty in their operations as expeditiously as possible, Applicants hereby seek authorization for DOMAC to make the intrastate sales of gas imported in Docket No. CP70–196 as may be required pursuant to Section 3 of the Natural Gas Act in accordance with the opinion of the Court in the *Distrigas* case. Distrigas anticipates that a portion of the volumes delivered into DOMAC's Everett terminal pursuant to the Commission's authorization in Opinion No. 613 will be sold to intrastate customers. The names of the purchasers and volumes of LNG (in billion equivalent) for which sales authority is requested in Docket No. CP70–196 are as follows:

Annual sales volumes [1]

Customer and service	Under existing contracts (1,000,000,000 Btu)	Currently effective price [2] (1,000,000 Btu)
Bay State Gas Co.: Unstored peak shaving	900	$1.064
Boston Gas Co.:		
Stored peak shaving	2,500	1.664
Designated delivery	615	1.404
Unstored peak shaving	1,625	1.064
Boil-off	[3]	[4] 1.304
Fall River Gas Co.:		
Designated delivery	50	1.404
Unstored peak shaving	100	1.064
Haverhill Gas Co.: Unstored peak shaving	100	1.064

[1] Contract year, extends from Apr. 1 through Mar. 31.
[2] Currently effective prices do not include contractual charges for liquid natural gas delivered as vapor or for an adjustment which must be calculated after the contract year has elapsed.
[3] As available.
[4] Per 1,000 ft³.

It is stated that Distrigas' and DOMAC's existing facilities at the Everett terminal are adequate to render the services proposed in this application without conflicting with any proposed or certificated interstate sales and that no additional facilities will be required to make the sales.

Any person desiring to be heard or to make any protest with reference to said application to amend should on or before April 13, 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) 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–11749 Filed 4–22–76;8:45 am]

[Docket Nos. RP73–43, RP75–68 (PGA76–1)]

MID LOUISIANA GAS CO.

Notice of Supplemental Filing

APRIL 15, 1976.

Take notice that on February 27, 1976, Mid Louisiana Gas Company (Mid Louisiana) tendered for filing information concerning 60-day emergency purchases made by Mid Louisiana, as requested by the Commission's order issued on January 30, 1976 in this proceeding. Mid Louisiana stated that the submitted information demonstrates that its 60-day emergency purchase of 828,333 Mcf of natural gas from the Commercial Solvents Corporation in the Monroe Field, Ouachita Parish, Louisiana (FPC File No. 389–266), from July 28, 1975 until September 25, 1975 meets the criteria set forth by Opinion No. 699–B for such purchases. Mid Louisiana therefore requested that the proceedings be terminated and that it be relieved of its refund obligation with regard to 60-day emergency purchases.

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 April 30, 1976. Protests will be considered by the Commission in determining the appropirate 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.76–11750 Filed 4–22–76;8:45 am]

[Docket No. RP72–157 (PGA 76–6A)]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Proposed Changes in FPC Gas Tariff

APRIL 15, 1976.

Take notice that Consolidated Gas Supply Corporation (Consolidated), on April 9, 1976, tendered for filing a revision to its proposed rate changes originally filed March 31, 1976, for effectiveness May 1, 1976. The revision would generate approximately $4.7 million annually above the original increase of $22 million annually.

Additionally, Consolidated tendered for filing substitute alternate tariff sheets reflecting the exclusion of amounts resulting from rates in excess of those established by Opinion No. 742.

Consolidated states that the revision was necessitated by a filing made by Texas Eastern Transmission Corporation (Texas Eastern) for effectiveness May 1, 1976. Texas Eastern filed two sets of revised tariff sheets and Consolidated has included in its filing the lower rates.

Consolidated is requesting a waiver of any of the Commission's Rules and Regulations in order to permit the proposed rates shown on Substitute Eleventh Revised Sheet Nos. 8 and 9 to go into effect on May 1, 1976, or in the alternate Substitute Alternate Eleventh Revised Sheet Nos. 8 and 9.

Copies of this filing were served upon Consolidated's jurisdictional customers,

as well as interested State Commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 30, 1976. 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.76-11751 Filed 4-22-76;8:45 am]

[Docket No. RP72-110 (PGA76-8)]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

APRIL 15, 1976.

Take notice that Algonquin Gas Transmission Company (Algonquin Gas), on April 13, 1976, tendered for filing Sixteenth Revised Sheet No. 10 and Alternate Sixteenth Revised Sheet No. 10 to its FPC Gas Tariff, First Revised Volume No. 1.

This sheet is being filed pursuant to Algonquin Gas' Purchased Gas Cost Adjustment Provision set forth in Section 17 of the General Terms and Conditions of its FPC Gas Tariff, First Revised Volume No. 1. The Company states that the rate change is being filed to reflect alternative purchased gas costs to be paid by Algonquin Gas to its supplier, Texas Eastern Transmission Corporation on May 1, 1976.

The proposed effective date of the alternative tariff sheets is May 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, N.E., Washington, D.C. 20426, in accordance with Sections 1.8, 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 May 5, 1976. 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.76-11752 Filed 4-22-76;8:45 am]

[Docket No. RP76-80]

TRUNKLINE GAS CO.

Notice of Change in Rates

APRIL 16, 1976.

Take notice that on March 31, 1976 Trunkline Gas Company (Trunkline) tendered for filing Ninth Revised Sheet No. 37 and Seventh Revised Sheet No. 104 to its FPC Gas Tariff, Original Volume No. 2, Rate Schedules F-2 and F-5, respectively.

Trunkline indicates that these Revised Sheets show the January 1, 1976 rate increase as prescribed by the Commission in ordering paragraph (A) of Opinion No. 749 and in accordance with the provisions of the Rate Schedules.

Trunkline requests an effective date of January 1, 1976 for the Revised Sheets.

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 May 3, 1976. 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.76-11753 Filed 4-22-76;8:45 am]

[Docket Nos. RP72-155; RP75-39 (PGA 76-2)]

EL PASO NATURAL GAS CO.

Order Granting Interventions

APRIL 15, 1976.

Upon notice of this filing issued on February 27, 1976, which established a deadline for comments, protests, or petitions to intervene on or before March 15, 1976, timely petitions to intervene were filed by the Southern California Gas Company on March 8, 1976 and by the San Diego Gas and Electric Company on March 15, 1976. A notice of intervention was filed by The People of the State of California and the Public Utilities Commission of the State of California (California).

The Commission finds: The participation of the aforementioned Petitioners in this proceeding may be in the public interest.

The Commission orders: (A) The above-named Petitioners are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission, *Provided, however,* that the participation of such intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in the requests to intervene, *Provided, further,* that the admission of such intervenors shall not be construed by the Commission that they might be aggrieved because of any order or orders issued by the Commission in this proceeding, and that such Petitioners shall take the record as presently established.

( ) 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.76-11754 Filed 4-22-76;8:45 am]

[Docket No. ER76-494]

DELMARVA POWER & LIGHT COMPANY AND SUBSIDIARIES

Order Granting Late Petition To Intervene

APRIL 15, 1976.

On January 30, 1976, Delmarva Power and Light Company and its subsidiaries, Delmarva Power & Light Company of Maryland and Delmarva Power and Light Company of Virginia (jointly, "Delmarva") filed a proposed rate increase. Delmarva proposed that its submittal become effective on March 1, 1976.

Public notice of Delmarva's filing was issued on February 9, 1976, with comments, protests and petitions to intervene due on or before February 23, 1976. On April 1, 1976, a late petition to intervene was received from the People's Counsel to the Maryland Public Service Commission ("People's Counsel"). Having reviewed the petition of the People's Counsel, we conclude that People's Counsel has an interest in this proceeding which is sufficient to warrant its intervention herein.

The Commission finds: It is desirable and in the public interest to allow People's Counsel to intervene in these proceedings.

The Commission orders: (A) People's Counsel is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Federal Power Commission; *Provided, however,* that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the notice of intervention; and *Provided, further,* that the admission of such intervenor shall not be construed as recognition by the Federal Power Commission that it might be aggrieved because of any order or orders of the Federal Power Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) 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.76-11755 Filed 4-22-76;8:45 am]

[Docket No. ER76-507]

GULF STATES UTILITIES CO.

Notice of Filing of Revised Rate Schedule

APRIL 16, 1976.

Take notice that on February 9, 1976 Gulf States Utilities Company tendered for filing a revised rate schedule FPC No. 101 consisting of a contract between Gulf States Utilities Company tendered Louisiana. In addition Gulf States requests cancellation of the prior agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, 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 April 30, 1976. 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.76-11756 Filed 4-22-76;8:45 am]

[Docket No. E-9408]

AMERICAN ELECTRIC POWER SERVICE CORP.

Order Granting Late Intervention

APRIL 15, 1976.

By order issued May 30, 1975, the Commission accepted for filing and suspended the effectiveness of a proposed amendment to the July 6, 1951 Interconnection Agreement among Appalachian Power Company, Kentucky Power Company, Indiana and Michigan Electric Company, Ohio Power Company and American Electric Power Service Corporation, their agent. The Commission further set the matter for hearing.

On February 23, 1976, a Petition for Late Intervention was filed on behalf of the Public Utilities Commission of Ohio (Ohio Commission). The Ohio Commission states that Ohio Power Company is subject to its regulation and therefore the Ohio Commission is interested in the proceedings so as to protect its interests and the interests of all within its jurisdiction who would be affected by these proceedings.

Good cause being shown the Commission shall grant the Ohio Commission's petition for late intervention.

The Commission finds: Good cause exists to grant the late petition to intervene filed on behalf of the Public Utilities Commission of Ohio.

The Commission orders: (A) The above-mentioned petitioner is hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission, *Provided, however,* that the participation of such intervenor shall be limited to matters affecting the rights and interests specifically set forth in its petition to intervene; and *Provided, further,* that the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission 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.76-11757 Filed 4-22-76;8:45 am]

[Project No. 1971]

IDAHO POWER CO.

Notice of Application for Amendment of License

APRIL 15, 1976.

Public notice is hereby given that an application for amendment of license was filed on October 14, 1975, under the Federal Power Act (16 U.S.C. §§ 791a-825r) by Idaho Power Company (Correspondence to: Mr. Lee S. Sherline, Leighton and Sherline, Suite 406, 1701 K Street N.W., Washington, D.C. 20006; and Mr. William R. Fleming, General Counsel, Idaho Power Company, 1220 Idaho Street, P.O. Box 70, Boise, Idaho 83721) for Project No. 1971, known as the Hells Canyon Project, located on the Snake River in Adams and Washington Counties, Idaho, and Wallowa, Baker, and Malheur Counties, Oregon. The Snake River is a navigable waterway of the United States.

Idaho Power Company, Licensee for constructed Hells Canyon Project No. 1971, requests that the Commission issue an order, pursuant to Article 40 of its license, directing the installation of a fifth generating unit of 225 MW at the Brownlee Development of the project.

According to the application, a semi-outdoor powerhouse would be constructed adjacent to the existing powerhouse utilizing an existing diversion tunnel, a portion of which would function as a tailrace for the new generating unit. The proposal would also require construction of a 660-foot long penstock tunnel to hydraulically connect the new generating unit to an existing intake, and a new 1400-foot long transmission line between the proposed unit and the existing switchyard. No additional land outside the project boundary would be required.

Idaho Power Company asserts in its application that operation of the proposed unit would not change seasonal operation of Brownlee Reservoir or alter the present flow conditions below the Hells Canyon Development. According to the application, the proposed unit would reduce the use of costlier sources of power in meeting the needs of the Company's customers and would make use of high river flows that are presently being spilled.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 18, 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 C.F.R. § 1.8 or § 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act, 16 U.S.C. §§ 825(g) and 825(h), and the Commission's Rules of Practice and Procedure, specifically Section 1.32 (b), 18 C.F.R. § 1.32(b) (1975), as amended by Order No. 518, a hearing before the Commission may be held on this application without further notice if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein. Applicant has requested that the shortened procedure of Section 1.32(b) be used. If an issue of substance is so raised, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-11758 Filed 4-22-76;8:45am]

[Project No. 1971]

IDAHO POWER CO.

Notice of Petition for Declaratory Order

APRIL 15, 1976.

Public notice is hereby given that the National Marine Fisheries Service, Idaho Fish and Game Department, Oregon Department of Fish and Wildlife, Washington Department of Fisheries, and Washington Department of Game filed on February 9, 1976, a petition requesting that the Federal Power Commission issue a Declaratory Order requiring Idaho Power Company, Licensee for Hells Canyon Project No. 1971, to carry into effect Article 35 of the License and the previous orders of the Commission relating to fishery facilities and fisheries resource problems at said project.

Petitioners state that the dams constructed by Idaho Power Company have adversely affected the anadromous fish resource of the Snake River, causing the States of Oregon, Washington, and Idaho to severely reduce the catch of such fish in an effort to maintain them in a viable condition. Petitioners allege that previous orders of the Commission prescribing fish facilities for Project No. 1971 have not accomplished the objective of fully replenishing the runs of steelhead trout and fall chinook salmon to pre-project levels of 5,000 and 17,000 fish, respectively.

Petitioners cite the need for a cooperative compensation effect by all developmental entities, noting that the U.S. Army Corps of Engineers has prepared a comprehensive plan for compensation of fish and wildlife losses resulting from construction and operation of four dams in the Lower Snake River and is planning to install and operate extensive facilities to improve the survival of adult and juvenile anadromous fish at these projects, which could in turn affect the feasibility of additional fishery facilities at Project No. 1971.

Petitioners request the Federal Power Commission to issue an order requiring the Licensee to take appropriate measures as compensation for the loss of fishery resources, and offer the following proposals for consideration:

(1) Expansion of the Rapid River Hatchery to provide a return of 19,700 spring chinook (thereby replacing fall chinook with spring chinook),

(2) Expansion of the Niagara Springs Hatchery to double production to achieve the required return of 10,000 steelhead, and

(3) Construction of an adult trap and combination smolt acclimation and adult holding pond below Hell's Canyon Dam.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 18, 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 C.F.R. § 1.8 or § 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11759 Filed 4-22-76;8:45 am]

FEDERAL RESERVE SYSTEM

INDIAN HEAD BANKS, INC.

Acquisition of Bank

Indian Head Banks, Inc., Nashua, New Hampshire, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842 (a)(3) to acquire 67 percent or more of the voting shares of Community National Bank of Rochester, Rochester, New Hampshire. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 17, 1976.

Board of Governors of the Federal Reserve System, April 16, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-11719 Filed 4-22-76;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (76-34)]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL COMMITTEE ON SPACE PROPULSION AND POWER

Meeting

The NASA Research and Technology Advisory Council Committee on Space Propulsion and Power will meet May 18-19, 1976, at NASA Headquarters, 600 Independence Avenue, S.W., Washington, D.C. 20546. The meeting will be held in Room 625. Members of the public will be admitted on a first-come, first-served basis, up to the seating capacity of the room which is about 40 persons. All visitors must register at the reception desk in Room 625.

The NASA Research and Technology Advisory Council Committee on Space Propulsion and Power serves in an advisory capacity only. The Chairman is Mr. William J. Corcoran, and there are 14 members. The following list sets forth the approved agenda and schedule for the May 18-19, 1976, meeting of the Committee on Space Propulsion and Power. For further information, please contact Mr. James Lazar, Area Code 202, 755-3280.

MAY 18, 1976

Time	*Topic*
8:30 a.m.	Remarks by Chairman (Purpose: To introduce members, inform them of the charter, and discuss the agenda.)
9:15 a.m.	Remarks by Deputy Associate Administrator for Aeronautics and Space Technology (Purpose: To welcome members and to inform them of the NASA Office of Aeronautics and Space Technology (OAST) organization and programmatic structure and the need for and role of the Committee.)

MAY 18, 1976—Continued

Time	*Topic*
9:30 a.m.	OAST Planning Process (Purpose: To brief the Committee on the OAST planning process and preliminary results of the Space Theme Workshop.)
1:00 p.m.	Review of OAST's Space Propulsion and Power Program (Purpose: To brief the Committee members on the ongoing Space Propulsion and Power Program, the thrusts of the technology program, and the OAST response to the 1975 recommendations of the Committee.)
4:00 p.m.	Discussion of OAST's Response to the Previous Committee Report (Purpose: To establish a Committee position on the OAST response to the previous Committee report.)

MAY 19, 1976

8:30 a.m.	Discussion and Approval of Tentative Committee Objectives (Purpose: To propose, review, alter as necessary, and approve Committee work objectives.)
10:30 a.m.	Development of Committee Work Plan (Purpose: To propose a work plan for meeting the objectives adopted earlier and to establish work assignments and schedules.)
1:00 p.m.	Plans for Next Meeting (Purpose: To set a date and place for the next Committee meeting and to discuss possible agenda items.)
1:30 p.m.	Adjournment.

WILLIAM W. SNAVELY,
Assistant Administrator for DOD and Interagency Affairs, National Aeronautics and Space Administration.

[FR Doc.76-11722 Filed 4-22-76;8:45 am]

NATIONAL COMMISSION ON NEW TECHNOLOGICAL USES OF COPYRIGHTED WORKS*

NOTICE OF MEETING AND HEARINGS

A meeting of the National Commission on New Technological Uses of Copyrighted Works will be held at 9:30 a.m. on May 6 and 7, 1976, at the offices of the Commission, located in Room 910, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, Virginia. At these meetings hearings will be conducted for the purpose of obtaining information concerning the applicability and scope of copyright protection for computer software.

All interested members of the public, including but not limited to manufacturers, developers and investors involved in the creation of computer software and users of computer software, are invited to attend. In addition, all members of

the public, including representatives of groups concerned with copyright protection for computer software, are invited to submit requests to present testimony for consideration at these hearings. Such requests should be accompanied by brief written statements identifying the individual or group requesting to testify, the interests of that individual or group in the issue of copyright protection for computer software, and the evidence desired to be given. All such requests should be addressed to Michael S. Keplinger, Senior Attorney, National Commission on New Technological Uses of Copyrighted Works, Washington, D.C. 20558, and must be received prior to April 30, 1976.

ARTHUR J. LEVINE,
Executive Director, CONTU.

[FR Doc.76-11742 Filed 4-22-76;8:45 am]

OFFICE OF TELECOMMUNICATIONS POLICY

FREQUENCY MANAGEMENT ADVISORY COUNCIL

Notice of Meeting

Notice is hereby given that the Frequency Management Advisory Council (FMAC) will meet at 9:30 a.m., in Room 712, Office of Telecommunications Policy, 1800 G Street, N.W., Washington, D.C. 20504, on Friday, May 7, 1976.

The principal agenda items will be: (1) status of ITU Conference preparation; (2) OTP initiatives in foreign telecommunications relationships; (3) FCC planning for the Citizens Radio Service; (4) OTP/IRAC systems review process; (5) review of Filter Technology.

The meeting will be open to the public; any member of the public will be permitted to file a written statement with the Council, before or after the meeting.

The names of the members of the Council, a copy of the agenda, a summary of the meeting, and other information pertaining to the meeting may be obtained from Mr. Jack E. Weatherford, Office of Telecommunications Policy, Washington, D.C. 20504 (telephone: 202-395-5623).

Dated: April 19, 1976.

L. DANIEL O'NEILL,
Advisory Committee Management Officer.

[FR Doc.76-11738 Filed 4-22-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

EMERSONS, LTD.

Suspension of Trading

APRIL 16, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Emersons, Ltd. being traded on a national securities exchange or otherwise 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 a national securities exchange or otherwise is suspended, for the period from April 17, 1976 through April 26, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-11798 Filed 4-22-76;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Notice of Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D St., NW, Washington, D.C. 20213.

Signed at Washington, D.C. this 19th day of April, 1976.

BEN BURDETSKY,
Deputy Assistant Secretary for Employment and Training.

Applications received during the week ending Apr. 16, 1976

Name of applicant	Location of enterprise	Principal product or activity
Modulos de Puerto Rico, Inc	Vega Alta, P.R	Manufacture of low-cost concrete houses.
Willis Bros. Fast Food, Inc	Fiarlea, W. Va	Restaurant.
Furtex Corp	Jacksboro, Tenn	Manufacturer of fur like apparel fabrics and floor coverings.
Crestwood Manor Nursing Home, Inc	West Point, Miss	Nursing home.
Chemico, Inc	Spring Hope, N.C	Manufacture of bulk tobacco barns.
Mississippi Delta Chicory Corp	Walls, Miss	Processing of chicory.
Collier Gas & Appliance Co., Inc	Whiteville, N.C	Delivery and sale of propane gas.
McCleskey Mills, Inc	Americus, Ga	Shelling of peanuts
Tri-County Management Co., Ltd	Oliver Springs, Tenn	Build and lease shopping center.
Plato Woodwork, Inc	Plato, Minn	Manufacture of prefinished wood cabinets.
Bridgeport Nursing Home	Bridgeport, Ill	Nursing home.
Sands of Las Vegas, Inc	Las Vegas, N. Mex	Restaurant and motel.
NARESA, Inc	New Braunfels, Tex	Manufacture of powder coatings.
Tahlequah Medical Clinic, Ltd	Tahlequah, Okla	Medical center.
Ralls Cooperative Gin Co	Ralls, Tex	Cotton ginning.
American Wheel & Foundry, Inc	Ashdown, Ark	Manufacture of wheel and casters.
Garrett Manufacturing Co	Cassville, Mo	Manufacturing low volume machine parts.
Archie Campbell, Inc	New Rockford, N. Dak.	Construction company.

[FR Doc.76-11664 Filed 4-22-76;8:45 am]

Bureau of Labor Statistics

BUSINESS RESEARCH ADVISORY COUNCIL

Meeting

The regular spring meeting of the Business Research Advisory Council will be held at 9:30 a.m., May 26, 1976, at the New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C., Room N-5437. The agenda for the meeting is as follows:

1. Chairman's Opening Remarks.
2. Commissioner's Remarks.

3. Committee Reports: (a) Consumer and Wholesale Prices. (b) Wages and Industrial Relations. (c) Productivity—Foreign Labor and Trade (Combined Meeting). (d) Occupational Safety and Health.

4. The "Overlap" in the issuance of the Revised CPI's.

5. Other Business.

This meeting is open to the public. It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on (Area Code 202) 523–1559.

Signed at Washington, D.C. this 15th day of April 1976.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.76–11807 Filed 4–22–76;8:45 am]

Occupational Safety and Health Administration

NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

Meeting

Notice is hereby given that the Subgroup on Standards of the National Advisory Committee on Occupational Safety and Health, will meet on May 25, 1976 in Room N–3437, Department of Labor Building, 3rd Street and Constitution Avenue, N.W., Washington, D.C. 20210.

The meeting will begin at 9:00 a.m. The public is invited to attend. The purpose of the meeting is to discuss the meaning of numbers (i.e. the action level, the permissible limit) in health standards and the relationship between the National Institute for Occupational Safety and Health's criteria development and the Occupational Safety and Health Administration's health standards development.

Anyone wishing to submit written data or views concerning these agenda items should submit them, preferably with 20 duplicate copies, to the Committee's Executive Secretary as soon as possible. These documents will be presented to the Subgroup and included in the official record of the meeting.

Anyone wishing to make an oral presentation should contact the Committee's Executive Secretary prior to the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation. Oral presentations will be scheduled at the discretion of the Subgroup chairman.

Please address all communications as follows:

J. Goodell, Executive Secretary, National Advisory Committee on Occupational Safety and Health, Room N–3635, U.S. Department of Labor, Third Street and Constitution Avenue, NW, Washington, D.C. 20210.

Official records of the meeting will be available for public inspection at the above address.

Signed at Washington, D.C. this 19th day of April 1976.

J. GOODELL,
Executive Secretary.

[FR Doc.76–11806 Filed 4–22–76;8:45 am]

Office of the Secretary

[TA–W–555]

AMERICAN CYANAMID COMPANY BOUND BROOK, NEW JERSEY

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–555: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 16, 1976 in response to a worker petition received on that date which was filed on behalf of workers and former workers engaged in the application of benzenoid dyes and benzenoid pigments, American Cyanamid Company, Bound Brook, New Jersey.

The notice of investigation was published in the FEDERAL REGISTER on January 30, 1976 (41 FR 4690). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of American Cyanamid, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first three criteria have been met, the fourth criteria has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of workers declined 21 percent in 1975 compared to 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales decreased 31 percent in quantity and 16 percent in value in 1975 compared to 1974.

INCREASED IMPORTS CONTRIBUTED IMPORTANTLY

U.S. imports of benzenoid dyes have fluctuated widely from 1970 through 1974. In the first eight months of 1975 compared to the same period of 1974 imports increased 55 percent. The ratios of imports to production and consumption increased steadily from 1970 through 1972, decreased in 1973 through 1974 and increased in the first eight months of 1975 when compared to the same period of 1974.

U.S. imports of benzenoid pigments increased in 1971 compared to 1970, decreased in 1972, then increased in 1973 through 1974 and continued to increase in the first 8 months of 1975 when compared to the same period of 1974.

CONTRIBUTED IMPORTANTLY

The petitioning workers provided testing services to pigment buyers. After many large accounts began performing this service themselves the company discontinued the testing operation because of economic reasons.

Customers surveyed filed virtually all their requirement for benzenoid dyes and pigments from domestic sources. Customers that purchased imported dyes and pigments have done so only in small amounts for special requirements.

Customers that have decreased purchases of dyes and pigments have done so either because of generally poor economic conditions or they are conserving the use of such dyes and pigments because of increased prices.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with benzenoid dyes and benzenoid pigments for which testing services were performed at the Bound Brook, New Jersey plant of American Cyanamid Company did not contribute importantly to the total or partial separation of the workers of that facility.

Signed at Washington, D.C. this 12th day of April 1976.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.76–11465 Filed 4–22–76;8:45 am]

[TA–W–524]

AMF YORK DIVISION YORK, PENNSYLVANIA

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–524: investigation regarding certification of eligibility to apply for worker adjust-

ment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 19, 1975 in response to a worker petition received on December 19, 1975 which was filed on behalf of workers and former workers of AMF York Division engaged in the production of motorcycles.

The notice of investigation was published in the FEDERAL REGISTER on January 12, 1976 (41 FR 1827). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the AMF York Division, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, the investigation reveals that criterion (3) has not been met.

Imports of heavyweight motorcycles declined from 986 thousand units in 1974 to 536 thousand units in 1975.

Imports as a percentage of domestic production and consumption declined from 1893 percent and 96 percent, respectively, in 1974, to 795 percent and 90 percent in 1975. The 1975 ratios of imports to domestic production and consumption were well below the 1970–1974 averages of 2534 percent and 97 percent, respectively.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with motorcycles produced at the AMF York Division located in York, Pennsylvania, did not contribute importantly to the total or partial separation of the workers at that plant.

Signed at Washington, D.C. this 14th day of April 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-11466 Filed 4-22-76;8:45 am]

[TA-W-517 & 518]

CHRYSLER CORPORATION HIGHLAND PARK, MICHIGAN

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-517 and 518: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 18, 1975, in response to a worker petition received on the same date which was filed by the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW) on behalf of workers and former workers engaged in the production of full size cars at the Jefferson assembly plant (Detroit, Michigan) and Belvidere assembly plant (Belvidere, Illinois) of Chrysler Corporation, Highland Park, Michigan.

The Notice of Investigation was published in the FEDERAL REGISTER (41 FR 1342) on January 7, 1976. A public hearing was properly requested by the UAW and was held on January 26, 1976.

The information upon which the determination was made was obtained principally from officials of Chrysler Corporation, the U.S. Department of Commerce, the U.S. International Trade Commission, the Motor Vehicle Manufacturers Association, Automotive News, Ward's Automotive Reports, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of hourly and salaried workers employed at the Jefferson plant declined 24.6 percent and 15.3 percent, respectively, from MY (model year) 1973 [1] to MY 1974 and fell 43.4 percent and 50.7 percent, respectively, from MY 1974 to MY 1975. The average number of hourly and salaried workers employed at the Belvidere plant declined 15.5 percent and 4.4 percent, respectively, from MY 1973 to MY 1974 and fell 22.9 percent and 31.2 percent, respectively, from MY 1974 to MY 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of full size cars at the Jefferson plant declined 40.6 percent from MY 1973 to MY 1974 and declined 26.8 percent from MY 1974 to MY 1975. Production of full size cars at the Belvidere plant fell 20.1 percent from MY 1973 to MY 1974 and declined 16.4 percent from MY 1974 to MY 1975.

INCREASED IMPORTS

Chrysler does not import any full size cars. All imports of full size cars originate from Canadian plants of Ford and General Motors. Sales of imported full size cars declined absolutely but increased relatively from 26 thousand units comprising 0.7 percent of domestic full size car consumption in MY 1973 to 21 thousand units comprising 0.9 percent of the full size market in MY 1974. In MY 1975, full size car import sales rose abruptly to 182 thousand units comprising 12.0 percent of the full size market. Sales of all other imported cars fell from 2,630 thousand units in MY 1973 to 2,262 thousand units in MY 1974 and further declined to 2,205 thousand units in MY 1975. Sales of intermediate imports declined 19.1 percent from MY 1973 to MY 1974 and 6.9 percent from MY 1974 to MY 1975.

CONTRIBUTED IMPORTANTLY

During the period from MY 1973 through MY 1975, domestic automobile consumption was significantly affected by the recession which depressed auto sales in general and by the energy crisis which prompted a shift in demand to smaller, higher fuel economy cars. Domestic auto sales declined 18 percent from MY 1973 to MY 1974 and fell 14 percent from MY 1974 to MY 1975. Sales of full size cars fell precipitously during the same period, decreasing 40 percent and 32 percent, respectively.

From MY 1974 to MY 1975, General Motors and Ford intermediate car imports declined sharply and Chrysler intemediate car imports increased. Chrysler's intermediate imports displaced

[1] The model year period used for purposes of this investigation runs from October to September.

Chrysler's domestic intermediate production but were not substantial enough to have been an important factor in the decline of Chrysler's full size car production.

The only substantial competition that Chrysler's full size cars faced was from U.S. and Canadian built Ford and General Motors full size cars. More than 86 percent of the Ford and General Motors full size cars sold in the U.S. were produced domestically. There is no appreciable difference between a Canadian and a U.S. built full size car for sale in the U.S. Since both Ford and General Motors experienced substantial declines in U.S. sales of domestically produced full size cars from MY 1974 to MY 1975, and since increases in Ford and General Motors imports equaled only 21 percent of that sales decline, it is concluded that the impact of Canadian imports was almost exclusively on domestic production of Ford and General Motors full size cars.

The combined effects of the recession and consumer preferences for General Motors and Ford full size cars would have resulted in essentially the same decline in Chrysler sales and production of full size cars irrespective of the import increases.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with full size cars produced at the Jefferson and Belvidere assembly plants of Chrysler Corporation did not contribute importantly to the total or partial separation of the workers at such plants.

Signed at Washington, D.C. this 12th day of April 1976.

JOEL SIGALL,
Deputy Under Secretary for International Labor Affairs.

[FR Doc.76-11467 Filed 4-22-76;8:45 am]

[TA-W-561]

HART SCHAFFNER AND MARX CLOTHES ROCK ISLAND, ILLINOIS

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-561: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 23, 1976 in response to a worker petition received on January 23, 1976 which was filed by the Amalgamated Clothing Workers Union on behalf of workers and former workers producing men's suit coats at the Rock Island, Illinois plant of Hart Schaffner and Marx Clothes, Chicago, Illinois.

The notice of investigation was published in the FEDERAL REGISTER on February 6, 1976 (41 FR 5476). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Hart Schaffner and Marx Clothes, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group of eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment dropped 10.9 percent in 1975 compared to 1974. Permanent layoffs began in January 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of men's suit coats dropped 29.6 percent in 1975 compared to 1974.

INCREASED IMPORTS CONTRIBUTED IMPORTANTLY

Imports of men's and boys' suits increased relative to domestic production and consumption in each year from 1971 to 1973. While imports of men's and boys' suits fell slightly in 1974 compared to 1973, the ratios of imports to domestic production and consumption in 1974 of 9.9 percent and 9.0 percent, respectively, were well above the 1971–1973 average of 8.6 percent and 7.8 percent, respectively. In the first 9 months of 1975, imports of men's and boys' suits increased 86 percent compared to the first 9 months of 1974. The ratio of imports to domestic production increased from 8.7 percent in the first 9 months of 1974 to 19.9 percent in the first 9 months of 1975.

Customers of Hart Schaffner and Marx contacted during the course of the investigation indicated that they increased purchases of imports.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suits coats produced at the Rock Island, Illinois plant of Hart Schaffner and Marx Clothes contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

"All workers at the Rock Island, Illinois plant of Hart Schaffner and Marx Clothes who became totally or partially separated from employment on or after January 6, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 14th day of April 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-11468 Filed 4-22-76;8:45 am]

[TA-W-635]

KENNECOTT COPPER CORPORATION, MCGILL, NEVADA

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-635; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 27, 1976, in response to a worker petition received on February 27, 1976 which was filed by the International Association of Machinists and Aerospace Workers, the United Steel Workers of America, and the International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers on behalf of workers and former workers producing blister copper at the Kennecott Copper Corporation, Nevada Mines Division, McGill, Nevada.

The notice of investigation was published in the FEDERAL REGISTER on March 12, 1976 (41 FR 10660). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Kennecott Copper Corporation, its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Tr de Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that although the first two criteria have been met, the third and fourth criteria have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers increased 2 percent in 1974 compared to 1973 and declined 29 percent in 1975 compared to 1974. On February 8, 1976 almost all employees were separated for an indefinite period.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales declined 27 percent, in quantity, in 1974 compared to 1973 and declined 41 percent in 1975 compared to 1974.

Production declined 25 percent, in quantity, in 1974 from 1973 and declined 43 percent in 1975 compared to 1974. In February 1976, almost all operations were suspended with no indication of when they would resume.

INCREASED IMPORTS

Imports of refined copper increased each year from 1970 through 1974. In 1974, the ratios of imports to domestic production and consumption reached 14.6 percent and 13.4 percent, respectively. In 1975, the ratios of imports of refined copper to domestic production and consumption at 7.9 percent and 8.0 percent, respectively, were below the 1970–1974 average of 9.1 percent and 8.9 percent, respectively. In 1975, imports of refined copper declined in absolute terms and relative to domestic production compared to 1974.

The ratios of imports of blister copper to domestic production and consumption declined each year from 1970 through 1973, then increased in 1974, before declining in 1975. The ratios of imports to domestic production and consumption in 1975 of 6.3 percent and 5.9 percent, respectively, were lower than the 1970–1974 average of 11.1 percent and 10.0 percent, respectively. In 1975, imports of blister copper declined in absolute terms and relative to domestic production compared to 1974.

CONTRIBUTED IMPORTANTLY

Domestic production of both blister copper and refined copper declined in 1974 compared to 1973 at the same time imports of both blister copper and refined copper increased sharply. The decline in U.S. production and the increase in imports resulted from two factors. First U.S. government controls regulated the price of domestically produced refined copper at 60 cents per pound. Well below the free world market price set by the London Metals Exchange (LME). Secondly, foreign producers of copper stimulated by the soaring price of refined copper which peaked in April 1974 at $1.37 on the LME, began to sell excess stocks of copper in the U.S. With continued overproduction of copper and the onset of the recession, worldwide demand for copper dropped sharply in the second half of 1974 and by December 1974 the LME price had dropped to $.58 per pound.

Demand for copper and the price of copper continued to fall in 1975 compared to 1974. As a result U.S. imports of blister and refined copper fell sharply in 1975.

All copper produced by the Nevada Mines Division is sold through the Kennecott Sales Corporation which handles sales for all of Kennecott's copper producing divisions. Kennecott Sales treats its copper stock as a single entity and cannot delineate which divisions' copper is sold to which customer.

Customers of Kennecott Sales, who were interviewed, either did not purchase imported copper or did not increase purchases of imported copper either absolutely or relatively.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with blister copper produced at the Kennecott Copper Corporation, Nevada Mines Division, McGill, Nevada did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 14th day of April 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-11469 Filed 4-22-76;8:45 am]

[TA-W-566]

TECHNITROL, INCORPORATED PHILADELPHIA, PENNSYLVANIA

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-566: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 23, 1976, in response to a worker petition received on January 23, 1976 which was filed by the International Union of Electrical, Radio, and Machine Workers (AFL-CIO) on behalf of workers and former workers producing electrical components (pulse transformers and delay lines) and systems (electronic chassis and cabinets) at the Philadelphia, Pennsylvania plant of Technitrol, Incorporated.

The notice of investigation was published in the FEDERAL REGISTER on February 6, 1976 (41 FR 5478). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Technitrol, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first two criteria have been met, the third and fourth criteria have not.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

COMPONENTS DIVISION

Average employment of production workers declined 5.8 percent from 1974 to 1975. Average weekly hours declined 1.4 percent from 1974 to 1975. Average employment of salaried workers declined 6.1 percent from 1974 to 1975.

SYSTEMS DIVISION

Average employment of production workers declined 72.0 percent from 1974 to 1975. Average weekly hours declined 6.7 percent from 1974 to 1975. Average employment of salaried workers declined 48.1 percent from 1974 to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Unit sales of components (pulse transformers and delay lines) increased 4.6 percent from 1974 to 1975. The value of production of components increased 17.9 percent from 1974 to 1975.

Unit sales of systems (electronic chassis and cabinets) declined 27.8 percent from 1974 to 1975. The value of production of systems declined 59.3 percent from 1974 to 1975.

INCREASED IMPORTS CONTRIBUTED IMPORTANTLY

Imports of pulse transformers like or directly competitive with those produced by the Components Division increased in each year from 1970 to 1974. The ratio of imports to domestic production increased from 4.6 percent in 1970 to 7.0 percent in 1971, then declined to 5.6 percent in 1972. The import to production ratio

increased in 1973 and again in 1974 to 8.3 percent. The import to production ratio declined to 7.4 percent in 1975.

Delay lines are classified in a basket category with other electronic components. Imports of small electronic components (including delay lines) declined from 1970 to 1971, then increased in each year from 1972 to 1974. The ratio of imports to domestic production increased from 2.7 percent in 1970 and 1971 to 3.5 percent in 1972, 1973. Imports fell absolutely from 1974 to 1975. The imports to production ratio declined to 2.8 percent in 1975 from 3.5 percent in 1974.

Systems (chassis and cabinets) for computers like or directly competitive with systems produced by the Systems Division, are included in the basket category general machinery parts in the Tariff Schedules of the United States. Memory cores assembled overseas and non-computer equipment parts, particularly calculators comprise the overwhelming percentage of imports in this category. The weight and bulkiness of computer chassis and cabinets preclude importation of such articles.

CONTRIBUTED IMPORTANTLY

Major customers of Technitrol's pulse transformers and delay lines that decreased purchases did so because of poor domestic business conditions or technological changes that reduced demand for these products. None of the customers surveyed had switched to imported products.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with electronic components and systems produced at the Philadelphia plant of Technitrol, Incorporated, Philadelphia Pennsylvania did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C., this 12th day of April 1976.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.76-11470 Filed 4-22-76;8:45 am]

[TA-W-379]

UNIVERSAL-CYCLOPS SPECIALTY STEEL DIVISION OF CYCLOPS CORPORATION PITTSBURGH, PENNSYLVANIA

Notice of Revised Certification of Eligibility To Apply for Worker Adjustment Assistance

Following a Department of Labor investigation under Section 222 of the Trade Act of 1974 and in accordance with Section 223(a) of such Act, on February 22, 1976 the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to workers and former workers producing specialty steel at the Pittsburgh Plant of Universal Cyclops Specialty Steel Division of Cyclops Corporation, Pittsburgh, Pennsylvania (TA-W-379). The notice of certification was published in the FEDERAL REGISTER (41 FR 9640) on March 5, 1976.

On the basis of further showing and further investigation by the Acting Directors of the Office of Trade Adjustment Assistance, the certification issued by the Department on February 22, 1976 is hereby revised to include within the coverage of the certification additional workers who became totally or partially separated.

Such revised certification is hereby made as follows:

"All hourly, piecework, and salaried workers engaged in employment related to the production of specialty steel at the Universal-Cyclops Specialty Steel Division of Cyclops Corporation, Pittsburgh Plant located in Pittsburgh, Pennsylvania, who became totally or partially separated from employment on or after November 20, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. This certification covers those individuals named below:

Cairns, Cathy, 1495 Missouri Avenue, Bridgeville, Pa. 10517
Carrasquillo, J. L., 1118-21st Avenue, Melrose Park, Ill. 60160
Chabala, Diane, 302 St. Clair St., Bridgeville, Pa. 15017
Foisy, L. E., 51 Litchfield Street, Worcester, Mass. 01603
Smith, D. J., 628 Arbor Lane, Pittsburgh, Pa. 15236
Visnick, Irene, 1105 Boyce Road, Pittsburgh, Pa. 15241
Wagenhofer, Betty, 106 May Avenue, Bridgeville, Pa. 15017
Williams, Charlene, 3219 Arlington Avenue, Pittsburgh, Pa. 15210

Signed at Washington, D.C. this 12th day of April 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-11471 Filed 4-22-76;8:45 am]

[TA-W-756]

ALLEGHENY LUDLUM STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 29, 1976, the Department of Labor received a petition dated March 20, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America, on behalf of the workers and former workers of Allegheny Ludlum Steel Corp., West Leechburg, Pennsylvania (TA-W-756).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purposes of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with stainless steel strip and coil, tool steel and selectron steel produced by Allegheny Ludlum Steel Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 3 May 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 29th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-11832 Filed 4-22-76;8:45 am]

[TA-W-755]

ALLEGHENY LUDLUM STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 29, 1976, the Department of Labor received a petition dated March 20, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America, on behalf of the workers and former workers of Allegheny Ludlum Steel Corp., Breckenridge, Pennsylvania (TA-W-755).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with stainless steel sheet and plate, high speed and tool steel produced by Allegheny Ludlum Steel Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The

investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 3, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 29th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-11833 Filed 4-22-76;8:45 am]

[TA-W-777]

ALLIS-CHALMERS CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 2, 1976, the Department of Labor received a petition dated March 22, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Automobile, Aerospace and Agricultural Implement Workers of America on behalf of the workers and former workers of Allis-Chalmers Corporation, West Allis, Wisconsin (TA-W-777).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purposes of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with high power transformers produced by Allis-Chalmers Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 3, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 2nd day of April 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-11820 Filed 4-22-76;8:45 am]

[TA-W-754]

ARMCO STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 29, 1976, the Department of Labor received a petition dated March 20, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America, on behalf of the workers and former workers of Armco Steel Corporation, Wildwood, Florida (TA-W-754).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with stainless steel pipe and tube produced by Armco Steel Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 3, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 29th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-11834 Filed 4-22-76;8:45 am]

[TA-W-753]

ARMCO STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 29, 1976, the Department of Labor received a petition dated March 20, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America, on behalf of the workers and former workers of Armco Steel Corporation, Advanced Materials Division, Houston, Texas (TA-W-753).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with stainless steel tubing and plate produced by Armco Steel Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 3, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor,

3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 29th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-11835 Filed 4-22-76;8:45 am]

[TA-W-791]

C. F. HATHAWAY, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 9, 1976 the Department of Labor received a petition dated April 1, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of the Lowell, Massachusetts plant of C. F. Hathaway, Inc., a division of Warnaco, Inc., Richport, Conn. (TA-W-791).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's dress shirts produced by C. F. Hathaway, Incorporated, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 3, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 9th day of April 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-11811 Filed 4-22-76;8:45 am]

[TA-W-790]

CLUETT PEABODY & CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 9, 1976 the Department of Labor received a petition dated March 16, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Cluett Peabody & Company, Inc., Troy, New York, a division of Cluett Peabody & Co., Inc., New York, New York (TA-W-790).

Accordingly, the Director, Office of Trade Adjustment Assistance Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purposes of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's dress shirts produced by Cluett Peabody & Co., Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 3, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 9th day of April 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-11812 Filed 4-22-76;8:45 am]

[TA-W-761]

CONTINENTAL COPPER

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 29, 1976, the Department of Labor received a petition dated March 20, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America, on behalf of the workers and former workers of Continental Copper, Braeburn Alloy Steel Division, Lower Burrell, Pennsylvania (TA-W-761).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with various tool steel products produced by Continental Copper, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 3, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 29th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-11829 Filed 4-22-76;8:45 am]

[TA-W-764]

COPPERWELD SPECIALTY STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 29, 1976, the Department of Labor received a petition dated March 20, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America, on behalf of the workers and former workers of Copperweld Specialty Steel Cooperation, Warren, Ohio (TA-W-764):

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as pro-

vided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with specialty steel products, rounds and other shapes produced by Copperweld Specialty Steel Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner of any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 3, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 29th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-11828 Filed 4-22-76;8:45 am]

[TA-W-603]

CRUCIBLE INC., SPECIALTY METALS DIVISION, SYRACUSE, NEW YORK

Certifications Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor presents the results of TA-W-603: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 13, 1976 in response to a worker petition received on February 13, 1976 which was filed by the United Steelworkers of America AFL-CIO on behalf of workers formerly producing specialty steel bars, rod and wire products, valve and tool steel at the Syracuse, New York plant of the Specialty Metals Division of Crucible Inc., a subsidiary of Colt Industries Inc., Pittsburgh, Pennsylvania. The investigation was expanded to include employees of the Division's sales offices and warehouses in the United States.

The notice of investigation was published in the FEDERAL REGISTER on March 12, 1976 (41 FR 10637). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Crucible Inc., its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, the American Iron and Steel Institute, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers declined 42 percent in 1975 compared to 1974.

SALES OR PRODUCTION HAS DECREASED ABSOLUTELY

Sales declined 40 percent in 1975 compared to 1974. Total production declined 46 percent in 1975 compared to 1974.

INCREASED IMPORTS

U.S. imports of stainless steel and alloy tool steel increased from 193.0 thousand net tons in 1970 to 195.9 thousand net tons in 1971. In 1972 and 1973 imports declined to 162.1 thousand net tons and 154.3 thousand net tons, respectively. Imports increased to 187.9 thousand net tons in 1974 and declined to 185.4 thousand net tons in 1975.

The ratio of imports to domestic shipments increased from 24.2 percent in 1970 to 24.6 percent in 1971. In 1972, the ratio of imports to domestic shipments declined to 17.2 percent and further declined to 12.4 percent in 1973. In 1974 and 1975 the ratio of imports to domestic shipments increased to 12.9 percent and 22.4 percent, respectively. The 1975 ratio of imports to domestic shipments was well above the 1970-1974 average of 18.3 percent.

CONTRIBUTED IMPORTANTLY

Customers of the Specialty Metals Division of Crucible reduced their purchases of stainless steel and tool steel products from Crucible. At the same time these customers increased the proportion of imports among their stainless and alloy tool steel purchases.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with stainless steel and tool steel produced at the Syracuse, N.Y. plant of Crucible Inc. contributed importantly to the total or partial separations of the workers at that plant.

In accordance with the provisions of the Act, I make the following certifications:

"All employees of the Syracuse, New York plant of the Specialty Metals Division of Crucible Inc. a subsidiary of Colt Industries who became totally or partially separated from employment on or after February 2, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

"All employees of the Specialty Metals Division of Crucible Inc., a subsidiary of Colt Industries Inc. employed at the Division's sales offices and warehouses in the following cities:

Auburn, Maine.	Detroit, Mich.
Caldwell, N.J.	Chicago, Ill.
Charlotte, N.C.	Dallas, Tex.
Cleveland, Ohio.	Portland, Oreg.
Indianapolis, Ind.	Syracuse, N.Y.
Cincinnati, Ohio.	

who became totally or partially separated from employment on or after February 2, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 16th day of April 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-11803 Filed 4-22-76;8:45 am]

[TA-W-774]

CYCLOPS CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 29, 1976, the Department of Labor received a petition dated March 20, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America, on behalf of the workers and former workers of Cyclops Corporation, Sawhill Tubular Division, Sharon, Pennsylvania (TA-W-774).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with specialty steel pipe produced by Cyclops Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 3, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 29th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-11821 Filed 4-22-76;8:45 am]

[TA-W-772]

CYCLOPS CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 29, 1976, the Department of Labor received a petition dated March 20, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America, on behalf of the workers and former workers of Cyclops Corporation, Texas Tube Division, Houston, Texas (TA-W-772).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with specialty steel tubing produced by Cyclops Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 3, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 29th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-11822 Filed 4-22-76;8:45 am]

[TA-W-771]

CYCLOPS CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 29, 1976, the Department of Labor received a petition dated March 20, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America, on behalf of the workers and former workers of Cyclops Corporation, Sawhill Tubular Division, Wheatland, Pennsylvania (TA-W-771).

According, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with specialty steel tubes produced by Cyclops Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 3, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 29th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-11823 Filed 4-22-76;8:45 am]

[TA-W-770]

CYCLOPS CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 29, 1976, the Department of Labor received a petition dated March 20, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America, on behalf of the workers and former workers of Cyclops Corporation, Empire Detroit Steel Division, Dover, Ohio (TA-W-770).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with galvanized steel products produced by Cyclops Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accord-

ance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 3 May 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C., 20210.

Signed at Washington, D.C. this 29th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-11824 Filed 4-22-76;8:45 am]

[TA-W-760]

ELECTRALLOY CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 29, 1976, the Department of Labor received a petition dated March 20, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America, on behalf of the workers and former workers of Electralloy Corporation, Oil City, Pennsylvania (TA-W-760).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with specialty steel ingots and pigs produced by Electralloy Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 3, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 29th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-11830 Filed 4-22-76;8:45 am]

[TA-W-781]

FREETOWN SCREW MFG., CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 2, 1976, the Department of Labor received a petition dated March 26, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Electrical Radio and Machine Workers on behalf of the workers and former workers of Freetown Screw Mfg. Co., Inc., East Freetown, Massachusetts (TA-W-781).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with machine screws, and sheet metal screws produced by Freetown Screw Mfg. Co., Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 3, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 2nd day of April 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-11817 Filed 4-22-76;8:45 am]

[TA-W-787]

GEM ART CLOTHES CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 9, 1976, the Department of Labor received a petition dated April 1, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Gem Art Clothes Corporation, Brooklyn, New York (TA-W-787).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purposes of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with tailored clothing for men produced by Gem Art Clothes Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 3, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 9th day of April 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-11814 Filed 4-22-76;8:45 am]

[TA-W-782]

GENERAL ELECTRIC CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 2, 1976, the Department of Labor received a petition dated March 26, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the International Union of Electrical, Radio and Machine Workers on behalf of the workers and former workers of General Electric Company, Liverpool, New York (TA-W-782).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purposes of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with color television picture tubes produced by General Electric Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 3, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 2nd day of April 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-11816 Filed 4-22-76;8:45 am]

[TA-W-780]

GTE SYLVANIA INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 2, 1976, the Department of Labor received a petition dated March 24, 1976; which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Association of Machinists and Aerospace Workers on behalf of the workers and former workers of the Titusville, Pennsylvania, plant of GTE Sylvania, Inc., a division of General Telephone and Electrics, Inc., Stafford, Conn. (TA-W-780).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purposes of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with printed circuit edgeboard connectors for telephone, produced by computers, and electrical switch gear GTE Sylvania, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 3 May 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 2nd day of April, 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-11818 Filed 4-22-76;8:45 am]

[TA-W-778]

GTE SYLVANIA, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 2, 1976, the Department of Labor received a petition dated March 15, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the International Brotherhood of Electrical Workers on behalf of the workers and former workers of GTE Sylvania, Incorporated, Ottawa, Ohio, a division of General Telephone and Electronics, Inc., Stafford, Conn. (TA-W-778).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purposes of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with cathode ray tubes for color, black and white television sets produced by GTE Sylvania, Incorporated, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 3, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 2nd day of April 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-11819 Filed 4-22-76;8:45 am]

[TA-W-785]

JONES & LAUGHLIN STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 8, 1976, the Department of Labor received a petition dated March 29, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Jones & Laughlin Steel Corporation, Louisville, Ohio (TA-W-785).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purposes of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with stainless steel sheets and coils—various grades produced by Jones & Laughlin Steel Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 3 May 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 8th day of April 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-11815 Filed 4-22-76;8:45 am]

[TA-W-768]

JONES & LAUGHLIN STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 29, 1976, the Department of Labor received a petition dated March 20, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America, on behalf of the workers and former workers of Jones & Laughlin Steel Corporation, Oil City, Pennsylvania (TA-W-768).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with stainless steel tubing and pressure tubing produced by Jones & Laughlin Steel Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 3, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 29th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-11825 Filed 4-22-76;8:45 am]

[TA-W-767]

JONES & LAUGHLIN STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 29, 1976, the Department of Labor received a petition dated March 20, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America, on behalf of the workers and former workers of Jones & Laughlin Steel Corporation, Youngstown, Ohio (TA-W-767).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of article like or directly competitive with specialty steel strip produced by Jones & Laughlin Steel Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the slubdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 3, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 29th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-11826 Filed 4-22-76;8:45 am]

[TA-W-766]

JONES & LAUGHLIN STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 29, 1976, the Department of Labor received a petition dated March 20, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Stelworkers of America, on behalf of the workers and former workers of Jones & Laughlin Steel Corporation, Gainesville, Texas (TA-W-766).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with specialty steel tubing produced by Jones & Laughlin Steel Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may requests a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 3, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 29th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-11827 Filed 4-22-76;8:45 am]

[TA-W-752]

JONES & LAUGHLIN STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 29, 1976, the Department of Labor received a petition dated March 20, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America, on behalf of the workers and former workers of Jones & Laughlin Steel Corporation, Willimantic, Connecticut (TA-W-752).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with cold-finished steel bars produced by Jones & Laughlin Steel Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 3, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 29th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-11836 Filed 4-22-76;8:45 am]

[TA-W-751]

REPUBLIC STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 29, 1976, the Department of Labor received a petition dated March 20, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America, on behalf of the workers and former workers of Republic Steel Corporation, Gadsden, Alabama (TA-W-751).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with specialty steel plate and strip produced by Republic Steel Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 3, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 29th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-11837 Filed 4-22-76;8:45 am]

[TA-W-750]

REPUBLIC STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 29, 1976, the Department of Labor received a petition dated March 20, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America, on behalf of the workers and former workers of Republic Steel Corporation, Ferndale, Michigan (TA-W-750).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with steel tubing for electronic conduits produced by Republic Steel Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 3, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitutional Ave. N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 29th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-11838 Filed 4-22-76;8:45 am]

[TA-W-749]

REPUBLIC STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 29, 1976, the Department of Labor received a petition dated March 20, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America, on behalf of the workers and former workers of Republic Steel Corporation, Cleveland, Ohio (TA-W-749).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with stainless steel welded tubing, squares and rounds, and carbon tubing produced by Republic Steel Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 3, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 29th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-11839 Filed 4-22-76;8:45 am]

[TA-W-757]

U.S. STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 29, 1976, the Department of Labor received a petition dated March 16, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America, on behalf of the workers and former workers of U.S. Steel Corporation, Vandergrift Works, Vandergrift, Pennsylvania (TA-W-757).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with stainless steel plate & sheets, high speed and tool steel produced by U.S. Steel Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firms or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 3, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 29th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-11831 Filed 4-22-76;8:45 am]

[TA-W-788]

WHITE PINE COPPER CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 9, 1976, the Department of Labor received a petition dated March 12, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of White Pine Copper Company, White Pine, Michigan, a subsidiary of Copper Range Company, White Pine, Michiga (TA-W-788).

Acordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purposes of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with copper ingots, bars, slabs and cakes produced by White Pine Copper Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 3, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 9th day of April 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-11813 Filed 4-22-76;8:45 am]

OREGON EMPLOYMENT DIVISION

Hearing

This notice announces an opportunity for hearing for the Division of Employment of the State of Oregon Department of Human Resources, on the question of whether the Oregon Employment Division Law meets the conditions required by section 3303(a)(1) of the Internal Revenue Code of 1954. The decision following the hearing will have a bearing on whether the Oregon Employment Division Law is certifiable on October 31, 1976, with respect to the additional tax credit allowable to Oregon employers pursuant to section 3302(b) of the Internal Revenue Code of 1954 for taxable year 1976.

Whereas, section 3301 of the Internal Revenue Code of 1954 reads as follows:

"SEC. 3301. Rate of tax.

"There is hereby imposed on every employer (as defined in section 3306(a)) for the calendar year 1970 and for each calendar year thereafter an excise tax, with respect to having individuals in his employ, equal to 3.2 percent of the total wages (as defined in section 3306(b)) paid by him during the calendar year with respect to employment (as defined in section 3306(c)). In the case of wages paid during the calendar year 1973, the rate of such tax shall be 3.28 percent in lieu of 3.2 percent."

and

Whereas, sections 3302 (a)(1) and (b) of the Internal Revenue Code of 1954 read as follows:

"SEC. 3302. Credits against tax.

"(a) *Contributions to state unemployment funds.*

"(1) The taxpayer may, to the extent provided in this subsection and subsection (c), credit against the tax imposed by section 3301 the amount of contributions paid by him into an unemployment fund maintained during the taxable year under the unemployment compensation law of a State which is certified as provided in section 3304 for the 12-month period ending on October 31 of such year (10-month period in the case of October 31, 1972).

* * * * *

(b) *Additional credit.* In addition to the credit allowed under subsection (a), a taxpayer may credit against the tax imposed by section 3301 for any taxable year an amount, with respect to the unemployment compensation law of each State certified as provided in section 3303 for the 12-month period ending on October 31 of such year (10-month period in the case of October 31, 1972), or with respect to any provisions thereof so certified, equal to the amount, if any, by which the contributions required to be paid by him with respect to the taxable year were less than the contributions such taxpayer would have been required to pay if throughout the taxable year he had been subject under such State law to the highest rate applied thereunder in such 12 or 10-month period, as the case may be, to any person having individuals in his employ, or to a rate of 2.7 percent, whichever rate is lower."

and

Whereas, section 3303(a)(1) of the Internal Revenue Code of 1954 reads as follows:

"SEC. 3303. Conditions of additional credit allowance.

"(a) *State standards.* A taxpayer shall be allowed an additional credit under section 3302(b) with respect to any reduced rate of contributions permitted by a State law, only if the Secretary of Labor finds that under such law—

"(1) no reduced rate of contributions to a pooled fund or to a partially pooled account is permitted to a person (or group of persons) having individuals in his (or their) employ except on the basis of his (or their) experience with respect to unemployment or other factors bearing a direct relation to unemployment risk during not less than the 3 consecutive years immediately preceding the computation date;

* * * * *

"For any person (or group of persons) who has (or have) not been subject to the State law for a period of time sufficient to compute the reduced rates permitted by paragraphs (1), (2), and (3) of this subsection on a 3-year basis (i) the period of time required may be reduced to the amount of time the person (or group of persons) has (or have) had experience under or has (or have) been subject to the State law, whichever is appropriate, but in no case less than 1 year immediately preceding the computation date, or (ii) a reduced rate (not less than 1 percent) may be permitted by the State law on a reasonable basis other than as permitted by paragraph (1), (2), or (3)."

and

Whereas, section 3303(c)(2) of the Internal Revenue Code of 1954 reads as follows:

"(c) *Definitions.* As used in this section—

* * * * *

"(2) *Pooled fund.* The term 'pooled fund' means an unemployment fund or any part thereof (other than a reserve account or a guaranteed employment account) into which the total contributions of persons contributing thereto are payable, in which all contributions are mingled and undivided, and from which compensation is payable to all individuals eligible for compensation from such fund."

and

Whereas, sections 3303(b) (1) and (3) of the Internal Revenue Code of 1954 read as follows:

"(b) *Certification by the Secretary of Labor with respect to additional credit allowance.*

"(1) On October 31 of each calendar year, the Secretary of Labor shall certify to the Secretary [of the Treasury] the law of each State (certified by the Secretary of Labor as provided in section 3304 for the 12-month period ending on such October 31 (10-month period in the case of October 31, 1972)), with respect to which he finds that reduced rates of contributions were allowable with respect to such 12- or 10-month period, as the case may be, only in accordance with the provisions of subsection (a).

* * * * *

"(3) The Secretary of Labor shall, within 30 days after any State law is submitted to him for such purpose, certify to the State agency his findings with respect to reduced rates of contributions to a type of fund or account, as defined in subsection (c), which are allowable under such State law only in accordance with the provisions of subsection (a). After making such findings, the Secretary of Labor shall not withhold his certification to the Secretary of such State law, or of the provisions thereof with respect to which such findings were made, for any 12-month period ending on October 31 (10-month period in the case of October 31, 1972) pursuant to paragraph (1) or (2) unless, after reasonable notice and opportunity for hearing to the State agency, the Secretary of Labor finds the State law no longer contains the provisions specified in subsection (a) or the State has, with respect to such 12 or 10-month period, as the case may be, failed to comply substantially with any such provision."

and

Whereas, section 3304(e) of the Internal Revenue Code of 1954 reads as follows:

"SEC. 3304. Approval of State laws.

* * * * *

"(e) *Change of law during 12-month period.* Whenever—

"(1) any provision of this section, section 3302, or section 3303 refers to a 12-month period ending on October 31 of a year, and

"(2) the law applicable to one portion of such period differs from the law applicable to another portion of such period,

then such provision shall be applied by taking into account for each such portion the law applicable to such portion."

and

Whereas, section 601.5(a)(2) of Title 20, Code of Federal Regulations (30 FR 6942, May 22, 1965), reads as follows:

SEC. 601.5. *Withholding payments and certifications.*

"(a) *When withheld.* Payment of funds to States or yearend certification of State laws, or both, are withheld when the Secretary [of Labor] finds, after reasonable notice and opportunity for hearing:

* * * * *

"(2) That the State unemployment compensation law has been so changed as no longer to meet the conditions required by section 3303(a) of the Inter-

nal Revenue Code of 1954 (sec. 3303(b)(3) of the Internal Revenue Code)."

and

Whereas, section 657.430 of the Oregon Employment Division Law provides:

"SEC. 657.430. The administrator shall, for each calendar year determine the tax rate applicable to each employer on the basis of his actual experience with respect to benefits paid to unemployed individuals on account of wages for services performed in the employ of such employer during the base years of such unemployed individuals subject to the conditions and exceptions contained in this chapter."

and

Whereas, section 657.435 of the Oregon Employment Division Law provides:

"SEC. 657.435. Each employer's rate shall be two and seven-tenths percent unless and until there have been 12 consecutive months immediately preceding the computation date, except as otherwise provided, throughout which his account has been chargeable with benefits."

and

Whereas, section 657.458 of the Oregon Employment Division Law provides:

"SEC. 657.458. As used in this chapter unless the context requires otherwise:

"(1) 'High benefit cost period' means the 12 consecutive month period in the last 10 completed calendar years in which the benefit cost rate was the highest. The benefit cost rate is determined by dividing the amount of benefits, excluding extended benefits, paid during any 12 consecutive months within the 10-year period by total wages, as defined in ORS 657.105, reported by all employers subject to the tax for the four consecutive calendar quarters which includes the quarter in which the 12 consecutive month period ended.

"(2) 'Average monthly employment' means the total number of persons employed in each month for 12 consecutive months, as reported by employers subject to the tax under this chapter, divided by 12.

"(3) 'Average weekly check amount' means the gross amount of benefit payments, excluding extended benefits, made during a 12 consecutive month period, divided by the number of such weekly payments made to all individuals receiving benefits under this chapter during that period."

and

Whereas, section 657.459 of the Oregon Employment Division Law provides:

"SEC. 657.459. (1) For the purpose of computing employer tax rates for the calendar year 1972 and each year thereafter, the division shall, on or before September 30 each year, calculate a 'Fund Adequacy Percentage Ratio' by dividing the amount in the Unemployment Compensation Trust Fund, as of August 31 of the year in which the calculation is made, by the larger of the final products obtained by either:

"(a) Dividing the average monthly employment in the calendar year preceding the calculation by the average monthly employment in the high benefit cost period; the resulting quotient shall be carried out to the fourth decimal place. Dividing the average weekly check amount in the calendar year preceding the calculation by the average weekly check amount in the high benefit cost period; the resulting quotient shall be carried out to the fourth decimal place. Multiplying the total amount of benefits paid, in the high benefit cost period by the first quotient stated above and multiplying the resulting product by the second quotient stated above. The final product shall be rounded to the nearest dollar, or,

"(b) Multiplying three times the average monthly employment, in the calendar year preceding the caluculation, times the average weekly check amount in the calendar year preceding the calculation. The final product shall be rounded to the nearest dollar.

"(2) The quotient obtained in subsection (1) of this section shall be expressed as a percentage and is the fund adequacy percentage ratio used to determine the applicable tax schedule under the provisions of Table A, ORS 657.462 for the succeeding calendar year."

and

Whereas, section 657.462 of the Oregon Employment Division Law provides:

"SEC. 657.462. (1) Notwithstanding the provisions of ORS 657.430, the commissioner or his authorized representative shall, for each calendar year, compute a benefit ratio for each employer who meets the requirements of this section. For an employer whose record has been chargeable with benefits throughout the 12 preceding calendar quarters ending on the computation date, the benefit ratio shall be a quotient obtained by dividing the total benefit charges to his record in such 12 calendar quarters by the total of his taxable payrolls for the same 12 calendar quarters. For an employer whose record has been chargeable with benefits for at least four or more consecutive calendar quarters but less than 12 consecutive calendar quarters and ending on the computation date, the benefit ratio shall be the quotient obtained by dividing the total benefits charged to his record for such consecutive calendar quarters by the total of his taxable payrolls for the same period. Benefit ratios shall be carried out to the sixth decimal place.

"(2) A listing shall be prepared of all employers meeting the requirements of this section and whose account is open according to Department of Employment records as of August 31 following the computation date. This listing shall start with the employer having the lowest benefit ratio and progress through the employer having the highest benefit ratio. The listing shall show for each employer (a) the benefit ratio, (b) his taxable payroll for the four calendar quarters immediately preceding the computation date, and (c) a cumulative total consisting of the sum of such employer's taxable payroll and the taxable payroll of all other employers preceding him on the list.

"(3) The department shall group all employers in accordance with the cumulative taxable payroll percentage limits for the schedule in effect under Table A. All employers who fall within the same group will be assigned the tax rate for that group. However, if this grouping results in the taxable payroll of an employer falling in two groups, such employer and any other employer with the same benefit ratio shall be assigned the lower of the two applicable rates. Fractions of a cent will be dropped in computing taxable payroll limits used in Table A. The schedule in effect shall be in accordance with the Fund Adequacy Percentage Ratios set forth in Table A."

[Tables Omitted]

and

Whereas, section 657.467 of the Oregon Employment Division Law provides:

"SEC. 657.467. (1) The unobligated balance in the Department of Employment Special Administrative Fund shall be included with the balance in the Unemployment Compensation Trust Fund in any computation of a fund adequacy percentage ratio under this chapter. The inclusion provided by this section shall apply only for purposes of such fund ratio computations.

"(2) Notwithstanding the payment of regular and extended unemployment insurance benefits, to employees of employing units which reimburse the fund in lieu of taxes, from moneys in the Unemployment Compensation Trust Fund, such moneys shall be included with the balance in the Unemployment Compensation Trust Fund in any computation of a fund adequacy percentage ratio under this chapter as though said moneys had been reimbursed to the fund as provided in ORS 657.505. Should advance payments made by reimbursing employers exceed the amount of benefit payments, the excess amount shall be excluded from the fund balance."

and

Whereas, section 657.471 of the Oregon Employment Division Law provides:

"SEC. 657.471. (1) Subject to the provisions of subsections (2) to (7) of this section, benefits paid to an eligible individual shall be charged to each of his employers during the base year in the same proportion that the wages paid by each employer to the individual during the base year bear to the wages paid by all employers to that individual during that year.

"(2) An employer's account shall not be charged with benefits paid an unemployed individual in excess of one-third of the wages paid that individual while in the employ of such employer during any base year after 1949.

"(3) Benefits paid to an individual for unemployment immediately after the expiration of a period of disqualification for having left work of an employer voluntarily without good cause shall not be charged to that employer.

"(4) Benefits paid to an individual for unemployment immediately after the expiration of a period of disqualification for having been discharged by an employer for misconduct shall not be charged to that employer.

"(5) Benefits paid without any disqualification to an individual who has left work of an employer voluntarily for good cause not attributable to the employer shall not be charged to that employer for the immediate period of unemployment.

"(6) If it is determined under the provisions of subsection (3), (4) or (5) of this section that benefits paid to an individual shall not be charged to an employer, such employer's account shall not be charged for any benefits paid for any subsequent period or periods of unemployment during that individual's affected benefit year or during any benefit year beginning within 52 weeks subsequent to the affected benefit year.

"(7) If a base-year employer, not otherwise eligible for relief of charges for benefits under this section, receives notification of an initial valid determination of a claim filed by an individual who:

"(a) Left work of such employer voluntarily and not attributable to the employer, such employer may request relief of charges within 10 days after the mailing of such notice thereof to his last address as shown by the records of the administrator. The request must advise the administrator in writing the date of such leaving and that such leaving was voluntary and not attributable to the employer and the reason therefor. Upon receipt of such notice from the employer the commissioner shall investigate the separation and if the resulting determination, which shall be made by the commissioner, establishes that the leaving was voluntary and not attributable to the employer, that employer's account shall not be charged with benefits during that individual's benefit year. If the individual was reemployed by such employer prior to the filing of his initial valid claim, the employer shall not receive relief of his account under this subsection; or

"(b) Was employed by the employer on a part-time basis during at least 18 weeks of the base year and is continuing to be employed by the employer on such part-time basis at the time of filing the valid claim, the employer may, within 10 days after the mailing of such notice thereof to his last address as shown by the records of the administrator, advise the administrator in writing that the individual was and continues to be employed on a part-time basis and request that his account not be charged with benefits during that individual's affected benefit year. Upon receipt of the employer's request, the administrator shall make a determination whether or not the employer's account is to be relieved of such benefit charges. Relief shall not be granted under this paragraph if the individual has been employed by the employer on a full-time basis for more than 20 percent of the weeks worked for the employer during the base year. For the purposes of this paragraph, 'part-time basis' means services performed for not more than 16 hours per week and 'full-time basis' means services performed in excess of 16 hours per week. Relief shall not be granted under this paragraph if the requesting employer was the only base-year employer. This determination of the administrator under this subsection shall be final in all cases unless an application for hearing is filed within 10 days after delivery of such decision, or, if mailed, within 10 days after the same was mailed to the employer's last-known address. When a request for hearing has been timely filed, the administrator shall designate a referee to conduct a hearing. After the referee has afforded all parties an opportunity for a fair hearing, he shall affirm or reverse the decision and promptly notify all parties entitled to notice of the decision and his reasons therefor. Decisions of the referee under this subsection become final and may be judicially reviewed as provided in ORS 657.684 to the extent applicable.

"(8) If the commissioner finds that an employer or any employee, officer or agent of an employer, in submitting facts pursuant to subsection (7) of this section wilfully makes a false statement or representation or wilfully fails to report a material fact concerning the termination of an individual's employment, the commissioner shall make a determination thereon charging the employer's reserve account not less than two nor more than 10 times the weekly benefit amount of the claimant or claimants, as the case may be. The commissioner shall give notice to the employer of his determination under this subsection and such decision of the commissioner shall become final unless an application for hearing is filed in accordance with subsection (7) of this section."

and

Whereas, section 657.511 of the Oregon Employment Division Law, as added by section 5 of Chapter 810, Oregon Laws 1973, effective July 1, 1974, provides:

"SEC. 657.511. (1) Where an employer is primarily engaged in the canning, freezing, first processing or fresh packing of fruits, vegetables, grain and grass seeds and where such employer establishes by satisfactory evidence to the Employment Division that 75 percent or more of the employer's annual production is shipped in interstate or foreign commerce, then benefits paid to an individual based on wages paid by such employer shall not be charged to that employer's account in the proportion that the individual's base period wages paid by the employer during the two calendar quarters in which the employer's total payroll is the largest is to total wages paid to the individual by the employer during the base period.

"(2) To be eligible for relief under this section, an employer must make application to the administrator requesting a determination that the employer is primarily engaged in agricultural activity. Upon receipt of such application, the administrator shall make a determination as to whether or not the employer is primarily engaged in agricultural activity. The administrator shall review, as often as he deems necessary, the activity of employers previously determined to be primarily engaged in agricultural activity to determine whether the employer shall continue to be eligible for relief under this section. The determination of the administrator under this subsection shall be final in all cases unless an application for hearing is filed within 10 days after delivery of such decision, or, if mailed, within 10 days after the same was mailed to the employer's last-known address. When a request for hearing has been timely filed, the administrator shall designate a referee to conduct a hearing. After the referee has afforded all parties an opportunity for a fair hearing, he shall affirm or reverse the decision and promptly notify all parties entitled to notice of the decision and his reasons therefor. Decisions of the referee under this subsection become final and may be judicially reviewed as provided in ORS 657.683 to the extent applicable.

"(3) 'Agricultural activity' as used in this section means any employment described in ORS 657.045 but shall also include the first commercial processing of any agricultural or horticultural commodity such as canning, freezing, brining, sorting, grading, packing, packaging, buying, shipping or storage of such commodities whether the activity is performed by a farm operator or operators, a cooperative or any other type of business organization.

"(4) The Administrator may promulgate such rules and regulations as necessary for administration of this section."

and

Whereas, Oregon Employment Division Rule OAR 471–31–155, adopted as a permanent rule under Administration Order 1 DE 150, adopted February 9, 1976, effective February 9, 1976, provides:

"471–31–155. Non-charging applicable to agriculture processing.

"For the purpose of ORS 657.511:

"(1) An employer may be found eligible for relief of benefit charges upon certifying to the Administrator that the Oregon operations of such employer was, during the preceding calendar year, primarily the canning, freezing, first processing or first packaging of fruits, vegetables, grains and grass seeds and that at least 75% of the employer's annual production at Oregon plants was shipped to points outside of Oregon. Notwithstanding, the Administrator may require an employer to provide production, sales, shipping or other information as he deems necessary to make a determination that the employer meets the criteria listed in paragraph (1) ORS 657.511.

"(2) Upon finding that an employer is eligible, relief from benefit charges shall be effective with the quarter in which the employer first made the application requesting a determination.

"(3) In determining the proportion of benefits which will not be charged to employers for the four calendar quarters ending June 30 of any year, the two calendar quarters of the preceding calendar year in which the employer's total payroll was the largest shall be used.

"(4) Relief of charges for the four calendar quarters ending on June 30 of any year will not be computed until such time as is necessary for inclusion in the next calendar year tax rate computation.

"(5) If the Secretary of Labor issues a final decision that ORS 657.511 does not comply with federal experience rating requirements this rule and computations made thereunder shall be of no force or effect."

and

Whereas, the Secretary of Labor found, pursuant to the first sentence of section 3303(b)(3) of the Internal Revenue Code of 1954, that the amendments made to the Oregon Employment Division Law by section 5 of Enrolled House Bill 3176, Chapter 810, Oregon Laws 1973, are not consistent with the requirements of section 3303(a) of the Internal Revenue Code of 1954 for the reasons expressed in a communication of his finding to the Administrator of the Oregon Employment Division in a letter dated June 6, 1974.

and

Whereas, section 657.511 of the Oregon Employment Division Law, as added by section 5 of Chapter 810, Oregon Laws 1973, directly affects the contribution rates of employers whose accounts are not charged in accordance therewith in calendar (tax) year 1976.

and

Whereas, the Oregon Employment Division, by letter from the Administrator, dated August 2, 1974, to the Assistant Regional Director for Manpower, Seattle, Washington, has requested a hearing.

and

Whereas, in the light of the provisions of section 657.511 of the Oregon Employment Division Law, a question is presented anew whether the Oregon Employment Division Law has been so changed as no longer to meet the conditions required by section 3303(a) of the Internal Revenue Code of 1954, with respect to that part of the 12-month period ending on October 31, 1976, which commenced on January 1, 1976.

Now, therefore, pursuant to the second sentence of section 3303(b)(3) of the Internal Revenue Code of 1954, and section 601.5(a)(2) of Title 20, Code of Federal Regulations, notice is hereby given that a hearing will be held beginning at 10:00 o'clock in the morning on May 25, 1976, in the courtroom in Suite 700, Vanguard Building, 1111 20th Street NW., Washington, D.C., on the question of whether the Oregon Employment Division Law has been so changed as no longer to meet the conditions required by section 3303(a) of the Internal Revenue Code of 1954, with respect to that part of the 12-month period ending on October 31, 1976, which begins on January 1, 1976. Upon the basis of the evidence and legal arguments adduced at such hearing, it will be determined whether or not the Oregon Employment Division Law may be certified to the Secretary of the Treasury on October 31, 1976, in accordance with section 3303(b)(1) of the Internal Revenue Code of 1954.

RULES OF PROCEDURE

The proceedings in this matter will be conducted in accordance with the following rules:

(1) An Administrative Law Judge will be designated by the Chief Administrative Law Judge, United States Department of Labor, to preside over the hearing and perform the functions required by these rules.

(2) The parties of record shall be the Employment Division of the State of Oregon Department of Human Resources, and the United States Department of Labor.

(3) Any State employment security agency, individual worker, or employer, or any organization or association of workers, employers, or the public, having an interest in these proceedings, may be permitted by the presiding Administrative Law Judge to participate in these proceedings. Participation by any such interested person shall be limited to the presentation of oral argument as provided in paragraph (10) below and to the submittal of a brief as provided in paragraph (11) below. Any State employment security agency, person, organization, or association described above, may apply for permission to participate in these proceedings as an interested person, by filing in the office of the Chief Administartive Law Judge, United States Department of Labor, Room 720, Vanguard Building, 1111 20th Street, N.W., Washington, D.C. 20036, not later than one week prior to the date of the hearing, a written or telegraphic request setting forth the applicant's name and address and the name and address of any person or group who will represent the applicant. The presiding Administrative Law Judge shall rule on all applications and inform the applicants and the parties of his rulings.

(4) The hearing will be conducted in an informal but orderly and expeditious manner. The presiding Administrative Law Judge will regulate all matters pertaining to the course and conduct of the proceedings.

(5) The representative of the United States Department of Labor will make an opening statement as to the nature of the hearing and the matters in issue. The representative of the Oregon Employment Division then will be offered an opportunity to make an opening statement.

(6) The parties of record shall have the opportunity to present oral and documentary evidence, and cross-examine witnesses, with the United States Department of Labor proceeding first. Technical rules of evidence shall not apply. The presiding Administrative Law Judge will rule upon offers of proof and the admissibility of evidence, and receive all relevant evidence. He may exclude irrelevant, immaterial, or unduly repetitious evidence, and may examine witnesses. All written statements, charts, tabulations, and similar data offered in evidence at the hearing shall, upon a showing satisfactory to the presiding Administrative Law Judge of their authenticity, relevancy, and materiality, be received in evidence.

(7) During the hearing the presiding Administrative Law Judge may require the production and introduction of further evidence upon any matter. After the hearing is closed, no further evidence shall be taken except at the direction of the Secretary of Labor, unless provision has been made at the hearing for the later receipt of such evidence for the record. If the Secretary of Labor directs that further evidence be taken, due and reasonable notice of the time and place of the reopened hearing shall be given to the parties of record and any interested person permitted to participate in the proceedings.

(8) The proceedings at the hearing shall be recorded verbatim. Copies of the transcript of the record of hearing may be obtained by the parties of record and any interested person permitted to participate in the proceedings at cost.

(9) When any document is received in evidence, one additional copy thereof shall be submitted to the presiding Administrative Law Judge.

(10) At the conclusion of the receipt of evidence, the presiding Administrative Law Judge shall hear oral argument presented by the parties of record and interested persons permitted to participate in the proceedings. Oral arguments shall be in the following order: Opening argument for the United States Department of Labor, unless waived; opening argument for the Oregon Employment Division, unless waived; argument of each of the interested persons who wishes to present oral argument, in such order as the presiding Administrative Law Judge shall determine; closing argument for the Oregon Employment Division, unless waived; and closing argument for the United States Department of Labor, unless waived. Oral argument by an interested person shall not be longer than 20 minutes. All oral arguments shall be transcribed and made a part of the record.

(11) The parties of record and any interested person permitted to participate in these proceedings shall be permitted to file a brief on the matters in issue. Briefs shall be filed with the presiding Administrative Law Judge (at the address stated in paragraph (3) above) not later than 21 days after the transcript of the hearing is available. Reply

briefs shall be filed in the same place by the parties of record not later than 40 days after the transcript of the hearing is available, if the filing of reply briefs is requested or approved by the presiding Administrative Law Judge. Parties of record shall submit one copy with the original of any brief filed, and proof of service, and shall serve a copy on the other party of record. Interested persons shall submit one copy with the original of any brief filed, and proof of service, and shall serve a copy on each of the parties of record.

(12) Proposed findings of fact and conclusions of law, together with supporting reasons therefor, may be submitted to the presiding Administrative Law Judge by any party of record within 21 days after the transcript of the hearing is available or within 40 days after the transcript of the hearing is available, if reply briefs have been requested or approved by the presiding Administrative Law Judge. An original and one copy of proposed findings of fact and conclusions of law shall be filed, and proof of service, and a copy shall be served on the other party of record.

(13) After the time has expired for the filing of briefs and proposed findings of fact and conclusions of law, the presiding Administrative Law Judge shall prepare a proposed recommended decision containing his findings of fact and conclusions of law. Copies of the presiding Administrative Law Judge's proposed recommended decision shall be mailed to the parties of record who may, within 20 days after such decision was mailed to them, file with the presiding Administrative Law Judge, in an original and one copy, a statement in writing setting forth any exceptions they may have to the proposed recommended decision, and proof of service. A copy of any statement filed by a party of record shall be served on the other party of record, and any party to whom such a copy is furnished may file with the presiding Administrative Law Judge a response to such statement not later than 13 days after the copy was mailed to the party. One copy shall be submitted with the original of any response filed, and proof of service, and a copy shall be served on the other party of record.

(14) The presiding Administrative Law Judge, with due consideration of the exceptions and responses filed by the parties of record in accordance with paragraph (13) above, shall prepare a recommended decision containing his findings of fact and conclusions of law. He shall promptly certify to the Secretary of Labor his recommended decision and the entire record of the proceedings, and forward a copy of his certification and recommended decision to each party of record.

(15) Following the certification to him in accordance with paragraph (14) above, the Secretary of Labor shall render his decision in the matter, in writing, and shall cause the parties of record and the interested parties permitted to participate in the proceedings to be notified thereof.

(16) Briefs and other papers filed with the presiding Administrative Law Judge in accordance with paragraphs (11), (12), and (13) above, shall be deemed to be filed on the date they are postmarked if they are transmitted by the United States Postal Service, and shall be deemed to be filed on the date they are received in the office of the presiding Administrative Law Judge if they are transmitted by other means. If the last day of a time limit prescribed in paragraph (11), (12), or (13) falls on a Saturday, Sunday, or a Federal legal holiday, the time limit shall be extended to the next official business day. Briefs and other papers filed with the presiding Administrative Law Judge shall be accepted subject to timely filing and sufficient proof of service upon the parties as required by these rules.

Signed at Washington, D.C., on April 20, 1976.

W. J. USERY, Jr.,
Secretary of Labor.

[FR Doc.76-11876 Filed 4-22-76;8:45 am]

SLIDE FASTENERS AND PARTS

Import Relief

On February 18, 1976, the International Trade Commission reported to the President that it was not able to determine if increased imports of slide fasteners and parts were a substantial cause of serious injury to the domestic industry for purposes of the import relief provisions of the Trade Act of 1974 (41 FR 8433).

Section 224 of the Trade Act directs the Secretary of Labor to initiate an industry study whenever the ITC begins an investigation under the import relief provisions of the Act. The purpose of the study is to determine the number of workers in the domestic industry petitioning for relief who have been or are likely to be certified as eligible for adjustment assistance and the extent to which existing programs can facilitate the adjustment of such workers to import competition. The Secretary is required to make a report of this study to the President and also make the report public (with the exception of information which the Secretary determines to be confidential).

The Department of Labor has concluded its report on slide fasteners and parts. The report found as follows:

1. Since April 3, 1975, the effective date of the adjustment assistance program, the Department of Labor has received one petition for certification of eligibility to apply for worker adjustment assistance from the slide fastener industry. This petition was filed by the Consolidated Foods Corporation, a diversified fabricated textile products firm in the notions industry, for workers at its Montgomery, Pennsylvania facility. Certification was denied on December 2, 1975.

2. Over the next 12 months, about 25 groups totaling just under 1,000 workers may apply for certification of eligibility to apply for adjustment assistance. Although most of these groups are likely to be small, four of them are expected to account for 700 workers.

3. The unemployed workers in this industry are located primarily in metropolitan areas in New York, New Jersey and Virginia. Some unemployed workers are also located in rural areas of western Pennsylvania. Local unemployment rates in two of the metropolitan areas were substantially above the national average. The reemployment prospects of these workers, a majority of whom are semiskilled, depend to a large extent on their ability to find employment in other industries. Some workers may avail themselves of training programs as a means of facilitating their movement to other industries. Few workers would be expected to consider relocation.

4. The Comprehensive Employment and Training Act (CETA) programs in one of the impacted areas in New Jersey are capable of meeting the needs of the displaced workers. The CETA programs in the other areas are, at best, marginally capable of absorbing additional trainees. Copies of the Department report containing nonconfidential information developed in the course of the 6-month investigation may be purchased by contacting the Office of Trade Adjustment Assistance, U.S. Department of Labor, 220 Constitution Avenue, N.W., Washington, D.C. 20210 (phone 202-523-7665).

Signed at Washington, D.C. this 16th day of April 1976.

JOEL SEGALL,
Deputy Under Secretary,
International Affairs.

[FR Doc.76-11804 Filed 4-22-76;8:45 am]

NON-RUBBER FOOTWEAR

Import Relief

On February 20, 1976, the International Trade Commission determined that increased imports of non-rubber footwear are a substantial cause of serious injury to the domestic industry for purposes of the import relief provisions of the Trade Act of 1974 (41 FR 8432).

Section 224 of the Trade Act directs the Secretary of Labor to initiate an industry study whenever the ITC begins an investigation under the import relief provisions of the Act. The purpose of the study is to determine the number of workers in the domestic industry petitioning for relief who have been or are likely to be certified as eligible for adjustment assistance and the extent to which existing programs can facilitate the adjustment of such workers to import competition. The Secretary is required to make a report of this study to the President and also make the report public (with the exception of information which the Secretary determines to be confidential).

The Department of Labor has concluded its report on non-rubber footwear. The report found as follows:

1. Since April 3, 1975, the effective date of the adjustment assistance program, the Department of Labor has is-

sued determinations in 42 cases involving an estimated 9,119 workers in the non-rubber footwear industry. Of this total, 37 cases resulted in certification for approximately 8,000 workers to apply for trade adjustment assistance. As of February 3, 1976, there were 7 cases involving an estimated 919 workers pending a decision.

2. In spite of the recent upturn in production in the non-rubber footwear industry, employment is still below the 1974 average level. It appears likely that in the next year petitions for adjustment assistance will continue to be filed with the Department of Labor at about the same rate as in the past.

3. The unemployed workers are located primarily in Maine, Massachusetts, New Hampshire, New York, Pennsylvania, Ohio, Wisconsin, Illinois, and Missouri. Unemployment rates in the impacted states are higher than the national average except in Maine, New Hampshire, and Ohio. Since industry unemployment is still high, a substantial number of displaced workers may seek employment and training assistance. It does not seem likely that a large percentage of the displaced workers will be considering relocation, since many of the workers in this industry are not primary wage earners.

4. The Comprehensive Employment and Training Act (CETA) programs in the impacted states are operating beyond planned enrollment levels. The existing programs may not be capable of meeting all the needs of the displaced workers, but it may be possible for many of the programs to operate with some over-enrollment. In addition, the Employment and Training Administration through the State Employment Service has the authority to purchase additional training when CETA funds are not available.

Copies of the Department report containing nonconfidential information developed in the course of the 6-month investigation may be purchased by contacting the Office of Trade Adjustment Assistance, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210 (phone 202–523–7665).

Signed at Washington, D.C. this 16th day of April 1976.

JOEL SEGALL,
Deputy Under Secretary, International Affairs.

[FR Doc.76–11805 Filed 4–22–76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 233]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

APRIL 23, 1976.

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 ofthe 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 May 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–76290. By order of April 19, 1976 the Motor Carrier Board approved the transfer to James M. Naye, Incorporated, Philadelphia, Pa., of Permit No. MC 38898, issued June 9, 1954, to H. T. Callaghan, Inc., Philadelphia, Pa., authorizing the transportation of industrial supplies and other commodities between points in Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey and Delaware within 35 miles of Philadelphia. Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102, Attorney for applicants.

No. MC–FC–76371. By order entered April 19, 1976 the Motor Carrier Board approved the transfer to W & A Trucking, Inc., Shelby, Nebr., of the operating rights set forth in Certificate No. MC 128147 (Sub-No. 1), issued November 28, 1967, to Bentzinger Trucking Company, a corporation, Martell, Nebr., authorizing the transportation of prepared animal and poultry feed, and grain products, and feed ingredients, from and to points in Nebraska, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, South Dakota, and Wyoming. Gailyn L. Larsen, 521 So. 14th St., P.O. Box 81849, Lincoln, Nebr. 68501, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76–11844 Filed 4–22–76;8:45 am]

[Notice No. 51]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 20, 1976.

Important notice: The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 C.F.R. § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 200 (Sub-No. 280TA), filed April 12, 1976. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Ave., Kansas City, Mo. 64106. Applicant's representative: Rodger J. Walsh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and storage facilities utilized by Ore-Ida Foods, Inc., at or near Greenville, Mich., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, the District of Columbia, Maryland, Virginia, West Virginia, and Pennsylvania, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ore-Ida Foods, Inc., P.O. Box 10, Boise, Idaho 83707. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 25789 (Sub-No. 280TA), filed April 8, 1976. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, between Crozet, Va., and Russellville, Ark., restricted to shipments originating at or destined to the facilities of Morton Frozen Foods, Division of ITT Continental Baking Co., Inc., for 180 days. Supporting shipper: Morton Frozen Foods, Division of ITT Continental Baking Co., Inc., P.O. Box 7547, Charlottesville, Va. 22906. Send protests to: Joseph B. Thichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 N.W. 53rd Terrace, Miami, Fla. 33166.

No. MC 30237 (Sub-No. 31TA), filed April 12, 1976. Applicant: YEATTS TRANSFER COMPANY, P.O. Box 666, Altavista, Va. 24517. Applicant's representative: J. J. Eller, Jr., 513 Main St., Altavista, Va. 24517. Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, as defined in Appendix II to the report in *Description in Motor Carrier Certificate*, 61 M.C.C. 209, and *returned shipments of new furniture* on return, from Brookneal, Va., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Delaware, New York, New Jersey, Rhode Island, Maryland, Pennsylvania, Virginia, West Virginia, Kentucky, Ohio, Indiana, Michigan, Wisconsin, Illinois, Missouri, Arkansas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, North Carolina, South Carolina, Florida, and the District of Columbia, for 180 days. Supporting shipper: Thomasville Furniture Industries, Inc., Thomasville, N.C. 27360. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, Va. 24011.

No. MC 59490 (Sub-No. 42TA), filed April 8, 1976. Applicant: UNION CARTAGE COMPANY, 9A Southwest Cutoff, Worcester, Mass. 01604. Applicant's representative: Leonard A. Jaskiewicz, 1730 M St. NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages (beer) and related advertising materials*, from South Volney, N.Y., to points in Connecticut, Delaware, Washington, D.C., Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont; and (2) *Returned empty malt beverage containers*, from points in Connecticut, Delaware, Washington, D.C., Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, to Volney, N.Y., for 180 days. Supporting shipper: Miller Brewing Company, 4000 West State St., Milwaukee, Wis. 53208. Send protests to: J. D. Perry, Jr., District Supervisor, 436 Dwight St., Room 338, Springfield, Mass. 01103.

No. MC 75192 (Sub-No. 2TA), filed April 12, 1976. Applicant: CHAS. T. BROWN TRUCK LINES, INCORPORATED, 1208 Buff St., Greensboro, N.C. 27406. Applicant's representative: George W. Clapp, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structual steel and related iron and steel articles*, requiring special equipment, from the plantsite of Carolina Steel Corporation, located at or near Colfax, in Gullford County, N.C., to points in South Carolina and Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Carolina Steel Corporation, P.O. Box 20888, Greensboro, N.C. 27420. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 106119 (Sub-No. 25TA), filed April 12, 1976. Applicant: ASSOCIATED PETROLEUM CARRIERS, P.O. Box 2808, Spartanburg, S.C. 29304. Applicant's representative: R. E. Littlejohn (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products*, in bulk, in tank vehicles, from Inman, S.C., to points in Banks, Clarke, Dawson, Elbert, Fannin, Franklin, Forsyth, Habersham, Hall, Hart, Jackson, Lincoln, Lumpkin, Madison, Oglethrope, Rabun, Stephens, Towns, Union, White, and Wilkes Counties, Ga., for 180 days. Supporting shippers: Tugalo Construction Co., Inc., P.O. Box 968, Toccoa, Ga. 30577. Sloan Construction Co., Inc., Box 2008, Greenville, S.C. 29602. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 112713 (Sub-No. 191TA), filed April 9, 1976. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Ave., Shawnee Mission, Kans. 66207. Applicant's representative: David B. Sheneider (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring the use of special equipment), from the plantsite and warehouse facilities of Essex International at Hoisington, Kans., and an off-route point in connection with carrier's regular route operations. Applicant intends to tack its existing authority with MC 112713 at Abilene and Hutchinson, Kans., throughout Yellow's system, applicant also intends to interline with other carriers, for 180 days. Supporting shipper: Essex International, Inc., 1601 Wall St., Fort Wayne, Ind. 46804. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 118142 (Sub-No. 123TA), filed April 9, 1976. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Eugene W. Hiatt, 308 Casson Bldg., 603 Topeka Blvd., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles used and distributed by meat packinghouses* moving in vehicles equipped with mechanical refrigeration equipment (except commodities in bulk, hides, animal feed and animal feed ingredients), and restricted to traffic originating at or destined to facilities of American Markets, Incorporated, Philadelphia, Pa., or its subsidiary, American Stores Packing Co., Lincoln, Nebr., from Lincoln, Nebr., to Philadelphia, Pa., for 180 days. Supporting shipper: Acme Markets, Inc., 124 N. 15th St., Philadelphia, Pa. 19101. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 119669 (Sub-No. 56TA), filed April 9. Applicant: TEMPCO TRANSPORTATION, INC., P.O. Box 254, Plainfield, Ind. 46168. Applicant's representative: G. James Bonnette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and 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 776 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Alabama, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and South Dakota, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., Dakota City, Nebr. 68731. Send protests to: Fran Sterling, Interstate Commerce Commission, Federal Bldg., & U.S. Courthouse, 46 East Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 119789 (Sub-No. 286TA), filed April 7, 1976. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and groundwood printing paper*, in rolls, from the plantsite and warehouse facilities of Kimberly-Clark Corporation, in Talledega County, Ala., to points in Arkansas, Louisiana (except New Orleans and points in the New Orleans Commercial Zone), Texas, Oklahoma, Kansas and Missouri, for 180 days. Supporting shipper: Kimberly-Clark Corporation, Coosa Pines, Ala. 35044. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 123194 (Sub-No. 7TA), filed April 9, 1976. Applicant: SPRAGUE, INC., 7336 West 15th Ave., Gary, Ind. 46406. Applicant's representative: Eugene L. Cohn, One N. LaSalle St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such mechandise* as is dealt in by wholesale grocery and food business houses, and in connection therewith, equipment, materials and supplies used in the conduct of such business (except commodities in bulk and foodstuffs), from the facilities of Consolidated Sales Corporation, at or near Indianapolis, Ind., to the facilities of the Jewel Food Stores, a division of Jewel Companies, Inc., at or near Franklin Park, Ill., restricted to

traffic originating at the named origin and destined to the named destination, for 180 days. Supporting shipper: Jewel Food Stores, Division of Jewel Companies, Inc., 1955 West North Ave., Melrose Park, Ill. 60160. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 123389 (Sub-No. 27TA), filed April 9, 1976. Applicant: CROUSE CARTAGE COMPANY, P.O. Box 151, Carroll, Iowa 51401. Applicant's representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors outfits*, between Akron, Iowa, on the one hand, and, on the other, points in Minnesota, North Dakota, South Dakota, Kansas, Nebraska, Illinois, Missouri, and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Daniel Litt, Vice-President, Heede International, Inc., 43 Lindstrom Road, Stamford, Conn. 06902. Send protests to: Carroll Russell, District Supervisor, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 124004 (Sub-No. 32TA), filed April 9, 1976. Applicant: RICHARD DAHN, INC., 620 West Mountain Road, Sparta, N.J. 07871. 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: *Dry animal and poultry feed*, from the plantside of John Eshelman & Sons, at or near Circleville, Ohio, to points in Connecticut, Delaware, Maryland, North Carolina, New York, Pennsylvania, Virginia, Vermont, and West Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John Eshelman & Sons, 327 E. Mill St., P.O. Box 380, Circleville, Ohio 43113. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton St., Newark, N.J. 07102.

No. MC 126736 (Sub-No. 86TA), filed April 7, 1976. Applicant: FLORIDA ROCK & TANK LINES, INC., 155 East 21st St., P.O. Box 1559, Jacksonville, Fla. 32201. Applicant's representative: L. H. Blow (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Capryl alcohol*, in bulk, in tank vehicles, fom the plantsite of Conoco Chemical Corp., at or near Westlake, La. (Calcasieu Parish), to Jacksonville, Fla., for subsequent export movement, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Chem-Fleur, Inc., 200 Pulaski St., Newark, N.J. 07105.

No. MC 127033 (Sub-No. 9TA), filed April 12, 1976. Applicant: C & B TRUCKING CO., INC., P.O. Box 788, 123 Walnut St., Chester, S.C. 29706. Applicant's representative: Richard L. Blair (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Freight of all kinds and empty trailers or containers* having an immediate or prior movement by rail, between Chester, S.C., and points in Chester, York and Lancaster Counties, S.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 5 statements of support attached to the application, which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 127337 (Sub-No. 15TA), filed April 8, 1976. Applicant: CHET'S TRANSPORT, INC., Charlotte, Maine 04666. Applicant's representative: Lawrence E. Lindeman, 1032 Pennsylvania Bldg., 425 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus fruits and juices, and agricultural commodities* exempt from economic regulation under Section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with citrus fruits and juices (except in bulk, in tank vehicles), from points in Florida, to ports of entry on the United States-Canada Boundary Line, restricted to the transportation of shipments destined to points in the Provinces of Newfoundland, New Brunswick, Nova Scotia, and Prince Edward Island. Applicant intends to tack its existing authority with complementary Canadian authority at the border, for 180 days. Supporting shippers: (1) Charles R. Bell, Ltd., P.O. Box 8127, Station A, St. John's, Newfoundland A1B 3N1. (2) Atlantic Commodities Ltd., P.O. Box 153 Halifax, Nova Scotia. (3) Seaway Distributors, P.O. Box 1595, Pier 22, Halifax, Nova Scotia. (4) Willett Fruit Co., Ltd., St. John, New Brunswick. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl St., Portland, Maine 04111.

No. MC 128490 (Sub-No. 11TA), filed April 8, 1976. Applicant: ROBERT J. ERICKSON, doing business as BOB ERICKSON TRUCKING, Route 2, Rush City, Minn. 55069. Applicant's representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, Minn. 55437. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fire protection sprinkler systems and materials, equipment and supplies* used in the installation thereof, from Rush City, Minn., to points in Texas, New Mexico, and Ohio, under a continuing contract with United Sprinkler Division of Waycrosse, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: United Sprinkler Division of Waycrosse, Inc., 1700 Freeway Blvd., Minneapolis, Minn. 55430. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 128616 (Sub-No. 21TA), filed April 8, 1976. Applicant: BANKERS DISPATCH CORPORATION, 1106 W. 35th St., Chicago, Ill. 60609. Applicant's representative: Paul R. Bergant (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and written instruments* (except coins, currency, and negotiable securities) as are used in the conduct and operation of banks and banking institutions, between Louisville, Ky., on the one hand, and, on the other, Indianapolis, Ind.; Cincinnati, Ohio; and Nashville, Tenn., for 180 days. Supporting shipper: Liberty National Bank, Arthur J. Gerlach, Vice-President, 416 W. Jefferson St., Louisville, Ky. 40201. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Chicago, Ill. 60604.

No. MC 128616 (Sub-No. 22TA), filed April 8, 1976. Applicant: BANKERS DISPATCH CORPORATION, 1106 W. 35th St., Chicago, Ill. 60609. Applicant's representative: Paul R. Bergant (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and written instruments* (except coins, currency, and negotiable securities) as are used in the conduct and operation of banks and banking institutions, between Scottsbluff, Nebr., on the one hand, and, on the other, Sedgwick County, Colo., for 180 days. Supporting shipper: Omaha National Bank, Bruce Jensen, Transportation Coordinator, 17th & Farnam, Omaha, Nebr. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Chicago, Ill. 60604.

No. MC 128746 (Sub-No. 26TA), filed April 12, 1976. Applicant: D'AGATA NATIONAL TRUCKING CO., 3224-44 South 61st St., Philadelphia, Pa. 19153. Applicant's representative: Leonard A. Jaskiewicz, 1730 M St. NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages (beer) and related advertising materials*, from South Volney, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode

Island, Vermont, Virginia, West Virginia, and the District of Columbia; and (2) *Materials, supplies and equipment* used in the manufacture, sale and distribution of malt beverages, including returned empty malt beverage containers, from points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, to South Volney, N.Y., for 180 days. Supporting shipper: Miller Brewing Company, 4000 West State St., Milwaukee, Wis. 53208. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 129068 (Sub-No. 29TA), filed April 9, 1976. Applicant: GRIFFIN TRANSPORTATION, INC., 3002 S. Douglas Blvd., Oklahoma City, Okla. 73150. Applicant's representative: Jack L. Griffin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles and buildings complete or in sections, between points in Ottowa County, Okla., on the one hand, and, points in Arkansas, Kansas and Missouri on the other. Applicant intends to tack its existing authority with Sub-No. 14 (MF–FC–7351 now leased) and Sub-No. 8, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Big Red Mobile Home Sales, Rt. 3, Miami, Okla. 74354. C & I Mobile Homes, P.O. Box 102, Commerce, Okla. 74339. Westfall Mobile Homes, 1420 N. Main St., Miami, Okla. 74354. Send protests to: Joe Green, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 240 Old P.O. Bldg., 215 N.W. 3rd St., Oklahoma City, Okla.

No. MC 129480 (Sub-No. 23TA), filed April 9, 1976. Applicant: TRI-LINE EXPRESSWAYS, LTD., 550 71st Ave., S.E., Calgary, Alberta, Canada T2H 0S6. Applicant's representative: Leslie R. Kehl, Suite 1600 Lincoln Center Bldg., 1660 Lincoln St., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, and forest products*, from ports of entry located on the International Boundary between Canada and North Dakota and Minnesota, to points in Kansas, Minnesota, Nebraska, North Dakota, and South Dakota, restricted to the transportation of shipments originating at The Pas and Winnipeg, Manitoba, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Herbert A. Schon, Corporate Traffic Manager, Manitoba Forestry Resources, Ltd., 902–213 Notre Dame Ave., Winnipeg, Manitoba, Canada R3B 1N3. Send Protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North, Billings, Mont. 59101.

No. MC 133684 (Sub-No. 18TA), filed April 7, 1976. Applicant: GORDON FAST FREIGHT, INC., 2205 Pacific Highway East, Tacoma, Wash. 98424. Applicant's representative: Michael D. Duppenthaler, 607 Third Ave., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors, viz.: Wine, Champagne, and Brandy*, from Modesto, Calif., to points in Washington, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: E & J Gallo Winery, P.O. Box 1130, Modesto, Calif. 95353. Send Protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 134022 (Sub-No. 16TA), filed April 8, 1976. Applicant: RICHARD A. ZIMA, doing business as ZIPCO, P.O. Box 715, West Bend, Wis. 53095. Applicant's representative: Nancy J. Johnson, 4506 Regent St., Suite 100, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fermented beverages*, in cans, bottles and kegs, from Secaucus, N.J., to Brown Deer and Fond du Lac, Wis., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Federal Distributing Company, Inc., 5277 W. Beaver Creek Pkwy., Brown Deer, Wis. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 134401 (Sub-No. 12TA), filed April 8, 1976. Applicant: SHERWOOD W. HUME, doing business as HUME EQUIPMENT COMPANY, 734 Main St., East, R. R. 1, Milton, Ontario, Canada L9T 3P6. Applicant's representative: Robert D. Gunderman, Suite 710 Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mowers, mower conditioners, rakes, balers, and bale throwers*, from New Holland, Mountville, Belleville, Pa., to ports of entry on the International Boundary line between the United States and Canada in Maine, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sperry New Holland Division Sperry Rand Corp., 500 Diller Ave., New Holland, Pa. 17557. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, 910 Federal Bldg., 111 West Huron St., Buffalo, N.Y. 14202.

No. MC 135364 (Sub-No. 6TA), filed April 8, 1976. Applicant: JOSEPH M. HANEY, SR., doing business as J. M. HANEY TRUCKING COMPANY, 4754 Mahoning Ave., Youngstown, Ohio 44515. Applicant's representative: Abraham A. Diamond, 29 South La Salle St., Suite 454, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobile parts, accessories, equipment and supplies* (except commodities in bulk and those requiring special equipment), between the facilities of Midas-International Corp., within the commercial zone of Toledo, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania and West Virginia, under a continuing contract with Midas International Corporation, for 180 days. Supporting shipper: Midas International Corporation, 4101 West 42nd Place, Chicago, Ill. 60632. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 East Ninth St., Cleveland, Ohio 44199.

No. MC 136275 (Sub-No. 19TA), filed April 1, 1976. Applicant: WHITFIELD ASSOCIATED TRANSPORT, INC., 28 San Marcos Drive, El Paso, Tex. 79922. Applicant's representative: H. B. Dudley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in pneumatic type vehicles, from rail siding at Hardesty, Okla., to the Optima Dam 7 miles north of Hardesty, Okla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Southwestern Portland Cement Company, P.O. Box 392, El Paso, Tex. 79943. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H–4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 136684 (Sub-No. 19TA), filed April 7, 1976. Applicant: GORDON FAST FREIGHT, INC., 2205 Pacific Highway East, Tacoma, Wash. 98424. Applicant's representative: Michael D. Duppenthaler, 607 Third Ave., 515 Lyon Bldg., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cranberries and cranberry products*, from Markham and Centralia, Wash., to points in California, for 180 days. Supporting shipper: Ocean Spray Cranberries, Inc., Main St., Hanson, Mass. 02341. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 138665 (Sub-No. 2TA), filed April 12, 1976. Applicant: J. H. L. CONSTRUCTION CO., INC., P.O. Box 8, Somerdale, N.J. 08083. Applicant's representative: Alan F. Wohlstetter, 1700 K St., N.W., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Precast and prestressed concrete products and miscellaneous steel items and structural steel items*, used in the erection of precast and prestressd concrete products, from the plantsites of Formigli

Corporation, at Berlin and Williamstown Junction, N.J., to Philadelphia, Pa., and Chester, Pa.; and (2) *Materials, supplies and equipment*, used in the manufacture of precast and prestressed concrete products and damaged and defected shipments of precast and prestressed concrete products, from Philadelphia and Chester, Pa., to the plant sites of Formigli Corporation, at Berlin and Williamstown Junction, N.J., under a continuing contract with Formigli Corporation, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Formigli Corporation, P.O. Box F, Berlin, N.J. 08009. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 East State St., Room 204, Trenton, N.J. 08608.

No. MC 139495 (Sub-No. 137TA), filed April 9, 1976. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St., N.W., Washington, D.C. 2006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earthen ware*, from Jackson, Miss., to Albany, Sweet Springs, Sedalia, Clinton and Hannibal, Mo., for 180 days. Supporting shipper: Rival Manufacturing Company, 3600 Bennington, Kansas City, Mo. 64129. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 141034 (Sub-No. 1TA), filed April 2, 1976. Applicant: MARGIN LEASING, INC., 21 Baltic Road, Worcester, Mass. 01607. Applicant's representative: Ronald I. Shapes, 450 Seventh Ave., New York, N.Y. 10001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, between Merrimack, N.H., on the one hand, and, on the other, East Cambridge, Mass.; and (2) *Beverage containers*, between Merrimack, N.H., on the one hand, and, on the other, Lawrence, Mass. Restriction: The operations herein are limited to a transportation service to be conducted pursuant to a contract or contracts with Anheuser-Busch, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Anheuser-Busch, Inc., 1000 Daniel Webster Highway, Merrimack, N.H. 03054. Send protests to: J. D. Perry, Jr., District Supervisor, 436 Dwight St., Room 338, Springfield, Mass. 01103.

No. MC 141813 (Sub-No. 1TA), filed April 8, 1976. Applicant: MILTON G. JANSSEN, doing business as JANSSEN TRANSPORTATION, Route 2, Box 433, Delta, Colo. 81416. Applicant's representative: Milton G. Janssen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil shale*, from Uintah County, Utah, to Los Angeles, Calif., and its commercial zone, and that part of Colorado that lies west of the Continental Divide and north of U.S. Highway 6, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cleveland-Cliffs Iron Company, 1460 Union Commerce Bldg., Cleveland, Ohio 44115. Send protests to: Herbert C. Ruoff, District Supervisor, 492 U.S. Customs House, 721 19th St., Denver, Colo. 80202.

By the Commission.

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

[FR Doc.76-11845 Filed 4-22-76;8:45 am]

[Notice No. 50]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 16, 1976.

Important Notice: The following are notices of filing of applications for temporary authority under Section 210a (a) of the Interstate Commerce Act provided for under the provisions of 49 C.F.R. § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30374 (Sub-No. 26TA), filed April 2, 1976. Applicant: TRI-STATE TRANSPORTATION CO., INC., Interstate Industrial Park, P.O. Box A, Bellmawr, N.J. 08030. Applicant's representative: Thomas F. X. Foley, 744 Broad St., Suite 2005, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, on hangers in vehicles specially equipped with ropes and bars for the handling of wearing apparel on hangers, between Eldersburg, Md., on the one hand, and, on the other, points in the Commercial Zone of Washington, D.C. Applicant intends to tack the authority here applied for to its existing authority in MC 30374, MC 30374 Sub 17 and MC 30374 Sub 19, and in particular at Philadelphia, Pa., Secacus, N.J., and New York, N.Y., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Londontown Corporation, 3600 Clipper Mill Road, Baltimore, Md. 21211. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 East State St., Room 204, Trenton, N.J. 08608.

No. MC 117765 (Sub-No. 201TA), filed April 7, 1976. Applicant: HAHN TRUCK LINE, INC., 3515 N. W. 5th St., Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry corn products*, from the facilities of Lincoln Grain, Inc., Atchison, Kans., to points in Alabama, Arizona, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Utah, Wisconsin and Wyoming, for 180 days. Supporting shipper: Lincoln Grain, Inc., Cereal Processing Div., Box 436, Hwy 59 West, Atchison, Kans. 66002. Send protests to: Joe Green, District Supervisor, Interstate Commerce Commission, protests to: Joe Green, District Super- 240 Old P.O. Bldg., 215 N.W. 3rd St., Oklahoma City, Okla. 73201.

No. MC 128652 (Sub-No. 12TA), filed March 30, 1976. Applicant: LARSON TRANSFER & STORAGE CO., INC., 950 West 94th St., Minneapolis, Minn. 55431. Applicant's representative: F. H. Froeger, 1745 University Ave., St. Paul, Minn. 55104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lawn and garden maintenance equipment, snowblowers, and attachments, for lawn and garden maintenance equipment and snowblowers, and parts, materials and supplies used in the manufacture of lawn and garden maintenance equipment and snowblowers*, between Minneapolis, Burnsville, Brooklyn Park, Windom, Minn., and Tomah, Wis., and their commercial zones; (2) *Parts, material and supplies used in the manufacture of lawn and garden maintenance equipment and snowblowers*, between Minneapolis, Burnsville, Brooklyn Park, Windom, Minn., and Tomah, Wis., on the one hand, and, Mankato, Madelia and Shalopee, St. James, St. Cloud, Minn.; Crafton and New Holstein, Wis., on the other, and the commercial zones thereof. Restrictions: (a) The operations au-

thorized herein are limited to a transportation service to be performed under a continuing contract or contracts with the Toro Company of Bloomington, Minn.; (b) The authority named in (1) above will not apply on parts, materials and supplies used in the manufacture of lawn or garden maintenance equipment, including snowblowers and attachments for the above-named commodities between Minneapolis and St. Paul, Minn., on the one hand, and, on the other, Window, Minn., on shipments having a prior or subsequent movement by air freight for 180 days. Supporting shipper: The Toro Company, 8111 Lyndale Ave., South Bloomington, Minn. 55420. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 414 Federal Bldg., & U.S. Courthouse, 110 South Fourth St., Minneapolis, Minn. 55401.

No. MC 141925 TA, filed March 31, 1976. Applicant: KOHN BEVERAGE, INC., doing business as KOHN TRANSPORT, 4850 Southway, S.W., Canton, Ohio 44706. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* (except in bulk), from Detroit, Mich., to East Liverpool, Mingo Junction and Zanesville, Ohio, under a continuing contract or contracts with C. M. Bellas, d/b/a Iron City Distributing Company, and People's Beverage, for 180 days. Supporting shippers: (1) Iron City Distributing Company, 2670 Cambridge Ave., P.O. Box 97, Mingo Junction, Ohio 43938. (2) People's Beverage, 1077 Central Ave., Zanesville, Ohio 43706. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg., and U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215.

No. MC 141926 TA, filed March 30, 1976. Applicant: ROCHESTER ARMORED CAR CO., INC., 509 17th Ave., N. Rochester, Minn. 55901. Applicant's representative: James F. Finley, 301 Midwest Federal Bldg., St. Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laboratory animals, live mink, machine parts, electronic equipment, gear reducing and speed increasing machines and parts*, having a prior or subsequent movement by air, between Minneapolis-St. Paul International Airport and Waseca, Rochester and Owatonna, Minn., for 180 days. Supporting shippers: Burlington Northern Air Freight, 3800 70th St., Minneapolis, Minn. 55450. Mayo Foundation, Rochester, Minn. 55901. Telex Communications, Inc., 501 1st Ave., N.W., Rochester, Minn. 55901. E. F. Johnson Co., Inc., 299 10th Ave., S.W., Waseca, Minn. 56093. Von Ruden Mfg., P.O. Box 507, Owatonna, Minn. 55060; and A. C. Lortis Fur Farm, Route 3, Waseca, Minn. 56903. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 414 Federal Bldg., and U.S. Courthouse, 110 South Fourth St., Minneapolis, Minn. 55401.

No. MC 141927TA, filed April 6, 1976. Applicant: SCHMIDT FURNITURE & MOVING CO., INC., 3356 North Green Bay Ave., Milwaukee, Wis. 53212. Applicant's representative: David F. Gerlach, 140 North Ave., Hartland, Wis. 53029. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Connecticut, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Minnesota, Mississippi, Nebraska, New Jersey, New York, North Carolina, South Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia and the District of Columbia. Applicant intends to tack its existing authority with MC 29163, for 180 days. Supporting shipper: Elliott Van & Storage Company, Inc., West Allis, Wis. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 141929TA, filed April 2, 1976. Applicant: L. M. BENNETT, doing business as BENNETT TRUCKING COMPANY, Route 12, Box 538, Gainesville, Ga. 30501. Applicant's representative: W. Allan Myers, 310 Brenau Ave., Gainesville, Ga. 30501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural lime*, in bulk, from points in Blount, Jefferson and Knox Counties, Tenn., to points in Georgia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gold Kist, Inc., 244 Perimeter Center Parkway, Atlanta, Ga. 30346. Send protests to: Sara K. Davis, Transportation Assistant, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 141930 TA, filed March 31, 1976. Applicant: KEG TRANSPORTATION, INC., West Park Ave., Oakhurst, N.J. 07755. Applicant's representative: Donald M. Gallagher, 25 Cori St., Parlin, N.J. 08859. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers, pails, covers, caps and handles*, loose and in cartons, from Englishtown, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhole Island and the District of Columbia, under a continuing contract with Bennett Industries, for 180 days. Supporting shipper: Bennett Industries, Peotone, Ill. 60468. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 East State St., Room 204, Trenton, N.J. 08608.

No. MC 141933 TA, filed March 31, 1976. Applicant: JACK BRITTAIN doing business as BRITTAIN EXCAVATING, 540 West Third Ave., Anchorage, Ark. 99501. Applicant's representative: Gordon A. Wold (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and supplies and machinery and equipment when* transported in special low-bed equipment, between points in Alaska, including Haines, Alaska (except points east of an imaginery line constituting a southward extension of the United States (Alaska)-Canada (Yukon Territory) Boundary line). Applicant intends to tack its existing authority with Interstate water carriers serving Anchorage, for 180 days. Supporting shippers: There are approximately 6 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below, Send protests to: Hugh H. Chaffee, Interstate Commerce Commission, P.O. Box 1532, Anchorage, Ark. 99510.

No. MC 141934 TA, filed April 5, 1976. Applicant: RONALD L. EDWARDS, doing business as RON'S CAR HAULING AND TOWING, 2509 N.E. 83rd St., Vancouver, Wash. 98665. Applicant's representative: Ronald L. Edwards (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Damaged automobiles*, between Vancouver, Wash., on the one hand, and, on the other, points in California, Oregon, Washington and Idaho, under a continuing contract with A to Z Auto Wrecking, for 180 days. Supporting shipper: Paul C. Bolin, A to Z Auto Wrecking, 9605 N.E. 76th St., Vancouver, Wash. 98662. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 141935 TA, filed March 29, 1976. Applicant: NYCO, INC., 5500 Military Road, Sioux City, Iowa 51102. Applicant's representative: Keith A. Beekley, 424 Commerce Bldg., Sioux City, Iowa 51105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Inedible meat products*, from Cherokee, Sioux City, Cedar Rapids and Des Moines, Iowa; York and Omaha, Nebr.; Wichita and Kansas City, Kans.; St. Joseph, Kansas City, Independence and St. Louis, Mo.; Chicago, Ill.; Minneapolis, Minn.; Fargo, N. Dak.; Oklahoma City, Okla.; Denver, Colo.; Stockton and Turlock, Calif., to Jefferson, Wis.; St. Joseph, Mo.; Hillsboro, Oreg.; Livingston, Calif., and Fort Dodge, Iowa, under a continuing contract with Carnation Company, for 180 days. Supporting shipper: Jerry M. Trotter, Manager Commodities Canned Pet Food, Carnation Company, 5045 Wilshire Blvd., Los Angeles, Calif. 90036. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 141938 TA, filed April 1, 1976. Applicant: S & S TRUCKING AND

WAREHOUSING, INC., 7100 N.W. 12th St., Miami, Fla. 33126. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, Classes A and B explosives, household goods, livestock, commodities requiring special handling and special equipment and commodities requiring refrigeration), between points in Dade County, Fla., all shipments having prior or subsequent movement by water, under a continuing contract with Arncam Shipping Co., Inc., for 180 days. Supporting shipper: Arncam Shipping Co., Inc., 7100 N.W. 12th St., Miami, Fla. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 N.W. 53rd Terrace, Miami, Fla. 33166.

No. MC 141939 TA, filed April 6, 1976. Applicant: HAP TRUCK LINES, INC., 4268 Gary St., Klamath Falls, Oreg. 97601. Applicant's representative: Michael D. Crew, 1700 Standard Plaza, Portland, Oreg. 97204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beer, malt beer and malt liquor*, from points in Los Angeles County, Calif., to Corvallis and Salem, Oreg., and (2) *Wine* (except in bulk), from points in Los Angeles, San Mateo, Santa Cruz, Madera, Monterey, Santa Clara, San Joanquin, Sonoma and Napa Counties, Calif., to Crovallis and Salem, Oreg., and (3) *Empty beer containers*, from Salem and Corvallis, Oreg., to points in Los Angeles County, Calif. Service restricted to movements for the accounts of Anlandia, Inc., Gideon Stolz Company, Inc., Salem, Oreg. and Dumont Distributing Co., Corvallis, Oreg., under a continuing contract with Dumont Distributing Company, Inc., P.O. Box D, 550 N. W. Fillmore, Corvallis, Oreg. 97330. Anlandia and Gideon Stolz Company, Inc., 1660 N.E. Industrial Drive, Salem, Oreg. 97303, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Dumont Distributing Company, Inc., P.O. D, 550 N. W. Fillmore, Corvallis, Oreg. 97330. Anlandia and Gideon Stolz Company, Inc., 1660 N. E. Industrial Drive, Salem, Oreg. 97303. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, 550 S. W. Yamhill St., Portland, Oreg.

PASSENGER APPLICATION

No. MC 141946 TA, filed April 1, 1976. Applicant: CITY TAXI, INC., 1401 Main Ave., Durango, Colo. 81301. Applicant's representative: William A. Pinckley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, baggage, air freight and air express*, between Farmington, N. Mex., and Durango, Colo., having subsequent or prior movement by air, between Durango, Colo., and Farmington, N. Mex., for 180 days. Supporting shippers: There are approximately 9 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th St., Denver, Colo. 80202.

By the Commission.

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

[FR Doc.76-11846; Filed 4-22-76;8:45 am]

[Notice No. 32]

ASSIGNMENT OF HEARINGS

APRIL 20, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 141092, Elmer R. Hopkins and Norma K. Hopkins d.b.a. Hopkins Truck Line, now assigned May 18, 1976, at Kansas City, Mo., will be held in Room 609, Federal Office Bldg., 911 Walnut Street.

MC 138469 Sub 15, Donco Carriers, Inc., and MC 139495 Sub 98, National Carriers, Inc., now assigned May 20, 1976, at Kansas City, Mo., will be held in Room 609, Federal Office Bldg., 911 Walnut Street.

MC 120781 Sub 5, Kraftours Corporation Extension-Special Operations, now assigned May 24, 1976, at Kansas City, Mo., will be held in Room 609, Federal Office Bldg., 911 Walnut Street.

MC 136469 (Sub 1), Broughton's Trucking Co., Inc. now being assigned June 14, 1976 (1 week), at Boston, Massachusetts in a hearing room to be later designated.

MC 139269 (Sub 7), C. P. Craska, Inc. now being assigned July 12, 1976 (1 week), at New York, New York in a hearing room to be later designated.

MC 28339 Sub 9, Bremerton-Tacoma Stages, Inc., now assigned June 14, 1976, at Seattle, Wash. canceled and reassigned for June 14, 1976, at Port Angeles, Wash., at the Peninsula College, 1502 E. Lauridsea Boulevard.

MC 108531 Sub 18, Blue Bird Coach Lines, Inc., now assigned April 28, 1976, at New Castle, Pa., will be held in Council Chambers, 2nd Floor, New Castle Municipal Bldg., Corner of Jefferson & Grant Street.

MC 141601, Arrow Driveaway, Inc. now being assigned July 19, 1976 (1 week), at New York, New York in a hearing room to be later designated.

MC 140874, Schreiber Express, Inc., now being assigned June 29, 1976, (3 days), at Tallahassee, Fla., in a hearing room to be later designated.

MC 33426 (Sub 6), Fuller Transportation, Inc. now being assigned July 12, 1976 (2 weeks), at Columbia, South Carolina in a hearing room to be later designated.

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

[FR Doc.76-11847 Filed 4-22-76;8:45 am]

[Section 5a Application No. 58 (Amendment No. 1)]

MACHINERY HAULERS ASSOCIATION—AGREEMENT

APRIL 13, 1976.

Notice: The Commission is in receipt of an application of the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed as Amended April 9, 1976 by: W. A. Hallman, Secretary, Machinery Haulers Association, 1745 University Avenue, St. Paul, Minn. 55104.

The Amendments involve: (1) Broaden the commodity scope to embrace property generally between points in the United States, in lieu of the present limited scope of machinery and related articles; (2) Redefine carrier membership eligibility to comport with the proposed broadened commodity scope; (3) Clarify membership on the Rate Committee to embrace all new member parties; (4) Reduce the Rate Committee quorum to 10 percent of such members, but not less than 5 members, and authorized proxy representation; (5) Modify the independent action provision so as to comply with 332 I.C.C. 22; (6) Change the annual meeting of the membership from the month of January to allow the Board of Directors to determine the time and place of such meeting; (7) Modify provision for suspension of member carriers; and (8) Establish provisions for relations with other similar carrier organizations.

The complete application may be inspected at the Office of the Commission in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of publication of this notice in the FEDRAL REGISTER. As Provided by the General Rules of Practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceeding to investigation and determine the matters involved without public hearing.

ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-11848 Filed 4-22-76;8:45 am]

federal register

BOOK 2 OF 2 BOOKS

FRIDAY, APRIL 23, 1976



PART II:

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

■

Safety Standards Revision Procedure
Walking-Working Surfaces
Anhydrous Ammonia
Fire Protection
Request for Information;
Proposal Withdrawal

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

SAFETY STANDARDS

New Procedure for Revision

The Occupational Safety and Health Administration (OSHA) of the Department of Labor announces that it intends to utilize a new procedure to obtain data necessary for possible revision of certain standards regulating workplace safety hazards. These standards, which appear in Part 1910 of Title 29 of the Code of Federal Regulations, were adopted from national consensus standards or established Federal standards under section 6(a) of the Occupational Safety and Health Act of 1970 (84 Stat 1593, 29 U.S.C. 655). Future revision of these standards would be accomplished under the full informal rulemaking procedures of section 6(b) of the Act, including publication of a proposed standard in the FEDERAL REGISTER and opportunity for public comment and a hearing.

The purpose of the new procedure announced in this notice is to improve OSHA's process for obtaining data, information and views from persons affected by these standards, and to solicit the widest possible public participation at the earliest stages of the Department's decision-making process. The new procedure consists, generally, of: (1) Early public notification of the Department's intent to review and consider possible revision of specified standards or groups of standards originally promulgated under section 6(a) of the Act; (2) publication of the text of the standards under review along with a discussion of general problem areas and a paragraph-by-paragraph presentation of comments received on and requests for revision of particular requirements; (3) a request for substantive written comments by the public regarding the standard under review, and (4) public information gathering meetings in various localities around the country to permit oral presentations of views and data to OSHA officials.

This issue of the FEDERAL REGISTER contains notices relating to the safety standards on ladders, stairs, scaffolds and floor and wall openings (29 CFR Part 1910, Subpart D—Walking—Working Surfaces), fire suppression equipment and other fire protection systems (29 CFR Part 1910, Subpart L—Fire Protection) and the storage and handling of anhydrous ammonia (29 CFR 1910.111). It is not, however, OSHA's intention to automatically apply the new procedure to the revision of every safety standard in part 1910 and therefore its utilization in these cases should not be regarded as a firm precedent for the future. OSHA will announce by individual notices published in the FEDERAL REGISTER any other standards to which the new procedures will be applied.

I. Background. The express purpose of the Occupational Safety and Health Act of 1970 is "* * * to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources * * *" (Sec. 2(b)). One means selected by Congress to achieve this goal was the authorization of the Secretary of Labor to establish mandatory occupational safety and health standards under section 6 of the Act. Congress expressly desired the development of innovative methods, techniques and approaches for dealing with occupational safety and health problems (Sec. 2(b)(5) of the Act). Congress recognized, however, the complexity and difficulty of developing standards relating to highly technical matters and encompassing numerous areas. Consequently, in order to ensure that the nation's employees were guaranteed at least a minimum level of occupational safety immediately, Congress provided that national consensus standards and established Federal standards be promulgated during the first two years following passage of the Act, unless the Secretary determined that the promulgation of particular standards would not result in improved safety or health (Sec. 6(a) of the Act). Congress provided for the issuance of such standards without public comment and the holding of public hearings.

In accordance with the congressional mandate, OSHA's initial set of occupational safety and health standards was published in the FEDERAL REGISTER on May 29, 1971 (36 FR 10466). These standards, promulgated as 29 CFR Part 1910, were derived primarily from national consensus standards formulated by the American National Standards Institute (ANSI) and the National Fire Protection Association (NFPA). The initial package reflected an attempt by OSHA to include only those portions of national consensus standards which were relevant to employee safety and health and which could be considered as "mandatory." Additionally, OSHA adopted and extended coverage of established Federal standards issued under the authority of the Walsh-Healey Act (41 U.S.C. 35), the Construction Safety Act (40 U.S.C. 333), and the 1958 amendments to the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941).

Since the promulgation of these standards in 1971, certain problem areas in 29 CFR Part 1910 have surfaced and OSHA has made some revisions of these section 6(a) standards. Some of the problems raised involved specific requirements of the standards whereas others relate generally to the nature, purpose and form of the regulations. Congressional committees, in exercise of their oversight authority, have recommended that OSHA review all its standards, including those of consensus origin, and revise those which are unclear or irrelevant to employee safety and health. Enforcement experience, petitions for change or revocation of certain standards, and decisions of the Occupational Safety and Health Review Commission and the Courts have underscored this need. Additionally, with the rapidity of advances in technology and introduction of new industrial practices, there are areas for which the section 6(a) standards may no longer be effective in providing the employee safety intended by the Act. The issues raised by these requests have directed attention to the need for substantive review of certain subparts of 29 CFR Part 1910 in their entirety, and have also directed attention to several questions of a general nature having application to whole groups of standards.

In addressing these issues, OSHA feels that it is appropriate to provide the fullest possible public participation in the collection of data and in the consideration of general issues and the development of new approaches. With respect to the necessary information on which to base revisions of the standards, it must be recognized that the national consensus standards, from which the section 6(a) standards were taken, were in many cases based on an amalgam of informed opinion and industry practice, rather than solely upon supporting statistical data. The requests for revisions of standards which have been received have supplied data which is also limited in scope. Review of entire sections and subparts requires technical expertise and practical information of a more widespread nature. Besides experts, there are many individuals in management and labor—including individual employees who are exposed to the hazards regulated and small businessmen who may have special problems in applying the requirements of the standard—who have the practical experience from which OSHA can develop an adequate data base. It is OSHA's view that this expertise should be drawn on prior to the preparation by OSHA of any proposal and the institution of rulemaking procedures under section 6(b) of the Act.

With regard to the general issues raised concerning OSHA's safety standards, wide public participation is also valuable because the issues are important to many and their resolution should be based on broad experience and wisdom. Among the general issues which have been raised and on which comments are being invited are the following:

1. Simplification or clarification. Some critics have complained about the alleged complexity of OSHA's safety standards. OSHA is aware that particular provisions of its existing standards 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 was expressed by the Department of Labor in a statement submitted to the House Subcommittee on Environmental Problems Affecting Small Business on 26 June 1975, as follows:

> It has become increasingly evident that the combined body of Federal regulations imposes a substantial, and to some extent, necessary 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.

In addition, Congress has in the past recommended that OSHA revise its standards to make them more understandable to small businessmen, and in the Department's appropriation bill for fiscal year 1976, directed OSHA to undertake a "review and simplification of existing OSHA standards * * *".

2. Marginal value in terms of employee safety. Many, including some members of Congress, have commented that some of OSHA's standards are unnecessary, have little, if any, relevance to today's workplace, and are directed towards either property protection or safety of the general public. Indeed, Congress in the Department's latest appropriations bill also directed OSHA to undertake:

* * * elimination of so-called "nuisance standards" or standards which do not deal with workplace conditions that are clearly hazardous to the health or safety of workers or are more properly under the jurisdiction of State Departments of Public Health.

OSHA recognizes that some of the national consensus standards that existed prior to 1970 were intended not just for employee protection but also for the protection of the general public and property. In promulgating these standards under section 6(a), OSHA attempted to avoid inclusion of aspects other than those directed at employee safety. Nevertheless, the contention persists that "nuisance" aspects of the standards must still be eliminated.

3. Gaps in the existing OSHA standards. Some have complained that there are gaps in the coverage of OSHA's standards, both as to hazards and kinds of workplaces. A recent example of such an alleged gap is the area of commercial diving.

4. Specification or design versus level of performance provisions. Comment has been generated concerning the performance versus the design or specification type of standard. Many have alleged that OSHA's present safety standards are too design-oriented, and that the design requirements are not always necessary for employee protection. Additionally, it is said that design standards tend to become obsolete quickly and thus are a potential road-block in the way of the growth of new technology. On the other hand, some have stated that performance standards are too general or vague and do not afford sufficient guidance to employers as to what they must do in order to achieve compliance with the standard.

5. The "Code" problem. Another aspect of the above issue is the dual problem posed by incorporating by reference certain ANSI standards and building, fire, and other specification type codes in the standards, thus making compliance with such codes mandatory. Some commentators feel that OSHA should publish the texts of the codes themselves in the body of its regulations so as to give better notice of the requirements of the standard. Others have suggested that OSHA should immediately update its standards when the referenced codes are revised—sometimes more than once a year.

6. New Technology. OSHA recognizes that there are many areas where current technology has surpassed existing requirements with the result that section 6(a) standards are no longer effective. Standards must be constantly studied and revised in order to continue to ensure an adequate level of employee safety despite technological advances. As new methods and techniques are developed, new hazards may be created. OSHA, therefore, is seeking ways of developing new standards which continue to protect employees in the face of rapid advances in technology and the introduction of new industrial processes.

II. The Procedure. To provide for expanded opportunities for the public to participate in the review of existing standards, in the development of a solid information and data base for revision of the standards, and in the consideration of broad issues and possible new approaches, OSHA will apply the procedure described below to selected standards. It is hoped that all those interested in these standards—affected employers and employees, academic and professional experts, federal and state safety specialists, and elected representatives—will avail themselves of this opportunity and will participate in this pre-proposal stage through the submission of written comments, relevant data and, when scheduled, participation in public meetings.

In this new procedure, entire sections or subparts of 29 CFR Part 1910 which are under review will be published in a notice requesting information and announcing public meetings. Comments will be solicited on all provisions of the standards in question. To aid the public in commenting on the standards and to enhance the value of the comments to OSHA, a discussion of the general issues as outlined above and a paragraph-by-paragraph presentation of comments or requests for revision which have already been received will accompany publication of the text of the standards. It is not intended that such discussion be dispositive of all issues on which comment is requested, however. A sufficient period of time, as specified in the individual notices, will be provided for interested parties to submit written data, views and information.

In addition, a number of information-gathering meetings may be announced with each notice, specifying times and places for each meeting. These meetings will be scheduled at various locations across the country in an effort to encourage and facilitate the widest public involvement. Interested persons will be able to present their views orally and submit exhibits at these meetings, in accordance with the procedures set out in each notice. OSHA suggests, however, that all comments be submitted in written form to every extent possible.

Following completion of the meetings and the time for submitting written comments, OSHA will thoroughly review all the information and views collected as well as any other relevant data. Where appropriate, OSHA will then develop proposals to amend the existing standards and will institute the procedures set forth in section 6(b) of the Act.

(Sec. 6, 84 Stat. 1593 (29 U.S.C. 655); Secretary of Labor's Order No. 12–71 (36 FR 8754)).

Signed at Washington, D.C. this 15th day of April 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76–11325 Filed 4–22–76;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket D]

WALKING-WORKING SURFACES

Request for Information and Notice of Public Meetings

The Occupational Safety and Health Administration (OSHA) is considering revising its standards concerning walking and working surfaces. These standards deal with guarding of floor and wall openings and holes, fixed industrial stairs, ladders, scaffolding, ladder stands and other similar working surfaces, and comprise Subpart D of 29 CFR Part 1910, §§ 1910.21–1910.32.

This notice is issued in accordance with the procedures, announced in the FEDERAL REGISTER today (41 FR 17100), for revision of certain safety standards originally promulgated pursuant to section 6 (a) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 29 U.S.C. 655). The notice is intended to inform the public of the details of specific comments and recommendations received from various outside sources regarding changes to Subpart D, and to solicit data and provide the public with an early opportunity to state their views as to the scope and form that possible revisions of Subpart D should take. In addition to inviting the submission of written comments and data within approximately a 60 day period, the notice announces the scheduling of informal information gathering meetings to permit oral presentations of information to the agency.

In order to facilitate the desired public comment, this notice includes the text of the current standards along with a paragraph-by-paragraph presentation of various comments and requests for revision which have previously been received by OSHA concerning the existing standards. These comments and recommendations do not represent an OSHA position. It is hoped, however, that by setting them out in the right hand column alongside the text of the standard we will focus attention on some of the issues and questions which have already been raised by members of the public and will encourage the submission of additional comments and information from interested persons. Comments and views are also invited on several issues concerning the overall approach to the revision of the walking-working surfaces standards and the safety standards in general. Some of these issues are also set out in the notice. It should be noted, of course, that the current standards continue in full force and effect, and will be enforced during this review process.

I. *Background.* The existing Subpart D became effective on August 27, 1971, after promulgation pursuant to section 6(a) of the Act, which allowed OSHA during a two-year period ending on April 28, 1973, to promulgate standards based on national consensus standards without public comment or hearing. Subpart D was based upon the then existing national consensus standards published by the American National Standards Institute (ANSI). Experience since promulgation of Subpart D has indicated many difficulties in the application of certain specific requirements of this Subpart to the actual facilities and equipment in use. Additionally, it has been suggested that some of the requirements have no direct effect upon the safety of employees, and that many details are such as to directly concern only the manufacturer or builder of the equipment. Furthermore, some installations, not meeting the requirements of Subpart D, had actually been constructed to meet the mandatory specifications of dissimilar local building codes. The provisions of many of the ANSI standards themselves have also been changed, and OSHA has been petitioned to modify its standards accordingly.

Recognition of the above problems led to the publication of a proposal on September 6, 1973 (38 FR 24300), to revise Subpart D pursuant to section 6(b) of the Act. In response to this proposal interested persons submitted over 200 written comments. The suggestions ranged from minor clarifications of language to major deletions or additions to the proposed standards, and included recommendations that an entirely new approach be taken. A thorough study of the submissions, as well as extensive contacts with people knowledgeable in this area, clearly indicate that both the existing standard and the proposal raise many important issues, and that the limited data presently available to OSHA does not permit the promulgation of a new standard at this time. Accordingly, the outstanding proposal is being withdrawn by a notice published in the FEDERAL REGISTER (41 FR 17100), and the fullest participation of employees, employers and other interested persons is invited to implement the new procedure for revision of OSHA safety standards and to supply the data base from which a proposed revision of Subpart D can be drafted.

II. General Issues. As discussed in the Notice of New Procedures for Revision of Safety Standards (41 FR 17100), there are certain issues which have been raised that are common to many of the standards promulgated under section 6(a) of the Act. These issues, as applied to Subpart D, are set forth below:

1. Whether particular provisions of Subpart D should be revoked because they are of marginal value in terms of employee safety. For example, are § 1910.25(b)(1) and Table D–5, which limit the materials that may be used for wood ladders, necessary for employee safety?

2. To what extent, and in which provisions of Subpart D, does one find requirements that have little, if any, relevance to employee safety in the work place, and that are directed instead to either property protection or safety of the general public? For example, there are aspects of § 1910.23(c)(1) which may appear to be directed at protection of machinery rather than employee safety.

3. Whether there are gaps in coverage in Subpart D that give rise to unsafe conditions for employees, and how these should be remedied. For example, ANSI A92.3—1973, Elevating Work Platforms has no counterpart in Subpart D.

4. Whether particular provisions of Subpart D should contain design or construction specification requirements which must be met by employers rather than requiring a level of performance which would insure employee safety without requiring specific means of meeting that performance level. The current Subpart D sets forth detailed specifications for the equipment and installations covered by the Subpart, without allowing for differences in design, material or construction either in existing facilities or in facilities being developed after promulgation of the standard, and without providing for subsequent advances in technology. Many of these differences, if allowed, would not materially affect the safety of employees, and there is a question as to the justification for rigid requirements which might necessitate rebuilding or replacing existing equipment. Should a revised Subpart D explicitly permit equipment and installations which provide safety substantially equivalent to the established standard? And should the standard include specifications which seem to be directed more to the manufacturer of the equipment or builder of the facility than to the employer of the exposed employee? On the other hand, if the "performance" approach is adopted, should the standard also include (either in an appendix or in the standard itself) a recommended test or model, possibly based on an ANSI standard, as a guide to employers? These recommendations could include details of design, material and construction constituting one way, but not necessarily the only way, of meeting the performance requirements of the standard.

5. How should ANSI standards be utilized in these OSHA regulations? If an ANSI standard is referred to either in connection with legally binding requirements or with recommended means of compliance, should it be done merely by reference to the ANSI standard or should it be done by reprinting the relevant text of that standard in the OSHA regulation? In considering this question, it should be recognized that the specifications dealing with the construction or manufacture of equipment and facilities

are voluminous and are really applicable only once, when the facility or equipment is being built. What, if anything, should be done as the ANSI standards are periodically updated? How should OSHA deal with existing facilities which provide adequate protection but which may not meet new OSHA regulations?

6. Whether particular provisions of the existing standard need simplification or clarification; for example, the detailed construction requirements for portable wood ladders contained in § 1910.25(c), or the requirements for wood pole scaffolds in § 1910.28(b)(16), Tables D–7 through D–12.

III. *Specific Issues.* In addition to the above general issues, OSHA invites comments on specific issues relating to walking-working surfaces, of which the following are examples:

1. There are a great many definitions within the present Subpart D, yet a number of repetitive technical terms remain undefined. Are more or fewer definitions necessary, and which should be added, which deleted, which redefined?

2. (a) Where a restraint system such as safety belts and lifelines are permitted, is it necessary in this standard to consider the impact force of the safety belt when it arrests the fall of an employee, If so, is there a limitation on the distance an employee can fall, before being stopped, without serious injury?

(b) Is it necessary, within the coverage of this standard, to include requirements regarding the strength of the components of the restraint system under the anticipated conditions of use? If so, to what extent and with what degree of specificity should the standard cover these aspects? Should these requirements be left to the equipment manufacturer rather than being placed on the employer?

(c) Should a restraint system safety factor be included in this standard? If so, what is recommended and what, if any, evidence should be required to assure that the safety factor is met and equipment quality control maintained?

3. The existing Subpart D refers, in § 1910.23(e)(3)(iv) and elsewhere, to guardrails capable of withstanding a load of at least 200 pounds applied in any direction at any point of the top rail. Is it necessary to state more precisely the means of application of the 200 pound load of this performance type requirement, and if so how?

4. Should a new section be included to cover manhole steps and ladders associated therewith? If such a section is developed, what requirements would be necessary and reasonable?

5. It has been requested that Subpart D include requirements for catenary and pump jack scaffolds. A catenary scaffold can be defined as a platform directly resting upon and supported by two horizontal and parallel wire ropes, which in turn are secured to structural members. Catenary scaffolds are used by bridge painters. A pump jack scaffold can be defined as an arrangement of movable brackets. The platform is raised by a pumping action and lowered by a cranking action. Usage is primarily in maintenance work and in light construction. Should catenary scaffolds and pump jack scaffolds be covered in Subpart D and if so what should be the extent of coverage?

6. Is the testing section for portable metal ladders, § 1910.26(b), irrelevant with respect to the user, and if so, should it be deleted? Should a requirement to the effect that only ladders meeting the material and construction requirements in paragraphs (b)(1) and (c)(1) of § 1910.26 shall be used by employers subject to these regulations be substituted? Should there be a performance standard which would recognize all ladders which provide equivalent protection?

7. To what extent and in which provisions are there inconsistencies with the maritime and construction standards as found at 29 CFR Parts 1915, 1916, 1917, 1918, and 1926. Should these standards be considered in the revision of Subpart D?

8. Should training provisions be included in Subpart D where appropriate. If so, what should be the nature and scope of such provisions for employee training?

IV. *Public Participation.* As discussed above, the purpose of this notice is to gather as much relevant data and comments as possible from as many interested persons as possible. Public participation in this information gathering process is critical to its success. All persons concerned with these regulations, including employees who are protected by them, employers who must comply with them, experts in walking and working surfaces, elected representatives and members of the public at large, are urged to participate in this process.

You are invited to submit written comments on the issues raised in this notice or on any other aspects of the regulations concerning walking-working surfaces. Comments are solicited on the existing standards of Subpart D, as well as on the suggestions, comments, and other matters discussed in this document. Any additional recommendations pertaining to the subject matter of Subpart D are equally welcome, and will materially assist OSHA in making determinations with respect to a possible subsequent proposal.

These comments should be in the form not only of agreement or disagreement with the issues set forth, but should include alternatives, data (including injury data) to support recommendations, reasons and rationale for positions, and issues not raised herein.

Written comments should be submitted on or before June 22, 1976, and should be sent to Director, Office of Standards Development, Docket D, Occupational Safety and Health Administration, Room N 3718, U.S. Department of Labor, 200 Constitution Ave. NW., Washington, D.C. 20210. Written submissions should clearly identify the standards or sections addressed and the position taken. The data, views, and information submitted will be available for public inspection and copying at the Technical Data Center, Rm. N3620, at the above address.

Everyone interested in commenting, employees, employers, manufacturers, and others with data, are urged to submit their comments and information in writing. In addition to this request for written submissions, OSHA is scheduling several public meetings at various locations around the country to afford the public the widest possible opportunity to submit their data and views. The meetings will be held on the dates and at the locations listed below:

June 8–10, 1976:
Executive Hotel, Terrace Room, 1055 First Avenue, San Diego, California 92102.

June 15–17, 1976:
Sheraton-O'Hare, 6810 N. Mannheim, Rosemont, Illinois 60018.

June 22–24, 1976:
Braniff Place, Terrace Suite, 6th Floor, 1500 Canal Street, New Orleans, Louisiana 70140.

June 29–July 1, 1976:
U.S. Department of Labor, Occupational Safety and Health Administration, 1515 Broadway, 35th Floor, Room 3560, New York, New York 10036.

Each meeting will begin promptly at 10 a.m., will recess from 12 noon until 2 p.m., and will continue until 5 p.m. Evening sessions will be held from 6:30–8:30 p.m. The meetings are intended as a forum for the public to orally submit information concerning issues raised by this notice and any others concerning walking-working surfaces. The chairperson of each meeting will be a representative of the Department of Labor designated by the Assistant Secretary for Occupational Safety and Health, and will have all necessary authority to regulate the conduct of the meetings.

In order to reasonably anticipate the response at each meeting location, OSHA requests that any person wishing to make an oral presentation notify OSHA by advance written notice. The notice should identify the person and/or organization intending to testify, the amount of time requested for oral presentation, and the subject matter and a brief summary of the intended oral presentation. Such written notice of a desire to make an oral presentation should be sent to Director, Office of Standards Development, Docket D Occupational Safety and Health Administration, Room N3718, U.S. Department of Labor, 200 Constitution Ave. NW., Washington, D.C. 20210, no later than two weeks before the scheduled meeting date. All persons giving advance notice by mail will have time reserved for oral presentation. Persons wishing to testify, who have not submitted advance notice, are requested to register for each meeting at the place and on the day scheduled, from 9 a.m. to 10 a.m.

As long as time permits, all persons who wish to be heard will be allowed to make oral presentations. However, should time restraints so require, priority will be given to those who register in advance.

A written transcript of these meetings will be made for OSHA's use in resolving the various issues raised by these proceedings. Copies of the transcripts will be available for inspection at the Technical Data Center, U.S. Department of Labor, Room N 3620, 200 Constitution Avenue NW., Washington, D.C. 20210.

Following completion of the meetings and expiration of the comment period, OSHA will review all the information, arguments, views and data collected as well as any other relevant data. If appropriate, OSHA will develop a proposal to amend the existing standard and will initiate rulemaking proceedings under section 6(b) of the Act. In the event that a new proposal is issued, all the information gathered will become part of the public record in that proceeding.

Signed at Washington, D.C., this 15th day of April, 1976.

MORTON CORN,
Assistant Secretary of Labor.

PART 1910

OCCUPATIONAL SAFETY AND HEALTH STANDARDS

SUBPART D—WALKING–WORKING SURFACES

1910.21 Definitions.
1910.22 General requirements.
1910.23 Guarding floor and wall openings and holes.
1910.24 Fixed industrial stairs.
1910.25 Portable wood ladders.
1910.26 Portable metal ladders.
1910.27 Fixed ladders.
1910.28 Safety requirements for scaffolding.
1910.29 Manually propelled mobile ladder stands and scaffolds (towers).
1910.30 Other working surfaces.
1910.31 Sources of standards.
1910.32 Standards organizations.

Definitions

Present Standard	Comments
1910.21	1910.21
(a) As used in § 1910.23, unless the context requires otherwise, floor and wall opening, railing and toe board terms shall have the meanings ascribed in this paragraph.	(a) Comments have been received suggesting the location of definitions closer to the sections to which they are applicable.
(1) **Floor hole.** An opening measuring less than 12 inches but more than 1 inch in its least dimension, in any floor, platform, pavement, or yard, through which materials but not persons may fall; such as a belt hole, pipe opening, or slot opening.	(a)(1) ANSI has petitioned OSHA to modify (a)(1) by substituting section 2, "Floor Hole" of ANSI Standard A12.1-1973, as set forth below: "Floor hole. An opening measuring less than 12 inches but more than 2 inches in its least dimension, in any floor, platform, pavement, or yard, through which materials but not persons may fall; such as belt hole, pipe opening, or slot opening."
(2) **Floor opening.** An opening measuring 12 inches or more in its least dimension, in any floor, platform, pavement, or yard, through which persons may fall; such as a hatchway, stair or ladder opening, pit, or large manhole. Floor openings occupied by elevators, dumb waiters, conveyors, machinery, or containers are excluded from this subpart.	
(3) **Handrail.** A single bar or pipe supported on brackets from a wall or partition, as on a stairway or ramp, to furnish persons with a handhold in case of tripping.	(a)(3) A comment has been received requesting that OSHA modify (a)(3) to recognize free standing handrails. ANSI has petitioned OSHA to modify (a)(3) by substituting section 2, "Hand Rail" of ANSI Standard A12.1-1973, as set forth below: 'Handrail. A single member supported on brackets from a wall or partition, as on a stairway or ramp, to furnish persons with a handhold in case of tripping."
(4) **Platform.** A working space for persons, elevated above the surrounding floor or ground; such as a balcony or platform for the operation of machinery and equipment.	(a)(4) ANSI has petitioned OSHA to modify (a)(4) by substituting section 2, "Platform" of ANSI Standard A12.1-1973, as set forth below: "Platform. A surface for persons, elevated above the surrounding floor or ground."
(5) **Runway.** A passageway for persons, elevated above the surrounding floor or ground level, such as a footwalk along shafting or a walkway between buildings.	(a)(5) ANSI has petitioned OSHA to modify (a)(5) by substituting section 2, "Runway" of ANSI Standard A12.1-1973, as set forth below: "Runway. A passageway for persons, elevated above the surrounding floor or ground level; such as a footwalk along shafting, or a catwalk and walkway between buildings."
(6) **Standard railing.** A vertical barrier erected along exposed edges of a floor opening, wall opening, ramp, platform, or runway to prevent falls of persons.	(a)(6) ANSI has petitioned OSHA to modify (a)(6) by substituting section 2, "Guard Railing" of ANSI Standard A12.1-1973, as set forth below: "Guard railing. A barrier erected along exposed edges of an open-sided floor opening, wall opening, ramp, platform, or runway to prevent falls of persons."
(7) **Standard strength and construction.** Any construction of railings, covers, or other guards that meets the requirements of § 1910.23	(a)(7) A commenter recommends not using cross references, since they are difficult to follow.

Present Standard	Comments
1910.21	1910.21
(8) Stair railing. A vertical barrier erected along exposed sides of a stairway to prevent falls of persons.	
(9) Toeboard. A vertical barrier at floor level erected along exposed edges of a floor opening, wall opening, platform, runway, or ramp to prevent falls of materials.	(a)(9) A commenter recommends that the definition should be clearly limited to employee safety hazards.
(10) Wall hole. An opening less than 30 inches but more than 1 inch high, of unrestricted width, in any wall or partition; such as a ventilation hole or drainage scupper.	(a)(10) ANSI has petitioned OSHA to modify (a)(10) by substituting section 2, "Wall Hole" of ANSI Standard A12.1-1973, as set forth below: "Wall hole. An opening less than 30 inches and more than 2 inches in height and of unrestricted width in any wall or partition; such as a ventilation hole or drainage scupper."
(11) Wall opening. An opening at least 30 inches high and 18 inches wide, in any wall or partition, through which persons may fall; such as a yard-arm doorway or chute opening.	(a)(11) ANSI has petitioned OSHA to modify (a)(11) by substituting section 2, "Wall Opening" of ANSI Standard A12.1-1973, as set forth below: "Wall opening. An opening at least 30 inches high and 12 inches wide, in any wall or partition, through which persons may fall; such as a yard-arm doorway or chute opening."
(b) As used in § 1910.24, unless the context requires otherwise, fixed industrial stair terms shall have the meaning ascribed in this paragraph.	(b) A commenter recommends locating definitions in their respective applicable sections.

Present Standard	Comments
1910.21	1910.21
(1) Handrail. A single bar or pipe supported on brackets from a wall or partition to provide a continuous handhold for persons using a stair.	(b)(1) A comment has been received requesting that OSHA modify (b)(1) to limit the restriction on free standing handrails.
(2) Nose, nosing. That portion of a tread projecting beyond the face of the riser immediately below.	
(3) Open riser. The air space between the treads of stairways without upright members (risers).	(b)(3) A comment has been received requesting that OSHA modify (b)(3) to limit the permissible size of the open space between the treads.
(4) Platform. An extended step or landing breaking a continuous run of stairs.	
(5) Railing. A vertical barrier erected along exposed sides of stairways and platforms to prevent falls of persons. The top member of railing usually serves as a handrail.	
(6) Rise. The vertical distance from the top of a tread to the top of the next higher tread.	(b)(6) A comment has been received requesting that OSHA modify (a)(6) to define the first step or last step rise.
(7) Riser. The upright member of a step situated at the back of a lower tread and near the leading edge of the next higher tread.	(b)(7) A comment has been received requesting that OSHA modify (b)(7) to define the first step or last step "Riser."

Present Standard	Comments
1910.21	1910.21
(8) Stairs, stairway. A series of steps leading from one level or floor to another, or leading to platforms, pits, boiler rooms, crossovers, or around machinery, tanks, and other equipment that are used more or less continuously or routinely by employees, or only occasionally by specific individuals. A series of steps and landings having three or more risers constitutes stairs or stairway.	(b)(8) A comment has been received requesting that OSHA modify (b)(8) to define a stairway as one that has less than three risers.
(9) Tread. The horizontal member of a step.	(b)(9) A comment has been received requesting that OSHA modify (b)(9) to make this definition clearer by using a minimum depth across the step.
(10) Tread run. The horizontal distance from the leading edge of a tread to the leading edge of an adjacent tread.	(b)(10) A comment has been received requesting that OSHA modify (b)(10) to make clear the application of this paragraph to the first and last step.
(11) Tread width. The horizontal distance from front to back of tread including nosing when used.	(b)(11) A comment has been received requesting that OSHA modify (b)(11) to make clear the application of this paragraph to the first and last step.
(c) As used in § 1910.25, unless the context requires otherwise, portable wood ladders terms shall have the meanings ascribed in this paragraph.	(c) A commenter recommends locating definitions closer to the applicable sections.
(1) Ladders. A ladder is an appliance usually consisting of two side rails joined at regular intervals by crosspieces called steps, rungs, or cleats, on which a person may step in ascending or descending.	(c)(1) A comment has been received requesting that OSHA modify (c)(1) to include step bolt in the definition.

Present Standard	Comments
1910.21	1910.21
(2) Stepladder. A stepladder is a self-supporting portable ladder, nonadjustable in length, having flat steps and a hinged back. Its size is designated by the overall length of the ladder measured along the front edge of the side rails.	(c)(2) A commenter questions whether this subparagraph precludes the use of adjustable legs when using a ladder on an uneven surface.
(3) Single ladder. A single ladder is a non-self-supporting portable ladder, nonadjustable in length, consisting of but one section. Its size is designated by the overall length of the side rail.	
(4) Extension ladder. An extension ladder is a non-self-supporting portable ladder adjustable in length. It consists of two or more sections traveling in guides or brackets so arranged as to permit length adjustment. Its size is designated by the sum of the lengths of the sections measured along the side rails.	(c)(4) A commenter questions whether the term "Extension Ladder" includes a ladder with adjustable legs for use on uneven ground.
(5) Sectional ladder. A sectional ladder is a non-self-supporting portable ladder, nonadjustable in length, consisting of two or more sections of ladder so constructed that the sections may be combined to function as a single ladder. Its size is designated by the overall length of the assembled sections.	(c)(5) ANSI has petitioned OSHA to modify (c)(5) by substituting section 3.1.4 of ANSI Standard A14.1-1975, as set forth below: "Sectional Ladder. A sectional ladder is a non-self-supporting portable ladder, nonadjustable in length, consisting of two or more sections of ladder so constructed that the sections may be combined to function as a single ladder. Its size is designated by the overall length of the assembled sections. The size of any individual section is designated by the length of the section, measured along a side rail, not including a small amount of material at the end or ends needed for attaching."

Present Standard	Comments
1910.21	1910.21
(6) Trestle ladder. A trestle ladder is a self-supporting portable ladder, nonadjustable in length, consisting of two sections hinged at the top to form equal angles with the base. The size is designated by the length of the side rails measured along the front edge.	(c)(6) A commenter questions whether this definition precludes adjustable legs for use on even ground.

Present Standard	Comments
1910.21	1910.21
(7) Extension trestle ladder. An extension trestle ladder is a self-supporting portable ladder, adjustable in length, consisting of a trestle ladder base and a vertically adjustable single ladder, with suitable means for locking the ladders together. The size is designated by the length of the trestle ladder base.	(c)(7) A commenter questions whether this definition precludes adjustable legs for use on even ground.
(8) Special-purpose ladder. A special-purpose ladder is a portable ladder which represents either a modification or a combination of design or construction features in one of the general-purpose types of ladders previously defined, in order to adapt the ladder to special or specific uses.	(c)(8) A commenter questions whether a curved ladder would fall within the definition as set forth in (c)(8).
(9) Trolley ladder. A trolley ladder is a semifixed ladder, nonadjustable in length, supported by attachments to an overhead track, the plane of the ladder being at right angles to the plane of motion.	(c)(9) ANSI has requested that OSHA revoke the definition in (c)(9) since it has been eliminated in ANSI A14.1-1975.
(10) Side-rolling ladder. A side-rolling ladder is a semifixed ladder, nonadjustable in length, supported by attachments to a guide rail, which is generally fastened to shelving, the plane of the ladder being also its plane of motion.	(c)(10) ANSI has requested that OSHA revoke the definition in (c)(10) since it has been eliminated in ANSI A14.1-1975.
(11) Wood characteristics. Wood characteristics are distinguishing features which by their extent and number determine the quality of a piece of wood.	(c)(11) A comment has been received requesting that OSHA modify (c)(11) to make the definition clearer.
(12) Wood irregularities. Wood irregularities are natural characteristics in or on wood that may lower its durability, strength, or utility.	(c)(12) ANSI has petitioned OSHA to modify (c)(12) by substituting section 3.5.1 of ANSI Standard A14.1-1975 as set forth below: "Wood Irregularities. Wood irregularities are natural characteristics in or on wood that may lower its durability, strength, or utility.

Present Standard	Comments
1910.21	1910.21
	(c)(12) continued Some irregularities as described in 3.5.1.1 through 3.5.1.11 in ANSI A14.1-1975 are prohibited while others, such as cross grain, knots, pitch and bark pockets, checks, and compression wood, are permitted to a limited degree."
(13) Cross grain. Cross grain (slope of grain) is a deviation of the fiber direction from a line parallel to the sides of the piece.	(c)(13) ANSI has petitioned OSHA to modify paragraph (c)(13) by substituting section 3.5.1.1 of ANSI Standard A14.1-1975 as set forth below: "Cross Grain. Cross grain (slope of grain) is a deviation of the fiber direction from a line parallel to the sides of the piece. Cross grain may be diagonal, or spiral, or both. Cross grain is limited in terms of its slope, which is established as the distance along the sides of the piece in which a deviation of grain of 1 inch occurs. For example, cross grain with a slope of 1 in 12 means that, in a distance of 12 inches, the grain deviates 1 inch from the edge of the piece. The slope of grain shall be measured over a distance which will assure the determination of the general slope of the grain not influenced by short local deviations."

Present Standard	Comments
1910.21	1910.21
	(c)(13) continued "Local deviations of grain from the general slope in the piece are usually associated with a knot or other irregularity which may or may not be present in the piece. In addition to the limits or general slope of grain, it is desirable also, in pieces of small cross section such as occur in ladder parts, to limit the occurrence of local deviations except for those which are associated with otherwise permitted irregularities appearing in the piece."
(14) Knot. A knot is a branch or limb, imbedded in the tree and cut through in the process of lumber manufacture, classified according to size, quality, and occurrence. The size of the knot is determined as the average diameter on the surface of the piece.	

Present Standard	Comments
1910.21	1910.21
(15) Pitch and bark pockets. A pitch pocket is an opening extending parallel to the annual growth rings containing, or that has contained, pitch, either solid or liquid. A bark pocket is an opening between annual growth rings that contains bark.	(c)(15) ANSI has petitioned OSHA to modify (c)(15) by substituting section 3.5.1.3 of ANSI Standard A14.1-1975, as set forth below: "Pitch and Bark Pockets. A pitch pocket is an opening extending parallel to the annual growth rings that contains, or that has contained, pitch, either solid or liquid. A bark pocket is an opening between annual growth rings that contains bark. Bark pockets appear as dark streaks on radial surfaces and as rounded areas on tangential surfaces."
(16) Shake. A shake is a separation along the grain, most of which occurs between the rings of annual growth.	(c)(16) A commenter questions whether the definition in (c)(16) is consistent with the lumber grading schedule of § 1910.25, Table D-5.
(17) Check. A check is a lengthwise separation of the wood, most of which occurs across the rings of annual growth.	(c)(17) ANSI has petitioned OSHA to modify (c)(17) by substituting section 3.5.1.5 of ANSI Standards A14.1-1975, as set forth below: "Check. A check is a separation of the wood along the fiber direction that usually extends across the rings of annual growth, commonly resulting from stresses set up in wood during seasoning."

Present Standard	Comments
1910.21	1910.21
(18) Wane. Wane is bark, or the lack of wood from any cause, on the corner of a piece.	(c)(18) A commenter questions the need for the definition set forth in (c)(18).
(19) Decay. Decay is disintegration of wood substance due to action of wood-destroying fungi. It is also known as dote and rot.	(c)(19) A commenter questions why "weathering" was not included in the definition in (c)(19).
(20) Compression failure. A compression failure is a deformation (buckling) of the fibers due to excessive compression along the grain.	(c)(20) A commenter questions the degree of "buckling" that must occur for failure to occur as defined in (c)(20).
(21) Compression wood. Compression wood is an aberrant (abnormal) and highly variable type of wood structure occurring in softwood species. The wood commonly has density somewhat higher than does normal wood, but somewhat lower stiffness and tensile strength for its weight in addition to high longitudinal shrinkage.	

Present Standard	Comments
1910.21	1910.21
(22) Low density. Low-density vood is that which is exceptionally light in weight and usually deficient in strength properties for the species.	
(d) As used in § 1910.26, unless the context requires otherwise, portable metal ladder terms shall have the meanings ascribed in this paragraph.	(d) A commenter recommends locating definitions in the appropriate sections.
(1) Ladder. A ladder is an appliance usually consisting of two side rails joined at regular intervals by crosspieces called steps, rungs, or cleats, on which a person may step in ascending or descending.	(d)(1) A commenter questions the need for definition (d)(1) since it is covered by (c)(1).
(2) Step ladder. A step ladder is a self-supporting portable ladder, nonadjustable in length, having flat steps and a hinged back. Its size is designated by the overall length of the ladder measured along the front edge of the side rails.	(d)(2) A commenter questions the need for definition (d)(2) since it is covered by (c)(2).
(3) Single ladder. A single ladder is a non-self-supporting portable ladder, nonadjustable in length, consisting of but one section. Its size is designated by the overall length of the side rail.	(d)(3) A commenter questions the need for definition (d)(3) since it is covered by (c)(3).
(4) Extension ladder. An extension ladder is a non-self-supporting portable ladder adjustable in length. It consists of two or more sections traveling in guides or brackets so arranged as to permit length adjustment. Its size is designated by the sum of the lengths of the sections measured along the side rails.	(d)(4) ANSI has petitioned OSHA to modify (d)(4) by substituting section 3.1.3 of ANSI Standard A14.1-1975, as set forth below: "Extension ladder. A non-self-supporting portable ladder adjustable in length. It consists of two or more sections traveling in guides or brackets so arranged as to permit length adjustment. Its size is designated by the sum of the lengths of one side rail or each section measured along the side rail, excluding any foot or end cap."
(5) Platform ladder. A self-supporting ladder of fixed size with a platform provided at the working level. The size is determined by the distance along the front rail from the platform to the base of the ladder.	(d)(5) ANSI has petitioned OSHA to modify (d)(5) by substituting section 3, "Platform Ladder" of ANSI Standard A14.2-1972, as set forth below: "Platform ladder. A self-supporting ladder of fixed size with a platform provided at the working level. The size is designated by the length along the front edge of the front rail from the top of the platform to the base of the ladder, including any foot or shoe."

Present Standard	Comments
1910.21	1910.21
(6) Sectional ladder. A sectional ladder is a non-self-supporting portable ladder, nonadjustable in length, consisting of two or more sections so constructed that the sections may be combined to function as a single ladder. Its size is designated by the overall length of the assembled sections.	(d)(6) ANSI has petitioned OSHA to modify (d)(6) by substituting section 3, "Sectional Ladder" of ANSI Standard A14.1-1975, as set forth below: "Sectional ladder. A sectional ladder is a non-self-supporting portable ladder, nonadjustable in length, consisting of two or more sections so constructed that the sections may be combined to function as a single ladder. Its size is designated by the overall length of the assembled sections. "The size of any individual section is designated by the length of the section, measured along a side rail plus any material necessary for attaching."
(7) Trestle ladder. A trestle ladder is a self-supporting portable ladder, nonadjustable in length, consisting of two sections, hinged at the top to form equal angles with the base. The size is designated by the length of the side rails measured along the front edge.	(d)(7) A commenter questions the need for definition (d)(7) since it is covered by (c)(6).

Present Standard	Comments
1910.21	1910.21
(8) Extension trestle ladder. An extension trestle ladder is a self-supporting portable ladder, adjustable in length, consisting of a trestle ladder base and a vertically adjustable single ladder, with suitable means for locking the ladders together. The size is designated by the length of the trestle ladder base.	(d)(8) ANSI has petitioned OSHA to modify (d)(8) by substituting section 3.1.6 of ANSI Standard A14.2-1972, as set forth below: "Extension trestle ladder. A self-supporting portable ladder, adjustable in length, consisting of a trestle ladder base and a vertically adjustable single ladder, with suitable means for locking the ladders together. The size is designated by the length of the trestle ladder base along the front edge of the side rail including the shoe plus the allowable extended length of the extension section measured along its side rail."
(9) Special-purpose ladder. A special-purpose ladder is a portable ladder which represents either a modification or a combination of design or construction features in one of the general-purpose types of ladders previously defined, in order to adapt the ladder to special or specific uses. **(e)** As used in § 1910.27, unless the context requires otherwise, fixed ladder terms shall have the meanings ascribed in this paragraph.	

Present Standard	Comments
1910.21	1910.21
(1) Ladder. A ladder is an appliance usually consisting of two side rails joined at regular intervals by crosspieces called steps, rungs, or cleats, on which a person may step in ascending or descending.	(e)(1) ANSI has petitioned OSHA to modify (e)(1) by substituting section 3.1 of ANSI Standard A14.3-1974, as set forth below: "Ladder. An appliance usually consisting of two side rails joined at regular intervals by crosspieces called steps, rungs, or cleats on which a person may step while ascending or descending."
(2) Fixed ladder. A fixed ladder is a ladder permanently attached to a structure, building, or equipment.	(e)(2) ANSI has petitioned OSHA to modify (e)(2) by substituting section 2, "Fixed Ladder" of ANSI Standard A14.3-1974, as set forth below: "Fixed ladder. A ladder permanently attached to a structure, building, or equipment. Ladders referred to in this standard shall be construed to be fixed ladders."
(3) Individual-rung ladder. An individual-rung ladder is a fixed ladder each rung of which is individually attached to a structure, building, or equipment.	(e)(3) ANSI has petitioned OSHA to modify (e)(3) by substituting section 2, "Individual-rung ladder" of ANSI Standard A14.3-1974, as set forth below: "Individual-rung ladder. A fixed ladder without side rails which has each rung individually attached to the structure, building, or equipment, with all rungs in the same section on the same vertical centerline facing the person using the ladder."
1910.21	1910.21
(4) Rail ladder. A rail ladder is a fixed ladder consisting of side rails joined at regular intervals by rungs or cleats and fastened in full length or in sections to a building, structure, or equipment.	(e)(4) ANSI has petitioned OSHA to modify (e)(4) by substituting section 2, "Rail ladder" of ANSI Standard A14.3-1974, as set forth below: "Rail ladder. A fixed ladder consisting of side rails joined at regular intervals by steps or rungs, and fastened in full length or in sections to the building, structure, or equipment."
(5) Railings. A railing is any one or a combination of those railings constructed in accordance with § 1910.23. A standard railing is a vertical barrier erected along exposed edges of floor openings, wall openings, ramps, platforms, and runways to prevent falls of persons.	(e)(5) ANSI has petitioned OSHA to modify (e)(5) by substituting section 2, "Railing" of ANSI Standard A14.3-1974, as set forth below: "Railing. A barrier secured to uprights and erected along the exposed sides and ends of platforms to prevent persons from falling off the platform."

Present Standard	Comments
1910.21	1910.21
(6) Pitch. Pitch is the included angle between the horizontal and the ladder, measured on the opposite side of the ladder from the climbing side.	
(7) Fastenings. A fastening is a device to attach a ladder to a structure, building, or equipment.	(e)(7) ANSI has petitioned OSHA to modify (e)(7) by substituting section 2, "Fastening" of ANSI Standard A14.3-1974, as set forth below: "Fastening. A means for attaching a ladder to a structure, building, or equipment. Fixed, hinged, bearing, or slide-type fastenings may be used."
(8) Rungs. Rungs are ladder crosspieces of circular or oval cross-section on which a person may step in ascending or descending.	
(9) Cleats. Cleats are ladder crosspieces of rectangular cross-section placed on edge on which a person may step in ascending or descending.	
(10) Steps. Steps are the flat crosspieces of a ladder on which a person may step in ascending or descending.	

Present Standard	Comments
1910.21	1910.21
(11) Cage. A cage is a guard that may be referred to as a cage or basket guard which is an enclosure that is fastened to the side rails of the fixed ladder or to the structure to encircle the climbing space of the ladder for the safety of the person who must climb the ladder.	(e)(11) ANSI has petitioned OSHA to modify (e)(11) by substituting section 2, "Cage" of ANSI Standard A14.3-1974, as set forth below: "Cage. A barrier, that may be referred to as a cage guard or basket guard, which is an enclosure mounted on the side rails of the fixed ladder or fastened to the structure to encircle the climbing space of the ladder to safeguard the person climbing the ladder."
(12) Well. A well is a permanent complete enclosure around a fixed ladder, which is attached to the walls of the well. Proper clearances for a well will give the person who must climb the ladder the same protection as a cage.	(e)(12) ANSI has petitioned OSHA to modify (e)(12) by substituting section 2, "Well Shaft" of ANSI Standard A14.3-1974, as set forth below: "Well(shaft). A walled enclosure around a fixed ladder which provides the person climbing the ladder the same protection as a cage."

Present Standard	Comments
1910.21	1910.21
(13) Ladder safety device. A ladder safety device is any device, other than a cage or well, designed to eliminate or reduce the possibility of accidental falls and which may incorporate such features as life belts, friction brakes, and sliding attachments.	(e)(13) ANSI has petitioned OSHA to modify (e)(13) by substituting section 2, "Ladder safety device" of ANSI Standard A14.3-1974, as set forth below: "Ladder Safety Device. Any device, other than a cage or well, designed to minimize accidental falls, or to limit the length of such falls. It shall permit the person using the ladder to ascend or descend structures without having to continually manipulate the device or any part of the device. The ladder safety device usually consists of a carrier, safety sleeves, and safety belts."
(14) Grab bars. Grab bars are individual handholds placed adjacent to or as an extension above ladders for the purpose of providing access beyond the limits of the ladder.	(e)(14) ANSI has petitioned OSHA to modify (e)(14) by substituting Section 2, "Grab bar" of ANSI Standard A14.3-1974, as set forth below: "Grab bar. An individual handhold placed adjacent to or as an extension above a ladder for the purpose of providing safe access/egress for a ladder."
(15) Through ladder. A through ladder is one from which a man getting off at the top must step through the ladder in order to reach the landing.	(e)(15) ANSI has petitioned OSHA to modify (e)(15) by substituting Section 2, "Through Ladder" of ANSI Standard A14.3-1974, as set forth below: "Through ladder. A rail ladder which requires a person getting off at the top to step through the ladder in order to reach a landing."
(16) Side-step ladder. A side-step ladder is one from which a man getting off at the top must step sideways from the ladder in order to reach the landing.	(e)(16) ANSI has petitioned OSHA to modify (e)(16) by substituting Section 2, "Side Step Ladder" of ANSI Standard A14.3-1974, as set forth below: "Side-step Ladder. A rail ladder which requires a person getting off at the top to step sideways from the ladder in order to reach a landing."
(f) As used in § 1910.28, unless the context requires otherwise, scaffolding terms shall have the meaning ascribed in this paragraph. **(1) Bearer.** A horizontal member of a scaffold upon which the platform rests and which may be supported by ledgers. **(2) Boatswain's chair.** A seat supported by slings attached to a suspended rope, designed to accommodate one workman in a sitting position. **(3) Brace.** A tie that holds one scaffold member in a fixed position with respect to another member.	(f) A commenter suggests that scaffolding definitions should be placed at the beginning of the scaffolding section (§1910.28).

Present Standard	Comments
1910.21	1910.21
(4) Bricklayers' square scaffold. A scaffold composed of framed wood squares which support a platform limited to light and medium duty.	
(5) Carpenters' bracket scaffold. A scaffold consisting of wood or metal brackets supporting a platform.	
(6) Coupler. A device for locking together the component parts of a tubular metal scaffold. The material used for the couplers shall be of a structural type, such as a drop-forged steel, malleable iron, or structural grade aluminum. The use of gray cast iron is prohibited.	
(7) Crawling board or chicken ladder. A plank with cleats spaced and secured at equal intervals, for use by a worker on roofs, not designed to carry any material.	
(8) Double pole or independent pole scaffold. A scaffold supported from the base by a double row of uprights, independent of support from the walls and constructed of uprights, ledgers, horizontal platform bearers, and diagonal bracing.	
(9) Float or ship scaffold. A scaffold hung from overhead supports by means of ropes and consisting of a substantial platform having diagonal bracing underneath, resting upon and securely fastened to two parallel plank bearers at right angles to the span.	
(10) Guardrail. A rail secured to uprights and erected along the exposed sides and ends of platforms.	
(11) Heavy duty scaffold. A scaffold designed and constructed to carry a working load not to exceed 75 pounds per square foot.	
(12) Horse scaffold. A scaffold for light or medium duty, composed of horses supporting a work platform.	

Present Standard	Comments
1910.21	1910.21
(13) Interior hung scaffold. A scaffold suspended from the ceiling or roof structure.	
(14) Ladder jack scaffold. A light duty scaffold supported by brackets attached to ladders.	
(15) Ledger (stringer). A horizontal scaffold member which extends from post to post and which supports the putlogs or bearer forming a tie between the posts.	
(16) Light duty scaffold. A scaffold designed and constructed to carry a working load not to exceed 25 pounds per square foot.	
(17) Manually propelled mobile scaffold. A portable rolling scaffold supported by casters.	
(18) Masons' adjustable multiple-point suspension scaffold. A scaffold having a continuous platform supported by bearers suspended by wire rope from overhead supports, so arranged and operated as to permit the raising or lowering of the platform to desired working positions.	
(19) Maximum intended load. The total of all loads including the working load, the weight of the scaffold, and such other loads as may be reasonably anticipated.	
(20) Medium duty scaffold. A scaffold designed and constructed to carry a working load not to exceed 50 pounds per square foot.	
(21) Mid-rail. A rail approximately midway between the guardrail and platform, used when required, and secured to the uprights erected along the exposed sides and ends of platforms.	
(22) Needle beam scaffold. A light duty scaffold consisting of needle beams supporting a platform.	

Present Standard	Comments
1910.21	1910.21
(23) Outrigger scaffold. A scaffold supported by outriggers or thrustouts projecting beyond the wall or face of the building or structure, the inboard ends of which are secured inside of such a building or structure.	
(24) Putlog. A scaffold member upon which the platform rests.	
(25) Roofing bracket. A bracket used in sloped roof construction, having provisions for fastening to the roof or supported by ropes fastened over the ridge and secured to some suitable object.	
(26) Runner. The lengthwise horizontal bracing or bearing members or both.	
(27) Scaffold. Any temporary elevated platform and its supporting structure used for supporting workmen or materials or both.	
(28) Single-point adjustable suspension scaffold. A manually or power-operated unit designed for light duty use, supported by a single wire rope from an overhead support so arranged and operated as to permit the raising or lowering of the platform to desired working positions.	
(29) Single pole scaffold. Platforms resting on putlogs or crossbeams, the outside ends of which are supported on ledgers secured to a single row of posts or uprights and the inner ends of which are supported on or in a wall.	
(30) Stone setters' adjustable multiple-point suspension scaffold. A swinging-type scaffold having a platform supported by hangers suspended at four points so as to permit the raising or lowering of the platform to the desired working position by the use of hoisting machines.	
(31) Toeboard. A barrier secured along the sides and ends of a platform, to guard against the falling of material.	(f)(31) A commenter suggests that this definition should not be repeated here [see (c)(6) and (d)(7)].
(32) Tube and coupler scaffold. An assembly consisting of tubing which serves as posts, bearers, braces, ties, and runners, a base supporting the posts, and special couplers which serve to connect the uprights and to join the various members.	
(33) Tubular welded frame scaffold. A sectional, panel, or frame metal scaffold substantially built up of prefabricated welded sections which consist of posts and horizontal bearer with intermediate members. Panels or frames shall be braced with diagonal or cross braces.	
(34) Two-point suspension scaffold (swinging scaffold). A scaffold, the platform of which is supported by hangers (stirrups) at two points, suspended from overhead supports so as to permit the raising or lowering of the platform to the desired working position by tackle or hoisting machines.	
(35) Window jack scaffold. A scaffold, the platform of which is supported by a bracket or jack which projects through a window opening.	
(36) Working load. Load imposed by men, materials, and equipment.	
(g) As used in § 1910.29, unless the context requires otherwise, manually propelled mobile ladder stand and scaffold (tower) terms shall have the meaning ascribed in this paragraph.	
(1) Bearer. A horizontal member of a scaffold upon which the platform rests and which may be supported by ledgers.	
(2) Brace. A tie that holds one scaffold member in a fixed position with respect to another member.	
(3) Climbing ladder. A separate ladder with equally spaced rungs usually attached to the scaffold structure for climbing and descending.	

Present Standard	Comments
1910.21	1910.21
(4) Coupler. A device for locking together the components of a tubular metal scaffold which shall be designed and used to safely support the maximum intended loads.	
(5) Design working load. The maximum intended load, being the total of all loads including the weight of the men, materials, equipment, and platform.	
(6) Equivalent. Alternative design or features, which will provide an equal degree or factor of safety.	
(7) Guardrail. A barrier secured to uprights and erected along the exposed sides and ends of platforms to prevent falls of persons.	(g)(7) A commenter suggests that this definition should be eliminated and one comprehensive definition be used for all of Subpart D [see (b)(1) and (f)(10)].
(8) Handrail. A rail connected to a ladder stand running parallel to the slope and/or top step.	
(9) Ladder stand. A mobile fixed size self-supporting ladder consisting of a wide flat tread ladder in the form of stairs. The assembly may include handrails.	
(10) Ledger (stringer). A horizontal scaffold member which extends from post to post and which supports the bearer forming a tie between the posts.	
(11) Mobile scaffold (tower). A light, medium, or heavy duty scaffold mounted on casters or wheels.	
(12) Mobile. "Manually propelled."	
(13) Mobile work platform. Generally a fixed work level one frame high on casters or wheels, with bracing diagonally from platform to vertical frame.	

Present Standard	Comments
1910.21	1910.21
(14) Runner. The lengthwise horizontal bracing and/or bearing members.	
(15) Scaffold. Any temporary elevated platform and its necessary vertical, diagonal, and horizontal members used for supporting workmen and materials. (Also known as a scaffold tower.)	
(16) Toeboard. A barrier at platform level erected along the exposed sides and ends of a scaffold platform to prevent falls of materials.	(g)(16) A commenter requests that this definition not be repeated here [see (c)(6), (d)(7), and (f)(31)].
(17) Tube and coupler scaffold. An assembly consisting of tubing which serves as posts, bearers, braces, ties, and runners, a base supporting the posts, and uprights, and serves to join the various members, usually used in fixed locations.	
(18) Tubular welded frame scaffold. A sectional, panel, or frame metal scaffold substantially built up of prefabricated welded sections, which consist of posts and bearers with intermediate connecting members and braced with diagonal or cross braces.	
(19) Tubular welded sectional folding scaffold. A sectional, folding metal scaffold either of ladder frame or inside stairway design, substantially built of prefabricated welded sections, which consist of end frames, platform frame, inside inclined stairway frame and braces, or hinged connected diagonal and horizontal braces, capable of being folded into a flat package when the scaffold is not in use.	
(20) Work level. The elevated platform, used for supporting workmen and their materials, comprising the necessary vertical, horizontal, and diagonal braces, guardrails, and ladder for access to the work platform.	

General requirements

Present Standard	Comments
1910.22	1910.22
This section applies to all permanent places of employment, except where domestic, mining, or agricultural work only is performed. Measures for the control of toxic materials are considered to be outside the scope of this section.	A comment has been received requesting that OSHA modify the first paragraph in §1910.22 to exempt construction and maritime places of employment from the requirements of this section. Other standards apply in these industries. A commenter has suggested that OSHA make clear that all of Subpart D does not apply to agriculture.
(a) Housekeeping.	
(1) All places of employment, passageways, storerooms, and service rooms shall be kept clean and orderly and in a sanitary condition.	
(2) The floor of every workroom shall be maintained in a clean and, so far as possible, a dry condition. Where wet processes are used, drainage shall be maintained, and false floors, platforms, mats, or other dry standing places should be provided where practicable.	(a)(2) A comment has been received requesting that OSHA modify (a)(2) by addressing specific hazards, such as tripping.
(3) To facilitate cleaning, every floor, working place, and passageway shall be kept free from protruding nails, splinters, holes, or loose boards.	(a)(3) A comment has been received requesting that OSHA modify (a)(3) by deleting the phrase "To facilitate cleaning." Another comment has been received requesting that OSHA modify (a)(3) by addressing directly the hazards that must be protected against.
(b) Aisles and passageways.	
(1) Where mechanical handling equipment is used, sufficient safe clearances shall be allowed for aisles, at loading docks, through doorways and wherever turns or passage must be made. Aisles and passageways shall be kept clear and in good repairs, with no obstruction across or in aisles that could create a hazard.	(b)(1) A comment has been received requesting that OSHA modify (b)(1) to include similar requirements for all aisles and passageways.
(2) Permanent aisles and passageways shall be appropriately marked.	(b)(2) A comment has been received requesting that OSHA modify (b)(2) by including the provision that equipment installations may be used to effectively delineate aisles and passageways.
(c) Covers and guardrails.	
Covers and/or guardrails shall be provided to protect personnel from the hazards of open pits, tanks, vats, ditches, etc.	(c) A comment has been received requesting that OSHA modify (c) to make clear where a hazard exists.
(d) Floor loading protection.	
(1) In every building or other structure, or part thereof, used for mercantile, business, industrial, or storage purposes, the loads approved by the building official shall be marked on plates of approved design which shall be supplied and securely affixed by the owner of the building, or his duly authorized agent, in a conspicuous place in each space to which they relate. Such plates shall not be removed or defaced but, if lost, removed, or defaced, shall be replaced by the owner or his agent.	(d)(1) A comment has been received requesting that OSHA modify (d)(1) to limit this requirement to storage areas only, since all other areas are unrelated to employee safety. (d)(1) ANSI has petitioned OSHA to use the ANSI Standard A58.1-1972, "Building Code Building Requirements for Minimum Design Loads in Buildings," in modifying the requirements of this paragraph.
(2) It shall be unlawful to place, or cause, or permit to be placed, on any floor or roof of a building or other structure a load greater than that for which such floor or roof is approved by the building official.	(d)(2) A comment has been received requesting that OSHA modify (d)(2), to include approval by a professional engineer or qualified person, since many locations do not have a building official who approves floor or roof loading capacity.

Present Standard	Comments
1910.23	1910.23
(a) Protection for floor openings.	
(1) Every stairway floor opening shall be guarded by a standard railing constructed in accordance with paragraph (e) of this section. The railing shall be provided on all exposed sides (except at entrance to stairway). For infrequently used stairways where traffic across the opening prevents the use of fixed standard railing (as when located in aisle spaces, etc.), the guard shall consist of a hinged floor opening cover of standard strength and construction and removable standard railings on all exposed sides (except at entrance to stairway).	(a)(1) ANSI has petitioned OSHA to modify (a)(1) by substituting Section 3.1 of ANSI Standard A12.1-1973, "Safety Requirements for Floor and Wall Openings, Railings and Toeboards," as set forth below: "Every stairway floor opening shall be guarded by a guard railing as specified in Section 7 of A12.1-1973. The guard railing shall be provided on all exposed sides (except at entrance to stairway). "However, for infrequently used stairways which must be located in passageways (such as aisle spaces, etc.) where traffic across the opening requires a load-bearing cover over the opening and prevents the use of a fixed railing on the open sides, the stairway floor-opening guard shall be of sufficient strength with removable railings on all exposed sides (except at entrance to stairway). The removable railings should be hinged or otherwise mounted so as to come into use automatically with the opening of the cover." (a)(1) A comment has been received requesting OSHA to modify (a)(1) to permit the use of safety belts and lanyards when guardrails cannot be used.
(2) Every ladderway floor opening or platform shall be guarded by a standard railing with standard toeboard on all exposed sides (except at entrance to opening), with the passage through the railing either provided with a swinging gate or so offset that a person cannot walk directly into the opening.	(a)(2) A comment has been received requesting that OSHA modify (a)(2) to permit the guarding of a ladderway, floor opening or platform by circumstances of its unique location which themselves assure safety.
(3) Every hatchway and chute floor opening shall be guarded by one of the following:	(a)(3) A comment has been received requesting that OSHA modify (a)(3) to permit the guarding of a hatchway or chute floor opening by circumstances of its unique location which themselves assure safety. In addition, the commenter suggests that other effective means of guarding should be permitted.
(i) Hinged floor opening cover of standard strength and construction equipped with standard railings or permanently attached thereto so as to leave only one exposed side. When the opening is not in use, the cover shall be closed or the exposed side shall be guarded at both top and intermediate positions by removable standard railings.	(a)(3)(i) ANSI has petitioned OSHA to modify (a)(3)(i) by making it a performance requirement. ANSI suggests that OSHA substitute Section 3.3(1) of ANSI Standard A12.1-1973, as set forth below: "A floor opening cover of sufficient strength and construction equipped with permanently attached railings so as to leave only one exposed side. When the opening is not in use, the cover shall be closed or the exposed side shall be guarded at both top and intermediate positions by removable railings."

Present Standard	Comments
1910.23	1910.23
(ii) A removable railing with toeboard on not more than two sides of the opening and fixed standard railings with toeboards on all other exposed sides. The removable railings shall be kept in place when the opening is not in use and should preferably be hinged or otherwise mounted so as to be conveniently replaceable. Where operating conditions necessitate the feeding of material into any hatchway or chute opening, protection shall be provided to prevent a person from falling through the opening.	
(4) Every skylight floor opening and hole shall be guarded by a standard skylight screen or a fixed standard railing on all exposed sides.	(a)(4) A comment has been received requesting that OSHA modify (a)(4) by making it a performance requirement, and also by recognizing other effective means of guarding.
(5) Every pit and trapdoor floor opening, infrequently used, shall be guarded by a floor opening cover of standard strength and construction which should be hinged in place. While the cover is not in place, the pit or trap opening shall be constantly attended by someone or shall be protected on all exposed sides by removable standard railings.	(a)(5) A comment has been received requesting that OSHA modify (a)(5) by listing exceptions or limitations. (a)(5) ANSI has petitioned OSHA to modify (a)(5) by substituting section 3.5 of ANSI Standard A12.1-1973, as set forth below: "Every pit and trap-door floor opening shall be guarded by a floor cover of sufficient strength. While the cover is not in place, the pit or trap opening shall be attended or shall be protected on all exposed sides by removable guard railings." (a)(5) A comment has been received requesting that OSHA modify (a)(5) to define "standard strength."

Present Standard	Comments
1910.23	1910.23
(6) Every manhole floor opening shall be guarded by a standard manhole cover which need not be hinged in place. While the cover is not in place, the manhole opening shall be constantly attended by someone or shall be protected by removable standard railings.	(a)(6) ANSI has petitioned OSHA to modify (a)(6) by substituting Section 3.6 of ANSI Standard A12.1-1973, as set forth below: "Every manhole floor opening shall be guarded by a manhole cover. While the cover is not in place, the manhole opening shall be attended or shall be protected by removable guard railings." (a)(6) A comment has been received requesting that OSHA modify (a)(6) by making it a performance requirement.
(7) Every temporary floor opening shall have standard railings, or shall be constantly attended by someone.	(a)(7) ANSI has petitioned OSHA to modify (a)(7) by substituting Section 3.7 of ANSI Standard A12.1-1973, as set forth below: "Every temporary floor opening shall have removable guard railings, or shall be attended."
(8) Every floor hole into which persons can accidentally walk shall be guarded by either:	(a)(8) ANSI has petitioned OSHA to modify (a)(8) by substituting Section 3.8 of ANSI Standard A12.1-1973, as set forth below: "Every floor hole shall be guarded by either (1) a railing with toeboard on all exposed sides, or (2) a floor hole cover of sufficient strength. While the cover is not in place, the floor hole shall be attended or shall be protected by a removable guard railing."

Present Standard	Comments
1910.23	1910.23
	(a)(8) A comment has been received requesting that OSHA modify (a)(8) to clarify whether it applies to floor holes in unoccupied areas.
	(a)(8) A comment has been received requesting that OSHA modify (a)(8) by making it a performance requirement.
(i) A standard railing with standard toeboard on all exposed sides, or	
(ii) A floor hole cover of standard strength and construction that should be hinged in place. While the cover is not in place, the floor hole shall be constantly attended by someone or shall be protected by a removable standard railing.	
(9) Every floor hole into which persons cannot accidentally walk (on account of fixed machinery, equipment, or walls) shall be protected by a cover that leaves no openings more than 1 inch wide. The cover shall be securely held in place to prevent tools or materials from falling through.	(a)(9) ANSI has petitioned OSHA to modify (a)(9) by substituting section 3.9 of ANSI Standard A12.1-1973, as set forth below: "Every floor hole into which persons cannot accidentally walk (because of pipes, fixed machinery, equipment, or walls) shall be protected by a cover that leaves no opening more than 2 inches wide. The cover shall be securely held in place to prevent tools or materials from falling through." (a)(9) A comment has been received requesting that OSHA modify (a)(9) to make it less restrictive and more related to employee safety.

Present Standard	Comments
1910.23	1910.23
(10) Where doors or gates open directly on a stairway, a platform shall be provided, and the swing of the door shall not reduce the effective width to less than 20 inches.	(a)(10) ANSI has petitioned OSHA to modify (a)(10) by substituting section 3.10 of ANSI Standard A12.1-1973, as set forth below: "Where doors or gates open directly on a stairway, a platform shall be provided, and the swing of the door shall not reduce the effective usable width to less than 22 inches."
(b) Protection for wall openings and holes.	
(1) Every wall opening from which there is a drop of more than 4 feet shall be guarded by one of the following:	(b)(1) ANSI has petitioned OSHA to modify (b)(1) by substituting section 4.10 of ANSI Standard A12.1-1973, as set forth below: "Every wall opening from which there is a drop of more than 4 feet shall be guarded:
(i) Rail, roller, picket fence, half door, or equivalent barrier. The guard may be removable but should preferably be hinged or otherwise mounted so as to be conveniently replaceable. Where there is exposure below to falling materials, a removable toeboard or the equivalent shall also be provided. When the opening is not in use for handling materials, the guard shall be kept in position regardless of a door on the opening. In addition, a grab handle shall be provided on each side of the opening with its center approximately 4 feet above floor level and of standard strength and mounting.	(i) "By a wall opening barrier in accordance with 7.9 of A12.1-1973. The guard may be removable but should preferably be hinged or otherwise mounted so as to be conveniently replaceable. Where there is exposure below to falling materials, a removable toeboard or the equivalent shall also be provided. When the opening is not in use for handling materials, the guard shall be kept in position even if there is a door on the opening."

Present Standard	Comments
1910.23	1910.23
	"In addition, a grab handle with its center approximately 4 feet above floor level shall be provided on each side of the opening. Its strength and mounting shall be as specified in 7.10 of A12.1-1973. The opening should have a sill that projects at least 1 inch above the floor level."
(ii) Extension platform onto which materials can be hoisted for handling, and which shall have side rails or equivalent guards of standard specifications.	(ii) "By an extension platform onto which materials can be hoisted for handling, and which shall have side rails or equivalent guards."
(2) Every chute wall opening from which there is a drop of more than 4 feet shall be guarded by one or more of the barriers specified in subparagraph (1) of this paragraph, or as required by the conditions.	(b)(2) A comment has been received requesting that OSHA modify (b)(2) by changing the four foot drop level to 10 feet.
(3) Every window wall opening at a stairway landing, floor, platform, or balcony, from which there is a drop of more than 4 feet, and where the bottom of the opening is less than 3 feet above the platform or landing, shall be guarded by standard slats, standard grill work (as specified in paragraph (e)(11) of this section), or standard railing. Where the window opening is below the landing, or platform, a standard toeboard shall be provided.	(b)(3) ANSI has petitioned OSHA to modify (b)(3) by substituting section 4.3 of ANSI Standard A12.1-1973, as set forth below: "Every window wall opening at a stairway landing, from which there is a drop of more than 4 feet, and where the bottom of the opening is less than 42 inches above the platform or landing, shall be guarded as specified in 7.9 through 7.11 of A12.1-1973, or by a guard railing or other equivalent protection approved by the administrative authority."

Present Standard	Comments
1910.23	1910.23
	"Where the window opening is less than 4 inches above the landing, floor, or platform, a toeboard shall be provided. This requirement may be waived where, in the opinion of the administrative authority, the hazard is adequately guarded."
	(b)(3) A comment has been received requesting that OSHA modify (b)(3) to require that windows at a stairway landing only be protected if there is a tripping hazard.
(4) Every temporary wall opening shall have adequate guards but these need not be of standard construction.	(b)(4) ANSI has petitioned OSHA to modify (b)(4) and (b)(5) by substituting section 4.4 and 4.5 respectively of ANSI Standard A12.1-1973, as set forth below: "Every temporary wall opening shall be guarded as stated in 4.1 or shall be attended."
(5) Where there is a hazard of materials falling through a wall hole, and the lower edge of the near side of the hole is less than 4 inches above the floor, and the far side of the hole more than 5 feet above the next lower level, the hole shall be protected by a standard toeboard, or an enclosing screen either of solid construction, or as specified in paragraph (e)(11) of this section.	(b)(5) "Where there is a hazard of persons or materials falling through a wall hole and the lower edge of the near side of the hole is less than 4 inches above the floor, and the far side of the hole is more than 4 feet above the next lower level, the hole shall be protected by a toeboard or an enclosing screen either of solid construction or as specified in 7.11."

Present Standard	Comments
1910.23	1910.23
(c) Protection of open-sided floors, platforms, and runways.	
(1) Every open-sided floor or platform 4 feet or more above adjacent floor or ground level shall be guarded by a standard railing (or the equivalent as specified in paragraph (e)(3) of this section) on all open sides, except where there is entrance to a ramp, stairway, or fixed ladder. The railing shall be provided with a toeboard wherever, beneath the open sides.	(c)(1) Comments have been received requesting that OSHA modify (c)(1) in the following manner: (1) Clarify where guardrails are not required. (2) Safety belts and lanyards should be allowed in lieu of guardrails. (3) Requirements should not apply to petroleum loading racks, loading docks or movie and theater stages.
(i) Persons can pass,	(c)(1) ANSI has petitioned OSHA to modify (c)(1) by substituting Section 5.1 of ANSI Standard A12.1-1973, as set forth below:
(ii) There is moving machinery, or	"Every open-sided floor or platform 4 feet or more above adjacent floor or ground levels shall be guarded by a railing (or the equivalent as specified in 7.3 of A12.1-1973) on all open sides, except where excluded as specified in 1.2 of A12.1-1973, and where there is an entrance to a ramp, stairway, or fixed ladder. The railing shall be provided with a toeboard wherever, beneath the open sides, (1) persons can pass, (2) there is moving machinery, or (3) there is equipment with which falling materials could create a hazard."
(iii) There is equipment with which falling materials could create a hazard.	

Present Standard	Comments
1910.23	1910.23
(2) Every runway shall be guarded by a standard railing (or the equivalent as specified in paragraph (e)(3) of this section) on all open sides 4 feet or more above floor or ground level. Wherever tools, machine parts, or materials are likely to be used on the runway, a toeboard shall also be provided on each exposed side.	(c)(2) A comment has been received questioning whether the four foot level relates to employee safety.
Runways used exclusively for special purposes (such as oiling, shafting, or filling tank cars) may have the railing on one side omitted where operating conditions necessitate such omission, providing the falling hazard is minimized by using a runway of not less than 18 inches wide. Where persons entering upon runways become thereby exposed to machinery, electrical equipment, or other danger not a falling hazard, additional guarding than is here specified may be essential for protection.	
(3) Regardless of height, open-sided floors, walkways, platforms, or runways above or adjacent to dangerous equipment, pickling or galvanizing tanks, degreasing units, and similar hazards shall be guarded with a standard railing and toe board.	(c)(3) A comment has been received requesting that OSHA modify (c)(3) to show possible applications of this standard. (c)(3) ANSI has petitioned OSHA to modify (c)(3) by substituting Section 5.3 of ANSI Standard A12.1-1973, as set forth below: "Regardless of height, open-sided floors, walkways, platforms, or runways above or adjacent to dangerous equipment, pickling or galvanizing tanks, degreasing units, and similar hazards, such as regular work space at the edge of roofs, shall be guarded with a guard railing and toeboard. Where routine access is required, removable guard railing shall be provided."

Present Standard	Comments
1910.23	1910.23
(d) Stairway railings and guards.	
(1) Every flight of stairs having four or more risers shall be equipped with standard stair railings or standard handrails as specified in subdivisions (i) through (v) of this subparagraph, the width of the stair to be measured clear of all obstructions except handrails:	(d)(1) A comment has been received requesting that OSHA modify (d)(1) to make it less restrictive for stairs having more than four risers. ANSI has petitioned OSHA to modify (d)(1) by substituting section 6.1 of ANSI Standard A12.1-1973, as set forth below: "Every flight of stairs having two or more risers shall be equipped with stair railings or handrails as specified in (i) through (v) below. The width of the stair shall be measured clear of all obstructions except handrails."
(i) On stairways less than 44 inches wide having both sides enclosed, at least one handrail, preferably on the right side descending.	(i) "On stairways not exceeding 44 inches wide having both sides enclosed, at least one handrail, preferably on the right side descending."
(ii) On stairways less than 44 inches wide having one side open, at least one stair railing on open side.	(ii) "On stairways not exceeding 44 inches wide having one side open, at least one stair railing on the open side."
(iii) On stairways less than 44 inches wide having both sides open, one stair railing on each side.	(iii) "On stairways not exceeding 44 inches wide having both sides open, one stair railing on each side; on stairways that rest on the contour of the ground, a stair railing on one side will suffice."
(iv) On stairways more than 44 inches wide but less than 88 inches wide, one handrail on each enclosed side and one stair railing on each open side.	(iv) "On stairways 44 inches wide but not exceeding 88 inches wide, one handrail on each enclosed side and one stair railing on each open side."
(v) On stairways 88 or more inches wide, one handrail on each enclosed side, one stair railing on each open side, and one intermediate stair railing located approximately midway of the width.	
(2) Winding stairs shall be equipped with a handrail offset to prevent walking on all portions of the treads having width less than 6 inches.	(d)(2) A comment has been received requesting that OSHA modify (d)(2) to provide for acceptance of spiral stairs.
(e) Railing, toeboards, and cover specifications.	
(1) A standard railing shall consist of top rail, intermediate rail, and posts, and shall have a vertical height of 42 inches nominal from upper surface of top rail to floor, platform, runway, or ramp level. The top rail shall be smooth-surfaced throughout the length of the railing. The intermediate rail shall be approximately halfway between the top rail and the floor, platform, runway, or ramp. The ends of the rails shall not overhang the terminal posts except where such overhang does not constitute a projection hazard.	(e)(1) Comments have been received requesting that OSHA modify (e)(1) in the following manner: (1) Provide a grandfather clause for all existing guardrails. (2) Provide for acceptance of guardrails from 42 to 45 inches which are now acceptable in building codes.

Present Standard	Comments
1910.23	1910.23
	ANSI has petitioned OSHA to modify (e)(1) by substituting section 7.1 of ANSI Standard A12.1-1973, as set forth below: "A guard railing shall consist of top rail, intermediate rail or equivalent protection, and posts, and shall have a vertical height within the range of 36 inches to 42 inches nominal from upper surface of top rail to floor, platform, runway, or ramp level. The top rail shall be smooth-surfaced throughout the length of the railing. The intermediate rail shall be approximately halfway between the top rail and the floor, platform, runway, or ramp. The ends of the rails shall not overhang the terminal posts, except where such overhang does not constitute a projection hazard."
(2) A stair railing shall be of construction similar to a standard railing but the vertical height shall be not more than 34 inches nor less than 30 inches from upper surface of top rail to surface of tread in line with face of riser at forward edge of tread.	(e)(2) A comment has been received requesting that OSHA modify (e)(2) to permit a vertical height of up to 40 inches. ANSI has petitioned OSHA to modify (e)(2) by substituting section 7.2 of ANSI Standard A12.1-1973, as set forth below: "A stair railing shall be of construction similar to a guard railing, but the vertical height shall be not more than 42 inches or less than 30 inches from the upper surface of the top rail to the surface of the tread in line with the face of the riser at the forward edge of the tread."

Present Standard	Comments
1910.23	1910.23
(3) Minimum requirements for standard railings under various types of construction are specified in the following subdivisions. Dimensions specified are based on the U.S. Department of Agriculture Wood Handbook, No. 72, 1955 (No. 1 [S4S] Southern Yellow Pine [Modulus of Rupture 7,400 p.s.i.]) for wood; ANSI G41.5-1970, American National Standard Specifications for Structural Steel, for structural steel; and ANSI B125.1-1970, American National Standard Specifications for Welded and Steamless Steel Pipe, for pipe.	
(i) For wood railings, the posts shall be of at least 2-inch by 4-inch stock spaced not to exceed 6 feet; the top and intermediate rails shall be of at least 2-inch by 4-inch stock. If top rail is made of two right-angle pieces of 1-inch by 4-inch stock, posts may be spaced on 8-foot centers, with 2-inch by 4-inch intermediate rail.	(e)(3)(i) A comment has been received requesting that OSHA modify (e)(3)(i) to provide a requirement for eliminating sharp edges and splinters on wood railings.
(ii) For pipe railings, posts and top and intermediate-railings shall be at least 1-½ inches nominal diameter with posts spaced not more than 8 feet on centers.	(e)(3)(ii) ANSI has petitioned OSHA to modify (e)(3)(ii) by substituting section 7.3.2 of ANSI Standard A12.1-1973, as set forth below: "Where the top or intermediate rail of a guard railing is constructed of a flexible material, such as rope, chain, or cable, the maximum span between supports shall be 8 feet and the maximum deflection shall not exceed 3 inches under a load specified in 7.3.1 of A12.1-1973." A comment has been received requesting that OSHA modify (e)(3)(ii) to include a definition of nominal diameter.

Present Standard	Comments
1910.23	1910.23
(iii) For structural steel railings, posts and top and intermediate rails shall be of 2-inch by 2-inch by 3/8-inch angles or other metal shapes of equivalent bending strength with posts spaced not more than 8 feet on centers.	(e)(3)(iii) A comment has been received requesting that OSHA modify (e)(3)(iii) to provide performance criteria instead of specification criteria. A comment has been received requesting that OSHA modify (e)(3)(iii) to provide a requirement for eliminating sharp edges on angle iron railings.
(iv) The anchoring of posts and framing of members for railings of all types shall be of such construction that the completed structure shall be capable of withstanding a load of at least 200 pounds applied in any direction at any point on the top rail.	(e)(3)(iv) ANSI has petitioned OSHA to modify (e)(3)(iv) by substituting section 7.3.1 of ANSI Standard A12.1-1973, as set forth below: "The anchorage of posts and framing members for railings of all types shall be designed using standard engineering practices for stresses, safety factors, etc. The completed railing shall be designed and constructed to withstand a load of 25 pounds per linear foot applied in any direction at the top of the railing. The intermediate rail shall be capable of withstanding a horizontal load of 20 pounds per linear foot. The end of terminal posts shall be capable of withstanding a load of 200 pounds applied in any direction at the top of the post. The above loads are not additive."
(v) Other types, sizes, and arrangements of railing construction are acceptable provided they meet the following conditions:	
(a) A smooth-surfaced top rail at a height above floor, platform, runway, or ramp level of 42 inches nominal;	(e)(3)(v)(a) A comment has been received requesting that OSHA modify (e)(3)(v)(a) to provide a definition of a smooth surface.
(b) A strength to withstand at least the minimum requirement of 200 pounds top rail pressure;	(e)(3)(v)(b) A comment has been received requesting that OSHA modify (e)(3)(v)(b) to make it less restrictive and to require that the strength of railing construction be related to the type of use.
(c) Protection between top rail and floor, platform, runway, ramp, or stair treads, equivalent at least to that afforded by a standard intermediate rail;	
(d) Elimination of overhang of rail ends unless such overhang does not constitute a hazard; such as, baluster railings, scrollwork railings, paneled railings.	(e)(3)(v)(d) ANSI has petitioned OSHA to modify (e)(3)(v)(d) by substituting section 7.3.3 of ANSI Standard A12.1-1973, as set forth below: "Overhang of rail ends shall be eliminated unless such overhang does not constitute a hazard, such as baluster railings, scrollwork railings, and paneled railings."

Present Standard	Comments
1910.23	1910.23
(4) A standard toeboard shall be 4 inches nominal in vertical height from its top edge to the level of the floor, platform, runway, or ramp. It shall be securely fastened in place and with not more than ¼-inch clearance above floor level. It may be made of any substantial material either solid or with openings not over 1 inch in greatest dimension. Where material is piled to such height that a standard toeboard does not provide protection, paneling from floor to intermediate rail, or to top rail shall be provided.	(e)(4) ANSI has petitioned OSHA to modify (e)(4) by substituting section 7.4 of ANSI Standard A12.1-1973, as set forth below: "A toeboard shall be a minimum 3-1/2 inches in height and securely fastened in place and with not more than 1/2 inch clearance above floor level. It may be made of any substantial material, either solid or with openings not over 1 inch in their greatest dimension. "Where material is piled to such height that a toeboard does not provide protection, paneling from floor to intermediate rail shall be provided. A comment has been received requesting that OSHA modify (e)(4) to include strength criteria for toeboards.
(5) (i) A handrail shall consist of a lengthwise member mounted directly on a wall or partition by means of brackets attached to the lower side of the handrail so as to offer no obstruction to a smooth surface along the top and both sides of the handrail. The handrail shall be of rounded or other section that will furnish an adequate handhold for anyone grasping it to avoid falling. The ends of the handrail should be turned in to the supporting wall or otherwise arranged so as not to constitute a projection hazard.	(e)(5)(i) ANSI has petitioned OSHA to modify (e)(5)(i) and (e)(5)(ii) by substituting section 7.5 Of ANSI Standard A12.1-1973, as set forth below: "A handrail shall consist of a lengthwise member mounted directly on a wall or partition by means of brackets attached so as to offer no obstruction to a smooth surface along the top and both sides of the handrail. The handrail shall be of rounded or other section that will furnish an adequate handhold for any one grasping it to avoid falling. The ends of the handrail should be turned into the supporting wall or otherwise arranged so as not to constitute a projection hazard."

Present Standard	Comments
1910.23	1910.23
(ii) The height of handrails shall be not more than 34 inches nor less than 30 inches from upper surface of handrail to surface of tread in line with face of riser or to surface of ramp.	(e)(5)(ii)"The height of handrails shall be not more than 42 inches or less than 30 inches from the upper surface of the handrail to the surface of the tread in line with the face of the riser or to the surface of the ramp." A comment has been received requesting that OSHA modify (e)(5)(ii) to make it less restrictive.
(iii) The size of handrails shall be: When of hardwood, at least 2 inches in diameter; when of metal pipe, at least 1½ inches in diameter. The length of brackets shall be such as will give a clearance between handrail and wall or any projection thereon of at least 3 inches. The spacing of brackets shall not exceed 8 feet.	(e)(5)(iii) ANSI has petitioned OSHA to modify (e)(5)(iii) by substituting section 7.6 of ANSI Standard A12.1-1973, as set forth below: "All handrails and stair railings shall be provided with a clearance of not less than 1-1/2 inches between the handrail or railing and any other object." A comment has been received requesting that OSHA modify (e)(5)(iii) since the required 3 inch clearance between handrail and wall is in conflict with 29 CFR Part 1910, Subpart E, Means of Egress.
(iv) The mounting of handrails shall be such that the completed structure is capable of withstanding a load of at least 200 pounds applied in any direction at any point on the rail.	(e)(5)(iv) A comment has been received requesting that OSHA modify (e)(5)(iv) to provide that the completed structure can withstand a 200 pound load applied at the handrail from the horizontal to vertical in the downward direction.

Present Standard	Comments
1910.23	1910.23
(6) All handrails and railings shall be provided with a clearance of not less than 3 inches between the handrail or railing and any other object.	(e)(6) ANSI and a commenter have requested that OSHA modify (e)(6) to provide a clearance of 1-1/2 inches between handrail and wall or any projection therefrom. A comment has been received requesting that OSHA modify (e)(6) since the 3 inch required clearance between handrail and wall is in conflict with 29 CFR Part 1910, Subpart E, Means of Egress.
(7) Floor opening covers may be of any material that meets the following strength requirements:	(e)(7) ANSI has petitioned OSHA to modify (e)(7) by substituting section 7.7 of ANSI Standard A12.1-1973, as set forth below: "Floor opening covers may be of any material that meets the strength requirements of the surrounding floor."
(i) Trench or conduit covers and their supports, when located in plant roadways, shall be designed to carry a truck rear-axle load of at least 20,000 pounds.	(e)(7)(i) A comment has been received requesting that OSHA modify (e)(7)(i) to make it less stringent.
(ii) Manhole covers and their supports, when located in plant roadways, shall comply with local standard highway requirements if any; otherwise, they shall be designed to carry a truck rear-axle load of at least 20,000 pounds.	(e)(7)(ii) A comment has been received requesting that OSHA modify (e)(7)(ii) to make it less stringent.
1910.23	1910.23
(iii) The construction of floor opening covers may be of any material that meets the strength requirements. Covers projecting not more than 1 inch above the floor level may be used providing all edges are chamfered to an angle with the horizontal of not over 30 degrees. All hinges, handles, bolts, or other parts shall set flush with the floor or cover surface.	
(8) Skylight screens shall be of such construction and mounting that they are capable of withstanding a load of at least 200 pounds applied perpendicularly at any one area on the screen. They shall also be of such construction and mounting that under ordinary loads or impacts, they will not deflect downward sufficiently to break the glass below them. The construction shall be of grillwork with openings not more than 4 inches long or of slatwork with openings not more than 2 inches wide with length unrestricted.	(e)(8) ANSI has petitioned OSHA to modify (e)(8) by substituting section 7.8 of ANSI Standard A12.1-1973, as set forth below: "Skylight screens shall be of such construction and mounting that they are capable of withstanding a load of at least 200 pounds applied perpendicularly at any one area on the screen. They shall also be of such construction and mounting that, under ordinary loads or impacts, they will not deflect downward sufficiently to break the glass below them. The construction shall be of grillwork with openings not more than 4 inches, or of slat work with openings not more than 2 inches wide with length unrestricted." A comment has been received requesting that OSHA modify (e)(8) to recognize other types of protection for skylights in addition to skylight screens.

Present Standard	Comments
1910.23	1910.23
(9) Wall opening barriers (rails, rollers, picket fences, and half doors) shall be of such construction and mounting that, when in place at the opening, the barrier is capable of withstanding a load of at least 200 pounds applied in any direction (except upward) at any point on the top rail or corresponding member.	(e)(9) A comment has been received requesting that OSHA modify (e)(9) to make it less restrictive and require that the strength of barriers be related to the type of work environment. (e)(9),(10),(11) ANSI has petitioned OSHA to modify (e)(9), (e)(10), and (e)(11) by substituting sections 7.8, 7.10 and 7.11 respectively of ANSI Standard A12.1-1973, as set forth below: "Wall opening barriers shall be of such construction and mounting that, when in place at the opening, the barrier is capable of withstanding a load as specified in 7.3.1 (See ANSI A12.1-1973) and applied in any direction (except upward) at any point on the top rail or corresponding member."
(10) Wall opening grab handles shall be not less than 12 inches in length and shall be so mounted as to give 3 inches clearance from the side framing of the wall opening. The size, material, and anchoring of the grab handle shall be such that the completed structure is capable of withstanding a load of at least 200 pounds applied in any direction at any point of the handle.	(e)(10) "Wall opening grab handles shall be so mounted as to give 3 inches clearance from the side framing of the wall opening. The size, material, and anchoring of the grab handle shall be such that the completed structure is capable of withstanding a load of at least 200 pounds applied in any direction at any point of the handle."

Present Standard	Comments
1910.23	1910.23
(11) Wall opening screens shall be of such construction and mounting that they are capable of withstanding a load of at least 200 pounds applied horizontally at any point on the near side of the screen. They may be of solid construction, of grillwork with openings not more than 8 inches long, or of slatwork with openings not more than 4 inches wide with length unrestricted.	(e)(11) "Wall opening screens shall be of such construction and mounting that they are capable of withstanding a load of at least 200 pounds applied horizontally at any point on the near side of the screen. They may be of solid construction, of grillwork with openings not more than 8 inches, or of slat work with openings not more than 6 inches wide with length unrestricted."

Fixed industrial stairs

Present Standard	Comments
1910.24	1910.24
(a) Application of requirements. This section contains specifications for the safe design and construction of fixed general industrial stairs. This classification includes interior and exterior stairs around machinery, tanks, and other equipment, and stairs leading to or from floors, platforms, or pits. This section does not apply to stairs used for fire exit purposes, to construction operations to private residences, or to articulated stairs, such as may be installed on floating roof tanks or on dock facilities, the angle of which changes with the rise and fall of the base support.	(a) A comment has been received requesting that OSHA modify (a) to include a provision which would permit the use of specific fixed industrial stairs as an escape route.
(b) Where fixed stairs are required. Fixed stairs shall be provided for access from one structure level to another where operations necessitate regular travel between levels, and for access to operating platforms at any equipment which requires attention routinely during operations. Fixed stairs shall also be provided where access to elevations is daily or at each shift for such purposes as gauging, inspection, regular maintenance, etc., where such work may expose employees to acids, caustics, gases, or other harmful substances, or for which purposes the carrying of tools or equipment by hand is normally required. (It is not the intent of this section to preclude the use of fixed ladders for access to elevated tanks, towers, and similar structures, overhead traveling cranes, etc., where the use of fixed ladders is common practice.) Spiral stairways shall not be permitted except for special limited usage and secondary access situations where it is not practical to provide a conventional stairway. Winding stairways may be installed on tanks and similar round structures where the diameter of the structure is not less than five (5) feet.	(b) A comment has been received requesting that OSHA modify (b) to revoke the restriction on spiral stairs, since it is not related to employee safety.
(c) Stair strength. Fixed stairways shall be designed and constructed to carry a load of five times the normal live load anticipated but never of less strength than to carry safely a moving concentrated load of 1,000 pounds.	(c) A comment has been received requesting that OSHA modify (c) to provide more specific performance criteria in designing, constructing, and installing fixed industrial stairs.
(d) Stair width. Fixed stairways shall have a minimum width of 22 inches.	(d) A comment has been received requesting that OSHA modify (d) to change the minimum width of fixed stairways to 18 inches.
(e) Angle of stairway rise. Fixed stairs shall be installed at angles to the horizontal of between 30° and 50°. Any uniform combination of rise/tread dimensions may be used that will result in a stairway at an angle to the horizontal within the permissible range. Table D–1 gives rise/tread dimensions which will produce a stairway within the permissible range, stating the angle to the horizontal produced by each combination. However, the rise/tread combinations are not limited to those given in Table D–1.	(e) A comment has been received requesting that OSHA modify (e) to permit the use of fixed stairs that are installed at angles to the horizontal, other than between 30° and 50°.

Present Standard	Comments
1910.24	1910.24

TABLE D–1

Angle to horizontal	Rise (in inches)	Tread run (in inches)
30°35′	6½	11
32°08′	6¾	10¾
33°41′	7	10½
35°16′	7¼	10¼
36°52′	7½	10
38°29′	7¾	9¾
40°08′	8	9½
41°44′	8¼	9¼
43°22′	8½	9
45°00′	8¾	8¾
46°38′	9	8½
48°16′	9¼	8¼
49°54′	9½	8

(f) Stair treads.

Each tread and the top landing of a stairway, where risers are used, should have a nose which extends one-half inch to 1 inch beyond the face of the lower riser. Noses should have an even leading edge. All treads shall be reasonably slip-resistant and the nosings shall be of nonslip finish. Welded bar grating treads without nosings are acceptable providing the leading edge can be readily identified by personnel descending the stairway and provided the tread is serrated or is of definite nonslip design. Rise height and tread width shall be uniform throughout any flight of stairs including any foundation structure used as one or more treads of the stairs.

(f) Comments have been received requesting that OSHA modify (f) in the following manner:

(1) Replace "should" statements with "shall" statements.

(2) Provide a definition or test for meeting the requirement of "reasonably slip-resistant" treads.

(3) Use the injury information and study results of the Consumer Product Safety Commission for amending OSHA stair tread standards.

Present Standard	Comments
1910.24	1910.24

(g) Length of stairways.

Long flights of stairs, unbroken by landings or intermediate platforms, should be avoided. Consideration should be given to providing intermediate platforms where practical and where such stairways are in frequent use. Stairway platforms shall be no less than the width of a stairway and a minimum of 30 inches in length measured in the direction of travel.

(h) Railings and handrails.

Standard railings shall be provided on the open sides of all exposed stairways and stair platforms. Handrails shall be provided on at least one side of closed stairways, preferably on the right side descending. Stair railings and handrails shall be installed in accordance with the provisions of § 1910.23.

(i) Vertical clearance.

Vertical clearance above any stair tread to an overhead obstruction shall be at least 7 feet measured from the leading edge of the tread.

(i) Comments have been received requesting that OSHA modify (i) to permit a vertical clearance less restrictive than 7 feet above any stair tread.

(j) Open risers.

Stairs having treads of less than 9-inch width should have open risers.

(k) General.

Open grating type treads are desirable for outside stairs.

Portable wood ladders

Present Standard	Comments
1910.25	1910.25
(a) Application of requirements. This section is intended to prescribe rules and establish minimum requirements for the construction, care, and use of the common types of portable wood ladders, in order to insure safety under normal conditions of usage. Other types of special ladders, fruit-picker's ladders, combination step and extension ladders, stockroom step ladders, aisleway step ladders, shelf ladders, and library ladders are not specifically covered by this section.	(a) A commenter has requested elimination of design and construction specifications which are related to manufacturers. The American National Standards Institute (ANSI) petitioned OSHA to promulgate ANSI A14.1-1975, "Safety Requirements for Portable Wood Ladders." Only those portions of ANSI A14.1-1975 which relate to existing paragraphs of §1910.25 are reproduced below. There are instances where text and tables contained in ANSI A14.1-1975 are not reproduced because there is not comparable text in §1910.25. ANSI has petitioned OSHA to modify §1910.25(b)(2) to read as follows:
(b) Materials. **(1) Requirements applicable to all wood parts.** (i) All wood parts shall be of the species specified in Table D-5, seasoned to a moisture content of not more than 15 percent; smoothly machined and dressed on all sides; free from sharp edges and splinters; sound and free by accepted visual inspection from shake, wane, compression failures, decay, or other irregularities except as hereinafter provided. Low-density wood shall not be used. (ii) Black streaks in western hemlock shall not be considered an irregularity, except that chambers associated with black streaks, when present in the part, shall be limited as specified for pitch and bark pockets.	

Present Standard	Comments
1910.25	1910.25
(2) Permissible irregularities in side rails and back rails. (i) The general slope of grain in side rails of minimum dimension shall not be steeper than 1 in 12, except that for ladders under 10 feet in length and having flat steps for treads, the general slope of grain shall not be steeper than 1 in 10. The slope of grain in areas of local grain deviation shall not be steeper than 1 in 12 or 1 in 10 as specified above when occurring on the edges or in the outer one-fourth of the width of the wide face. Local areas of grain deviation within the center half of the width of the wide face may contain grain slope as steep as 1 in 8. Local deviations of grain associated with otherwise permissible irregularities are permitted.	(2)(i)"The general slope of grain in side rails and back legs shall not be steeper than 1 to 12, except that for ladders under 10 feet in length and having flat steps for treads, the general slope of grain shall not be steeper than 1 to 10. The slope of grain in areas of local grain deviation shall not be steeper than 1 in 12 or 1 in 10 as just specified when occurring on the narrow face or in the outer one-fourth of the width of the wide face. Local areas of grain deviation within the center half of the width of the wide face may be permitted to contain grain slope as steep as 1 in 8. Local deviations of grain associated with otherwise permissible irregularities shall be permitted."

Present Standard	Comments
1910.25	1910.25
(ii) Knots shall not appear in narrow faces of side rails. Knots, if tight and sound and less than one-half inch in diameter, are permitted on the wide face provided they are at least one-half inch back from either edge and not more frequent than 1 to any 3 feet of ladder length.	(2)(ii) "Knots shall not appear in a narrow face of a side rail or back leg. Knots, if tight and sound and less than 1/2 inch in diameter, shall be permitted on the wide face provided no part of the knot is within 1/2 inch from either edge and knots are not more frequent than one to any 3 feet of length."
(iii) Pitch and bark pockets are permitted provided they are not more than one-eighth inch in width, or more than 2 inches in length, or more than one-half inch in depth, and then only if they are not more frequent than 1 to any 3 feet of ladder length.	(2)(iii) "Pitch and bark pockets in side rails and back legs shall be permitted provided they are not more than 1/8 inch in width, 2 inches in length, or 1/2 inch in depth, and then only if they are not more frequent than one to any 3 feet of length."

Present Standard	Comments
1910.25	1910.25
(iv) Checks are permitted on side rails provided they are not more than 6 inches in length or more than one-half inch in depth.	
(v) Occurrences of compression wood in relatively small amounts and positively identified by competent and conscientious visual inspection of side rails are permitted provided no single streak shall exceed one-half inch in width nor shall the aggregate of streaks exceed one-fourth of the face of the side rail. Borderline forms of compression wood not positively identified by competent and conscientious visual inspection are permitted. Ladder parts containing bow or crook which would interfere with the operation of the ladder shall not be used.	ANSI has petitioned OSHA to modify §1910.25(b)(2)(v) to read as follows: (v) "Occurrences of compression wood in relatively small amounts and positively identified by competent and conscientious visual inspection of side rails and back legs shall be permitted provided no single streak shall exceed 1/2 inch in width, nor shall the aggregate of streaks exceed one-fourth of the wide face of the side rail. No streak of compression wood shall be within 1/2 inch of the edge of the rail. No streak of wood shall be allowed on the narrow face of the rail. Borderline forms of compression wood not positively identified by competent and conscientious visual inspection shall be permitted. Those parts containing bow or crook which would interfere with the operation of the ladder shall not be used."

Present Standard	Comments
1910.25	1910.25
(3) Permissible irregularities in flat steps, rungs, and cleats.	
(i) The general slope of grain in flat steps of minimum dimension shall not be steeper than 1 in 12, except that for ladders under 10 feet in length the slope of grain shall not be steeper than 1 in 10. The slope of grain in areas of local deviation shall not be steeper than 1 in 12 or 1 in 10 as specified above. For all ladders, cross grain not steeper than 1 in 10 are permitted in lieu of 1 in 12, provided the size is increased to afford at least 15 percent greater calculated strength than for ladders built to minimum dimensions. Local deviations of grain associated with otherwise permissible irregularities are permitted.	
(ii) The general slope of grain and that in areas of local deviations of grain shall not be steeper than 1 in 15 in rungs and cleats. For all ladders cross grain not steeper than 1 in 12 are permitted in lieu of 1 in 15, provided the size is increased to afford at least 15 percent greater calculated strength for ladders built to minimum dimensions. Local deviations of grain associated with otherwise permissible irregularities are permitted.	ANSI has petitioned OSHA to modify §1910.25(b)(3)(ii) to read as follows: (ii)"The general slope of grain and that in areas of local deviations of grain shall not be steeper than 1 in 15. For all ladders, cross grain not steeper than 1 in 12 may be permitted in lieu of 1 in 15 provided size is increased to afford at least 15% greater calculated strength than in ladders built to minimum dimensions. Local deviations of grain associated with otherwise permissible irregularities shall be permitted."
(iii) Knots over one-eighth inch in diameter shall not appear in rungs. Knots shall not appear in the narrow faces of flat steps and cleats. Knots appearing in the wide faces of flat steps and cleats shall not exceed a diameter of one-fourth inch.	ANSI has petitioned OSHA to modify §1910.25(b)(3)(iii) to read as follows: (b)(3)(iii) "Permissible knots shall be sound and tight. Knots over 1/8 inch in diameter shall not appear in rungs. Knots shall not appear in the narrow faces of flat steps. Knots appearing in the wide faces of flat steps shall not exceed a diameter of 1/4 inch. Knots in other ladder parts shall comply with the requirements of 4.1.2.2 of ANSI-A14.1-1975."
(4) Classification of species of wood. Table D-5 gives a list of native woods, divided into four groups on the basis of mechanical properties considered from the standpoint of use for ladder construction.	(4) ANSI has petitioned OSHA to modify §1910.25(b)(4) to read as follows: "Table 1 gives a list of native woods, divided into five groups on the basis of mechanical properties considered from the standpoint of use for ladder construction."
(i) All minimum dimensions and specifications set forth hereinafter for side rails and flat steps are based on the species of wood listed in Group 3 in Table D-5 except where otherwise provided. The species of all other groups may be substituted for those of Group 3 when used in sizes that provide at least equivalent strength. (See Table D-5 for suggested methods of size adjustment.)	(4)(i)"All minimum dimensions and specifications set forth hereinafter for side rails and flat steps shall be followed except that species of Group E may be substituted for those of Group D when used in sizes that provide equivalent strength. (See first paragraph under Group E of Table 1 for suggested methods of size adjustment.)"

Present Standard	Comments
1910.25	1910.25
(ii) All minimum dimensions and specifications set forth hereinafter for rungs and cleats are based on the species of wood listed in Group 1 in Table D–5. Cleats may be made of species of any other group provided that the cross-sectional dimensions specified for Group 1 species are increased by the factors shown in this subdivision (based on the percentages of Table D–5) for the species group of which the cleats are to be made.	(4)(ii)"All minimum dimensions and specifications set forth hereinafter for rungs are based on the species of wood listed in Group A of Table 1." NOTE: The complete text of Table 1 is printed alongside Table D–5 at the end of this §1910.25.
FACTOR FOR INCREASE IN Species group | Each dimension | Width only (thickness unchanged) 1 | 1.00 | 1.00 2 | 1.03 | 1.05 3 | 1.11 | 1.19 4 | 1.17 | 1.26	
(5) Metal parts. All metal parts shall be made of aluminum, steel, wrought iron, malleable iron, or other material, adequate in strength for the purpose intended.	(5) ANSI has petitioned OSHA to modify §1910.25(b)(5) to read as follows: "All metal parts shall be made of aluminum, steel, wrought iron, malleable iron, or other material, adequate in strength for the purpose intended, free from sharp edges and from sharp projections in excess of 1/64 inch, and protected against corrosion unless inherently corrosion resistant."

Present Standard	Comments
1910.25	1910.25
(c) Construction requirements. **(1) Basis of requirements.** (i) Dimensions specified hereinafter for wood ladders are the minimum dressed cross-sectional dimensions for the types of ladders herein designated, based on the species of woods specified in paragraph (b)(4) of this section, at a moisture content of 15 percent. The dimensions for side rails are based on a mortise or gain as specified for the various types of ladders for step or rung attachments. Where the strength of the side rails or back legs is reduced by a greater mortise or gain than shown, or where it is desired to use a cross section for any wood part either dimension of which is less than that specified, the required dimensions may be found as indicated in subdivision (ii) of this subparagraph.	
(ii) For the side rails of single extension and sectional ladders, the proposed section shall develop an actual stress per square inch not greater than 2,150 pounds for Group 1 woods, 2,000 pounds for Group 2 woods, 1,600 pounds for Group 3 woods, or 1,375 pounds for Group 4 woods when computed by the following formula applying to rectangular sections, with a maximum tolerance of 5 percent over these stresses:	(1)(ii) ANSI has petitioned OSHA to modify §1910.25(c)(1)(ii) to read as follows: "For the side rails of single extension and sectional ladders, the proposed section shall develop an actual stress per square inch not greater than 2,000 pounds for Group A and B woods, 1,875 pounds for Group C woods, 1,600 pounds for Group D woods, or 1,375 pounds for Group E woods when computed by the following formula applying to rectangular sections, with a maximum tolerance of 5% over these stresses:

Present Standard	Comments
1910.25	1910.25

$$S = \frac{3\,LD\,(P + W/16)}{2B\,(D^3 - d^3)} = \frac{1.5\,LD\,(25 + W/16)}{B\,(D^3 - 0.67)}$$

P = 25 pounds, which is the normal component on each rail of a load of 200 pounds at the center of the ladder, equally distributed between the rails, when the foot of the ladder is moved out of the perpendicular by one-quarter of its length.
S = Stress in extreme fiber in pounds per square inch.
W = Weight of ladder in pounds.
L = Maximum working length of ladder in inches.
B = Net thickness of each side rail in inches.
D = Depth of side rail in inches.
d = Diameter of hole board for rung (d^3 shall be taken as not less than 0.67).

Where

$$S = \frac{3LD(P+W/16)}{2B(D^3-d^3)} = \frac{1.5LD(P+W/16)}{B(D^3-0.67)} \text{ (Eq 1)}$$

P = one-eighth of the duty rating, which is the normal component on each rail of the applied load at the center of the ladder, equally distributed between the rails, when the foot of the ladder is moved out of the perpendicular by one-quarter of its length. P is 31.25 pounds for Type I, 28.125 pounds for Type II, and 25 pounds for Type III

S = stress in extreme fiber, in pounds per square inch

W = weight of ladder, in pounds (see first footnote to Table 1)

L = maximum working length of ladder, in inches (size of ladder less minimum overlap for two-section extension ladders)

B = net thickness of each side rail, in inches

D = depth of side rail, in inches

d = diameter of hole bored for rung (d^3 shall be taken as not less than 0.67)"

Present Standard	Comments
1910.25	1910.25

(iii) Adjustment of sizes for wood parts of stepladders and other ladder types covered by this section may be made as follows:

(a) The dimensions specified in later sections for parts having rectangular cross sections generally represent only one of a number of possible combinations of thickness and width which could satisfy the requirements for strength and stiffness. Depending upon the material sizes available, manufacturing practices, and like factors, parts produced by a particular manufacturer may or may not agree exactly with the sizes given later. The following provisions provide means for determining equality of load-carrying capacity of parts of different sizes or of determining sizes needed to provide equality.

(b) Any changes in dimensions shall result in a change in the width-thickness ratio for side rails of back legs not greater than 25 percent from the ratio for a corresponding ladder as now covered in this section.

(c) Where both dimensions are different from those specified, the load-carrying capacity in bending of a part will be equal to or greater than that of a part of specified dimensions if the ratio P_2/P_1 is not less than 1, where

$$\frac{P_2}{P_1} = \frac{B_2 D_2^2}{B_1 D_1^2}$$

and

B = Dimension of the part at right angles to the direction of load (width of a step, thickness of a side rail or back leg).
D = Dimension of the part parallel to the direction of load (thickness of a step, width of a side rail or back leg).
B_1, D_1 = Dimensions as specified.
B_2, D_2 = Dimensions of part being considered.

Present Standard	Comments
1910.25	1910.25
(d) The dimensions to be used in the computations are net dimensions. For example, in the case of a stepladder side rail, the dimension B is to be taken as the gross thickness of the rail minus the depth of the gain for the steps. Where there is a rung hole at the center of depth of a rail, a somewhat more accurate comparison may be made by the use of the formula $\frac{P_2}{P_1} = \frac{B_2 D_1 (D_2^3 - d^3)}{B_1 D_2 (D_1^3 - d^3)}$ where the symbols have the same meanings as before and d is the diameter of the hole for the rung tenon. In most instances the difference in results calculated by this and by the earlier formula will be slight.	
(2) Portable stepladders. Stepladders longer than 20 feet shall not be supplied. Stepladders as hereinafter specified shall be of three types. Type I—Industrial stepladder, 3 to 20 feet for heavy duty, such as utilities, contractors, and industrial use. Type II—Commercial stepladder, 3 to 12 feet for medium duty, such as painters, offices, and light industrial use. Type III—Household stepladder, 3 to 6 feet for light duty, such as light household use.	(2) ANSI has petitioned OSHA to modify §1910.25(c)(2) to read as follows: "Stepladders as hereinafter specified shall be of three types and of lengths as follows: (1) Type I - 3 to 20 feet (2) Type II - 3 to 12 feet (3) Type III - 3 to 6 feet

Present Standard	Comments
1910.25	1910.25
(i) General requirements. (a) Slope is the inclination of side rails or back legs with respect to the vertical and is expressed as a deviation from the vertical per unit length of the member. Stepladders shall be so constructed, that when in the open position, the slope of the front section shall not be less than 3½ inches and the slope of the back section not less than 2 inches, for each 12-inch length of side rail. (b) A uniform step spacing shall be employed which shall be not more than 12 inches. Steps shall be parallel and level when the ladder is in position for use. (c) The minimum width between side rails at the top, inside to inside, shall be not less than 11½ inches. From top to bottom, the side rails shall spread at least 1 inch for each foot of length of stepladder.	
(d) When minimum thickness of side rails is used, steps shall be closely fitted into the grooves in the side rails one-eighth inch in depth with a tolerance of one-thirty-second inch, and shall be firmly secured as hereinafter described; or they shall be closely fitted into metal brackets of an equivalent strength, which in turn shall be firmly secured to the side rails. The depth of groove herein provided may be increased in proportion to the thickness of side rails as provided in subdivisions (ii)(a), (iii)(a), and (iv)(a) of this subparagraph.	

Present Standard	Comments
1910.25	1910.25
(e) All stepladders shall have a top with wood or metal brackets or fittings tightly secured to the top, side rails, and back legs, to allow free swinging of the back section without excessive play or wear at the joints.	(e) ANSI has petitioned OSHA to modify §1910.25(c)(2)(i)(e) to read as follows: "All stepladders shall have a one-piece top cap with wood or metal brackets or fittings tightly secured to the top, side rails, and back legs to allow free swinging of the back section without excessive play or wear at the joints."
(f) A metal spreader or locking device of sufficient size and strength to securely hold the front and back sections in open positions shall be a component of each stepladder. The spreader shall have all sharp points covered or removed to protect the user. For Type III ladder, the pail shelf and spreader may be combined in one unit (the so-called shelf-lock ladder).	
(g) When measured along the front edge of the side rails, all stepladders shall measure within 3 inches of the specified length.	
(h) Where bucket shelves are provided, they shall be constructed to support a load of 25 pounds and shall be so fastened that they can be folded up when the ladder is closed.	(h) ANSI has petitioned OSHA to modify §1910.25(c)(2)(i)(h) to read as follows: "Where bucket shelves are provided, they shall meet the test requirements of 6.1.1 of ANSI A14.1-1975 and shall be so fastened that they can be folded up when the ladder is closed."
(i) All metal parts and fittings shall be securely attached by means of rivets, bolts, screws, or equivalent fasteners.	
(ii) Type I industrial stepladder.	
(a)	(a) ANSI has petitioned OSHA to modify §1910.25(c)(2)(ii)(a) to read as follows:
(1) The minimum dimensions of the parts of the Type I stepladder shall be as shown in Table D-2 when made of Group 2 or Group 3 woods.	"The minimum dimensions of the parts of the Type I of ANSI A14.1-1975 stepladder shall be as given in Table 2 of ANSI A14.1-1975 when these parts are made of Group A, B, C, or D woods."
(2) The minimum thickness of side rails provides for the cutting of a groove of one-eighth inch in depth with the tolerance indicated in subdivisions (i)(*d*) of this subparagraph, and shall be increased when grooves of greater depth are used.	

Present Standard	Comments
1910.25	1910.25
(b) Steps shall be secured with at least two 6-d nails at each end, or the equivalent thereof. Each step shall be reinforced by a steel rod not less than 0.160 inch in diameter with standard commercial tolerances, which shall pass through metal washers of sufficient thickness and diameter on each end to prevent pressing—into the side rails, and a truss block which shall be fitted between the rod and the center of each step, or by a metal angle brace on each end firmly secured to the steps and side rails, or by construction of equivalent strength and safety. Where the rod reinforcement construction is used, the bottom step shall be provided further with a metal angle brace on each end which shall be securely attached to the bottom step and side rails. In addition, all steps 3⅜ inches wide and 27 inches or more in overall length and all steps 4¼ inches wide and 32 inches or more in overall length shall be provided with a metal angle brace at each end securely attached to the step and side rail.	(b) ANSI has petitioned OSHA to modify §1910.25(c)(2)(ii)(b) to read as follows: "Steps shall be secured with at least two 6D nails at each end, or the equivalent thereof. Each step shall be reinforced by a steel rod of not less than 0.160 inch in diameter with standard commercial tolerances, which shall pass through metal washers of sufficient thickness and diameter on each end to prevent pressing into the side rails, and with a truss block fitted between the rod and the center of each step; or by a metal angle brace on each end firmly secured to the step and side rail, or by construction of equivalent strength and safety. Where rod reinforcement construction is used, the bottom step shall be provided further with a metal angle brace on each end which shall be securely attached to the bottom step and side rails. In addition, all steps 3-5/8 to 4-1/4 inches wide and 27 inches or more in overall length and all steps 4-1/4 inches or wider and 32 inches or more in overall length shall be provided with a metal angle brace at each end securely attached to the step and side rail."

Present Standard	Comments
1910.25	1910.25

TABLE D-2

DIMENSIONS FOR TYPE I STEP LADDER

	Length, 12 feet and less		Length, 14 and 16 feet		Length, 18 and 20 feet	
	Thickness (inch)	*Depth (inches)*	*Thickness (inch)*	*Depth (inches)*	*Thickness (inch)*	*Depth (inches)*
Side rails	¾	3¼	¾	3½	1 1/16	3½
Back legs	¾	2¼	¾	2⅝	1 1/16	2¼
Steps	¾	3⅝	¾	4¼	⅞	4¼
Tops	¾	5½	¾	5½	⅞	5½

Present Standard	Comments
1910.25	1910.25
	Table 2 from ANSI A14.1-1975

Table 2

Minimum Dimensions for Type I Stepladder

	Length 12 Feet and Less		Length 14 and 16 Feet		Length 18 and 20 Feet	
Ladder Part	Thickness (inch)	Depth (inches)	Thickness (inch)	Depth (inches)	Thickness (inches)	Depth (inches)
Side rails	3/4	3-1/4	3/4	3-1/2	1-1/16	3-1/2
Back legs	3/4	2-1/4	3/4	2-5/8	1-1/16	2-1/4
Steps	3/4	3-5/8	3/4	4-1/4	3/4	4-1/4
Top cap	3/4	5-1/2	3/4	5-1/2	3/4	5-1/2

Present Standard	Comments
1910.25	1910.25
(c) The back section shall be braced by one of the following methods:	(c)(1) ANSI has petitioned OSHA to modify §1910.25(c)(2)(ii)(c)(1) to read as follows:
(1) The back legs shall be braced with 1⅛-inch diameter rungs of Group 1 woods (see Table D-5), or material of equivalent strength, having ⅞-inch diameter tenons or oval wood rungs, or rectangular wood rungs of equivalent strength, spaced not more than 12 inches apart. The back legs shall be bored with holes either extending through the legs or to within three-sixteenths inch of the outside face of the legs, the size of the hole to be such as to insure a tight fit for the rung. The shoulder of the rung shall be forced firmly against the leg, and the tenon secured in place with a nail, or the equivalent thereof, to prevent turning of the rungs. The back legs shall be braced by a metal angle brace on each side, securely fastened to the rung and the back legs, one rung to be braced for each 4 feet of length or fraction thereof, on ladders 4 feet or more in length, with braces required only on the bottom rung for ladders that are 4 feet or shorter. Where rungs are more than 28 inches in length between the back legs they shall be provided with center bearing consisting of a wood bar not less than ¾ by 2 inches in cross-section securely nailed to each rung passing through it and long enough to include each rung longer than 28 inches.	"The back legs shall be braced with 1-1/8-inch-diameter rungs made of Group A woods (see Table 1 of ANSI A14.1-1975), or material of equivalent strength, having 7/8-inch-diameter tenons or oval wood rungs, or rectangular wood rungs of equivalent strength, spaced not more than 12 inches apart. The back legs shall be bored with holes extending either through the legs or to within 1/8 inch of the outside face of the legs, the size of the hole to be such as to ensure a tight fit for the rung. The minimum length of the tenon shall be 9/16 inch. The shoulder of the rung shall be forced firmly against the leg and the tenon secured in place with a nail, or the equivalent thereof, to prevent turning of the rungs. The back legs shall be braced by a metal angle brace on each side, securely fastened to the rung and the back legs, one rung to be braced for each 4 feet of length or fraction thereof, on ladders 4 feet or more in length, with braces required only on the bottom rung for ladders that are 4 feet or shorter. The bottom rung shall be braced with a metal angle brace on each side, and the spacing between the braces shall not be more than 4 feet. Where rungs are more than 28 inches in length between the back legs, they shall be provided with center bearing consisting of a wood bar not less than 3/4 x 2 inches cross section securely nailed to each rung, passing through it and long enough to include each rung longer than 28 inches."
1910.25	1910.25
(2) The back leg shall be braced with horizontal wood bars of Group 1, 2, or 3 woods in Table D-5 and not less than ¾ by 2½ inches in cross-section, spaced not more than 12 inches apart. The ends of the bars shall fit into metal sockets of not less than 20-gauge (Manufacturers Standard) steel, or other material of equivalent strength, or into mortises of not less than one-eight inch (tolerance of ± one-thirty-second inch) in depth in the back legs. A steel rod not less than 0.160 inch in diameter with standard commercial tolerance shall pass through the back legs, the bar, and at each end through metal washers of sufficient diameter and thickness to prevent passing into the back legs. The back legs shall also be braced by a metal angle brace on each side, securely fastened to the bar and to the legs, one bar to be so braced for at least each 4 feet of length or fraction thereof, with braces required only on bottom bar for ladders that are 4 feet or shorter. Metal sockets when used shall be attached to the back legs by rivets or by means of a rod running through the socket or equivalent thereof.	(c)(2) ANSI has petitioned OSHA to modify §1910.25(c)(2)(ii)(c)(2) to read as follows: "The back legs shall be braced with horizontal wood bars made of Group A, B, C, or D woods (see Table 1 of ANSI A14.1-1975) not less than 3/4 x 2-1/2 inches in cross section, spaced not more than 12 inches apart. The ends of the bars shall fit into metal sockets of not less than 20-gage (Manufacturer's Standard) steel, or other material of equivalent strength, or into mortises of not less than 1/8 inch (tolerance of ± 1/32 inch) in depth in the back legs. A steel rod not less than 0.160 inch in diameter with standard commercial tolerance shall pass through the back legs, the bar, and at each end through metal washers of sufficient diameter and thickness to prevent pressing into the back legs. The back legs shall also be braced by a metal angle brace on each side, securely fastened to the bar and to the legs, one bar to be so braced for at least each 4 feet of length or fraction thereof, with braces required only on bottom bar for ladders that are 4 feet shorter. Metal sockets, when used, shall be attached to the back legs by rivets or by means of a rod running through the socket or equivalent thereof."

Present Standard	Comments
1910.25	1910.25
(d) The back legs shall be reinforced by a rivet through the depth of the leg above the hinge point, by metal plates or collars at the hinge point, or by other means suitable for preventing splitting of the back leg from the hinge pin to the top.	(d) ANSI has petitioned OSHA to modify §1910.25(c)(2)(ii)(d) to read as follows: "Antisplit Devices. The back legs shall be reinforced by a rivet through the depth of the leg above the top hinge or pivot point by metal plates or collars at the hinge point or by other means suitable for preventing splitting of the back leg from the hinge pin to the top."
(iii) Type II commercial stepladder.	
(a)	
(1) The minimum dimensions of the parts of the Type II stepladder shall be as given in Table D–3 when made of Group 2 or Group 3 woods.	(a)(1) ANSI has petitioned OSHA to modify §1910.25(c)(2)(iii)(a)(1) to read as follows: "The minimum dimensions of the parts of the Type II stepladder shall be as given in Table 3 of ANSI A14.1-1975 when made of Group A, B, C, or D woods."

Present Standard	Comments
1910.25	1910.25

TABLE D-3

DIMENSIONS FOR TYPE II STEP LADDER

	Length, 3 to 8 feet		Length, 10 feet		Length, 12 feet	
	Thickness (inch)	*Depth (inches)*	*Thickness (inch)*	*Depth (inches)*	*Thickness (inch)*	*Depth (inches)*
Side rails	¾	2½	¾	2½	¾	3
Back legs	¾	1½	¾	1½	¾	2
Steps	¾	3½	¾	3½	¾	3½
Tops	¾	5	¾	5	¾	5

Table 3 from ANSI A14.1-1975

Table 3
Minimum Dimensions for Type II Stepladder

	Length 3 to 8 Feet		Length 10 Feet		Length 12 Feet	
Ladder Part	Thickness (inch)	Depth (inches)	Thickness (inch)	Depth (inches)	Thickness (inch)	Depth (inches)
Side rails	3/4	2-5/8	3/4	2-5/8	3/4	3
Back legs	3/4	1-5/8	3/4	1-3/4	3/4	2
Steps	3/4	3-1/2	3/4	3-1/2	3/4	3-5/8
Top cap	3/4	5	3/4	5	3/4	5

Present Standard	Comments
1910.25	1910.25
(2) The minimum thickness of side rails provides for the cutting of a groove of one-eighth inch in depth with the tolerance indicated in subdivision (i)(*d*) of this subparagraph, and shall be increased when grooves of greater depth are used.	
(b) Steps shall be secured with at least two 6–d nails at each end, or the equivalent thereof. Each step shall be reinforced by a steel rod not less than 0.160 inch in diameter with standard commercial tolerances which shall pass through metal washers of sufficient thickness and diameter on each end to prevent pressing into the side rails, and a truss block shall be fitted between the truss rod and center of each step; or by a metal angle brace on each end firmly secured to the steps and side rails; or by construction of equivalent strength and safety. Where the rod reinforcement construction is used, the bottom step shall be provided further with a metal angle brace on each end which shall be securely attached to the bottom step and side rails. In addition all steps 27 inches or more in overall length shall be provided with a metal angle brace at each end securely attached to the step and side rails.	

Present Standard	Comments
1910.25	1910.25
(c) The back legs shall be braced by one of the three following methods:	ANSI has petitioned OSHA to modify §1910.25(c)(2)(iii)(c)(1)(i) and (ii) to read as follows:
(1)	
(i) With ⅞-inch diameter wood dowels of Group 1 woods (see Table D–5) or material of equivalent strength having not less than ⅞-inch tenons firmly secured in the back legs and spaced not more than 12 inches apart. The back legs shall be bored with holes either extending through the legs or to within three-sixteenths inch of the outside face of the legs, the size of the hole to be such as to insure a tight fit for the dowel. The shoulder of the dowel shall be forced firmly against the leg and the tenon secured in place with a nail, or the equivalent thereof, to prevent turning of the dowel.	(i) "The back legs shall be braced with 7/8-inch-diameter wood dowels made of Group A woods (see Table 1 of ANSI A14.1-1975) or material of equivalent strength having tenons of not less than 5/8 inch firmly secured in the back legs and spaced not more than 12 inches apart. The back legs shall be bored with holes extending either through the legs or to within 1/8 inch of the outside face of the legs, the size of the holes to be such as to ensure a tight fit for the dowel. The minimum length of the tenon shall be 9/16 inch. The shoulder of the dowel shall be forced firmly against the leg and the tenon secured in place with a nail, or the equivalent thereof, to prevent turning of the dowel."

Present Standard	Comments
1910.25	1910.25
(ii) A bar connecting two or more of the dowels shall be provided on all ladders of 6 feet or more. The cross-sectional dimensions of the bar shall be the same as the cross-sectional dimensions of the back legs, and the dowels shall pass through holes at the centerline of the bar. The bar shall be attached at the center of the length of the lower two dowels on a 6-foot ladder and shall extend upward one dowel for each 2 feet of added length.	(ii) "A bar connecting two or more of the dowels shall be provided on all ladders of 6 feet or more. The cross-sectional dimensions of the bar shall be the same as the cross-sectional dimensions of the back legs, and the dowels shall pass through holes at the centerline of the bar. The bar shall be attached at the center of the length of the lower two dowels on a 6-foot ladder and shall extend upward one dowel for each added 2 feet of length."
(2) With wood dowels as set forth in this subdivision (iii)(c)(1), plus an inverted V bracing of ¾- by 1½-inch material through which the dowels extend, the length of the V to extend two-thirds of the way up the back.	ANSI has petitioned OSHA to modify §1910.25(c)(2)(iii)(c)(2) to read as follows: (c)(2) "The back legs shall be braced with wood dowels as set forth in 5.2.3.3.1 of ANSI A14.1-1975 plus an inverted V bracing of 3/4 x 1-1/2 inch material through which the dowels extend, the length of the V to extend two-thirds of the way up the back."

Present Standard	Comments
1910.25	1910.25
(3) With horizontal bracing of Group 1, 2, 3, or 4 woods (see Table D-5) not less than ¾ by 2 inches in cross-section, the ends of which shall fit into metal sockets of not less than 20-gauge (Manufacturing Standard), steel, or other material of equivalent strength or into mortises not less than one-eighth inch in depth in back legs. The bars shall be reinforced by steel rods not less than 0.160 inch in diameter with standard commercial tolerances which shall pass through the back legs, the bar, and, at each end, through metal washers of sufficient diameter and thickness to prevent pressing into the back legs. The spacing of such braces shall not exceed 3 feet, and there shall be one brace on 3- and 4-foot ladders, two braces on 5- and 6-foot ladders, three braces on 7- and 8-foot ladders, and four braces on 10- and 12-foot ladders. The bottom bar shall not be more than 18 inches from the bottom of the ladder, and, where only one bar is used, it shall be braced by a metal angle brace on each end securely attached to the bar and the back leg.	ANSI has petitioned OSHA to modify §1910.25(c)(2)(iii)(c)(3) to read as follows: (c)(3) "The back legs shall be braced with horizontal wood bars made of Group A, B, C, D, or E woods (see Table 1) not less than 3/4 x 2 inches in cross section, the ends of which shall fit into metal sockets of not less than 20-gage (Manufacturer's Standard) steel, or other material of equivalent strength, or into mortises not less than 1/8 inch (tolerance ± 1/32 inch) in depth in back legs. The bars shall be reinforced by steel rods not less than 0.160 inch in diameter with standard commercial tolerances, which shall pass through the back legs, the bar, and at each end, through metal washers of sufficient diameter and thickness to prevent pressing into the back legs. The spacing of such bars shall not exceed 3 feet, and there shall be one bar on 3- and 4-foot ladders, two bars on 5- and 6-foot ladders, three bars on 7- and 8-foot ladders, and four bars on 10- and 12-foot ladders. The bottom bar shall be not more than 18 inches from the bottom of the ladder, and where only one bar is used, it shall be braced by a metal angle brace on each end securely attached to the bar and the back leg."

Present Standard	Comments
1910.25	1910.25
(iv) Type III household stepladder.	ANSI has petitioned OSHA to modify §1910.25(c)(2)(iv)(a) to read as follows:
(a) The minimum dimensions of the parts of the Type III stepladder shall be as follows when made of Group 2 or Group 3 woods:	(a) "The minimum dimensions of the parts of the Type III stepladder shall be as given in Table 4 of ANSI A14.1-1975 when made of Group A, B, C, or D woods."

	Length, 3 to 6 feet	
	Thickness (inch)	Depth (inches)
Side rails	¾	2½
Back legs	¾	1⁵⁄₁₆
Steps	¾	3
Top	¾	5

The minimum thicknesses of side rails provide for the cutting of a groove one-eighth inch in depth with the tolerance indicated in subdivision (i)(*d*) of this subparagraph, and shall be increased when grooves of greater depth are used.

Table 4 from ANSI A14.1-1975

Table 4
Minimum Dimensions for Type III Stepladder

	Length 3 to 6 Feet	
Ladder Part	Thickness (inch)	Depth (inches)
Side rails	3/4	2-1/2
Back legs	3/4	1-5/16
Steps	3/4	3
Top cap	3/4	5

Present Standard	Comments
1910.25	1910.25
(b) Steps shall be secured with at least one 6-d nail at each end, or the equivalent thereof. Each step shall be reinforced by a steel rod not less than 0.160 inch in diameter with standard commercial tolerance which shall pass through metal washers of sufficient thickness and diameter to prevent pressing into the side rails, or by a metal brace at each end firmly secured to steps and side rails or by construction of equivalent strength and safety. Where the rod reinforcement construction is used, the bottom step shall be provided further with a metal angle brace on each end which shall be securely attached to the bottom step and side rail.	
(c) Back legs shall be braced by one of the two following methods or by construction of equivalent strength and safety:	ANSI has petitioned OSHA to modify §1910.25(c)(2)(iv)(c) and (c)(1) to read as follows:
(1) By diagonal slats of Groups 1, 2, 3, or 4 wood (see Table D-5) not less than 5/16 by 1¼ inches securely fastened to the back legs by nails, screws, or the equivalent thereof.	(c) "Back legs shall be braced by diagonal slats made of Group A, B, C, D, or E woods (see Table 1) of ANSI A14.1-1975 not less than 5/16 x 1-1/4 inches, securely fastened to the back legs by screws (minimum length 1 inch), or the equivalent thereof. Diagonal slats shall be joined at the point of intersection with a clinched nail, or the equivalent thereof."

Present Standard	Comments
1910.25	1910.25
(2) With horizontal bracing of Groups 1, 2, 3, or 4 wood (see Table D-5) not less than ⅝ by 1⅝ inches in cross section, the ends of which shall fit into metal sockets of not less than 20-gauge (Manufacturing Standard) steel or other material of equivalent strength or into mortises not less than one-eighth inch in depth in back legs. The bars shall be reinforced by steel rods not less than 0.160 inch in diameter with standard commercial tolerances which shall pass through the back leg, the bar, and at each end through metal washers of sufficient diameter and thickness to prevent pressing into each leg. The spacing of such bars shall not exceed 3 feet, and there shall be one brace on 3- and 4-foot ladders, two braces on 5- and 6-foot ladders. The bottom bar shall be not more than 18 inches from the bottom of the ladder.	ANSI has petitioned OSHA to modify §1910.25(c)(2)(iv)(c)(2) to read as follows: (2) "Back legs shall be braced with horizontal wood bars made of Group A, B, C, D, or E woods (see Table 1) of ANSI A14.1-1975 not less than 5/8 x 1-5/8 inches to cross section, the ends of which shall fit into metal sockets of not less than 20 gage (Manufacturer's Standard) steel, or other material of equivalent strength, or into mortises not less than 1/8 inch (tolerance ± 1/32 inch) in depth in back legs. The bars shall be reinforced by steel rods not less than 0.160 inch in diameter with standard commercial tolerances which shall pass through the back legs, the bar, and, at each leg. The spacing of such bars shall not exceed 3 feet, and there shall be one bar on 3- and 4-foot ladders and two bars on 5- and 6-foot ladders. The bottom bar shall be not more than 18 inches from the bottom of the ladder."

Present Standard	Comments
1910.25	1910.25
(3) Portable rung ladders. Portable rung ladders as herein specified shall be of four types, as follows: single ladder; two-section extension ladder; sectional ladder; trestle and extension trestle ladder.	
(i) General requirements.	ANSI has petitioned OSHA to modify §1910.25(c)(3)(i)(a) to read as follows: (a) "The base or lower portion of a ladder may be designed with parallel side rails, with side rails varying uniformly in separation along the length (tapered), or with side rails flaring at the base (ANSI A14.1-1975)."
(a) The base or lower portion of a ladder may have either parallel sides or flared sides in accordance with commercial practice.	
(b) Rungs shall be parallel, level, and uniformly spaced. The spacing shall be not more than 12 inches, except as hereinafter specified.	ANSI has petitioned OSHA to modify §1910.25(c)(3)(i)(b) to read as follows: (b) "Rungs shall be parallel, level, and uniformly spaced. The rung spacing shall be on 12-inch (± 1/4 inch) centers, except for trestle and extension trestle ladders. (See 5.3.5.7) of ANSI A14.1-1975."

Present Standard	Comments
1910.25	1910.25
(c) All holes for wood rungs shall either extend through the side rails or be bored so as to give at least a thirteen-sixteenths-inch length of bearing to the rung tenon. In through-bored construction, the rungs shall extend at least flush with the outside rail surface. All holes shall be located on the center line of the wide face of the side rails and shall be of such size as to insure a tight fit for the rung. The shoulder of the rung shall be forced firmly against the side rails and the tenon secured in place with a nail or the equivalent thereof, for the sole purpose of preventing the turning of the rung and maintaining the rung position in the side rail.	
(d) Round rungs shall be of Group 1 woods (see Table D–5), shall be not less than 1⅛ inches in diameter for lengths up to 36 inches between side rails and 1¼ inches in diameter for lengths over 36 up to and including 72 inches, and shall have not less than seven-eighths-inch-diameter tenons, or rungs of equivalent strength and bearing shall be provided. When rungs are 28 inches or more in length between side rails, they shall, in addition, be provided with center bearing.	ANSI has petitioned OSHA to modify §1910.25(c)(3)(i)(d) to read as follows: (d) "Round rungs shall be made of Group A woods (see Table 1) of ANSI A14.1-1975, shall be not less than 1-1/8 inches in diameter for lengths up to 28 inches between side rails and 1-1/4 inches in diameter for lengths over 28 inches up to and including 72 inches, and shall have tenors of not less than 7/8-inch diameter, or rungs of equivalent strength and bearing shall be provided. When rungs are 28 inches or more in length between side rails, they shall, in addition, be provided with center bearings."
(e) Oval rungs or rungs of any other cross section may be used provided they are secured by a nail at each end or the equivalent thereof, and have at least the same strength and bearing as round rungs of the same length.	
(f) All metal parts and fittings shall be securely attached by means of rivets, bolts, screws, or equivalent fasteners.	ANSI has petitioned OSHA to modify §1910.25(c)(3)(i)(f) to read as follows: (f) "All metal parts and fittings (see 4.3 of ANSI A14.1-1975) shall be securely attached by means of rivets, bolts, screws, or equivalent fasteners."
(g) The construction and assembly of the movable parts shall be such that they shall operate freely and securely without binding or unnecessary play.	

Present Standard	Comments
1910.25	1910.25
(h) When measured along the side rails, no rung ladder or section thereof shall be more than 4 inches shorter than the specified length.	
(i) Nonslip bases shall be securely bolted, riveted, or attached by equivalent construction to the side rails.	ANSI has petitioned OSHA to modify §1910.25(c)(3)(i)(i) to read as follows: (i) "Nonslip bases are optional equipment. When installed, they shall be securely bolted, nailed, or riveted, or attached by equivalent construction to the side rails, with the exception of elastic boot-type shoes that are properly fitted."
(j) Hooks shall be securely bolted or riveted to the side rails or equivalent construction and shall be of such dimensions as to withstand the loads imposed upon them.	

Present Standard	Comments
1910.25	1910.25
(ii) Single ladder. (a) Single ladders longer than 30 feet shall not be supplied.	ANSI has petitioned OSHA to modify §1910.25(c)(3)(ii)(a) and (b) to read as follows: (a) "Single ladders as hereinafter specified shall be of three types and lengths: (1) Type I shall not exceed 30 feet, (2) Type II shall not exceed 20 feet, and (3) Type III shall not exceed 14 feet."
(b) The minimum dimensions of the side rails of the single ladder shall be as follows when made of Group 2 or Group 3 woods:	(b) "The minimum dimensions of the side rails of Type I, II, and III single ladders shall be not less than those specified in Table 5 of ANSI A14.1-1975 when made of Group B, C, or D woods."

Present Standard	Comments
1910.25	1910.25

Length of ladder (feet)	Thickness (inches)	Depth (inches)
Up to and including 16	1⅛	2½
Over 16 up to and including 22	1¼	2¾
Over 22 up to and including 30	1¼	3

Table 5 of ANSI A14.1-1975

Table 5
Minimum Dimensions of Side Rails for Type I, II, and III Single Ladders

Length of Ladder (feet)	Rail Dimension Thickness (inches)	Rail Dimension Depth (inches)
Type I – Group B Woods		
Up to and including 16	1-1/16	2-1/4
Over 16, up to and including 20	1-1/16	2-1/2
Over 20, up to and including 30	1-1/4	2-3/4
Type I – Group C Woods		
Up to and including 16	1-1/16	2-1/4
Over 16, up to and including 20	1-1/8	2-1/2
Over 20, up to and including 30	1-1/4	2-7/8
Type I – Group D Woods		
Up to and including 14	1-1/16	2-1/4
Over 14, up to and including 18	1-1/8	2-1/2
Over 18, up to and including 22	1-1/8	2-3/4
Over 22, up to and including 30	1-5/16	3
Type II – Group B Woods		
Up to and including 18	1-1/16	2-1/4
Over 18, up to and including 20	1-1/16	2-3/8
Type II – Group C Woods		
Up to and including 16	1-1/16	2-1/4
Over 16, up to and including 20	1-1/16	2-1/2
Type II – Group D Woods		
Up to and including 14	1-1/16	2-1/4
Over 14, up to and including 20	1-1/8	2-1/2
Type III – Group B, C, or D Woods		
Up to and including 14	1-1/16	2-1/4

Present Standard	Comments
1910.25	1910.25

(c) Smaller side rails will be acceptable in all ladders of this type when reinforced by a steel wire, rod, or strap running the length of the side rails and adequately secured thereto. Where such reinforcement is used, the reinforced rails shall be equivalent in strength to the side rails specified in this subdivision (ii)(*b*).

ANSI has petitioned OSHA to modify §1910.25(c)(3)(ii)(c) to read as follows:

(c) "Smaller side rails will be acceptable in all ladders of this type when reinforced on the underside by a steel wire, rod, or strap running the length of the side rails and adequately secured thereto. Where such reinforcement is used, the reinforced rails shall be equivalent in strength to the side rails specified in 5.3.2 of ANSI A14.1-1975 and shall be marked (as described in 1.6) as being electrically conductive."

(d) The width between the side rails at the base, inside to inside, shall be at least 11½ inches for all ladders up to and including 10 feet. Such minimum widths shall be increased at least one-fourth inch for each additional 2 feet of length.

Present Standard	Comments
1910.25	1910.25
(iii) Two-section ladder.	ANSI has petitioned OSHA to modify §1910.25(c)(3)(iii)(a) to read as follows:
(a) Two-section extension ladders longer than 60 feet shall not be supplied. All ladders of this type shall consist of two sections, one to fit within the side rails of the other, and arranged in such a manner that the upper section can be raised and lowered.	(a) "Two-section extension ladders as hereinafter specified shall be of three types and sizes: (1) Type I shall not exceed 60 feet, (2) Type II shall not exceed 40 feet, and (3) Type III shall not exceed 28 feet. These ladders shall consist of two sections; the top section nearest the climber shall fit within the side of the bottom section and be arranged in such a manner that the upper section can be raised and lowered."
(b) The minimum dimensions of the side rails of the two-section extension ladder shall be not less than specified in Table D-4 of this section.	ANSI has petitioned OSHA to modify §1910.25(c)(3)(iii)(b) to read as follows:
	(b) "The minimum dimensions of the sides of the side rails of Type I, II, and III two-section extension ladders shall not be less than those specified in Table 6 of ANSI A14.1-1975 when made of Group B, C, or D woods."

Present Standard	Comments
1910.25	1910.25

TABLE D-4—DIMENSIONS OF SIDE RAILS FOR TWO-SECTION LADDER

Size of ladder, overall length (feet)	Rail		
	Thickness (inches)		Depth (inches)
For group 2 woods			
16	1 1/16	×	2
20	1 1/16	×	2 1/4
24	1 1/16	×	2 1/2
28	1 1/16	×	2 3/4
32	1 5/16	×	2 3/4
36	1 5/16	×	2 3/4
40	1 5/16	×	2 3/4
44	1 5/16	×	3
For group 3 woods			
16	1 1/8	×	2
20	1 1/8	×	2 1/4
24	1 1/8	×	2 1/2
28	1 1/8	×	2 3/4
32	1 5/16	×	2 3/4
36	1 5/16	×	3
40	1 1/8	×	3
44	1 1/8	×	3 1/4
48-52	1 1/8	×	3 3/4
56-60	1 1/8	×	3 3/4

Comments
1910.25
Table 6 from ANSI A14.1-1975
See next sheet

Table 6 from ANSI A14.1-1975

Table 6
Minimum Dimensions of Side Rails for Type I, II, and III Two-Section Extension Ladders

Size of Ladder* – Overall Length (feet)	Rail Dimension Thickness (inches)	Rail Dimension Depth (inches)
Type I – Group B Woods		
16 and 20	1-1/16	2-1/4
24	1-1/16	2-1/2
28	1-1/16	2-3/4
32	1-5/16	2-3/4
36	1-5/16	2-7/8
40	1-5/16	3
44	1-3/8	3-1/4
48	1-3/8	3-3/8
52	1-3/8	3-1/2
60	1-1/2	3-3/4
Type I – Group C Woods		
16	1-1/16	2-1/4
20	1-1/16	2-3/8
24	1-1/16	2-5/8
28	1-1/8	2-3/4
32	1-3/8	2-3/4
36	1-5/16	3
40	1-3/8	3
44	1-3/8	3-3/8
48	1-3/8	3-1/2
52	1-3/8	3-5/8
60	1-5/8	3-3/4
Type I – Group D Woods		
16	1-1/16	2-1/4
20	1-1/16	2-1/2
24	1-1/8	2-3/4
28	1-5/16	2-3/4
32	1-5/16	3
36	1-3/8	3-1/8
40	1-3/8	3-1/4
44	1-3/8	3-1/2
48	1-3/8	3-3/4
52	1-3/8	3-15/16
60	1-3/4	3-7/8
Type II – Group B Woods		
16 and 20	1-1/16	2-1/4
24	1-1/16	2-3/8
28	1-1/16	2-5/8
32	1-1/4	2-5/8
36	1-3/8	2-3/4
40	1-5/16	2-7/8
Type II – Group C Woods		
16 and 20	1-1/16	2-1/4
24	1-1/16	2-1/2
28	1-1/16	2-3/4
32	1-1/4	2-3/4
36	1-5/16	2-7/8
40	1-5/16	3
Type II – Group D Woods		
16	1-1/16	2-1/4
20	1-1/16	2-3/8
24	1-1/16	2-5/8
28	1-3/16	2-3/4
32	1-3/8	2-3/4
36	1-3/8	3
40	1-3/8	3-1/8
Type III – Group B Woods		
16, 20, and 24	1-1/16	2-1/4
28	1-1/16	2-1/2
Type III – Group C Woods		
16 and 20	1-1/16	2-1/4
24	1-1/16	2-3/8
28	1-1/16	2-5/8
Type III – Group D Woods		
16 and 20	1-1/16	2-1/4
24	1-1/16	2-1/2
28	1-1/16	2-3/4

*See 3.1.3 for size designation.

Present Standard	Comments
1910.25	1910.25

(c) The minimum dimensions of side rails set forth in Table D–4 are based on the maximum working length, which is the size of ladder less the minimum overlap, which shall be as follows:

Size of ladder (feet):	*Overlap (feet)*
Up to and including 36	3
Over 36 up to and including 48	4
Over 48 up to and including 60	5

(d) Smaller side rails will be acceptable in all ladders of this type when reinforced by a steel wire, rod, or strap running the length of the side rails and adequately secured thereto. Where such reinforcement is used, the reinforced rails shall be equivalent in strength to the side rails specified in Table D–4.

ANSI has petitioned OSHA to modify the tabular portion of §1910.25(c)(3)(iii)(c) by utilizing the content of Table 7 of ANSI A14.1-1975, as shown below:

Table 7
Minimum Overlap for Two-Section Extension Ladder

Ladder Type	Size of Ladder (feet)	Minimum Overlap* (feet)
Type I	Up to and including 36	3
	Over 36, up to and including 60	5
Type II	Up to and including 36	3
	40	4
Type III	Up to and including 28	3

*Subject to tolerance as specified in 5.3.1.8.

ANSI has petitioned OSHA to modify §1910.25(c)(3)(iii)(d) and (f) to read as follows:

(d) "Smaller side rails will be acceptable in all ladders of this type when reinforced on the underside by a steel wire, rod, or strap running the length of the side rails and adequately secured thereto. Where such reinforcement is used, the reinforced rails shall be equivalent in strength to the side rails specified in Table 6 of ANSI A14.1-1975 and shall be marked (as described in 1.6 of ANSI A14.1-1975) on both top and bottom sections as being electrically conductive."

Present Standard	Comments
1910.25	1910.25
(e) The minimum distance between side rails of the bottom section, inside to inside, shall be 14½ inches on ladders up to and including 28 feet; 16 inches on all ladders over 28 feet up to and including 40 feet; 18 inches on all ladders over 40 feet.	
(f) All locks and guide irons shall be of metal and shall be of such construction and strength as to develop the full strength of the side rails. All locks shall be positive in their action. The guide irons shall be securely attached and so placed as to prevent the upper section from tipping or falling out while raising, lowering, or in use.	(f) "All locks and guide irons shall be made of metal (see 4.3 of ANSI A14.1-1975) and shall be of such construction and strength as to develop the full strength of the side rails. All locks shall be positive in their action and shall meet the test requirements given in 6.1.2 of ANSI A14.1-1975. The guide irons shall be securely attached and so placed as to prevent the upper section from tipping or falling out while raising, lowering, or in use."
(g)	
(1) Ladders of this type may be equipped with a rope and pulley, which shall be securely attached to the ladder in such manner as not to weaken either the rungs or the side rails. The pulley shall be not less than 1¼ inches in diameter.	

Present Standard	Comments
1910.25	1910.25
(2) The rope used with the pulley shall be not less than five-sixteenths inch in diameter having a minimum breaking strength of 560 pounds, and shall be sufficient length for the purpose intended.	
(iv) Sectional ladder.	
(a) Assembled combinations of sectional ladders longer than lengths specified in this subdivision shall not be used.	
(b) The minimum dimensions of side rails shall be as follows for Group 2 or Group 3 woods:	ANSI has petitioned OSHA to modify §1910.25(c)(3)(iv)(b) to read as follows: (b) "The minimum dimensions of the side rails of Type I and II sectional ladders shall be not less than those specified in Table 9 of ANSI A14.1-1975 when made of Group B, C, or D woods."

Present Standard	Comments
1910.25	1910.25
	Table 9 - from ANSI-A14.1-1975

Assembled length of ladder (feet)	Thickness (inches)	Depth (inches)
Up to and including 21	1⅛	2¾
Over 21 up to and including 31	1⅛	3⅛

Table 9
Minimum Dimensions of Side Rails for Type I and II Sectional Ladders

Assembled Length of Ladder (feet)	Rail Dimension	
	Thickness (inches)	Depth (inches)
Type I – Group B and C Woods		
Up to and including 21	1-1/8	2-3/4
Over 21, up to and including 31	1-1/8	3-1/8
Type I – Group D Woods		
Up to and including 21	1-1/8	2-3/4
Over 21, up to and including 31	1-1/8	3-3/8
Type II – Group B, C, and D Woods		
Up to and including 21	1-1/8	2-3/4
Over 21, up to and including 31	1-1/8	3-1/8

(c) Ladders of this type shall have either straight sides slightly converging toward the top of each section, or shall have flaring sides at the bottom of the first (or bottom) section, with the top section having converging side rails to a width that shall be not less than 4 inches. Except for the top section, the minimum width between side rails shall be 11 inches.

(1) Adjacent sections shall be jointed by means of a groove in the bottom end of each rail of the upper of the two sections setting firmly over extensions outside the side rails, of the top-most rung of the next lower section and, at the same time, a groove in the top end of each rail of the lower of the two sections setting firmly over the bottom rung, inside the side rails, of the section next above.

Present Standard	Comments
1910.25	1910.25

(2) The distance between the two rungs (top-most rung of one section, bottom rung of the section next above) mentioned in this subdivision (iv)(*c*)(*1*) shall not be less than 1 foot.

(3) The fit between rail grooves and rungs mentioned in this subdivision (iv)(*c*)(*1*) shall be such as to provide a good fit without binding or unnecessary play.

(4) The grooved ends of the sections shall be reinforced with a metal plate of not less than 18-gauge (Manufacturing Standard) material properly secured thereto, and a rivet adjacent to the groove, extending through the depth of the rail, or the equivalent thereof.

(v) Trestle and extension trestle ladder.

(a) Trestle ladders, or extension sections or base sections of extension trestle ladders longer than 20 feet shall not be supplied.

ANSI has petitioned OSHA to modify §1910.25(c)(3)(v)(a) and (b) to read as follows:

(a) "Trestle ladders, or extension sections or base sections of extension trestle ladders, longer than 20 feet shall not be supplied. When measured along the side rail, no section of the trestle ladder shall be more than 2 inches shorter than its specific length."

Present Standard	Comments
1910.25	1910.25
(b) The minimum dimensions of the side rails of the trestle ladder, or the base sections of the extension trestle ladder, shall be as follows for Group 2 or Group 3 woods:	(b) "The minimum dimensions of the side rails of the trestle ladder, or the base sections of the extension trestle ladder, shall be as given in Table 10 of ANSI A14.1-1975 for Group B, C, or D woods."
Size of ladder (feet) / Thickness (inches) / Depth (inches) Up to and including 16 / 1⅝16 / 2¾ Over 16 up to and including 20 / 1⅝16 / 3	Table 10 Minimum Dimensions of Side Rails for Trestle Ladder or Base Sections of Extension Trestle Ladder Size of Ladder (feet) / Thickness (inches) / Depth (inches) Up to and including 16 / 1-5/16 / 2-3/4 Over 16, up to and including 20 / 1-5/16 / 3
The minimum dimensions of the side rails of the extension section of the extension trestle ladder, which shall have parallel sides, shall be as follows for Group 2 or Group 3 woods:	"The minimum dimensions of the side rails of the extension section of the extension trestle ladder, which shall have parallel sides, shall be as given in Table 11 of ANSI A14.1-1975 for Group B, C, or D woods."
Size of ladder (feet) / Thickness (inches) / Depth (inches) Up to and including 12 / 1⅝16 / 2¼ Over 12 up to and including 16 / 1⅝16 / 2½ Over 16 up to and including 20 / 1⅝16 / 2¾	Table 11 from ANSI A14.1-1975 Table 11 Minimum Dimensions of Side Rails for Extension Section of Extension Trestle Ladder Size of Ladder (feet) / Thickness (inches) / Depth (inches) Up to and including 12 / 1-5/16 / 2-1/4 Over 12, up to and including 16 / 1-5/16 / 2-1/2 Over 16, up to and including 20 / 1-5/16 / 2-3/4
(c) Trestle ladders and base sections of extension trestle ladders shall be so spread that when in an open position the spread of the trestle at the bottom, inside to inside, shall be at least 5½ inches per foot of the length of the ladder.	

Present Standard	Comments
1910.25	1910.25
(d) The width between the side rails at the base of the trestle ladder and base sections of the extension trestle ladder shall be at least 21 inches for all ladders and sections up to and including 6 feet. Longer lengths shall be increased at least 1 inch for each additional foot of length. The width between the side rails of the extension sections of the trestle ladder shall be not less than 12 inches.	
(e) The tops of the side rails of the trestle ladder and of the base section of the extension trestle ladder shall be beveled, or equivalent construction, and shall be provided further with a metal hinge to prevent spreading.	
(f) A metal spreader or locking device to hold the front and back sections in an open position, and to hold the extension section securely in the elevated position, shall be a component of all extension trestle ladders and all trestle ladders over 12 feet in length.	ANSI has petitioned OSHA to modify §1910.25(c)(3)(v)(f) and (g) to read as follows: (f) "A metal spreader or locking device (see 4.3 of ANSI A14.1-1975) to hold the front and back sections in an open position, and to hold the extension section securely in the elevated position, shall be a component of all extension trestle ladders and all trestle ladders."

Present Standard	Comments
1910.25	1910.25
(g) Rungs shall be parallel and level. On the trestle ladder, or on the base sections of the extension trestle ladder, rungs shall be spaced not less than 8 inches or more than 18 inches apart; on the extension section of the extension trestle ladder, rungs shall be spaced not less than 6 inches or more than 12 inches apart.	(g) "Rungs shall be parallel and level. On the trestle ladder, or on the base sections of the extension trestle ladder, rungs shall be spaced not less than 8 inches or more than 18 inches apart; on the extension section of the extension trestle ladder, rungs shall be spaced not less than 6 inches or more than 12 inches apart."
(4) Special-purpose ladders. All special-purpose ladders shall comply with the appropriate requirements of subparagraphs (1), (2), and (3) of this paragraph, except as hereinafter modified in this subparagraph.	
(i) Platform stepladder. A platform stepladder is a modification of a portable stepladder with a working platform provided near the top.	ANSI has petitioned OSHA to modify §1910.25(c)(4)(i) to read as follows: (i) "A platform stepladder is a modification of a portable stepladder with a working platform provided near the top. The size of a platform ladder shall be designated by the overall length as determined by the length of the front edge of the front side rail from the bottom of the ladder to the top. The height to the platform shall be designated by the overall length as determined by the length of the front edge of the front side rail from the bottom of the ladder to the top of the platform with a tolerance of ± 2 inches."

Present Standard	Comments
1910.25	1910.25
(a) Platform stepladders shall be made in accordance with the requirements of Type I stepladders or in accordance with the requirements for Type II stepladders.	
(b) The slope of the back section shall be such that a vertical from the back edge of the platform will strike the floor at a distance measured toward the front section of not less than 3 inches from the base of the back section.	
(c) The minimum width between side rails at the platform shall be not less than 15 inches.	
(d) The back legs and side rails shall extend at least 24 inches above the platform and shall be connected with a top member to form a three-sided rail, or equivalent construction shall be provided.	ANSI has petitioned OSHA to modify §1910.25(c)(4)(i)(d) and (e) to read as follows: (d) "The back legs and side rails shall extend at least 20 inches of vertical height above the top of the platform and shall be connected with the top cap to form a three-sided rail, or equivalent construction shall be provided."

Present Standard	Comments
1910.25	1910.25
(e) Platforms shall be so constructed as to be capable of supporting a load of 200 pounds placed at any point on the platform.	(e) "Platforms shall meet the test requirements of 6.1.3 of ANSI A14.1-1975."
(f) A separate spreader may be omitted from platform ladders in which the height to the platform is 6 feet or less. If the spreader is omitted, the platform shall be so designed as to function as a spreader or locking device to hold the front and back sections securely in an open position, with the connection between side rails and back legs being through the metal parts of the platform. The wood parts of a combined wood and metal platform functioning as a spreader shall not be depended upon to contribute to the spreading or locking action.	
(ii) Painter's stepladder.	ANSI has petitioned OSHA to modify §1910.25(c)(4)(ii) to read as follows:
(a) Painter's stepladders longer than 12 feet shall not be supplied.	(ii) "Painter's stepladders longer than 12 feet shall not be supplied. The length of a painter's stepladder shall be determined by the length of the front rail measured along the front edge from the bottom of the ladder to the top of the top step. This measurement shall be within 2 inches of the specified size of the ladder."
(b) Painter's stepladders shall be made in accordance with the requirements of Type II stepladders except for the following:	
(1) The top may be omitted.	
(2) A rope spreader may be substituted for the metal spreader required in subparagraph (2)(i)(f) of this paragraph. The rope shall not be less than No. 6 sash cord or its equivalent.	

Present Standard	Comments
1910.25	1910.25
(iii) Mason's ladder. A mason's ladder is a special type of single ladder intended for use in heavy construction work.	ANSI has petitioned OSHA to modify §1910.25(c)(4)(iii)(a) to read as follows:
(a) Mason's ladders longer than 40 feet shall not be supplied.	(a) "Mason's ladders longer than 40 feet shall not be supplied. When measured along the side rail, the size of the ladder shall not be more than 2 inches shorter than the specified length."
(b) The minimum dimensions of the side rails when made of Group 2 or Group 3 woods and rungs (Group 1 woods) of the mason's ladder shall be as follows:	

Length of ladder (feet)	Side rails		Diameter	
	Thickness (inches)	Depth (inches)	Rung (inches)	Tenon (inches)
Up to and including 22	1⅝	3⅝	1⅝	1
Over 22 up to and including 40	1⅝	4½	1⅝	1

(c) The width between the side rails at the bottom rung, inside to inside, shall be not less than 12 inches for all ladders up to and including 10 feet. Such minimum widths shall be increased by at least one-fourth inch for each additional 2 feet of length.

Present Standard	Comments
1910.25	1910.25
(d) Rungs shall be parallel and level and shall be spaced not less than 8 inches or more than 12 inches apart.	ANSI has petitioned OSHA to modify §1910.25(c)(4)(iii)(d) to read as follows: (d) "Rungs shall be parallel and level and shall be uniformly spaced not less than 8 inches or more than 12 inches center to center. When rungs are 28 inches or more in length between side rails, they shall, in addition, be provided with center bearing."
(5) Trolley and side-rolling ladders. **(i) Length.** Trolley ladders and side-rolling ladders longer than 20 feet should not be supplied.	ANSI has petitioned OSHA to modify §1910.25(c)(5) to read as follows: (5) "Other types of special ladders such as cleat ladders, trolley and rolling ladders, industrial tripod stepladders, three-section extension ladders, fruit-picker's ladders, combination step and extension ladders, stockroom stepladders, aisleway stepladders, shelf ladders, and library ladders are not covered in this standard." The present text of (5)(i) through (vii) would be deleted.

Present Standard	Comments
1910.25	1910.25

(ii) Dimensions. The dimensions of the side rails shall not be less than the following for Group 2 or Group 3 woods:

Length of side rails (feet)	Thickness (inch)	Depth (inches)
Up to and including 10	25/32	3
Over 10 up to and including 20	25/32	3¾

The minimum thicknesses of side rails provide for the cutting of a groove not over one-eighth inch in depth and shall be increased when grooves of greater depth are used. Flat steps shall have the following minimum dimensions for Group 2 or Group 3 woods:

Length of step (inches)	Thickness (inch)	Width (inches)
Up to and including 16	25/32	3
Over 16 up to and including 20	25/32	3¼
Over 20 up to and including 24	25/32	3½
Over 24 up to and including 28	25/32	4

(iii) Width. The width between the side rails, inside to inside, shall be at least 12 inches.

(iv) Step attachment. Flat steps shall be inset in the side rails one-eighth inch and secured with at least two 6-d nails at each end or the equivalent thereof. They shall be reinforced with angle braces or a 3/16-inch steel rod.

(v) Locking device. Locking devices should be provided on all trolley ladders.

(vi) Tracks.

(a) Tracks shall be wood, or metal (excluding cast iron), or a combination of these materials.

Present Standard	Comments
1910.25	1910.25
(b) Tracks for the top end of ladders shall be fastened securely and shall be so constructed that the wheels will not jump the track. Tracks shall be so designed as to provide for all probable loads to which they will be subjected.	
(c) The supports shall be securely fastened by lag screws, machine, hook, or toggle bolts, or their equivalent.	
(d) Track for side-rolling ladders shall be supported by metal or wood brackets securely screwed or bolted to shelving or other permanent structure at not over 3 feet.	
(vii) Wheel carriages.	
(a) Wheel carriages shall be so designed as to provide for all loads to which they will be subjected. Two-point suspension should be used.	
(b) The wheel carriage for the top end of the ladder shall be securely fastened to the top of the ladder with metal brackets bolted either to the side rails or to the top step. When bolted to the top step, this step shall be secured to the side rails with metal braces in addition to those otherwise provided. The wheel carriage shall be so designed that a loose or broken wheel will not allow the ladder to drop or become detached from the track.	
(c) The wheel carriage for the bottom end of the ladder shall be securely fastened to the bottom of the ladder.	
(d) The wheels at the upper end of the ladder shall have minimum wheel base of 8 inches.	
(e) When wheels are used at the bottom of the ladder, there shall be at least one wheel supporting each side rail.	

Present Standard	Comments
1910.25	1910.25
(f) Running gear for bottoms of both trolley and side-rolling ladders shall be so designed and constructed as to provide for any load to which they will be subjected.	
(d) Care and use of ladders.	
(1) Care. To insure safety and serviceability the following precautions on the care of ladders shall be observed:	
(i) Ladders shall be maintained in good condition at all times, the joint between the steps and side rails shall be tight, all hardware and fittings securely attached, and the movable parts shall operate freely without binding or undue play.	
(ii) Metal bearings of locks, wheels, pulleys, etc., shall be frequently lubricated.	ANSI has petitioned OSHA to modify §1910.25(d)(1)(ii) to read as follows: (ii)"Metal bearings of locks, wheels, pulleys, etc., shall be lubricated as required to ensure free movement."
(iii) Frayed or badly worn rope shall be replaced.	
(iv) Safety feet and other auxiliary equipment shall be kept in good condition to insure proper performance.	
(v) Ladders should be stored in such a manner as to provide ease of access or inspection, and to prevent danger of accident when withdrawing a ladder for use.	
(vi) Wood ladders, when not in use, should be stored at a location where they will not be exposed to the elements, but where there is good ventilation. They shall not be stored near radiators, stores, steam pipes, or other places subjected to excessive heat or dampness.	

Present Standard	Comments
1910.25	1910.25
(vii) Ladders stored in a horizontal position should be supported at a sufficient number of points to avoid sagging and permanent set.	
(viii) Ladders carried on vehicles should be adequately supported to avoid sagging and securely fastened in position to minimize chafing and the effects of road shocks.	
(ix) Ladders should be kept coated with a suitable protective material. The painting of ladders is satisfactory providing the ladders are carefully inspected prior to painting by competent and experienced inspectors acting for, and responsible to, the purchaser, and providing the ladders are not for resale.	ANSI has petitioned OSHA to modify §1910.25(d)(1)(ix) to read as follows: (ix)"Ladders may be coated with a transparent, nonconductive finish such as varnish, shellac, or a clear preservative. Ladders shall not be coated with any opaque covering except for a minimum amount needed for identification or warning and then only on one face of the side rails."
(x) Ladders shall be inspected frequently and those which have developed defects shall be withdrawn from service for repair or destruction and tagged or marked as "Dangerous, Do Not Use."	
(xi) Rungs should be kept free of grease and oil.	

Present Standard	Comments
1910.25	1910.25
(2) **Use.** The following safety precautions shall be observed in connection with the use of ladders:	
(i) Portable rung and cleat ladders shall, where possible, be used at such a pitch that the horizontal distance from the top support to the foot of the ladder is one-quarter of the working length of the ladder (the length along the ladder between the foot and the top support). The ladder shall be so placed as to prevent slipping, or it shall be lashed, or held in position. Ladders shall not be used in a horizontal position as platforms, runways, or scaffolds;	
(ii) Ladders for which dimensions are specified should not be used by more than one man at a time nor with ladder jacks and scaffold planks where use by more than one man is anticipated. In such cases, specially designed ladders with larger dimensions of the parts should be procured;	
(iii) Portable ladders shall be so placed that the side rails have a secure footing. The top rest for portable rung and cleat ladders shall be reasonably rigid and shall have ample strength to support the applied load;	
(iv) Ladders shall not be placed in front of doors opening toward the ladder unless the door is blocked upon, locked, or guarded.	
(v) Ladders shall not be placed on boxes, barrels, or other unstable bases to obtain additional height;	

Present Standard	Comments
1910.25	1910.25
(vi) To support the top of the ladder at a window opening, a board should be attached across the back of the ladder, extending across the window and providing firm support against the building walls or window frames;	ANSI has petitioned OSHA to modify §1910.25(d)(2)(vi) to read as follows: (vi) "The top rest for portable rung ladders shall be reasonably rigid and shall have ample strength to support applied load. The top of the ladder shall be placed with the two rails supported, unless equipped with a single support attachment. Such an attachment should be substantial and large enough to support the ladder under load. To support the top of a ladder at a window opening, a board or other device shall be attached across the back of the ladder, extending across the window and providing firm support against the building walls or window frames."
(vii) When ascending or descending, the user should face the ladder;	
(viii) Ladders with broken or missing steps, rungs, or cleats, broken side rails, or other faulty equipment shall not be used; improvised repairs shall not be made;	
(ix) Short ladders shall not be spliced together to provide long sections;	
(x) Ladders made by fastening cleats across a single rail shall not be used;	
(xi) Ladders shall not be used as guys, braces, or skids, or for other than their intended purposes;	
(xii) Tops of the ordinary types of stepladders shall not be used as steps;	
(xiii) On two-section extension ladders the minimum overlap for the two sections in use shall be as follows:	

Size of ladder (feet):	*Overlap (feet)*
Up to and including 36	3
Over 36 up to and including 48	4
Over 48 up to and including 60	5

Present Standard	Comments
1910.25	1910.25
(xiv) Portable rung ladders with reinforced rails (see paragraphs (c)(3)(ii)(*c*) and (iii)(*d*) this section) shall be used only with the metal reinforcement on the under side. Ladders of this type should be used with great care near electrical conductors, since the reinforcing itself is a good conductor;	ANSI has petitioned OSHA to modify §1910.25(d)(2)(xiv) to read as follows: (xiv) "Portable rung ladders with reinforced rails (see 5.3.2.3 and 5.3.3.7 of ANSI A14.1-1975) shall be used only with the metal reinforcement on the underside. Any ladder with the side rails reinforced with wire, rods, or straps made of steel or other conductive material shall not be used where any electrical hazard exists."
(xv) No ladder should be used to gain access to a roof unless the top of the ladder shall extend at least 3 feet above the point of support, at eave, gutter, or roof line;	
(xvi) Adjustment of extension ladders should only be made by the user when standing at the base of the ladder, so that the user may observe when the locks are properly engaged. Adjustment of extension ladders from the top of the ladder (or any level over the locking device) is a dangerous practice and should not be attempted. Adjustment should not be made while the user is standing on the ladder.	
(xvii) Middle and top sections of sectional or window cleaner's ladders should not be used for bottom section unless the user equips them with safety shoes.	
(xviii) Extension ladders should always be erected so that the upper section is resting on the bottom section.	ANSI has petitioned OSHA to modify §1910.25(d)(2)(xviii) to read as follows:

Present Standard	Comments
1910.25	1910.25
(xix) The user should equip all portable rung ladders with nonslip bases when there is a hazard of slipping. Nonslip bases are not intended as a substitute for care in safely placing, lashing, or holding a ladder that is being used upon oily, metal, concrete, or slippery surfaces.	(xviii) "Extension ladders shall always be erected so that the top section is resting on the bottom section; that is, the top section in the overlap area shall be nearest the climber."
(xx) The bracing on the back legs of step ladders is designed solely for increasing stability and not for climbing.	
(xxi) When service conditions warrant, hooks may be attached at or near the top of portable ladders to give added security.	

TABLE D-5—CLASSIFICATION OF VARIOUS SPECIES OF WOOD ACCEPTABLE FOR USE IN LADDERS

The species are listed alphabetically within each group. The position of any species within a group therefore bears no relation to its strength or acceptability.

Where ladders are desired for use under conditions favorable to decay, it is recommended that the heartwood of decay-resistant species be used, or that the wood be given a treatment with a wood preservative. The species having the most durable heartwood are marked with an asterisk (*), nd these should be preferred where resistance to decay is required.

Present Standard		Comments
1910.25		1910.25
GROUP 1		
The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed 2,150 pounds per square inch. These species may be substituted for Group 3 woods on the following basis: The dimensions may be not more than 10 percent smaller for each cross-section dimension, or the thickness may remain unchanged, in which case the width may not be more than 15 percent smaller if used edgewise (as in a rail) or 25 percent smaller if used flatwise (as in a tread).		See Table 1 American National Standard A14.1-1975, on next page.
White ash	Fraxinus americana, pennsylvanica, quadrangulata	
Beech	Fagus grandifolia	
Birch	Betula lenta, alleghaniensis, nigra (2)	
Rock elm	Ulmus thomasii	
Hickory	Carya ovata, laciniosa, tomentosa, glabra	
Locust*	Robinia pseudoacacia, Gleditsia triacanthos	
Hard maple	Acer nigrum, saccharum	
Red maple	Acer rubrum (3)	
Red oak	Quercus velutina, marilandica, kelloggii, falcata var. pagodaefolia, laurifolia, ellipsoidalis, rubra, nuttallii, palustris, coccinea, shumardii, falcata, laevis, phellos	
White oak	Quercus arizonica, douglasii, macrocarpa, lobata, prinus, muehlenbergii, emoryi, gambelii, oblongifolia, virginiana, garryana, lyrata, stellata, michauxii, bicolor, alba	
Pecan	Carya illinoensis, cordiformis, myristicaeformis (4), aquatica (4)	
Persimmon	Diospryros virginiana	

Table 1
Classification of Various Species of Wood Acceptable for Use in Ladders

Species are listed alphabetically within each group. The position of any species within a group therefore bears no relation to its strength or acceptability. With few exceptions, the species names conform with the official common tree names as listed in American National Standard Nomenclature of Domestic Hardwoods and Softwoods, O4.6-1958 (R1973) (ASTM D1165-52 (1971)). Species names are sometimes preceded with the commercial name for lumber when the commercial name is significantly different or represents a commercial species group. Botanical names for each species are listed in American National Standard O4.6-1958 (R1973) (ASTM D1165-52 (1971)).

The allowable fiber stress in bending of each species in each group is equal to or greater than the allowable fiber stress for the group. Values were calculated based on data and procedures presented in ASTM D2555-73, Standard Methods for Establishing Clear Wood Strength Values. Near-minimum strength values for each species at the 5% exclusion limit were calculated for wood at a moisture content of 15% and divided by 4.1 and 4.5 for softwoods and hardwoods, respectively, to arrive at the allowable fiber stress. Average and near-minimum density values are for wood at 15% moisture content.

Where ladders are needed for use under conditions favorable to decay, it is recommended that the wood be given a treatment with a wood preservative.

Group A

Group A woods are used principally for rungs. Experience has shown that these species are satisfactory when of the size and quality required in earlier editions of this standard. More restrictive length requirements are established for, and included in, the present standard, and these apply to rungs for all types of ladders. No allowable stress is assigned for rungs.

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed 2000 pounds per square inch. These species may be substituted for Group B woods.

	Density (lb/ft³)			Density (lb/ft³)	
	Average*	Near Minimum		Average*	Near Minimum
Ash, green	41	33	Maple, red	38	30
Ash, white	42	34	Red oak group		
Beech, American	44	36	Oak, black	44	35
Birch, sweet	47	37	Oak, Cherrybark	47	37
Birch, yellow	43	35	Oak, northern red	44	35
Elm, Rock†	45	37	Oak, pin	45	37
Hickory, bitternut	49	39	Oak, scarlet	48	38
Hickory, mockernut	50	40	Oak, willow	43	35
Hickory, nutmeg	44	35	White oak group		
Hickory, pignut	53	43	Oak, chestnut	45	37
Hickory, shagbark	50	40	Oak, live†	64	51
Hickory, shellbark	49	40	Oak, post	47	37
Hickory, water	49	40	Oak, swamp chestnut	47	37
Honeylocust†	47	37	Oak, swamp white	50	40
Locust, black†	50	40	Oak, white	47	37
Hard maple group			Pecan	48	38
Maple, black	40	32	Tanoak†,‡	45	37
Maple, sugar	44	36			

*Formula in 5.1.3 includes the weight of the ladder involved in the calculation. For convenience in estimating ladder weights, the average densities of the species listed in this table are given for a moisture content of 15%. Involved also in the weight of an extension ladder are certain items of hardware such as locks, guide irons, and the bolts and rivets attaching these to the ladder. Other items of hardware which are attached at the ends of the ladder, such as safety feet and hooks, do not contribute to the bending of the ladder; their weight, therefore, need not be included. The practice among different manufacturers with respect to hardware varies considerably; no single value of hardware weight, therefore, can be given. For purposes of calculation, a weight in the range of 4 to 8 pounds, with an average of about 6 pounds, may be used. Where it is known that specific items of hardware are to be used, so that their weights may be measured or estimated, the weights so determined should be used.

†Allowable stresses for this species cannot be calculated from data in ASTM D2555-73. Adequate strength data are available, however, and the species is accordingly included in this grouping.

‡Not listed in American National Standard O4.6-1958 (R1973) (ASTM D1165-52 (1971)).

Present Standard	Comments
1910.25	1910.25
GROUP 2 The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed 2,000 pounds per square inch. These species may be substituted for Group 3 woods on the following basis: The dimensions may be not more than 7½ percent smaller for each cross-section dimension, or the thickness may remain unchanged, in which case the width may be not more than 11 percent smaller if used edgewise (as in a rail) or 20 percent smaller if used flatwise (as in a tread). Douglas fir (coast region) -- Pseudotsuga menziesii Western larch ---- Larix occidentalis Southern yellow pine ---- Pinus taeda, palustris, echinata, elliotii, rigida, virginiana	See Table 1 - Continued American National Standard A14.1-1975, on next page.
GROUP 3 The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed 1,600 pounds per square inch. Red alder ---- Alnus rubra, rhombifolia (2) Oregon ash ---- Fraxinus latifolia Pumpkin ash ---- Fraxinus profunda Alaska cedar* ---- Chamaecyparis nootkatensis Port Orford cedar.* Chamaecyparis lawsoniana Cucumber ---- Magnolia acuminata Cypress* ---- Taxodium distichum Soft elm ---- Ulmus americana. rubra Douglas fir (Rocky Mountain type). Pseudotsuga menziesii var. glauca Noble fir ---- Abies procera Gum ---- Liquidambar styraciflua	

Table 1 – *Continued*

Group B

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed 2000 pounds per square inch.

	Density (lb/ft³)			Density (lb/ft³)	
	Average*	Near Minimum		Average*	Near Minimum
Douglas fir§			Pine, southern		
Coast	34	26	Pine, loblolly	36	30
Interior north	34	28	Pine, longleaf	42	34
Interior south	33	26	Pine, shortleaf	35	29
Interior west	35	27	Pine, slash	42	34
Larch, western	37	30			

Group C

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed 1875 pounds per square inch.

	Density (lb/ft³)			Density (lb/ft³)	
Softwoods	Average*	Near Minimum	Hardwoods	Average*	Near Minimum
Hemlock, western	32	24	Cucumbertree	34	27
Port Orford cedar	30	24	Elm, slippery	38	31
Tamarack	38	31	Oak, laurel	44	35
			Oak, overcup	44	35
			Sweetgum	35	29

*Formula in 5.1.3 includes the weight of the ladder involved in the calculation. For convenience in estimating ladder weights, the average densities of the species listed in this table are given for a moisture content of 13%. Involved also in the weight of an extension ladder are certain items of hardware such as locks, guide irons, and the bolts and rivets attaching these to the ladder, Other items of hardware which are attached at the ends of the ladder, such as safety feet and hooks, do not contribute to the bending of the ladder; their weight, therefore, need not be included. The practice among different manufacturers with respect to hardware varies considerably; no single value of hardware weight, therefore, can be given. For purposes of calculation, a weight in the range of 4 to 8 pounds, with an average of about 6 pounds, may be used. Where it is known that specific items of hardware are to be used, so that their weights may be measured or estimated, the weights so determined should be used.

§This species is now graded for structural purposes based on one of the four growth ranges from which it originated. The regional description is given on pages 54-55 of the U.S. Forest Service Research Paper FPL 27, "Western Wood Density Survey Report No. 1."

Present Standard	Comments
1910.25	1910.25

West coast hemlock.	Tsuga heterophylla
Magnolia	Magnolia grandiflora
Oregon maple	Acer macrophyllum
Norway pine	Pinus resinosa
Poplar	Liriodendron tulipifera
Redwood*	Sequoia sempervirens
Eastern spruce	Picea glauca, rubens
Sitka spruce	Picea sitchensis
Sycamore	Platanus occidentalis
Tamarack	Larix laricina
Tupelo	Nyssa aquatica, sylvatica

GROUP 4

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed 1,375 pounds per square inch. These species may be substituted for Group 3 woods on the following basis: The dimensions shall be at least 5 percent greater for each cross-section dimension, or the thickness may remain unchanged, in which case the width shall be at least 7½ percent greater if used edgewise (as in a rail) or 15 percent greater if used flatwise (as in a tread).

Aspen	Populus tremuloides, grandidentata
Basswood	Tilia americana, heterophylla (2)
Buckeye	Aesculus octandra, glabra (2)
Butternut	Juglanscinerea
Incense cedar*	Libocedrus decurrens
Western red cedar.*	Thuja plicata
Cottonwood	Populus balsamifera,

Present Standard	Comments
1910.25	1910.25
	See Table 1 - Continued
	American National Standard A14.1-1975, on next page.

	deltoides, sargentii, heterophylla
White fir	Abies concolor, grandis, amabilis, lasiocarpa, magnifica
Hackberry	Celtis occidentalis, laevigata (2)
Eastern hemlock	Tsuga canadensis
Holly	Ilex opaca
Soft maple	Acer saccharinum
Lodgepole pine	Pinus contorta
Idaho white pine	Pinus monticola
Northern white pine.	Pinus strobus
Ponderosa pine	Pinus ponderosa, pinus jeffreyi (Jeffrey pine)
Sugar pine	Pinus lambertiana
Engelmann spruce.	Picea engelmannii

NOTE 1: The common and scientific names of species used conform to the American Lumber Standards nomenclature and in most cases to U.S. Department of Agriculture Handbook No. 41, "Check List of Native and Naturalized Trees of the United States (including Alaska)," by Elbert L. Little. These publications can be obtained from the Superintendent of Documents, Washington, D.C. 20225.

NOTE 2: This species is commonly associated with others of the same genus under American Lumber Standards nomenclature, but no strength tests have been made on it at the Forest Products Laboratory.

NOTE 3: Included under soft maple in American Lumber Standards nomenclature.

NOTE 4: This species is not included under this common name in American Lumber Standards nomenclature, but strength data are available and it is accordingly included in this classification.

Table 1 – *Continued*

Group D

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed 1600 pounds per square inch.

	Density (lb/ft³)			Density (lb/ft³)	
Softwoods	Average*	Near Minimum	Hardwoods	Average*	Near Minimum
Alaska cedar	32	26	Elm, American	35	29
Baldcypress	33	26	Hackberry	38	31
Fir, California red	27	21	Magnolia, southern	35	29
Fir, grand	26	20			
Fir, noble	28	22	Maple, bigleaf (Oregon)†	34	27
Fir, Pacific silver	30	22			
Fir, white	28	22	Oak, southern red	41	33
Pine, red (Norway)	32	26			
Pine, southern (minor species)					
Pine, pitch	36	30			
Pine, pond‡	39	31			
Pine, sand‡	35	20			
Pine, Virginia	35	29			
Redwood (old-growth)**	30	25			
Spruce, red	29	24			
Spruce, Sitka	29	24			
Spruce, white	29	24			

Group E

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed 1375 pounds per square inch. These species may be substituted for Group D woods on the following basis: The dimensions shall be at least 5% greater for each cross-section dimension, or the thickness may remain unchanged, in which case the width shall be at least 7-1/2% greater if used edgewise (as in a rail) or 15% greater if used flatwise (as in a tread).

	Density (lb/ft³)			Density (lb/ft³)	
Softwoods	Average*	Near Minimum	Hardwoods	Average*	Near Minimum
Incense cedar	26	22	Alder, red	29	24
Hemlock, eastern	30	25	Aspen, bigtooth	27	22
Pine, eastern white	26	22	Oak, bur	47	37
Pine, lodgepole	30	25			
Pine, ponderosa	30	25	Yellow-poplar	30	24
Pine, western white	28	23	Sycamore, American	35	29
Spruce, Engelmann	25	20	Tupelo, black	36	30
			Tupelo, water	35	29

*Formula in 5.1.3 includes the weight of the ladder involved in the calculation. For convenience in estimating ladder weights, the average densities of the species listed in this table are given for a moisture content of 15%. Involved also in the weight of an extension ladder are certain items of hardware such as locks, guide irons, and the bolts and rivets attaching these to the ladder. Other items of hardware which are attached at the ends of the ladder, such as safety feet and hooks, do not contribute to the bending of the ladder; their weight, therefore, need not be included. The practice among different manufacturers with respect to hardware varies considerably; no single value of hardware weight, therefore, can be given. For purposes of calculation, a weight in the range of 4 to 8 pounds, with an average of about 6 pounds, may be used. Where it is known that specific items of hardware are to be used, so that their weights may be measured or estimated, the weights so determined should be used.

†Allowable stresses for this species cannot be calculated from data in ASTM D2555-73. Adequate strength data are available, however, and the species is accordingly included in this grouping.

‡Not listed in American National Standard O4.6-1958 (R1973) (ASTM D1165-52 (1971)).

**Properties of old-growth redwood are significantly higher than for second-growth redwood. See ASTM D2555-73.

Portable metal ladders

Present Standard	Comments
1910.26	1910.26
(a) Requirements.	
(1) General. Specific design and construction requirements are not part of this section because of the wide variety of metals and design possibilities. However, the design shall be such as to produce a ladder without structural defects or accident hazards such as sharp edges, burrs, etc. The metal selected shall be of sufficient strength to meet the test requirements, and shall be protected against corrosion unless inherently corrosion-resistant.	General Comment The American National Standards Institute (ANSI) has petitioned OSHA to promulgate ANSI A14.2-1972, Safety Requirements for Portable Metal Ladders, in its entirety. Only those portions of ANSI A14.2-1972 which relate to existing paragraphs of §1910.26 are reproduced below. There are instances where text or tables contained in ANSI A14.2-1972 are not reproduced because there is no comparable text in §1910.26.
(i) Because of the varied conditions, and the wide variety of ladder uses, ladders may be designed with parallel side rails, with side rails varying uniformly in separation along the length (tapered), or with side rails flaring at the base to increase stability.	ANSI has petitioned OSHA to modify §1910.26(a)(1) to read as follows:
(ii) The design of the side rails shall be such as to insure a product which will conform to the requirements of this section.	(a)(1)(ii)"Side Rails. The design of the side rails shall be such as to ensure a product which will conform to the requirements of this standard."
(iii) The spacing of rungs or steps shall be on 12-inch centers.	(iii)"Rung and Step Spacing. The spacing of rungs or steps shall be of 12-inch centers ±1/8 inch."
(iv) Rungs or steps to side rail connections should be so constructed as to insure rigidity as well as strength.	(iv)"Rung Connections. Rung or step to side rail connections shall be so constructed as to ensure rigidity as well as strength necessary to meet the test requirements."
(v) Rungs and steps shall be corrugated, knurled, dimpled, coated with skid-resistant material, or otherwise treated to minimize the possibility of slipping.	(v) "Rungs, Steps, and Platforms. Those surfaces of rungs, steps, and platforms designed for use in ascending and descending a ladder shall be corrugated, serrated, knurled, dimpled, or coated with skid-resistant material."
(vi) Hardware shall meet strength requirements of the ladder's component parts, and shall be of a material that is protected against corrosion unless inherently corrosion-resistant. Metals shall be so selected as to avoid excessive galvanic action.	(vi)"Hardware. Hardware shall meet strength requirements of the ladder's component parts, and shall be of a material that is protected against corrosion unless inherently corrosion-resistant. Metals shall be so selected as to avoid excessive galvanic action."
	(vii)"Burrs, Bolts, Rivets, and Welds. All workmanship shall be free from burrs in excess of 1/64 inch. Bolt and rivet holes are to be accurate and within tolerances of good commercial metal working practices. Rivets are to be set properly and are to be free of structural defects. Welds are to be of commercially accepted practices and free of defects."

Present Standard	Comments
1910.26	1910.26
(2) General specifications—straight and extension ladders.	ANSI has petitioned OSHA to modify §1910.26(a)(2) to read as follows: (2) "General specifications-straight and extension ladders."
(i) The minimum width between side rails of a straight ladder or any section of an extension ladder shall be 12 inches.	(i) "The minimum clear width between side rails shall be not less than 12 inches for ladders 10 feet and under, and shall increase 1/8 inch for each additional foot of length."
(ii) The length of single ladders or individual sections of ladders shall not exceed 30 feet. Two-section ladders shall not exceed 48 feet in length and over two-section ladders shall not exceed 60 feet in length.	(ii)"The size of a single ladder is designated by the overall length at the side rail, excluding any foot or end cap, with a tolerance of ±1/2 inch. Single ladders heavy duty (Type I) shall not exceed 30 feet in length, medium duty (Type II) shall not exceed 24 feet in length, and light duty (Type III) shall not exceed 16 feet in length."

Present Standard	Comments
1910.26	1910.26
(iii) Based on the nominal length of the ladder, each section of a multisection ladder shall overlap the adjacent section by at least the number of feet stated in the following: Nominal length of ladder (feet): — *Overlap (feet)* Up to and including 36 — 3 Over 36, up to and including 48 — 4 Over 48, up to 60 — 5	(iii)"Overlap. Based on the size of the ladder, each section of a two-section ladder, when fully extended, shall overlap the adjacent section by the number of feet + 2 inches as indicated in Table 2." **Table 2** **Required Overlap** Ladder Size (feet) — Two Section Total Overlap (feet) — Three Section Total Overlap (feet) Up to and including 36 — 3 — 6 Over 36, up to and including 48 — 4 — 8 Over 48, up to and including 72 — 5 — 10
(iv) Extension ladders shall be equipped with positive stops which will insure the overlap specified in the table above.	(iv)"Stops. Extension ladders shall be equipped in such a manner that the ladder cannot be used with an overlap less than the minimum specified in Table 2 of ANSI A14.2-1972." "Extension Locking Device. The extension locking device shall be designed to withstand all load tests." "Locks may be gravity or spring-action types to engage the rung of the base section or the base section rung and the mating fly section rung. A fly section incorporating stationary lock, or locks, which by their location eliminate a rung in the section shall include a permanent marking in letters not less than 1/8 inch high: "Caution - The Ladder Section is Not Designed for Separate Use" or permanently attached stops shall be provided to prevent removal of the fly section. Permanently attached stops are considered those that would require cutting or drilling for removal."

Present Standard	Comments
1910.26	1910.26
(v) (a) Extension ladders may be equipped with a rope and pulley which shall be securely attached to the ladder in such a manner as not to weaken either the rungs or the side rails. The pulley shall be not less than 1¼ inches in diameter.	(v) (a) "Extension ladders may be equipped with a rope and pulley. The pulley shall be attached to the ladder in such a manner as to not to weaken either the rungs or the side rails. The pulley shall be not less than 1 inch in diameter measured at the base of the sheave."
(b) The rope used with the pulley shall be not less than five-sixteenths inch in diameter, having a minimum breaking strength of 560 pounds, and shall be of sufficient length for the purpose intended.	(b) "The rope used with the pulley shall be not less than 1/4 inch in diameter, having a minimum breaking strength of 560 pounds, and shall be of sufficient length for the purpose intended. On three section ladders, where cable is used in a rope and pulley hook up, the cable may be 3/16 inch in diameter."
(3) General specifications—step ladders.	ANSI has petitioned OSHA to modify §1910.26(a)(3) to read as follows: (3) "General specifications-step ladders."
(i) Step ladders shall be designed and constructed to give a minimum slope of 3½ inches per foot of length of the front section, and a minimum slope of 2 inches per foot of length of the back section, except that special ladders designed for straight-in-wall work shall maintain at least 1-¼-inch back slope per foot of length.	(i) "Step ladders shall be constructed so that when in the open position, the slope of the front section be not less than 3-1/2 inches and the slope of the back section not less than 2 inches, for each 12-inch length of side rail."
(ii) The minimum width between the side rails at the top step shall be 12 inches. The width spread of the side rails shall increase a minimum of 1 inch per foot of length. The width of the step or tread shall not be less than 3 inches.	(ii) "The minimum clear width between the side rails at the top step shall be 12 inches from top to bottom, the spread between the side rails shall increase a minimum of 1 inch per foot of length. "The minimum width of the step or tread for heavy duty (Type I) and medium duty (Type II) step ladders shall be 3 inches, and for light duty (Type III) step ladders 2-1/2 inches."
(iii) The length of a stepladder is measured by the length of the front rail. To be classified as a standard length ladder, the measured length shall be within plus or minus one-half inch of the specified length. Stepladders shall not exceed 20 feet in length.	(iii) "Step ladders longer than 20 feet shall not be supplied. The overall length of the ladder shall be measured along the front edge of the front side rail, including top cap and foot, with a tolerance of ±1/2 inch. Heavy duty (Type I) ladders shall be 3 to 20 feet, medium duty (Type II) ladders shall be 3 to 12 feet, and light duty (Type III) ladders shall be 3 to 6 feet in length."
(iv) The pail shelf shall be designed to fold completely within the ladder.	(iv) "Bucket Shelves. Where bucket shelves are an integral part of the step ladder, they shall be so fastened that they can be folded up when the ladder is closed."

Present Standard	Comments
1910.26	1910.26
(v) The back section may be designed with either rungs or cross bracing as long as it meets the general and testing requirements.	(v) "Back Section. The back section may be designed with either rungs or cross bracing as long as it meets the general and testing requirements. (See Section 6 of A14.2-1972.)"
(vi) Steps shall be corrugated, knurled, dimpled, coated with skid-resistant materials, or otherwise treated to minimize the possibility of slipping.	(vi)"Steps. Steps shall be parallel and level within the tolerances specified. (See 4.3 of A14.2-1972.)"
(vii) The bottoms of the four rails are to be supplied with insulating nonslip material for the safety of the user.	(vii)"Feet. The bottoms of the four rails shall be provided with slip-resistant material for the safety of the user."
(viii) A metal spreader or locking device of sufficient size and strength to securely hold the front and back sections in the open position shall be a component of each stepladder. The spreader shall have all sharp points or edges covered or removed to protect the user.	(viii)"Spreaders. A metal spreader or locking device of sufficient size and strength to securely hold the front and back sections in the open position shall be a component part of each step ladder. The spreader shall not be more than 6-1/2 feet above the base and shall have all sharp points or edges covered or removed to protect the user."
(4) General specifications—trestles and extension trestle ladders.	ANSI has petitioned OSHA to modify §1910.26(a)(4) to read as follows: (4) "General specifications-trestles and extension trestle ladders."

Present Standard	Comments
1910.26	1910.26
(i) Trestle ladders or extension sections or base sections of extension trestle ladders shall be not more than 20 feet in length.	(i) "Size. Trestle ladders or extension sections or base sections of extension trestle ladders shall not be more than 20 feet in length."
(ii) The minimum distance between side rails of the trestle or extension section at the narrowest point shall not be less than 12½ inches. The width spread shall not be less than 1 inch per foot of length of side rail.	(ii)"Width. The minimum clear width between side rails of the trestle or extension section at any point shall not be less than 12-1/2 inches. The width spread shall not be less than 1 inch per foot of side rail length."
(iii) Spread of base when section is open shall not be less than 5½ inches per foot of base section side rail.	(iii)"Base Spread. Spread when base section is open shall not be less than 5-1/2 inches per foot of base section side rail."
(iv) The extension locking device shall be designed to withstand all load tests.	(iv)"Extension Locking Device. The extension locking device shall be designed to withstand all load tests."

Present Standard	Comments
1910.26	1910.26
(v) A metal spreader or locking device of sufficient size and strength to securely hold the front and back sections in the open position shall be a component of each trestle ladder. The spreader shall have all sharp points or edges covered or removed to protect the user.	(v) "Spreaders. A metal spreader or locking device of sufficient size and strength to securely hold the front and back sections in the open position shall be a component of each trestle ladder. The spreader shall have all sharp points or edges covered or removed to protect the user."
(5) General specifications—platform ladders.	ANSI has petitioned OSHA to modify §1910.26(a)(5) to read as follows: (5) "General specifications-platform ladders."
(i) The length of a platform ladder shall not exceed 20 feet. The length of a platform ladder shall be measured along the front rail from the floor to the platform.	(i) "The size of a platform ladder is designated by the overall length as determined by the length of the front edge of the front side rail from the top of the platform to the base of the ladder, including any foot or shoe, with a tolerance of ±1/2 inch. Heavy duty (Type I) ladders shall be 3 to 20 feet, medium duty (Type II) ladders shall be 3 to 12 feet, and light duty (Type III) ladders shall be 3 to 6 feet in length."
(ii) Minimum width between side rails at platform level shall be 14 inches. Width spread shall not be less than 1 inch per foot of rise.	(ii) "Minimum clear width between side rails at platform level shall be 14 inches. Width spread shall not be less than 1 inch per foot of rise."
(iii) Slope of the front rail when unit is in open position shall not be less than 3½ inches per foot of rise, and the back section shall have a minimum slope of 1 inch per foot of rise.	(iii) "Slope is the inclination of the side rails or back legs with respect to the vertical and is expressed as the deviation from the vertical per unit length of the member. Platform ladders shall be so constructed that, when in the open position, the slope of the front section shall be not less than 3-1/2 inches and the slope of the back section shall be a minimum of 1 inch for each 12-inch length of side rail."
(iv) The platform shall be at least 20 inches from the top of the ladder, and shall have an area of not less than 200 square inches nor more than 400 square inches.	(iv) "The platform shall be at least 20 inches (vertically) below the top of the ladder. Platform ladders shall have a platform area of not less than 200 square inches. The platform shall not extend more than 1-1/2 inches beyond the back rail."
(v) The back legs and side rails of a platform ladder shall extend at least 20 inches above the platform and shall be connected with the top member to form a three-sided top guard rail, or equivalent construction shall be provided.	(v) "The back legs and side rails of a platform type ladder shall extend at least 20 inches of vertical height above the platform and shall be connected with a top member to form a three-sided rail. Equivalent construction may be provided."

Present Standard	Comments
1910.26	1910.26
(vi) Spreaders shall be provided where the hinging apparatus is not designed to lock the unit open.	(vi) "Spreaders shall be provided on all ladders except ladders under 8 feet in length where the platform hinging device is designed to lock the unit open. The spreaders shall have all sharp points or edges covered or removed to protect the user."
	ANSI has petitioned OSHA to modify §1910.26(b) to read as follows:
(b) Testing.	(b) "Testing."
(1) General. The following tests are intended to insure uniform testing methods for metal ladders.	(1) "The following tests are intended to ensure uniform testing methods for metal ladders."
(2) Straight and extension ladders.	(2) "Straight and extension ladders."
(i) Ladder inclined strength is measured by placing the ladder unit in a flat, horizontal position, supported 6 inches from the ends of the side rails. When testing extensions, the unit is opened to the required overlap. A load of 200 pounds is applied equally to the side rails at the center of the unit by means of a beam. The ladder must withstand this test with no permanent deformation or other visible weakening of the structure. This test is based on a 200-pound man using the ladder, set at 75½° to the ground. With the man on the center rung, the component of his 200-pound weight at right angles to the ladder will be 50 pounds. Applying the load factor of 4, the test weight becomes 200 pounds.	(i) "Test. The bending strength is measured by placing the ladder in a flat, horizontal position, supported 6 inches from the ends of the side rails. When testing single and extension ladders, the unit is opened to the required overlap. When testing combination ladders the unit shall be opened to the maximum working length. In order to "set" the ladder, preload the unit to 75 percent of the test load shown in Table 3, and hold for a minimum period of 1 minute, and then unload. Then apply a load in accordance with Table 3 equally to the side rails at the center of the unit by means of a 3-1/2 inch wide white pine wood block. The ladder must withstand this test without permanent deformation in excess of 1/1000 of the effective span of the side rails. There must be no other visible weakening or failure of the structure."

Present Standard	Comments
1910.26	1910.26
(ii) Test unit need only be of sufficient length for test purposes and is to consist of the base and fly sections of an extension ladder with all the hardware or fittings attached. The ladder unit is placed in a vertical position and a downward load of 775 pounds equally distributed on the ends of the side rails of the upper portion of the test unit. The unit shall withstand this test with no permanent deformation or other visible weakening of the structure.	**Table 3** **Horizontal Bending Test** Ladder Grade and Type — Horizontal Bending Test Load (pounds) Heavy duty (Type I) — 250 Medium duty (Type II) — 225 Light duty (Type III) — 200 NOTE: This test is based on the rated load capacity of the ladder being placed on the ladder with the ladder set at 75-1/2 degrees to the ground. With the rated load of the ladder on the center rung, the component of this weight at right angles to the ladder will be equal to one-quarter of the test load. The test load incorporates the required safety factor of 4 on horizontal bending. (ii) "The test unit shall either be a full size ladder or a unit only of sufficient length for test purposes. If a full size ladder is used, the fly section shall be extended a minimum of one rung beyond the minimum working length of the ladder. Short test units shall consist of portions of the base and fly sections of the extension ladder with all the hardware or fittings attached. The unit is placed in a vertical position and a downward load, in accordance with Table 4, is equally distributed on the ends of the side rails of the upper portion of the test unit for a minimum period of one minute. The unit shall withstand this test with no permanent deformation or other visible weakening of the structure." **Table 4** **Hardware Test** Ladder Grade — Single and Extension Ladder Hardware Test Load (pounds) — Combination Ladder Hardware Test Load (pounds) Heavy duty (Type I) — 970 — 1000 Medium duty (Type II) — 875 — 900 Light duty (Type III) — 775 — 800

Present Standard	Comments
1910.26	1910.26
(iii) A test unit of at least three rungs is to be used from the maximum width portion of the ladder. A load of 800 pounds shall be applied to a 3½-inch wide block resting on the center of the widest rung. A rung of 14 inches or less in length shall withstand this test with no permanent deformation or other visible weakening of the structure. A rung of more than 14 inches in length may have a permanent deflection of not more than one-eighth inch provided the rung cross section is not deformed and there is no other visible weakening of the structure.	(iii) "The test unit shall either be a single section of a ladder or a three-rung test sample from the maximum width portion of a like ladder section with a like rung. The test unit shall be set at a working angle of 75-1/2 degrees to the horizontal. A distributed load in accordance with Table 5 shall be applied, for a minimum period of 1 minute, on a 3-1/2 inch wide pine wood block shaped to the contour of the rung and resting on the center of the widest like cross-section braced and unbraced rungs. The permanent allowable set in the rung shall not exceed 1/100 of the rung length between the inside webs of the side rails. When a 3-foot test sample is used the test shall be applied to the center rung. When testing single sections of a ladder the test load shall be applied to the third or fourth rung from the bottom."

Table 5
Rung Bending and Shear Strength Test

Ladder Grade	Test Load (pounds)
Heavy duty (Type I)	1000
Medium duty (Type II)	900
Light duty (Type III)	800

Present Standard	Comments
1910.26	1910.26
(iv) With at least a three-rung test unit set in a vertical position, a load of 800 pounds shall be applied to a 3½-inch wide block resting on the center rung as near to the side rail as possible. On removing the load, the unit must show no indication of failure in the fasteners attaching the rungs to the side rail.	
(v) The rung shall be so secured to the side rail that a torque load of 360 inch-pounds applied to the rung at a side rail shall cause no visible relative motion between the rung and the side rail.	(v) "Rung to Side Rail Shear Strength Test. The test unit shall consist either of a single section of the ladder or a three-rung test section taken from a like ladder having the same rung cross-section and rung joint. The test unit shall be set at a working angle of 75-1/2 degrees to the horizontal. A distributed load in accordance with Table 5 shall be applied, for a minimum period of 1 minute, on a 3-1/2 inch wide white pine wood block shaped to the contour of the rung and resting on the widest like cross-section braced and unbraced test rungs as near the side rail as possible. On removing the load, the unit must show no indication of failure either in the fastening means attached to the rung or the side rail. When a three-foot test sample is used, the test shall be applied to the center rung. When testing single sections of a ladder the test load shall be applied to the third or fourth rung from the bottom."

Present Standard	Comments
1910.26	1910.26
(vi) With the ladder extended to its maximum working length, and resting horizontally on level supports located 6 inches from each end of the ladder, a weight of 50 pounds shall be suspended from one of the side rails midway between supports. The deflection of the loaded rail, and the difference in deflection between the loaded and unloaded rails shall not exceed the values in Table D–6.	(vi) "Deflection Test. Ladder side rail deflection is measured by placing the ladder in a flat, horizontal position, supported 6 inches from the ends of the side rails. When testing extension ladders, the ladder is opened to the required minimum overlap. When testing combination ladders, the ladder shall be opened to its maximum working length with the step ladder section up. In order to set the ladder, preload the unit with 30 pounds suspended from one of the side rails over a 3-1/2 inch length midway between supports and hold for a minimum period of 1 minute and then unload. Then continue to test by applying the test load, for a minimum period of 1 minute, in accordance with Table 7 of A14.2-1972. All measurements shall be taken at the extreme outside of the widest section. The load shall be applied to the ladder on the center line of the side rail of the widest section." **Table 7** **Deflection Test Loads** Ladder Grade and Type — Deflection Test Load (pounds) Heavy duty (Type I) — 60 Medium duty (Type II) — 55 Light duty (Type III) — 50

Present Standard	Comments
1910.26	1910.26
(vii) Deflections in Table D–6 are to be determined by measuring, at the midpoint between supports, the distance from the outside edges of both rails to the floor or other reference surface both before and after the test load of 50 pounds is applied to one rail of the ladder. The test is to be repeated loading the other rail of the ladder. The angle (a) between the loaded and unloaded rails and the horizontal is to be calculated from the trigonometric equation: $\text{Sine } a = \frac{\text{Difference in deflection}}{\text{Ladder width}}$	(vii) "Deflections in Table 8 of A14.2-1972 are to be determined by measuring, at the midpoint between supports, the distance from the outside edges of the widest section of both rails to the floor or other reference surface both before and after the test load listed in Table 7 of A14.2-1972 is applied to one rail of the ladder. The test is to be repeated loading the other rail of the ladder. The angle (a) between the loaded and unloaded rails and the horizontal is to be calculated from the trigonometric equation: $\text{Sin } a = \frac{\text{Difference in Deflection}}{\text{Outside Ladder Width}}$

Present Standard	Comments
1910.26	1910.26

TABLE D-6—TABLE OF DEFLECTIONS

Length of ladder in feet	Maximum deflection of loaded rail in inches	Maximum difference in deflection between loaded and unloaded rails in degrees from horizontal
20	3.0	3.6
24	3.8	4.7
28	4.6	5.4
32	5.5	5.7
36	6.4	6.1
40	7.2	6.5
44	8.0	6.5
48	8.8	6.5

ANSI has petitioned OSHA to modify Table D-6 of §1910.26(b)(2) to read as follows:

Table 8
Table of Deflections

Single and Extension Ladders		Combination Ladders	Max Deflection on Loaded Rail (inches)	Max Difference in Deflection Between Loaded and Unloaded Rail Measured from Horizontal (degrees)
Size of Ladder (feet)	Size Less Min Overlap (feet)	Max Working Length (feet)		
–	–	7	1.0	2.1
–	–	8	1.2	2.3
–	–	9	1.4	2.5
–	–	10	1.6	2.6
–	–	11	1.8	2.8
–	–	12	2.15	3.1
16	13	13	2.35	3.3
–	–	14	2.5	3.4
18	15	15	2.8	3.5
20	17	17	3.1	3.6
22	19	19	3.4	4.0
24	21	–	3.8	4.7
28	25	–	4.6	5.4
32	29	–	5.6	5.7
36	33	–	6.8	6.1
40	36	–	8.0	6.5
44	40	–	9.2	7.2
48	44	–	10.4	7.9
52	47	–	10.5	7.9
56	51	–	10.7	7.9
60	55	–	11.0	7.9
64	59	–	12.0	7.9
68	63	–	14.0	9.0
72	67	–	16.0	10.0

Present Standard	Comments
1910.26	1910.26
(3) Step, trestle, extension trestle, and platform ladders.	ANSI has petitioned OSHA to modify §1910.26(b)(3) to read as follows: (3) "Step, trestle, extension trestle, and platform ladders."
(i)	
(a) Load test of the entire ladder is made with the ladder in an open position, and an 800-pound load applied to the center of the top. Resistance to side rail bending is tested by placing an 800-pound load on the center of the middle step. The strength of the step section is tested by applying an 800-pound load to a 3½-inch-wide block resting on the center of the longest or bottom step. The pail shelf shall be so constructed as to support a distributed load of 50 pounds.	(i)(a) "Compression Test. Load test of the entire ladder is made with the ladder in an open position and a uniformly distributed load in accordance with Table 5 from ANSI A14.2-1972 (reproduced above) applied, for a minimum period of 1 minute, to the ladder top cap or platform. A combination ladder shall be tested in its step ladder position with the test load applied over a 3-1/2 inch width at the center of the top cap or top step when no top cap is used. The unit must withstand the load without failure or permanent deformation."
(b) In each test case, the unit must withstand the load without failure or permanent deformation.	(b) "Side Rail Bending Test. The resistance to side rail bending is tested by placing a load in accordance with Table 5 from ANSI A14.2-1972 (reproduced above) for a minimum period of 1 minute, over a 3-1/2 inch width on the center of the middle step of the ladder, while the ladder is in an open position. A combination ladder shall be tested while erected in its step ladder position. The side rails must withstand the load without failure or permanent deformation."

Present Standard	Comments
1910.26	1910.26
(ii) Set ladder in open position on a level floor. Place a 200-pound distributed load on the top step. The ladder is then subjected to a horizontal pulling load, applied at the top step, of 12-pound force to the side; 58-pound force to the front; 33-pound force to the back. In each test, all side rails must remain on the floor.	(ii)"Step or Platform Bending Test. The strength of the step or platform section is tested by applying a load in accordance with Table 5 from ANSI A14.2-1972 (reproduced above) for a minimum period of 1 minute, over a 3-1/2 inch length across the full width of the step or platform, on the center of the longest or bottom step. The test load shall also be applied to the longest like step without braces as well as all steps or platform of different designs or material specifications. The step or platform must withstand the load without failure or permanent deformation in excess of 1/100 of the clear width of the step or platform between side rails."
(c) Care and maintenance of ladders.	ANSI has petitioned OSHA to modify §1910.26(c) to read as follows: (c) "Care and maintenance of ladders."
(1) General. To get maximum serviceability, safety, and to eliminate unnecessary damage of equipment, good safe practices in the use and care of ladder equipment must be employed by the users. The following rules and regulations are essential to the life of the equipment and the safety of the user.	(1) "To get maximum serviceability and safety and to eliminate unnecessary damage to equipment, good safe practices in the use and care of ladder equipment must be employed by the users. "The following guides are important to the life of the equipment and the safety of the user."

Present Standard	Comments
1910.26	1910.26
(2) Care of ladders.	(2) "Care of ladders."
(i) Ladders, like any tool, must be handled with care and not subject to unnecessary dropping, jarring, or misuse. They are designed for a specific purpose or use; therefore, any variation from this use constitutes a mishandling of the equipment.	(i) "Proper Handling. Ladders, like any tool, must be handled with care and not subjected to unnecessary dropping, jarring, or misuse. They are designed for a specific purpose of use; therefore, any variation from this use constitutes a mishandling of the equipment."
(ii) Ladders should be stored on racks designed to protect the ladder when not in use. The racks should have sufficient supporting points to prevent any possibility of excessive sagging.	(ii)"Storage. Ladders should be stored on racks designed to protect the ladder when not in use. These racks should have sufficient supporting points to prevent any possibility of excessive sagging. At no time should material be placed on the ladder while it is in storage."
(iii) Ladders transported on vehicles must be properly supported. Supporting points should be of a softer material, such as hardwood or rubber-covered iron pipe, to minimize the chafing and effects of road shock. Tying the ladder to each support point will greatly reduce damage due to road shock.	(iii)"Transporting. Ladders transported on vehicles must be properly supported. Overhang of the ladders beyond supporting points should be minimized. Supporting points should be of a softer material, such as hardwood or rubber-covered iron pipe, to minimize the chafing and effects of road shock. Tying the ladder to each support point will greatly reduce damage due to road shock."

Present Standard	Comments
1910.26	1910.26
(iv) Ladders must be maintained in good usable condition at all times. Hardware fittings and accessories should be checked frequently and kept in good working condition.	(iv) "Maintenance. Ladders must be maintained in good usable condition at all times. Hardware, fittings, and accessories shall be checked frequently and kept in proper working condition at all times. All pivotable connections must be oiled frequently and kept in good working order. All bolts and rivets are to be in place and tight before using a ladder, and no ladder should be used if any bolts or rivets are missing. Do not use a ladder until it is repaired if the safety shoes or the padded feet are worn excessively."
(v) Ropes or cables should be inspected frequently and replaced if defective.	(v) "Ropes and Pulleys. Ropes or cables should be inspected frequently and replaced if defective."
(vi) Complete ladder inspection should be periodical. If a ladder is involved in any of the following, immediate inspection is necessary:	(vi) "Inspection. Complete ladder inspection should be periodical and should include inspection upon initial receipt and before each use. Check all working parts to see that they are in proper functioning order before using a ladder. Where structural damage is found, the ladder should be discarded or be returned to the manufacturer for repair."
(a) If ladders tip over, inspect ladder for side rails dents or bends, or excessively dented rungs; check all rung-to-side-rail connections; check hardware connections; check rivets for shear.	(a) "Tipping Over. Inspect ladder for side rail dents or blends, or exclusively dented rungs; check all rung-to-side-rail connections; check hardware connections; rivets for shear."
(b) If ladders are exposed to excessive heat as in the case of fire, the ladder should be inspected visually for damage and tested for deflection and strength characteristics. In doubtful cases, refer to manufacturer.	(b) "Exposure to Fire. If ladders are exposed to excessive heat as in the case of fire, the strength may be reduced. After such exposure the ladder should be inspected visually for damage and tested for deflection and strength characteristics. In doubtful cases, refer to manufacturer."
(c) If ladders are to be subjected to certain acids or alkali solutions, a protective coating such as asphalt and varnish should be applied to the equipment.	(c) "Corrosive Substances. When ladders are to be subjected to certain acids, alkali solutions or other corrosive substances, an adequate protective coating should be applied to all exposed surfaces."
(d) If ladders are exposed to oil and grease, equipment should be cleaned of oil, grease, or slippery materials. This can easily be done with a solvent or steam cleaning.	(d) "Oil and Grease. Equipment should be free of oil, grease, or slippery materials on climbing or gripping surfaces."

Present Standard	Comments
1910.26	1910.26
(vii) Ladders having defects are to be marked and taken out of service until repaired by either maintenance department or the manufacturer.	(vii) "Damaged Ladders. Ladders having defects are to be marked and taken out of service until repaired. Never straighten or attempt to use a bent ladder."
(3) Use of ladders.	ANSI has petitioned OSHA to modify §1910.26(c)(3) to read as follows: (3) "Use of ladders."
(i) Portable non-self-supporting ladders should be erected at a pitch of 75½ degrees for maximum balance and strength. A simple rule for setting up a ladder at the proper angle is to place the base a distance from the vertical wall equal to one-fourth the working length of the ladder.	(i) "Pitch. Portable non-self-supporting ladders should be erected at an angle of 75-1/2 degrees from the horizontal for balance and strength. Combination ladders should be erected so that the steps are parallel to the base supporting surface. A simple rule for setting up a ladder at the proper angle is to place the base a distance from the vertical wall equal to one-fourth the effective working length of the ladder. The effective working length is the distance along the side rails from the bottom to the support point for the upper portion of the ladder."

Present Standard	Comments
1910.26	1910.26
(ii) Portable ladders are designed as a one-man working ladder based on a 200-pound load.	(ii) "Ladder Selection. Portable metal ladders are designed as a one-man working ladder including any material supported by the ladder. They have been designed in three duty classifications: Rating / Type / Capable of Supporting (pounds) Heavy duty / I / 250 Medium duty / II / 225 Light / III / 200 "Users should give consideration to the length required, the type of loading, and the service to which it will be subjected. Never overload a ladder. Generally accepted usage/duty relationships are: "(1) Heavy Duty. For users requiring a 250 pound load capacity or service requirements such as industry, utilities, contractors, etc. "(2) Medium Duty. For users requiring a 225 pound load capacity or service requirements such as painters, offices, light maintenance use, etc. "(3) Light Duty. For users requiring no more than a 200 pound load capacity or service requirements such as general household use. Light duty ladders should not be used with ladder jacks and scaffold planks."

Present Standard	Comments
1910.26	1910.26
(iii) The ladder base section must be placed with a secure footing. Safety shoes of good substantial design should be installed on all ladders. Where ladders with no safety shoes or spikes are used on hard, slick surfaces, a foot-ladder board should be employed.	(iii) "Footing Support. The ladder base section must be placed with a secure footing on a firm level base. Ladder levelers may be used for this purpose. Safety shoes of good substantial design should be installed on all ladders. Where ladders with no safety shoes or spikes are used, a foot ladder board or similar device should be employed. Do not use ladders on ice, snow, or slippery surfaces, unless suitable means to prevent slipping are employed. Ladders shall not be placed on boxes, barrels, or other unstable bases to obtain additional height."
(iv) The top of the ladder must be placed with the two rails supported, unless equipped with a single support attachment. Such an attachment should be substantial and large enough to support the ladder under load.	(iv) "Top Support. The top of the ladder must be placed with the two rails supported, unless equipped with a single support attachment. Such an attachment should be substantial, and large enough to support the ladder under load. To support the top of a ladder at a window opening, a device should be attached across the back of the ladder, extending across the window and providing firm support against the building walls or window frames."
(v) When ascending or descending, the climber must face the ladder.	(v) "Climbing Ladders. When ascending or descending, the climber must face the ladder. Maintain a firm hold on the ladder when climbing up or down. Never climb onto a ladder from the side, or from one ladder to another ladder, or from a swing stage to a ladder unless the ladder is secured against sidewise motion. Never climb a damaged ladder."
(vi) Ladders must not be tied or fastened together to provide longer sections. They must be equipped with the hardware fittings necessary if the manufacturer endorses extended uses.	(vi) "Fastening Together. Ladders must not be tied or fastened together to provide longer sections."
(vii) Ladders should not be used as a brace, skid, guy or gin pole, gangway, or for other uses than that for which they were intended, unless specifically recommended for use by the manufacturer.	(vii) "Improper Use. Ladders should not be used as a brace, skid, lever, guy or gin pole, gangway, platform, scaffold plank, material hoist, or for other uses for which they were not intended, unless specifically recommended by the manufacturer. Ladders should not be erected and used on scaffolds to gain additional height unless specifically designed for the application."

Present Standard	Comments
1910.26	1910.26
(viii) Users are cautioned to take proper safety measures when metal ladders are used in areas containing electric circuits to prevent short circuits or electrical shock.	(viii)"Electrical Hazards. Users are cautioned to take proper safety measures when metal ladders are used in areas containing electrical circuits to prevent short circuits or electrical shock. Keep metal ladders away from power lines. The ordinary precautions should be employed as would be used when using any other metal tool."

Fixed ladders

Present Standard	Comments
1910.27	1910.27
	Various comments have been received requesting that communication towers should be exempted from any fixed-ladder standards; or, that because fixed ladders in communication towers present no substantial safety hazards, a ladder safety device or cage should not be required. The rationale suggested is that fixed ladders utilized on communication towers are used by personnel who are specially trained "qualified climbers" in tower maintenance.
(a) Design requirements.	(a)(1) ANSI has petitioned OSHA to modify (a)(1) by substituting section 3.2 of ANSI Standard A14.3-1974, Safety Requirements for Fixed Ladders, as set forth below:
(1) Design considerations. All ladders, appurtenances, and fastenings shall be designed to meet the following load requirements:	"Design loads. All ladders, platforms, appurtenances, and fastenings shall be designed to meet the load requirements described in 3.2.1 through 3.2.3 of A14.3-1974."
(i) The minimum design live load shall be a single concentrated load of 200 pounds.	"Live Loads for Ladders:
(ii) The number and position of additional concentrated live-load units of 200 pounds each as determined from anticipated usage of the ladder shall be considered in the design.	"Live Loads Imposed by Persons. Live loads imposed by persons shall be as follows:
(iii) The live loads imposed by persons occupying the ladder shall be considered to be concentrated at such points as will cause the maximum stress in the structural member being considered.	"(1) The minimum design live load shall be 2 loads of 250 pounds each concentrated between any 2 consecutive attachments. Each step or rung in the ladder shall be designed for a single concentrated live load of 250 pounds minimum.
(iv) The weight of the ladder and attached appurtenances together with the live load shall be considered in the design of rails and fastenings.	

Present Standard	Comments
1910.27	1910.27
	"(2) The number and position of additional concentrated live load units of 250 pounds each, from anticipated usage of the ladder, shall be considered in the design."
	"Other Live Loads. The following live loads shall be considered in the design, where applicable:
	"(1) A uniform coating of ice on all parts of the ladder.
	"(2) A wind load on all parts of the ladder.
	"(3) The weight of rigging attached to the ladder, including the load to be lifted.
	"(4) Anticipated impact loads resulting from the use of ladder safety device."
(2) Design stresses. Design stresses for wood components of ladders shall not exceed those specified in § 1910.25. All wood parts of fixed ladders shall meet the requirements of § 1910.25(b).	(a)(2) ANSI has petitioned OSHA to modify (a)(2) by substituting section 3.3 of ANSI Standard A14.3-1974, as set forth below:
For fixed ladders consisting of wood side rails and wood rungs or cleats, used at a pitch in the range 75 degrees to 90 degrees, and intended for use by no more than one person per section, single ladders as described in § 1910.25(c)(3)(ii) are acceptable.	"Design Stresses and Fabrication Steel Ladders and Platforms. Steel ladders and platforms shall be designed and fabricated in accordance with applicable requirements of AISC S310[1]. Portable steel ladders may be adapted for use as fixed ladders provided they meet all the requirements of American National Standard A14.3-1974. "Materials. ASTM A36-70a[2], or the equivalent shall be used. Higher strength steel may be used, subject to the requirements of AISC S310[1].

Present Standard	Comments
1910.27	1910.27
	continuation of (a)(2)
	"Aluminum Ladders and Platforms. Aluminum ladders and platforms shall be designed and fabricated in accordance with applicable requirements of AA SAS-30[3]. Portable aluminum ladders may be adapted for use as fixed ladders provided they meet all the requirements of American National Standard A14.3-1974. "Materials. Alloys 6061 or 6063 of appropriate temper (as defined by AA SAS-30[3], shall be used. Other aluminum alloys may be used subject to the requirements of AS SAS-30[3]. "Welding. Welding for aluminum ladders shall conform to all applicable requirements of AA SAS-30[3]."

Present Standard	Comments
1910.27	1910.27
(b) Specific features. **(1) Rungs and cleats.** (i) All rungs shall have a minimum diameter of three-fourths inch for metal ladders, except as covered in subparagraph (7)(i) of this paragraph, and a minimum diameter of 1⅛ inches for wood ladders.	(b)(1) ANSI has petitioned OSHA to modify (b)(1) by substituting sections 4.1.1, 4.1.2, and 4.1.4 of ANSI Standard A14.3-1974, as set forth below: "Minimum Size of Steps and Rung Steps and Rungs "Vertical Spacing. The vertical spacing of steps and rungs shall not exceed 12 inches on centers, and this spacing shall be uniform in the same length of climb. "Width. The minimum clear width of step-surface of steps and rungs shall be 16 inches, and this width shall be uniform in the same length of climb. "General. The following are general requirements for the minimum size of steps and rungs: "(1) The minimum size (cross section) requirements of steps and rungs specified in 4.1.3 of A14.3-1974, are based on section properties adequate to support the design loads specified in 3.2 of A14.3-1974, and on the minimum clear width specified in 4.1.2 of A14.3-1974.
(ii) The distance between rungs, cleats, and steps shall not exceed 12 inches and shall be uniform throughout the length of the ladder.	"(2) For additional load concentrations or attachment of ladder safety devices, and for clear widths exceeding 16 inches, the minimum size (cross section) of steps and rungs shall be increased in accordance with recognized design practice. "(3) In no case shall the minimum size (cross section) of steps and rungs be less than 3/4 inch, as specified in 4.1.3.2(1) of A14.3-1974, regardless of the material used.

Present Standard	Comments
1910.27	1910.27
(iii) The minimum clear length of rungs or cleats shall be 16 inches.	"(4) The size (cross section) of steps and rungs shall be uniform in the same length of climb. "Individual Rung Ladders Rungs Attached to Metals. The ends of each rung shall have the proper configuration and sufficient means of attachment to the supporting structure to fully develop the design loads imposed on the rung. "Rungs Embedded in Concrete or Masonry. The ends of each rung shall have proper configuration and sufficient embedment in the supporting wall to fully develop the design loads imposed on the rung."
(iv) Rungs, cleats, and steps shall be free of splinters, sharp edges, burrs, or projections which may be a hazard.	
(v) The rungs of an individual-rung ladder shall be so designed that the foot cannot slide off the end. A suggested design is shown in figure D-1.	
(2) Side rails. Side rails which might be used as a climbing aid shall be of such cross sections as to afford adequate gripping surface without sharp edges, splinters, or burrs.	(b)(2) ANSI has petitioned OSHA to modify (b)(2) by substituting sections 4.2.1 and 4.2.2 of ANSI Standard A14.3-1974, as set forth below: "Side Rails "Shape Any shape may be used which provides a uniform gripping surface for the hands of persons using the ladder. "The same shape of side rails shall be maintained for all ladders in the same length of climb. "Minimum Size General. The following are general requirements for the minimum size of side rails:

Present Standard	Comments
1910.27	1910.27 continuation of (b)(2) "(1) The minimum size (cross section) of side rails recommended in 4.2.2 of A14.3-1974, is based on section properties adequate to support the design loads specified in 3.2 of A14.3-1974, and on the maximum spacing of supports specified in 4.2.4. Variations in size (cross section) shall be permitted provided the section properties are adequate to support the design loads and are consistent with the maximum spacing of supports. "(2) For additional load concentrations or attachment of ladder safety devices, and for spacing of supports that exceeds the maximum spacing recommended, the minimum size of side rails shall be increased in accordance with recognized design practice. "(3) The same size (cross section) of side rails shall be maintained for all ladders in the same length of climb."

Present Standard	Comments
1910.27	1910.27

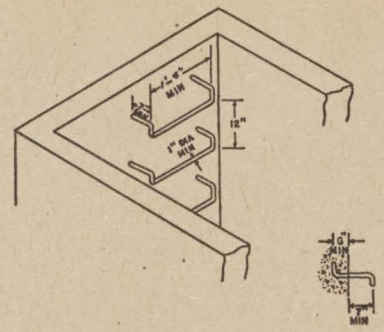


FIGURE D-1.—Suggested design for rungs on individual-rung ladders.

See Figure 8

American National Standards A14.3-1974, on next page.

A commenter has suggested that the drawings of §1910.27 should permit some engineering tolerances in the design; otherwise they are too rigid.

A commenter has suggested that Figure D-1 is not the only type of ladder installation presently used in manholes for fixed ladders, and requested that OSHA develop more practical standards for fixed manhole ladders.

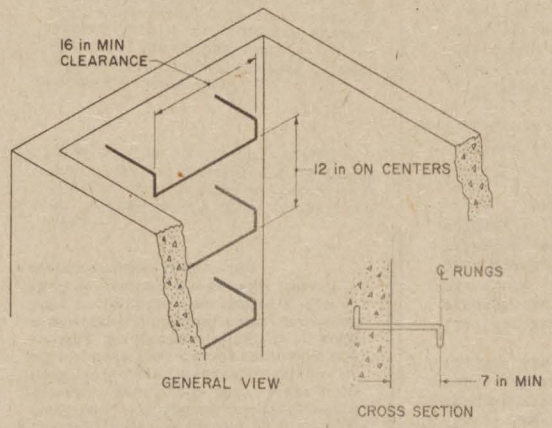


Fig. 8
Individual Rung Ladders – Suggested Design of Rungs

Present Standard	Comments
1910.27	1910.27
(3) Fastenings. Fastenings shall be an integral part of fixed ladder design.	
(4) Splices. All splices made by whatever means shall meet design requirements as noted in paragraph (a) of this section. All splices and connections shall have smooth transition with original members and with no sharp or extensive projections.	(b)(4) ANSI has petitioned OSHA to modify (b)(4) by substituting section 4.2.3 of ANSI Standard A14.3-1974, as set forth below: "Splices All splices shall be designed so as to ensure full structural continuity of the side rails. Splices shall be made only at intermediate supports if required by the type of material used. "All splices shall provide smooth transitions with the main side rails so as to afford minimum interference with the gripping surface for the hands of each person using the ladder. Sharp or extensive projections shall not be permitted. "Provisions for expansion due to thermal changes shall be made at splices if these provisions are required to prevent buckling or buildup of stresses in the side rails." A commenter has suggested that this drawing should permit some engineering tolerance for certain dimensions; otherwise they are too rigid. A commenter has recommended that a performance standard for openings in cages should be developed in lieu of these specifications.

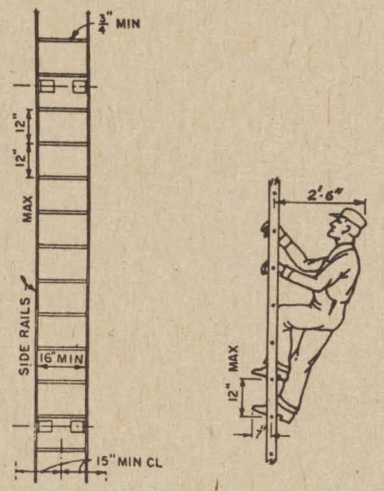
Present Standard	Comments
1910.27	1910.27
(5) Electrolytic action. Adequate means shall be employed to protect dissimilar metals from electrolytic action when such metals are joined.	(b)(5) ANSI has petitioned OSHA to modify (b)(5) by substituting section 4.1.3.3 of ANSI Standard A14.3-1974, as set forth below: "Aluminum Ladders. The minimum size of aluminum structural components shall be determined in accordance with the provisions of AA SAS-30[3]. In cases where the ladders are subjected to corrosive atmospheric exposure or placed in contact with dissimilar materials, the aluminum shall be treated in accordance with the requirements of AA SAS-30[3]."
(6) Welding. All welding shall be in accordance with the "Code for Welding in Building Construction" (AWSD1.0-1966).	(b)(6) ANSI has petitioned OSHA to modify (b)(6) by substituting section 3.3.1.3 of ANSI Standard A14.3-1974, as set forth below: "Welding. Welding shall conform to all applicable requirements of AISC S310[1]."
(7) Protection from deterioration. (i) Metal ladders and appurtenances shall be painted or otherwise treated to resist corrosion and rusting when location demands. Ladders formed by individual metal rungs imbedded in concrete, which serve as access to pits and to other areas under floors, are frequently located in an atmosphere that causes corrosion and rusting. To increase rung life in such atmosphere, individual metal rungs shall have a minimum diameter of 1 inch or shall be painted or otherwise treated to resist corrosion and rusting.	(b)(7) ANSI has petitioned OSHA to modify (b)(7) by substituting section 4.2.2 of ANSI Standard A14.3-1974, as set forth below: (i) "Steel Ladders. The recommended minimum size (cross section) of side rails fabricated of steel conforming to ASTM A36-70a [2] are as follows: (1) "For ladders subject to normal atmospheric exposures, flat solid bar stock, 2-1/2 inches wide by 3/8-inch thick is required, or the equivalent in strength in solid or hollow shapes.

Present Standard	Comments
1910.27	1910.27
	(2) "For ladders subject to unusually corrosive atmospheric exposures, flat solid bar stock 2-1/2 inches wide by 12-inches thick is required, or the equivalent in strength in solid or hollow shapes. "Aluminum Ladders. The minimum sizes of aluminum structural components shall be determined in accordance with the provisions of AA SAS-30[3]. In cases where the ladders are subjected to corrosive atmospheric exposure or placed in contact with requirements of AA SAS-30[3]. "Steel Ladders. The minimum size (cross sections) of steps and rungs fabricated of steel conforming to ASTM A36-70a [2] shall be as follows: (1) "For ladders subject to normal atmospheric exposures, 3/4-inch diameter solid bar is required or the equivalent in strength for square, rectangular, or other solid or hollow shapes. (2) "For ladders subject to unusually corrosive atmospheric exposures, 1-inch diameter solid bar is required, or the equivalent in strength for square, rectangular, or other solid or hollow shapes.

Present Standard	Comments
1910.27	1910.27
(ii) Wood ladders, when used under conditions where decay may occur, shall be treated with a nonirritating preservative, and the details shall be such as to prevent or minimize the accumulation of water on wood parts.	(ii) "Wood Ladders. The minimum size of side rails for wood ladders shall be as required in the American National Standard Safety Code for Portable Wood Ladders, A14.1-1968, including Supplement A14.1a-1972.
(iii) When different types of materials are used in the construction of a ladder, the materials used shall be so treated as to have no deleterious effect one upon the other.	(iii) "Ladders of other Materials. The minimum size recommended for steel may be modified by a factor which shall be the ratio of the allowable unit stress for steel conforming to ASTM A36-70a[2] to the allowable unit stress for the type and shape of other metal(s) used."
(c) Clearance.	
(1) Climbing side. On fixed ladders, the perpendicular distance from the centerline of the rungs to the nearest permanent object on the climbing side of the ladder shall be 36 inches for a pitch of 76 degrees, and 30 inches for a pitch of 90 degrees (fig. D-2 of this section), with minimum clearances for intermediate pitches varying between these two limits in proportion to the slope, except as provided in subparagraphs (3) and (5) of this paragraph.	(c)(1) ANSI has petitioned OSHA to modify (c)(1) by substituting section 4.4.1 of ANSI Standard A14.3-1974, as set forth below: "Climbing Side Ladders without cages or wells shall have a minimum perpendicular distance of 30 inches from the centerline of the steps and rungs to the nearest permanent object on the climbing side. "Ladders with cages or wells shall have clearances as specified in Section 5. "When unavoidable obstructions are encountered, the minimum clearance may be reduced to 24 inches if deflector plates are provided."
(2) Ladders without cages or wells. A clear width of at least 15 inches shall be provided each way from the centerline of the ladder in the climbing space, except when cages or wells are necessary.	(c)(2) ANSI has petitioned OSHA to modify (c)(2) by substituting section 4.4.3 of ANSI Standard A14-1974, as set forth below: "Width of Side Clearances Ladders without cages or wells shall have a minimum clear width to the nearest permanent object of at least 15 inches on each side of the centerline of the ladder. "Side-step ladders at the point of access/egress to a platform shall have a step-across distance of 15 inches minimum and 20 inches maximum from the centerline of the ladder. "Ladders with a cage or well shall have clearances as specified in Section 5."
(3) Ladders with cages or baskets. Ladders equipped with cage or basket are excepted from the provisions of subparagraphs (1) and (2) of this paragraph, but shall conform to the provisions of paragraph (d)(1)(v) of this section. Fixed ladders in smooth-walled wells are excepted from the provisions of subparagraph (1) of this paragraph, but shall conform to the provisions of paragraph (d)(1)(vi) of this section.	(c)(3) ANSI has petitioned OSHA to modify (c)(3) by substituting section 3.1 of ANSI Standard A14-1974, as set forth below: "Maximum Ladder Lengths and Protection Requirements A cage, well, or ladder safety device shall not be required where the length of climb is 20 feet or less above or below ground level; or above or below a floor or roof with access/egress from ground level, floor, or roof. "A cage or ladder safety device shall be provided where the length of climb is less than 20 feet, but the top of the ladder is at a greater distance than 20 feet above ground level, floor, or roof.

Present Standard	Comments
1910.27	1910.27
	"A cage, well, or ladder safety device shall be provided where a single length of climb is greater than 20 feet but does not exceed 30 feet. "Ladders having a length of climb greater than 30 feet shall meet the following requirements when used with cages and wells: (1) The ladder shall consist of multiple sections. (2) Each section shall be horizontally offset from adjacent sections. (3) A landing platform shall be provided at least every 30 feet within the length of climb. "Where ladder safety devices are used, the length of climb may be continuous, but rest platforms shall be provided at maximum intervals of 250 feet. "All parts and surfaces of fixed ladder installations shall be free of sharp edges, burrs, or other details that may be hazardous to the person using the ladder."
(4) Clearance in back of ladder. The distance from the centerline of rungs, cleats, or steps to the nearest permanent object in back of the ladder shall be not less than 7 inches, except that when unavoidable obstructions are encountered, minimum clearances as shown in figure D–3 shall be provided.	1910.27 (c)(4) ANSI has petitioned OSHA to modify (c)(4) by substituting section 4.4.2.1 of ANSI Standard A14.3–1974, as set forth below: "The perpendicular distance from the centerline of the steps and rungs, or grab bars, or both, to the nearest permanent object in back of the ladder shall be not less than 7 inches, except in elevator pits complying with clearance requirements as specified in American National Standard Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, A17.1–1971, including Supplements A17.1a–1972, and A17.1b–1973."
(5) Clearance in back of grab bar. The distance from the centerline of the grab bar to the nearest permanent object in back of the grab bars shall be not less than 4 inches. Grab bars shall not protrude on the climbing side beyond the rungs of the ladder which they serve.	
(6) Step-across distance. The step-across distance from the nearest edge of ladder to the nearest edge of equipment or structure shall be not more than 12 inches, or less than 2½ inches (fig. D–4).	(c)(6) ANSI has petitioned OSHA to modify (c)(6) by substituting section 4.4.2.2 of ANSI Standard A14.3–1974, as set forth below: "For a through ladder, the step-across distance from the centerline of the steps or rungs to the nearest edge of the structure, building, or equipment shall not be less than 7 inches, or more than 12 inches. If the normal step-across distance exceeds 12 inches, a landing platform shall be provided to reduce the distance to between 7 and 12 inches."

Present Standard	Comments
1910.27	1910.27



RAIL LADDER WITH BAR STEEL RAILS AND ROUND STEEL RUNGS

FIG. D-2

AMERICAN NATIONAL STANDARD A14.3-1974



NORMAL CLEARANCE

Fig. 15
Minimum Ladder Clearances

Present Standard	Comments
1910.27	1910.27

Minimum Ladder Clearances

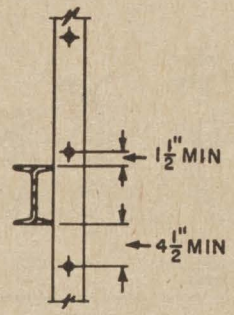


FIG. D-3

Clearance for Unavoidable Obstruction at Rear of Fixed Ladder

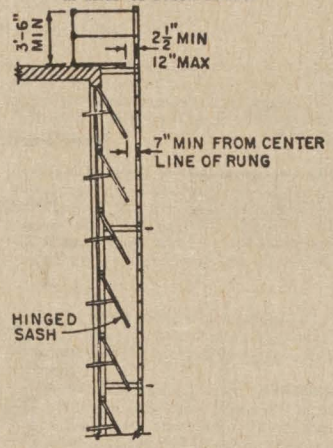


Fig. D-4
Ladder Far from Wall

See Figure 16

American National Standards A14.3-1974, on next page.

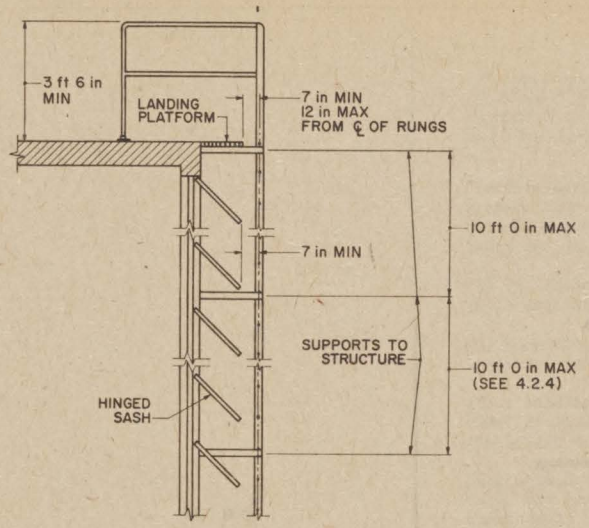
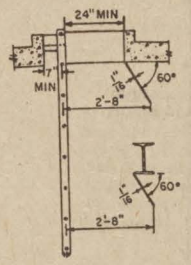


Fig. 16
Through Ladder Clearances – Ladder Placed Far from Wall

Present Standard	Comments
1910.27	1910.27
(7) Hatch cover. Counterweighted hatch covers shall open a minimum of 60 degrees from the horizontal. The distance from the centerline of rungs or cleats to the edge of the hatch opening on the climbing side shall be not less than 24 inches for offset wells or 30 inches for straight wells. There shall be no protruding potential hazards within 24 inches of the centerline of rungs or cleats; any such hazards within 30 inches of the centerline of the rungs or cleats shall be fitted with deflector plates placed at an angle of 60 degrees from the horizontal as indicated in figure D–5. The relationship of a fixed ladder to an acceptable counterweighted hatch cover is illustrated in figure D–6.	(c)(7) ANSI has petitioned OSHA to modify (c)(7) by substituting section 4.3.4 of ANSI Standard A14.3–1974, as set forth below: "Terminations with Hatches Hatches shall meet the minimum inside clearance specified for wells in 5.2.2 of A14.3–1974. In the case of unusual hatch conditions, the clearance on the climbing side may be reduced to 24 inches from the centerline of the steps or rungs if the underside of the hatch opening is fitted with a deflector plate.



Deflector Plates for Head Hazards

Fig. D-5

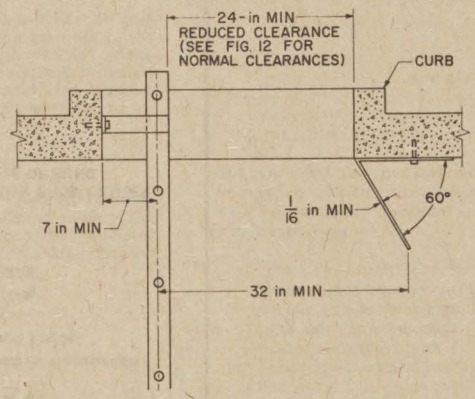
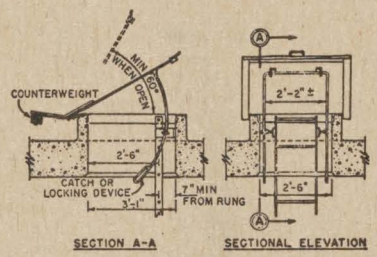


Fig. 13
Deflector Plate for Hatch Opening with Reduced Clearance

Present Standard	Comments
1910.27	1910.27 continuation of (c)(7) "Counterbalanced hatch covers shall open at least 70 degrees from the horizontal. The springs or other counterbalance mechanisms for the hatch may project into the hatch opening provided they do not reduce the clear width of access/egress to less than 24 inches. The top rung of the ladder may also be located below the top of the hatch to provide required clearance for the hatch cover." (c)(7) A commenter has suggested that this paragraph should include a requirement that hatches shall provide a minimum inside clearance of 30 inches. In addition, in special work environments requiring smaller openings, hatches smaller than 30 inches may be used. A commenter has suggested that figure D-5 should have engineering tolerances added to the specifications; otherwise, it is too rigid. A comment has been received requesting that OSHA modify the hatch cover requirements of (c)(7) to provide flexibility for employers using fixed ladders. It has been established that in certain instances it is impractical or impossible to comply with exact dimensional requirements for fixed ladders. A commenter has suggested that figure D-6 have engineering tolerances added; otherwise, the specifications are too rigid.

Present Standard	Comments
1910.27	1910.27



Relationship of Fixed Ladder to a Safe Access Hatch

Fig. D-6

See Figure 14

American National Standards A14.3-1974, on next page.

(d) Special requirements.

(1) Cages or wells.

(i) Cages or wells (except on chimney ladders) shall be built, as shown on the applicable drawings, covered in detail in figures D-7, D-8, and D-9, or of equivalent construction.

(ii) Cages or wells (except as provided in subparagraph (5) of this paragraph) conforming to the dimensions shown in figures D-7, D-8, and D-9 shall be provided on ladders of more than 20 feet to a maximum unbroken length of 30 feet.

(iii) Cages shall extend a minimum of 42 inches above the top of landing, unless other acceptable protection is provided.

(iv) Cages shall extend down the ladder to a point not less than 7 feet nor more than 8 feet above the base of the ladder, with bottom flared not less than 4 inches, or portion of cage opposite ladder shall be carried to the base.

(d)(1) ANSI has petitioned OSHA to modify (d)(1) by substituting section 5.1 of ANSI Standard A14.3-1974, as set forth below:

"General Design
The general construction of cages shall consist of horizontal bands or supports and vertical bars.

"Horizontal bands shall be fastened to the side rails of rail ladders, or directly to the structure, building, or equipment for individual rung ladders.

"Vertical bars shall be on the inside of the horizontal bands and shall be fastened to them.

"Cages shall be designed to suppport the live loads and dead loads specified for ladders in 3.2.2 and 3.2.3.

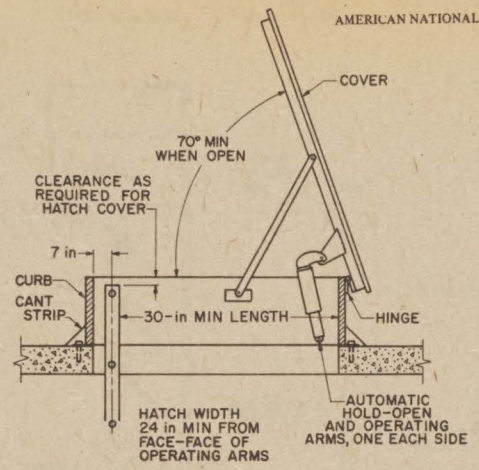


Fig. 14
Counterbalanced Hatch Cover at Roof

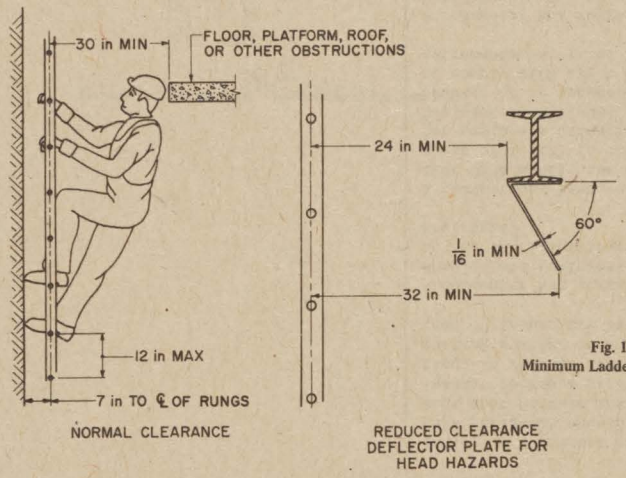
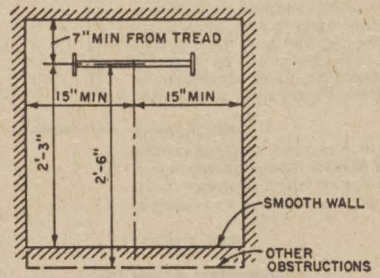


Fig. 15
Minimum Ladder Clearances

Present Standard	Comments
1910.27	1910.27

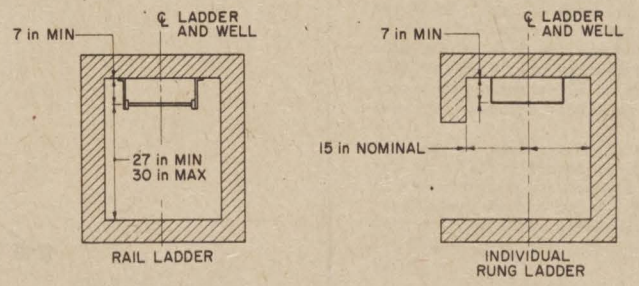


Clearance Diagram for Fixed Ladder in Well

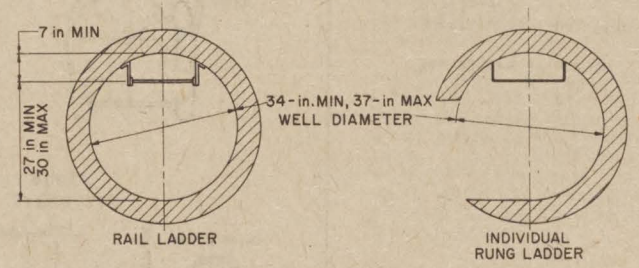
Figure D-7

See Figure 12

American National Standard A14.3-1974, on next page.



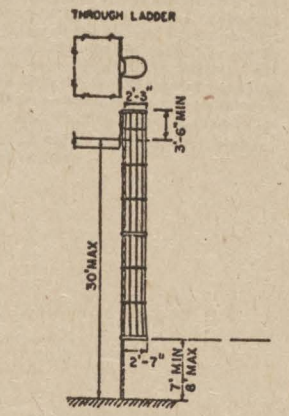
(a)
Horizontal Sections
Rectangular Wells



(b)
Horizontal Sections
Circular Wells

Fig. 12
General Arrangements for Ladders in Wells

Present Standard	Comments
1910.27	1910.27



ACCESS TO LANDING PLATFORM THROUGH LADDER

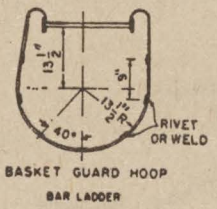


Figure 8

See Figure 17 and 18

American National Standard A14.3-1974

Present Standard	Comments
1910.27	1910.27

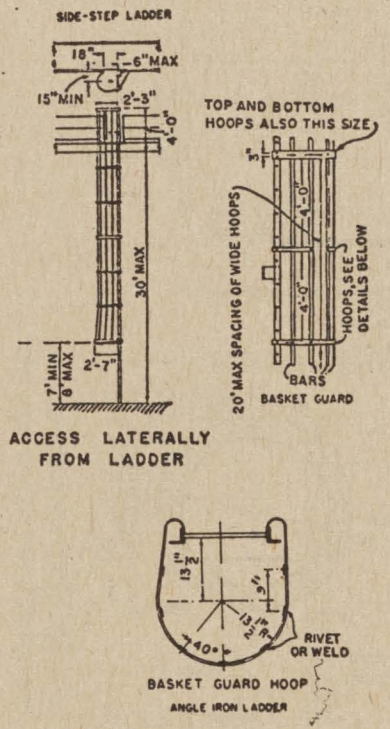


Fig. D-8

See Figure 17 and 18

American National Standard
A14.3-1974

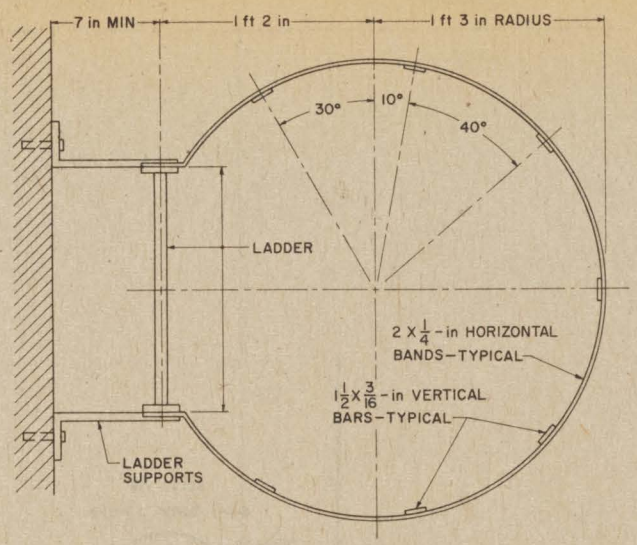


Fig. 18
An Example of a Cage Plan

Present Standard	Comments
1910.27	1910.27 continuation of (d) "Horizontal bands shall be spaced not more than 4 feet on center vertically for the size and spacing of vertical bars. For variations in size (cross section) and spacing of vertical bars, the maximum spacing of horizontal bands shall be in accordance with recognized design practice. "The top of the cage shall be a minimum of 3 feet 6 inches above the top of the platform, or the point of access/egress at the top of the ladder, with provision for access/egress to the platform or point of access/egress. "Any portion of the cage above the platform or above the point of access/egress that cannot be fastened to the side rail shall be fastened to the guardrail, or directly to the structure, building, or equipment. "The bottom of the cage shall be at a level not less than 7 feet, or more than 8 feet above the point of access/egress to the bottom of the ladder. The bottom of the cage shall be flared not less than 4 inches all around within the distance between the bottom horizontal band and the next higher band."

Present Standard	Comments
(v) Cages shall not extend less than 27 nor more than 28 inches from the centerline of the rungs of the ladder. Cage shall not be less than 27 inches in width. The inside shall be clear of projections. Vertical bars shall be located at a maximum spacing of 40 degrees around the circumference of the cage; this will give a maximum spacing of approximately 9½ inches, center to center.	(d)(1)(v) A commenter has suggested that existing cages should not be required to meet ANSI A14.3 dimensional requirements but should be constructed in such a manner as to allow space for an employee to use the ladder, while preventing him from falling through the cage. (d)(1)(v) ANSI has petitioned OSHA to modify (d)(1)(v) by substituting section 5.1.2 of ANSI Standard A14.3-1974, as set forth below: "Cages shall extend not less than 27 inches, or more than 30 inches from the centerline of the step or rung (excluding the flare at the bottom of the cage), and shall not be less than 27 inches in width. The inside of the cage shall be clear of projections." "Vertical bars shall be spaced at intervals not more than 40 degrees on center around the circumference of the cage. This will give a maximum spacing, center to center, of approximately 9-1/2 inches."

Present Standard	Comments
1910.27	1910.27
(vi) Ladder wells shall have a clear width of at least 15 inches measured each way from the centerline of the ladder. Smooth-walled wells shall be a minimum of 27 inches from the centerline of rungs to the well wall on the climbing side of the ladder. Where other obstructions on the climbing side of the ladder exist, there shall be a minimum of 30 inches from the centerline of the rungs.	(d)(1)(vi) ANSI has petitioned OSHA to modify (d)(1)(vi) by substituting sections 5.2.1 and 5.2.2 of ANSI Standard A14.3-1974, as set forth below: "The inside face of the well on the climbing side of the ladder shall extend not less than 27 inches, or more than 30 inches from the centerline of the step or rung. The inside clear width of the well shall be a nominal 30 inches. "The bottom of the wall on the access side shall start at a level not less than 7 feet, or more than 8 feet above the point of access to the bottom of the ladder. See Figure 17 American National Standard A14.3-1974, on next page.

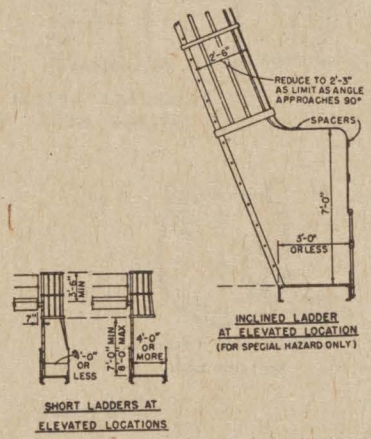


FIGURE D-9.—Cages—Special applications.

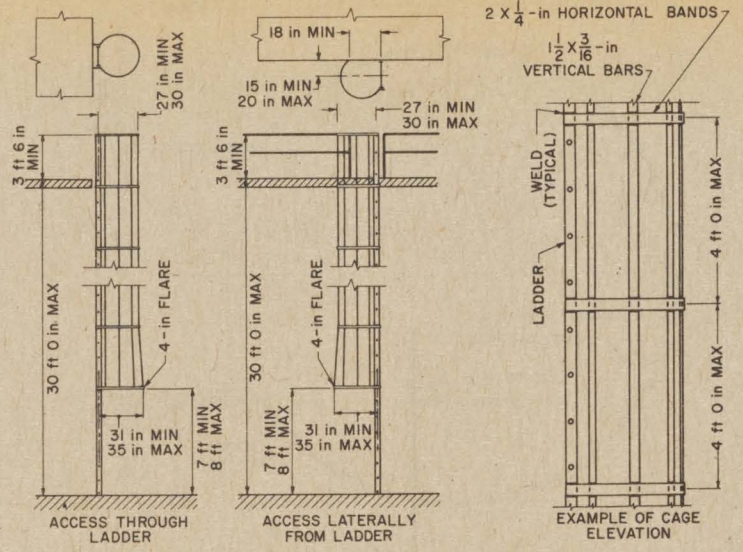


Fig. 17
An Example of the General Construction of Cages

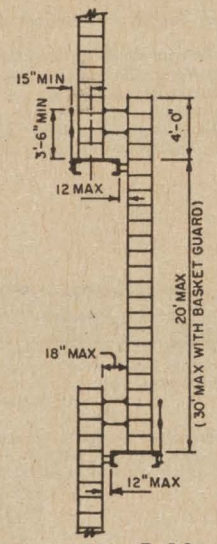
Present Standard	Comments
1910.27	1910.27 continuation of (d)(1)(vi) "General Construction. Wells shall consist of a wall or walls, or equivalent construction, completely encircling the ladder. The inside of the well shall be clear of projections. "The top rung or step of the ladder shall meet the requirements specified in 4.3.1, except that individual rung ladders may have the top step or rung located not more than 6 inches below the top of the well or access/egress point. "The top of the well shall have railings and toeboards in accordance with American National Standard Safety Requirements for Floor and Wall Openings, Railings, and Toeboards, A12.1-1973, so arranged as to provide safe access/egress for the well."

Present Standard	Comments
1910.27	1910.27
(2) Landing platforms. When ladders are used to ascend to heights exceeding 20 feet (except on chimneys), landing platforms shall be provided for each 30 feet of height or fraction thereof, except that, where no cage, well, or ladder safety device is provided, landing platforms shall be provided for each 20 feet of height or fraction thereof. Each ladder section shall be offset from adjacent sections. Where installation conditions (even for a short, unbroken length) require that adjacent sections be offset, landing platforms shall be provided at each offset.	(d)(2) ANSI has petitioned OSHA to modify (d)(2) by substituting section 5.3 of ANSI Standard A14.3-1974, as set forth below: "Platforms shall consist of a horizontal area on which a person may step while climbing a ladder either for rest purposes or for access to another section of the ladder. "All platforms shall be provided with railings and toeboards, in accordance with American National Standard Safety Requirements for Floor and Wall Openings, Railings, and Toeboards, A12.1-1973."
(i) Where a man has to step a distance greater than 12 inches from the centerline of the rung of a ladder to the nearest edge of structure or equipment, a landing platform shall be provided. The minimum step-across distance shall be 2½ inches.	(d)(2)(i) ANSI has petitioned OSHA to modify (d)(2)(i) by adding section 3.2.3.2 of ANSI Standard A14.3-1974, as set forth below: "Platforms. The weight of the platform and attached appurtenances, including the dead load of any portion of the ladder supported by the platform, shall be considered simultaneously with the live loads in the design of platform framing supports and fastenings."

Present Standard	Comments
1910.27	1910.27
(ii) All landing platforms shall be equipped with standard railings and toeboards, so arranged as to give safe access to the ladder. Platforms shall be not less than 24 inches in width and 30 inches in length.	(d)(2)(ii) ANSI has petitioned OSHA to modify (d)(2)(ii) by substituting section 5.3.2 of ANSI Standard A14.3-1974, as set forth below: "Platform Size. The total depth of the platform shall provide a minimum space of 30 inches from the centerline of the ladder on the climbing side. The width of the platform shall not be less than 30 inches."
(iii) One rung of any section of ladder shall be located at the level of the landing laterally served by the ladder. Where access to the landing is through the ladder, the same rung spacing as used on the ladder shall be used from the landing platform to the first rung below the landing.	
(3) Ladder extensions. The side rails of through or side-step ladder extensions shall extend 3½ feet above parapets and landings. For through ladder extensions, the rungs shall be omitted from the extension and shall have not less than 18 nor more than 24 inches clearance between rails. For side-step or offset fixed ladder sections, at landings, the side rails and rungs shall be carried to the next regular rung beyond or above the 3½ feet minimum (fig. D-10).	(d)(3) ANSI has petitioned OSHA to modify (d)(3) by substituting section 4.3.2 of ANSI Standard A14.3-1974, as set forth below: "Extension for Side Rail Ladders. The side rails of through or side-step ladders shall extend 3 feet 6 inches above the top of the access/egress level or landing platform served by the ladder. For a parapet ladder, the access/egress level shall be the roof if the parapet is cut to permit passage through the parapet; if the parapet is continuous, the access/egress level shall be the top of the parapet.

Present Standard	Comments
1910.27	1910.27 continuation of (d)(3) "For through ladder extensions, the steps or rungs shall be omitted from the extension and the extension of the side rails shall be flared to provide not less than 24 inches, or more than 30 inches, clearance between side rails. Where ladder safety devices are provided, the maximum clearance between side rails of the extensions shall not exceed 36 inches. "For side-step ladders, the side rails and the steps or rungs shall be continuous in the extension. "Extensions for Individual Rung Ladders. Individual rung ladders except those intended for manholes and terminations with hatches, shall be extended above an access/egress level or landing platform either by the continuation of the rung spacings as horizontal grab bars, or by providing vertical grab bars which shall be laterally spaced the same as the vertical legs of the rungs."
(4) Grab bars. Grab bars shall be spaced by a continuation of the rung spacing when they are located in the horizontal position. Vertical grab bars shall have the same spacing as the ladder side rails. Grab-bar diameters shall be the equivalent of the round-rung diameters.	(d)(4) ANSI has petitioned OSHA to modify (d)(4) by substituting sections 4.3.3.2 and 4.3.3.3 of ANSI Standard A14.3-1974, as set forth below: "Grab bars shall extend at least 3 feet 6 inches above the access/egress level or landing platform served by the ladder. "The minimum size (cross section) of the grab bars shall be the same as for ladder rungs."

Present Standard	Comments
1910.27	1910.27
(5) Ladder safety devices. Ladder safety devices may be used on tower, water tank, and chimney ladders over 20 feet in unbroken length in lieu of cage protection. No landing platform is required in these cases. All ladder safety devices such as those that incorporate lifebelts, friction brakes, and sliding attachments shall meet the design requirements of the ladders which they serve.	(d)(5) ANSI has petitioned OSHA to modify (d)(5) by substituting section 6.1 of ANSI Standard A14.3-1974, as set forth below: "General Design. All components of ladder safety devices shall meet the design requirements of Section 6 [ANSI A14.3-1974]. "The ladder safety device shall allow at least 2 persons, but not more than 4, averaging 250 pounds each (including equipment), to ascend or descend simultaneously; however, only 1 person at a time (except in rescue operations) shall use the same portion of carrier between intermediate mounting for rigid carriers or cable guides for flexible carriers. "The ladder safety device shall be designed to absorb the impact load of a solid object weighing at least 500 pounds in a free fall of 18 inches. "Design and installation of mountings shall not reduce the design safety factors of the fixed ladders."
(e) Pitch.	
(1) Preferred pitch. The preferred pitch of fixed ladders shall be considered to come in the range of 75 degrees and 90 degrees with the horizontal (fig. D-11).	(e)(1) ANSI has petitioned OSHA to modify (e)(1) by substituting section 1.1.2.1 of ANSI Standard A14.3-1974, as set forth below: "Preferred Pitch. The preferred pitch of fixed ladders shall be considered to be within the range of 75 to 90 degrees with the horizontal."

Present Standard	Comments
1910.27	1910.27
 **FIG. D-10** **Offset Fixed Ladder Sections**	See Figure 7 American National Standard A14.3-1974, on next page.
(2) Substandard pitch. Fixed ladders shall be considered as substandard if they are installed within the substandard pitch range of 60 and 75 degrees with the horizontal. Substandard fixed ladders are permitted only where it is found necessary to meet conditions of installation. This substandard pitch range shall be considered as a critical range to be avoided, if possible.	(e)(2) ANSI has petitioned OSHA to modify (e)(2) by substituting section 1.1.2.2 of ANSI Standard A14.3-1974, as set forth below:

American National Standard A14.4-1974

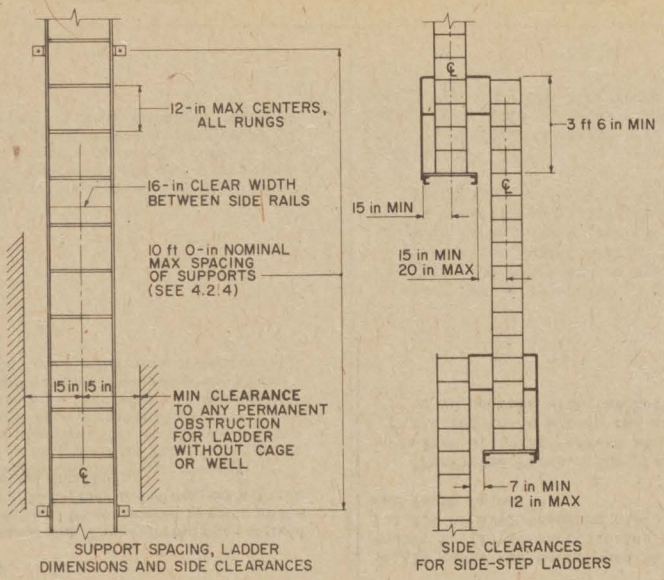


Fig. 7
Support and Ladder Dimensions and Side Clearances

Present Standard	Comments
1910.27	1910.27 continuation of (e)(2) "Substandard Pitch. Fixed ladders shall be considered substandard if they are installed within the substandard pitch range of 60 to 75 degrees with the horizontal. Substandard fixed ladders shall be permitted only where it is found necessary to meet conditions of installation. This substandard pitch range shall be considered a critical range, to be avoided if possible."

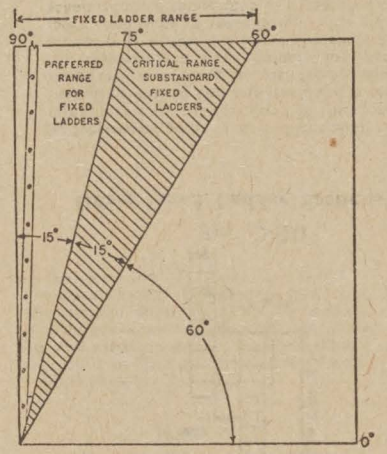


FIG. D-11
Pitch of Fixed Ladders

AMERICAN NATIONAL STANDARD A14.3-1974

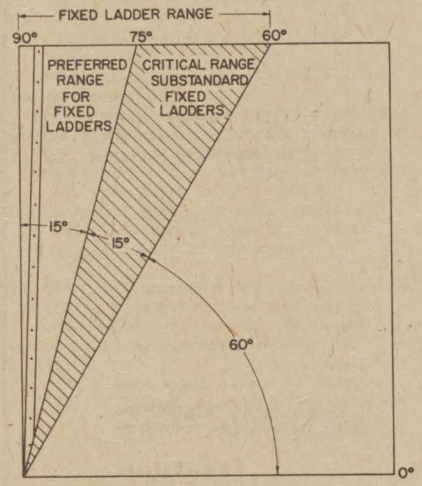


Fig. 1
Pitch of Fixed Ladders

Present Standard	Comments
1910.27	1910.27
(3) Scope of coverage in this section. This section covers only fixed ladders within the pitch range of 60 degrees and 90 degrees with the horizontal.	(e)(3) ANSI has petitioned OSHA to modify (e)(3) by substituting section 1.1.2 of ANSI Standard A14.3-1974, as set forth below: "This standard covers fixed ladders within the pitch range of 60 to 90 degrees from the horizontal and provides requirements for cages, wells, and ladder safety devices required for fixed ladders." (e)(3) A commenter has suggested that the standards should cover those ladders used which have a pitch under 60 degrees, such as those which are on the top of water tanks or towers and follow the curvature of the tank.
(4) Pitch greater than 90 degrees. Ladders having a pitch in excess of 90 degrees with the horizontal are prohibited.	(e)(4) ANSI has petitioned OSHA to modify (e)(4) by substituting section 1.1.2.3 of ANSI Standard A14.3-1974, as set forth below: "Pitch Greater Than 90 Degrees. Ladders having a pitch in excess of 90 degrees with the horizontal shall not be permitted."
(f) Maintenance. All ladders shall be maintained in a safe condition. All ladders shall be inspected regularly, with the intervals between inspections being determined by use and exposure.	(f) A comment has been received requesting that OSHA modify (f) to provide clear guidance to employers on what they must do regarding regular maintenance on fixed ladders.

Safety requirements for scaffolding

Present Standard	Comments
1910.28	1910.28
(a) General requirements for all scaffolds. (1) Scaffolds shall be furnished and erected in accordance with this standard for persons engaged in work that cannot be done safely from the ground or from solid construction, except that ladders used for such work shall conform to § 1910.25 and § 1910.26.	(a)(1) A comment has been received requesting OSHA to eliminate the incorporation of consensus standards by reference. A comment has also been received requesting OSHA to delete the Safety Requirements for Scaffolding from the general industry standards and to use the requirements in the construction regulations since scaffolds are very seldom used in general industry.
(2) The footing or anchorage for scaffolds shall be sound, rigid, and capable of carrying the maximum intended load without settling or displacement. Unstable objects such as barrels, boxes, loose brick, or concrete blocks shall not be used to support scaffolds or planks.	(a)(2) A comment has been received requesting that OSHA modify (a)(2) to provide better guidance to the OSHA Compliance Officer.
(3) Guardrails and toeboards shall be installed on all open sides and ends of platforms more than 10 feet above the ground or floor except:	(a)(3) A comment has been received requesting that OSHA modify (a)(3) to recognize the use of safety belts and lanyards in those places where guardrails are not practical.
(i) Scaffolding wholly within the interior of a building and covering the entire floor area of any room therein and not having any side exposed to a hoistway, elevator shaft, stairwell, or other floor openings, and	

Present Standard	Comments
1910.28	1910.28
(ii) Needle-beam scaffolds and floats in use by structural iron workers. Guardrails should all be 2 x 4 inches or the equivalent, installed no less than 36 inches or not more than 42 inches high, with a midrail, when required, of 1- x 4-inch lumber or equivalent. Supports should be at intervals not to exceed ten feet. Toeboards shall be a minimum of 4 inches in height.	(a)(3)(ii) A commenter has recommended that guardrails should have a vertical height of 42 ± 3 inches including a midrail approximately midway between the top rail and working surface, and that OSHA should reduce the length of their standard by eliminating the repetition of the standard guardrail design specifications.
(4) Scaffolds and their components shall be capable of supporting without failure at least four times the maximum intended load.	(a)(4) A commenter has recommended that the requirement in (a)(4) needs to be more adequately defined for design engineers and others.
(5) Scaffolds and other devices mentioned or described in this section shall be maintained in safe condition. Scaffolds shall not be altered or moved horizontally while they are in use or occupied.	(a)(5) A comment has been received requesting that OSHA modify (a)(5) to clearly define "safe condition."
(6) Any scaffold damaged or weakened from any cause shall be immediately repaired and shall not be used until repairs have been completed.	(a)(6) A comment has been received requesting that OSHA modify (a)(6) to clearly define under what circumstances a scaffold cannot be used further until repaired.
(7) Scaffolds shall not be loaded in excess of the working load for which they are intended.	

Present Standard	Comments
1910.28	1910.28
(8) All load-carrying timber members of scaffold framing shall be a minimum of 1,500 *f.* (Stress Grade) construction grade lumber. All dimensions are nominal sizes as provided in the American Lumber Standards, except that where rough sizes are noted, only rough or undressed lumber of the size specified will satisfy minimum requirements. (NOTE: Where nominal sizes of lumber are used in place of rough sizes, the nominal size lumber shall be such as to provide equivalent strength to that specified in tables D–7 through D–12 and D–16.)	(a)(8) A comment has been received requesting that OSHA delete the word "timber" from this standard.
(9) All planking shall be Scaffold Grade as recognized by grading rules for the species of wood used. The maximum permissible spans for 2- x 9-inch or wider planks are shown in the following table:	(a)(9) A comment has been received requesting that OSHA modify (a)(9) to permit the use of fabricated or laminated planking which provides the equivalent strength of scaffold grade planking and to provide another table which would permit greater spans when planking 1,900 f. (stress grade) material is used.

	Material				
	Full thickness undressed lumber			Nominal thickness lumber	
Working load (p.s.f.)	25	50	75	25	50
Permissible span (ft.)	10	8	6	8	6

The maximum permissible span for 1¼- x 9-inch or wider plank of full thickness is 4 feet with medium loading of 50 p.s.f.

(10) Nails or bolts used in the construction of scaffolds shall be of adequate size and in sufficient numbers at each connection to develop the designed strength of the scaffold. Nails shall not be subjected to a straight pull and shall be driven full length.

(11) All planking or platforms shall be overlapped (minimum 12 inches) or secured from movement.

Present Standard	Comments
1910.28	1910.28
(12) An access ladder or equivalent safe access shall be provided.	(a)(12) A comment has been received requesting that OSHA modify (a)(12) to clarify the intent of the standard.
(13) Scaffold planks shall extend over their end supports not less than 6 inches nor more than 18 inches.	(a)(13) A commenter has recommended that the requirement in paragraph (a)(13) is too restrictive and should be revised.
(14) The poles, legs, or uprights of scaffolds shall be plumb, and securely and rigidly braced to prevent swaying and displacement.	(a)(14) A comment has been received requesting that OSHA modify (a)(14) to eliminate the use of the word "plumb" because it is too restrictive.
(15) Materials being hoisted onto a scaffold shall have a tag line.	
(16) Overhead protection shall be provided for men on a scaffold exposed to overhead hazards.	
(17) Scaffolds shall be provided with a screen between the toeboard and the guardrail, extending along the entire opening, consisting of No. 18 gauge U.S. Standard Wire one-half-inch mesh or the equivalent, where persons are required to work or pass under the scaffolds.	(a)(17) A comment has been received requesting that OSHA modify (a)(17) to delete No. 18 gauge U.S. Standard wire and insert No. 19 gauge U.S. Standard wire, and to allow alternate protection, such as barricades, to be used in lieu of wire mesh.
(18) Employees shall not work on scaffolds during storms or high winds.	(a)(18) A comment has been received requesting that OSHA modify (a)(18) to clearly define "high winds" and state when work should be discontinued.
(19) Employees shall not work on scaffolds which are covered with ice or snow, unless all ice or snow is removed and planking sanded to prevent slipping.	(a)(19) A commenter has suggested that (a)(19) is too restrictive in requiring that "all" ice or snow be removed.
(20) Tools, materials, and debris shall not be allowed to accumulate in quantities to cause a hazard.	(a)(20) A comment has been received requesting that OSHA modify (a)(20) to more adequately define "quantities" which create a hazard.
(21) Only treated or protected fiber rope shall be used for or near any work involving the use of corrosive substances or chemicals.	(a)(21) A commenter has suggested that the requirement in (a)(21) is in conflict with (a)(23).
(22) Wire or fiber rope used for scaffold suspension shall be capable of supporting at least six times the intended load.	
(23) When acid solutions are used for cleaning buildings over 50 feet in height, wire rope supported scaffolds shall be used.	(a)(23) A commenter has suggested that the requirement in (a)(23) is in conflict with (a)(21).

Present Standard	Comments
1910.28	1910.28
(24) The use of shore scaffolds or lean-to scaffolds is prohibited.	(a)(24) A commenter has suggested that OSHA should provide pictures of shore scaffolds, as California has done in their Construction Regulations.
(25) Lumber sizes, when used in this section, refer to nominal sizes except where otherwise stated.	
(26) Scaffolds shall be secured to permanent structures, through use of anchor bolts, reveal bolts, or other equivalent means. Window cleaners' anchor bolts shall not be used.	
(27) Special precautions shall be taken to protect scaffold members, including any wire or fiber ropes, when using a heat-producing process.	(a)(27) A comment has been received requesting that OSHA modify (a)(27) to give some examples of the types of heat producing processes that are of concern here.
(b) General requirements for wood pole scaffolds.	
(1) Scaffold poles shall bear on a foundation of sufficient size and strength to spread the load from the poles over a sufficient area to prevent settlement. All poles shall be set plumb.	
(2) Where wood poles are spliced, the ends shall be squared and the upper section shall rest squarely on the lower section. Wood splice plates shall be provided on at least two adjacent sides and shall not be less than 4 feet 0 inches in length, overlapping the abutted ends equally, and have the same width and not less than the cross-sectional area of the pole. Splice plates of other materials of equivalent strength may be used.	

Present Standard	Comments
1910.28	1910.28
(3) Independent pole scaffolds shall be set as near to the wall of the building as practicable.	
(4) All pole scaffolds shall be securely guyed or tied to the building or structure. Where the height or length exceeds 25 feet, the scaffold shall be secured at intervals not greater than 25 feet vertically and horizontally.	
(5) Putlogs or bearers shall be set with their greater dimensions vertical, long enough to project over the ledgers of the inner and outer rows of poles at least 3 inches for proper support.	
(6) Every wooden putlog on single pole scaffolds shall be reinforced with a $^{3}/_{16}$- x 2-inch steel strip or equivalent secured to its lower edge throughout its entire length.	
(7) Ledgers shall be long enough to extend over two pole spaces. Ledgers shall not be spliced between the poles. Ledgers shall be reinforced by bearing blocks securely nailed to the side of the pole to form a support for the ledger.	
(8) Diagonal bracing shall be provided to prevent the poles from moving in a direction parallel with the wall of the building, or from buckling.	
(9) Cross bracing shall be provided between the inner and outer sets of poles in independent pole scaffolds. The free ends of pole scaffolds shall be cross braced.	
(10) Full diagonal face bracing shall be erected across the entire face of pole scaffolds in both directions. The braces shall be spliced at the poles.	

Present Standard	Comments
1910.28	1910.28
(11) Platform planks shall be laid with their edges close together so the platform will be tight with no spaces through which tools or fragments of material can fall.	(b)(11) A comment has been received requesting that OSHA modify (b)(11) to provide a minimum platform width of 18 inches.
(12) Where planking is lapped, each plank shall lap its end supports at least 12 inches. Where the ends of planks abut each other to form a flush floor, the butt joint shall be at the centerline of a pole. The abutted ends shall rest on separate bearers. Intermediate beams shall be provided where necessary to prevent dislodgment of planks due to deflection, and the ends shall be nailed or cleated to prevent their dislodgment.	
(13) When a scaffold turns a corner, the platform planks shall be laid to prevent tipping. The planks that meet the corner putlog at an angle shall be laid first, extending over the diagonally placed putlog far enough to have a good safe bearing, but not far enough to involve any danger from tipping. The planking running in the opposite direction at right angles shall be laid so as to extend over and rest on the first layer of planking.	
(14) When moving platforms to the next level, the old platform shall be left undisturbed until the new putlogs or bearers have been set in place, ready to receive the platform planks.	
(15) Guardrails not less than 2 x 4 inches or the equivalent and not less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1- x 4-inch lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(17) of this section.	(b)(15) A commenter has suggested that the guardrail requirements set out in (b)(15) should appear in one place within this section rather than in several places.

Present Standard	Comments
1910.28	1910.28
(16) All wood pole scaffolds 60 feet or less in height shall be constructed and erected in accordance with tables D–7 through D–12 of this section. If they are over 60 feet in height they shall be designed by a registered professional engineer and constructed and erected in accordance with such design. A copy of the typical drawings and specifications shall be made available to the employer and for inspection purposes.	
(17) Wood-pole scaffolds shall not be erected beyond the reach of effective firefighting apparatus.	
(c) Tube and coupler scaffolds.	
(1) A light-duty tube and coupler scaffold shall have all posts, bearers, runners, and bracing of nominal 2-inch O.D. steel tubing. The posts shall be spaced no more than 6 feet apart by 10 feet along the length of the scaffold. Other structural metals when used must be designed to carry an equivalent load.	
(2) A medium-duty tube and coupler scaffold shall have all posts, runners, and bracing of nominal 2-inch O.D. steel tubing. Posts spaced not more than 6 feet apart by 8 feet along the length of the scaffold shall have bearers of nominal 2½-inch O.D. steel tubing. Posts spaced not more than 5 feet apart by 8 feet along the length of the scaffold shall have bearers of nominal 2-inch O.D. steel tubing. Other structural metals when used must be designed to carry an equivalent load.	
(3) A heavy-duty tube and coupler scaffold shall have all posts, runners, and bracing of nominal 2-inch O.D. steel tubing, with the posts spaced not more than 6 feet apart by 6 feet 6 inches along the length of the scaffold. Other structural metals when used must be designed to carry an equivalent load.	

Present Standard	Comments
1910.28	1910.28

TABLE D-7—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF SINGLE POLE SCAFFOLDS LIGHT DUTY

	Maximum height of scaffold	
	20 feet	60 feet
Uniformly distributed load	Not to exceed 25 pounds per square foot.	
Poles or uprights	2 by 4 in.	4 by 4 in.
Pole spacing (longitudinal)	6 ft. 0 in.	10 ft. 0 in.
Maximum width of scaffold	5 ft. 0 in.	5 ft. 0 in.
Bearers or putlogs to 3 ft. 0 in. width	2 by 4 in.	2 by 4 in.
Bearers or putlogs to 5 ft. 0 in. width	2 by 6 in. or 3 by 4 in.	2 by 6 in. or 3 by 4 in. (rough).
Ledgers	1 by 4 in.	1¼ by 9 in.
Planking	1¼ by 9 in. (rough)	2 by 9 in.
Vertical spacing of horizontal members	7 ft. 0 in.	7 ft. 0 in.
Bracing, horizontal and diagonal	1 by 4 in.	1 by 4 in.
Tie-ins	1 by 4 in.	1 by 4 in.
Toeboards	4 in. high (minimum)	4 in. high (minimum).
Guardrail	2 by 4 in.	2 by 4 in.

All members except planking are used on edge.

Present Standard	Comments
1910.28	1910.28

TABLE D-8—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF SINGLE POLE SCAFFOLDS

MEDIUM DUTY

Uniformly distributed load.	Not to exceed 50 pounds per square foot.
Maximum height of scaffold.	60 ft.
Poles or uprights	4 by 4 in.
Pole spacing (longitudinal).	8 ft. 0 in.
Maximum width of scaffold.	5 ft. 0 in.
Bearers or putlogs	2 by 9 in. or 3 by 4 in.
Spacing of bearers or putlogs.	8 ft. 0 in.
Ledgers	2 by 9 in.
Vertical spacing of horizontal members.	9 ft. 0 in.
Bracing, horizontal	1 by 6 in. or 1¼ by 4 in.
Bracing, diagonal	1 by 4 in.
Tie-ins	1 by 4 in.
Planking	2 by 9 in.
Toeboards	4 in. high (minimum).
Guardrail	2 by 4 in.

All members except planking are used on edge.

Present Standard	Comments
1910.28	1910.28

TABLE D-9—MIMIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF SINGLE POLE SCAFFOLDS

HEAVY DUTY

Uniformly distributed load.	Not to exceed 75 pounds per square foot.
Maximum height of scaffold.	60 ft.
Poles or uprights	4 by 4 in.
Pole spacing (longitudinal).	6 ft. 0 in.
Maximum width of scaffold.	5 ft. 0 in.
Bearers or putlogs	2 by 9 in. or 3 by 5 in. (rough).
Spacing of bearers or putlogs.	6 ft. 0 in.
Ledgers	2 by 9 in.
Vertical spacing of horizontal members.	6 ft. 6 in.
Bracing, horizontal and diagonal.	2 by 4 in.
Tie-ins	1 by 4 in.
Planking	2 by 9 in.
Toeboards	4 in. high (minimum).
Guardrail	2 by 4 in.

All members except planking are used on edge.

Present Standard	Comments
1910.28	1910.28

TABLE D-10—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF INDEPENDENT POLE SCAFFOLDS
LIGHT DUTY

	Maximum height of scaffold	
	20 feet	60 feet
Uniformly distributed load	Not to exceed 25 pounds per square foot.	
Poles or uprights	2 by 4 in.	4 by 4 in.
Pole spacing (longitudinal)	6 ft. 0 in.	10 ft. 0 in.
Pole spacing (transverse)	6 ft. 0 in.	10 ft. 0 in.
Ledgers	1¼ by 4 in.	1¼ by 9 in.
Bearers to 3 ft. 0 in. span	2 by 4 in.	2 by 4 in.
Bearers to 10 ft. 0 in. span	2 by 6 in. or 3 by 4 in.	2 by 9 (rough) or 3 by 8 in
Planking	1¼ by 9 in.	2 by 9 in.
Vertical spacing of horizontal members	7 ft. 0 in.	7 ft. 0 in.
Bracing, horizontal and diagonal	1 by 4 in.	1 by 4 in.
Tie-ins	1 by 4 in.	1 by 4 in.
Toeboards	4 in. high	4 in. high (minimum).
Guardrail	2 by 4 in.	2 by 4 in.

All members except planking are used on edge.

Present Standard	Comments
1910.28	1910.28

TABLE D–11—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF INDEPENDENT POLE SCAFFOLDS

MEDIUM DUTY

Uniformly distributed load.	Not to exceed 50 pounds per square foot.
Maximum height of scaffold.	60 ft.
Poles or uprights	4 by 4 in.
Pole spacing (longitudinal).	8 ft. 0 in.
Pole spacing (transverse).	8 ft. 0 in.
Ledgers	2 by 9 in.
Vertical spacing of horizontal members.	6 ft. 0 in.
Spacing of bearers	8 ft. 0 in.
Bearers	2 by 9 in. (rough) or 2 by 10 in.
Bracing, horizontal	1 by 6 in. or 1¼ by 4 in.
Bracing, diagonal	1 by 4 in.
Tie-ins	1 by 4 in.
Planking	2 by 9 in.
Toeboards	4 in. high (minimum).
Guardrail	2 by 4 in.

All members except planking are used on edge.

Present Standard	Comments
1910.28	1910.28

TABLE D–12—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF INDEPENDENT POLE SCAFFOLDS

HEAVY DUTY

Uniformly distributed load.	Not to exceed 75 pounds per square foot.
Maximum height of scaffold.	60 ft.
Poles or uprights	4 by 4 in.
Pole spacing (longitudinal).	6 ft. 0 in.
Pole spacing (transverse).	8 ft. 0 in.
Ledgers	2 by 9 in.
Vertical spacing of horizontal members.	4 ft. 6 in.
Bearers	2 by 9 in. (rough).
Bracing, horizontal and diagonal.	2 by 4 in.
Tie-ins	1 by 4 in.
Planking	2 by 9 in.
Toeboards	4 in. high (minimum).
Guardrail	2 by 4 in.

All members except planking are used on edge.

Present Standard	Comments
1910.28	1910.28

(4) Tube and coupler scaffolds shall be limited in heights and working levels to those permitted in tables D–13, 14, and 15, of this section. Drawings and specifications of all tube and coupler scaffolds above the limitations in tables D–13, 14, and 15 of this section shall be designed by a registered professional engineer and copies made available to the employer and for inspection purposes.

(5) All tube and coupler scaffolds shall be constructed and erected to support four times the maximum intended loads as set forth in tables D–13, 14, and 15 of this section, or as set forth in the specifications by a registered professional engineer, copies which shall be made available to the employer and for inspection purposes.

TABLE D–13—TUBE AND COUPLER SCAFFOLDS LIGHT DUTY

Uniformly distributed load..... Not to exceed 25 p.s.f.
Post spacing (longitudinal)..... 10 ft. 0 in.
Post spacing (transverse)..... 6 ft. 0 in.

Working levels	Additional planked levels	Maximum height
1	8	125 ft.
2	4	125 ft.
3	0	91 ft. 0 in.

Present Standard	Comments
1910.28	1910.28

TABLE D–14—TUBE AND COUPLER SCAFFOLDS MEDIUM DUTY

Uniformly distributed load..... Not to exceed 50 p.s.f.
Post spacing (longitudinal)..... 8 ft. 0 in.
Post spacing (transverse)..... 6 ft. 0 in.

Working levels	Additional planked levels	Maximum height
1	6	125 ft.
2	0	78 ft. 0 in.

TABLE D–15—TUBE AND COUPLER SCAFFOLDS HEAVY DUTY

Uniformly distributed load..... Not to exceed 75 p.s.f.
Post spacing (longitudinal)..... 6 ft. 6 in.
Post spacing (traverse)..... 6 ft. 0 in.

Working levels	Additional planked levels	Maximum height
1	6	125 ft.

(6) All tube and coupler scaffolds shall be erected by competent and experienced personnel.

(7) Posts shall be accurately spaced, erected on suitable bases, and maintained plumb.

(8) Runners shall be erected along the length of the scaffold located on both the inside and the outside posts at even height. Runners shall be interlocked to form continuous lengths and coupled to each post. The bottom runners shall be located as close to the base as possible. Runners shall be placed not more than 6 feet 6 inches on centers.

Present Standard	Comments
1910.28	1910.28
(9) Bearers shall be installed transversely between posts and shall be securely coupled to the posts bearing on the runner coupler. When coupled directly to the runners, the coupler must be kept as close to the posts as possible.	
(10) Bearers shall be at least 4 inches but not more than 12 inches longer than the post spacing or runner spacing. Bearers may be cantilevered for use as brackets to carry not more than two planks.	
(11) Cross bracing shall be installed across the width of the scaffold at least every third set of posts horizontally and every fourth runner vertically. Such bracing shall extend diagonally from the inner and outer runners upward to the next outer and inner runners.	
(12) Longitudinal diagonal bracing shall be installed at approximately a 45-degree angle from near the base of the first outer post upward to the extreme top of the scaffold. Where the longitudinal length of the scaffold permits, such bracing shall be duplicated beginning at every fifth post. In a similar manner, longitudinal diagonal bracing shall also be installed from the last post extending back and upward toward the first post. Where conditions preclude the attachment of this bracing to the posts, it may be attached to the runners.	
(13) The entire scaffold shall be tied to and securely braced against the building at intervals not to exceed 30 feet horizontally and 26 feet vertically.	
(14) Guardrails not less than 2 x 4 inches or the equivalent and not less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1- x 4-inch lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(17) of this section.	(c)(14) A commenter has suggested that the guardrail requirements set out in (b)(14) should appear in one place within this section rather than in several paragraphs.
(d) Tubular welded frame scaffolds.	
(1) Metal tubular frame scaffolds, including accessories such as braces, brackets, trusses, screw legs, ladders, etc., shall be designed and proved to safely support four times the maximum intended load.	
(2) Spacing of panels or frames shall be consistent with the loads imposed.	
(3) Scaffolds shall be properly braced by cross bracing or diagonal braces, or both, for securing vertical members together laterally, and the cross braces shall be of such length as will automatically square and align vertical members so that the erected scaffold is always plumb, square, and rigid. All brace connections shall be made secure.	
(4) Scaffold legs shall be set on adjustable bases or plain bases placed on mud sills or other foundations adequate to support the maximum intended load.	
(5) The frames shall be placed one on top of the other with coupling or stacking pins to provide proper vertical alinement of the legs.	
(6) Where uplift may occur, panels shall be locked together vertically by pins or other equivalent suitable means.	

Present Standard	Comments
1910.28	1910.28
(7) Guardrails not less than 2 x 4 inches or the equivalent and not less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1- x 4-inch lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(17) of this section.	(d)(7) A commenter has requested that the guardrail requirements in (d)(7) should appear in one place within this section rather than in several paragraphs.
(8) All tubular metal scaffolds shall be constructed and erected to support four times the maximum intended loads.	
(9) To prevent movement, the scaffold shall be secured to the building or structure at intervals not to exceed 30 feet horizontally and 26 feet vertically.	
(10) Maximum permissible spans of planking shall be in conformity with paragraph (a)(9) of this section.	
(11) Drawings and specifications for all frame scaffolds over 125 feet in height above the base plates shall be designed by a registered professional engineer and copies made available to the employer and for inspection purposes.	
(12) All tubular welded frame scaffolds shall be erected by competent and experienced personnel.	
(13) Frames and accessories for scaffolds shall be maintained in good repair and every defect, unsafe condition, or noncompliance with this section shall be immediately corrected before further use of the scaffold. Any broken, bent, excessively rusted, altered, or otherwise structurally damaged frames or accessories shall not be used.	

Present Standard	Comments
1910.28	1910.28
(14) Periodic inspections shall be made of all welded frames and accessories, and any maintenance, including painting, or minor corrections authorized by the manufacturer, shall be made before further use.	
(e) Outrigger scaffolds.	
(1) Outrigger beams shall extend not more than 6 feet beyond the face of the building. The inboard end of outrigger beams, measured from the fulcrum point to the extreme point of support, shall be not less than one and one-half times the outboard end in length. The beams shall rest on edge, the sides shall be plumb, and the edges shall be horizontal. The fulcrum point of the beam shall rest on a secure bearing at least 6 inches in each horizontal dimension. The beam shall be secured in place against movement and shall be securely braced at the fulcrum point against tipping.	
(2) The inboard ends of outrigger beams shall be securely supported either by means of struts bearing against sills in contact with the overhead beams or ceiling, or by means of tension members secured to the floor joists underfoot, or by both if necessary. The inboard ends of outrigger beams shall be secured against tipping and the entire supporting structure shall be securely braced in both directions to prevent any horizontal movement.	
(3) Unless outrigger scaffolds are designed by a licensed professional engineer, they shall be constructed and erected in accordance with table D–16. Outrigger scaffolds designed by a registered professional engineer shall be constructed and erected in accordance with such design. A copy of the detailed drawings and specifications showing the sizes and spacing of members shall be kept on the job.	

Present Standard	Comments
1910.28	1910.28

TABLE D-16—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF OUTRIGGER SCAFFOLDS

	Light duty	Medium duty
Maximum scaffold load	25 p.s.f.	50 p.s.f.
Outrigger size	2 x 10 in.	3 x 10 in.
Maximum outrigger spacing.	10 ft 0 in.	6 ft 0 in.
Planking	2 x 9 in.	2 x 9 in.
Guardrail	2 x 4 in.	2 x 4 in.
Guardrail uprights	2 x 4 in.	2 x 4 in.
Toeboards	4 in. (minimum).	4 in. (minimum).

(4) Planking shall be laid tight and shall extend to within 3 inches of the building wall. Planking shall be nailed or bolted to outriggers.

(5) Where there is danger of material falling from the scaffold, a wire mesh or other enclosure shall be provided between the guardrail and the toeboard.

(6) Where additional working levels are required to be supported by the outrigger method, the plans and specifications of the outrigger and scaffolding structure shall be designed by a registered professional engineer.

(f) Masons' adjustable multiple-point suspension scaffolds.

(1) The scaffold shall be capable of sustaining a working load of 50 pounds per square foot and shall not be loaded in excess of that figure.

Present Standard	Comments
1910.28	1910.28

(2) The scaffold shall be provided with hoisting machines that meet the requirements of Underwriters' Laboratories or Factory Mutual Engineering Corp.

(3) The platform shall be supported by wire ropes in conformity with paragraph (a)(22) of this section, suspended from overhead outrigger beams.

(4) The scaffold outrigger beams shall consist of structural metal securely fastened or anchored to the frame or floor system of the building or structure.

(5) Each outrigger beam shall be equivalent in strength to at least a standard 7-inch, 15.3-pound steel I-beam, be at least 15 feet long, and shall not project more than 6 feet 6 inches beyond the bearing point.

(6) Where the overhang exceeds 6 feet 6 inches, outrigger beams shall be composed of stronger beams or multiple beams and be installed in accordance with approved designs and instructions.

(7) If channel iron outrigger beams are used in place of I-beams, they shall be securely fastened together with the flanges turned out.

(8) All outrigger beams shall be set and maintained with their webs in a vertical position.

(9) A stop bolt shall be placed at each end of every outrigger beam.

(10) The outrigger beam shall rest on suitable wood-bearing blocks.

(11) All parts of the scaffold such as bolts, nuts, fittings, clamps, wire ropes, and outrigger beams and their fastenings, shall be maintained in sound and good working condition and shall be inspected before each installation and periodically thereafter.

Present Standard	Comments
1910.28	1910.28
(12) The free end of the suspension wire ropes shall be equipped with proper size thimbles and be secured by splicing or other equivalent means. The running ends shall be securely attached to the hoisting drum and at least four turns of rope shall at all times remain on the drum.	
(13) Where a single outrigger beam is used, the steel shackles or clevises with which the wire ropes are attached to the outrigger beams shall be placed directly over the hoisting drums.	
(14) The scaffold platform shall be equivalent in strength to at least 2-inch planking. (For maximum planking spans see paragraph (a)(9) of this section.)	
(15) Guardrails not less than 2 x 4 inches or the equivalent and not less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1- x 4-inch lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(17) of this section.	(f)(15) A commenter has requested that the guardrail requirements in (f)(15) should appear in one place within this section rather than in several individual paragraphs.
(16) Overhead protection shall be provided on the scaffold, not more than 9 feet above the platform, consisting of 2-inch planking or material of equivalent strength laid tight, when men are at work on the scaffold and an overhead hazard exists.	
(17) Each scaffold shall be installed or relocated in accordance with designs and instructions, of a registered professional engineer, and supervised by a competent, designated person.	

Present Standard	Comments
1910.28	1910.28
(g) Two-point suspension scaffolds (swinging scaffolds).	
(1) Two-point suspension scaffold platforms shall be not less than 20 inches nor more than 36 inches wide overall. The platform shall be securely fastened to the hangers by U-bolts or by other equivalent means.	(g)(1) A comment has been received requesting that OSHA include requirements to provide protection for employees working on multistage suspension scaffolds.
(2) The hangers of two-point suspension scaffolds shall be made of wrought iron, mild steel, or other equivalent material having a cross-sectional area capable of sustaining four times the maximum intended load, and shall be designed with a support for guardrail, intermediate rail, and toeboard.	
(3) When hoisting machines are used on two-point suspension scaffolds, such machines shall be of a design tested and approved by Underwriters' Laboratories or Factory Mutual Engineering Corp.	
(4) The roof irons or hooks shall be of wrought iron, mild steel, or other equivalent material of proper size and design, securely installed and anchored. Tiebacks of three-fourth inch manila rope or the equivalent shall serve as a secondary means of anchorage, installed at right angles to the face of the building whenever possible and secured to a structurally sound portion of the building.	
(5) Guardrails not less than 2 x 4 inches or the equivalent and not less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1- x 4-inch lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(17) of this section.	(g)(5) A commenter has requested that the guardrail requirements in (g)(5) should appear in one place within this section rather than in several individual paragraphs.

Present Standard	Comments
1910.28	1910.28
(6) Two-point suspension scaffolds shall be suspended by wire or fiber ropes. Wire and fiber ropes shall conform to paragraph (a)(22) of this section.	
(7) The blocks for fiber ropes shall be of standard 6-inch size, consisting of at least one double and one single block. The sheaves of all blocks shall fit the size of rope used.	
(8) All wire ropes, fiber ropes, slings, hangers, platforms, and other supporting parts shall be inspected before every installation. Periodic inspections shall be made while the scaffold is in use.	
(9) On suspension scaffolds designed for a working load of 500 pounds no more than two men shall be permitted to work at one time. On suspension scaffolds with a working load of 750 pounds, no more than three men shall be permitted to work at one time. Each workman shall be protected by a safety lifebelt attached to a lifeline. The lifeline shall be securely attached to substantial members of the structure (not scaffold), or to securely rigged lines, which will safely suspend the workman in case of a fall.	
(10) Where acid solutions are used, fiber ropes are not permitted unless acidproof.	
(11) Two-point suspension scaffolds shall be securely lashed to the building or structure to prevent them from swaying. Window cleaners' anchors shall not be used for this purpose.	

Present Standard	Comments
1910.28	1910.28
(12) The platform of every two-point suspension scaffold shall be one of the following types:	
(i) The side stringer of ladder-type platforms shall be clear straight-grained spruce or materials of equivalent strength and durability. The rungs shall be of straight-grained oak, ash, or hickory, at least 1⅛-inch in diameter, with seven-eighth inch tenons mortised into the side stringers at least seven-eighth inch. The stringers shall be tied together with the tie rods not less than one-quarter inch in diameter, passing through the stringers and riveted up tight against washers on both ends. The flooring strips shall be spaced not more than five-eighth inch apart except at the side rails where the space may be 1 inch. Ladder-type platforms shall be constructed in accordance with table D–17.	
(ii) Plank-type platforms shall be composed of not less than nominal 2-x 8-inch unspliced planks, properly cleated together on the underside starting 6 inches from each end; intervals in between shall not exceed 4 feet. The plank-type platform shall not extend beyond the hangers more than 18 inches. A bar or other effective means shall be securely fastened to the platform at each end to prevent its slipping off the hanger. The span between hangers for plank-type platforms shall not exceed 10 feet.	
(iii) Beam platforms shall have side stringers of lumber not less than 2 x 6 inches set on edge. The span between hangers shall not exceed 12 feet when beam platforms are used. The flooring shall be supported on 2- and 6-inch crossbeams, laid flat and set into the upper edge of the stringers with a snug fit, at intervals of not more than 4 feet, securely nailed in place. The flooring shall be of 1- x 6-inch material properly nailed. Floorboards shall not be spaced more than one-half inch apart.	

TABLE D-17—SCHEDULE FOR LADDER-TYPE PLATFORMS

	Length of platform (feet)				
	12	14 & 16	18 & 20	22 & 24	28 & 30
Side stringers, minimum cross section (finished sizes):					
At ends (in.)	1¼ x 2¾	1¼ x 2¾	1¼ x 3	1¼ x 3	1¼ x 3½
At middle (in.)	1¼ x 3¾	1¼ x 3¾	1¼ x 4	1¼ x 4½	1¼ x 5
Reinforcing strip (minimum)	A ⅞x⅛-in. steel reinforcing strip or its equivalent shall be attached to the side or underside full length.				
Rungs	Rungs shall be 1⅛-in. minimum, diameter with at least ⅝-in. diameter tenons, and the maximum spacing shall be 12 in. center to center.				
Tie rods:					
Number (minimum)	3	4	4	5	6
Diameter (minimum)	¼ in.	¼ in.	¼ in.	¼ in.	¼ in.
Flooring, minimum finished size (in.)	¼ x 2¾	¼ x 3¾	¼ x 2¾	¼ x 3¾	¼ x 3¾

Present Standard	Comments
1910.28	1910.28

Present Standard	Comments
1910.28	1910.28

(h) Stone setters' adjustable multiple-point suspension scaffolds.

(1) The scaffold shall be capable of sustaining a working load of 25 pounds per square foot and shall not be overloaded. Scaffolds shall not be used for storage of stone or other heavy materials.

(2) The hoisting machine and its supports shall be of a type tested and listed by Underwriters' Laboratories or Factory Mutual Engineering Corp.

(3) The platform shall be securely fastened to the hangers by U-bolts or other equivalent means.

(4) The scaffold unit shall be suspended from metal outriggers, iron brackets, wire rope slings, or iron hooks which will safely support the maximum intended load.

(5) Outriggers when used shall be set with their webs in a vertical position, securely anchored to the building or structure and provided with stop bolts at each end.

(6) The scaffold shall be supported by wire rope conforming with paragraph (a)(22) of this section, suspended from overhead supports.

(7) The free ends of the suspension wire ropes shall be equipped with proper size thimbles, secured by splicing or other equivalent means. The running ends shall be securely attached to the hoisting drum and at least four turns of rope shall remain on the drum at all times.

Present Standard	Comments
1910.28	1910.28
(3) Guardrails not less than 2 by 4 inches or the equivalent and not less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1- by 4-inch lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(17) of this section.	(h)(8) A commenter has requested that guardrail requirements in (h)(8) should appear in one place within this section rather than in several paragraphs.
(9) When two or more scaffolds are used on a building or structure they shall not be bridged one to the other but shall be maintained at even height with platforms butting closely.	
(10) Each scaffold shall be installed or relocated in accordance with designs and instructions of a registered professional engineer, and such installation or relocation shall be supervised by a competent designated person.	
(i) Single-point adjustable suspension scaffolds.	
(1) The scaffolding, including power units or manually operated winches, shall be of a type tested and listed by Underwriters' Laboratories or Factory Mutual Engineering Corp.	
(2) The power units may be either electrically or air motor driven.	
(3) All power-operated gears and brakes shall be enclosed.	
(4) In addition to the normal operating brake, all-power driven units must have an emergency brake which engages automatically when the normal speed of descent is exceeded.	
(5) Guards, mid-rails, and toeboards shall completely enclose the cage or basket. Guardrails shall be no less than 2 by 4 inches or the equivalent installed no less than 36 inches nor more than 42 inches above the platform. Mid-rails shall be 1 by 6 inches or the equivalent, installed equidistant between the guardrail and the platform. Toeboards shall be a minimum of 4 inches in height.	(i)(5) A commenter has requested that the guardrail requirements in (i)(5) should appear in one place in this section rather than in several paragraphs.
(6) The hoisting machines, cables, and equipment shall be regularly serviced and inspected after each installation and every 30 days thereafter.	
(7) The units may be combined to form a two-point suspension scaffold. Such scaffold shall comply with paragraph (g) of this section.	
(8) The supporting cable shall be straight for its entire length, and the operator shall not sway the basket and fix the cable to any intermediate points to change his original path of travel.	
(9) Equipment shall be maintained and used in accordance with the manufacturers' instructions.	
(10) Suspension methods shall conform to applicable provisions of paragraphs (f) and (g) of this section.	(i)(10) A comment has been received requesting that OSHA modify (i)(10) to include the lifeline requirement of (g)(9) in this standard for single-point adjustable suspension scaffolds.
(j) Boatswain's chairs.	
(1) The chair seat shall be not less than 12 by 24 inches, and of 1-inch thickness. The seat shall be reinforced on the underside to prevent the board from splitting.	(j)(1) A comment has been received requesting that OSHA modify (j)(1) to permit the use of a smaller seat size.

Present Standard	Comments
1910.28	1910.28

(2) The two fiber rope seat slings shall be of ⅝-inch diameter, reeved through the four seat holes so as to cross each other on the underside of the seat.

(3) Seat slings shall be of at least ⅜-inch wire rope when a workman is conducting a heat producing process such as gas or arc welding.

(4) The workman shall be protected by a safety life belt attached to a lifeline. The lifeline shall be securely attached to substantial members of the structure (not scaffold), or to securely rigged lines, which will safely suspend the worker in case of a fall.

(5) The tackle shall consist of correct size ball bearing or bushed blocks and properly spliced ⅝-inch diameter first-grade manila rope.

(6) The roof irons, hooks, or the object to which the tackle is anchored shall be securely installed. Tiebacks when used shall be installed at right angles to the face of the building and securely fastened to a chimney.

(k) Carpenters' bracket scaffolds.

(1) The brackets shall consist of a triangular wood frame not less than 2 by 3 inches in cross section, or of metal of equivalent strength. Each member shall be properly fitted and securely joined.

(2) Each bracket shall be attached to the structure by means of one of the following:

(i) A bolt no less than five-eighths inch in diameter which shall extend through the inside of the building wall.

(ii) A metal stud attachment device.

(iii) Welding to steel tanks.

Present Standard	Comments
1910.28	1910.28

(iv) Hooking over a well-secured and adequately strong supporting member. The brackets shall be spaced no more than 10 feet apart.

(3) No more than two persons shall occupy any given 10 feet of a bracket scaffold at any one time. Tools and materials shall not exceed 75 pounds in addition to the occupancy.

(4) The platform shall consist of not less than two 2- by 9-inch nominal size planks extending not more than 18 inches or less than 6 inches beyond each end support.

(5) Guardrails not less than 2 by 4 inches or the equivalent and not less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1- by 4-inch lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(17) of this section.

(k)(5) A commenter has requested that guardrail requirements in (k)(5) should appear in one place within this section rather than in several paragraphs.

(l) Bricklayers' square scaffolds.

(1) The squares shall not exceed 5 feet in width and 5 feet in height.

(2) Members shall be not less than those specified in Table D-18.

TABLE D-18—MINIMUM DIMENSIONS FOR BRICKLAYERS' SQUARE SCAFFOLD MEMBERS

Members:	*Dimensions (inches)*
Bearers or horizontal members	2 by 6.
Legs	2 by 6.
Braces at corners	1 by 6.
Braces diagonally from center frame	1 by 8.

Present Standard	Comments
1910.28	1910.28

(3) The squares shall be reinforced on both sides of each corner with 1- by 6-inch gusset pieces. They shall also have braces 1 by 8 inches on both sides running from center to center of each member, or other means to secure equivalent strength and rigidity.

(4) The squares shall be set not more than 5 feet apart for medium duty scaffolds, and not more than 8 feet apart for light duty scaffolds. Bracing 1 x 8 inches, extending from the bottom of each square to the top of the next square, shall be provided on both front and rear sides of the scaffold.

(5) Platform planks shall be at least 2- by 9-inch nominal size. The ends of the planks shall overlap the bearers of the squares and each plank shall be supported by not less than three squares.

(6) Bricklayers' square scaffolds shall not exceed three tiers in height and shall be so constructed and arranged that one square shall rest directly above the other. The upper tiers shall stand on a continuous row of planks laid across the next lower tier and be nailed down or otherwise secured to prevent displacement.

(7) Scaffolds shall be level and set upon a firm foundation.

(m) Horse scaffolds.

(1) Horse scaffolds shall not be constructed or arranged more than two tiers or 10 feet in height.

(2) The members of the horses shall be not less than those specified in Table D–19.

Present Standard	Comments
1910.28	1910.28

TABLE D–19—MINIMUM DIMENSIONS FOR HORSE SCAFFOLD MEMBERS

Members:	*Dimensions (inches)*
Horizontal members or bearers	3 by 4.
Legs	1¼ by 4½.
Longitudinal brace between legs	1 by 6.
Gusset brace at top of legs	1 by 8.
Half diagonal braces	1¼ by 4½.

(3) Horses shall be spaced not more than 5 feet for medium duty and not more than 8 feet for light duty.

(4) When arranged in tiers, each horse shall be placed directly over the horse in the tier below.

(5) On all scaffolds arranged in tiers, the legs shall be nailed down to the planks to prevent displacement or thrust and each tier shall be substantially cross braced.

(6) Horses or parts which have become weak or defective shall not be used.

(7) Guardrails not less than 2 by 4 inches or the equivalent and not less than 36 inches or more than 42 inches high with a mid-rail, when required, of 1- by 4-inch lumber or equivalent and toeboards, shall be installed at all open sides on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(17) of this section.

(n) Needle beam scaffold.

(1) Wood needle beams shall be in accordance with paragraph (a)(5) and (9) of this section, and shall be not less than 4 by 6 inches in size, with the greater dimension placed in a vertical direction. Metal beams or the equivalent conforming to paragraph (a)(4) and (8) of this section may be used.

Comments
1910.28

(m)(7) A commenter has requested that guardrail requirements in (m)(7) should appear in one place within this section rather than in several paragraphs.

Present Standard	Comments
1910.28	1910.28
(2) Ropes or hangers shall be provided for supports. The span between supports on the needle beam shall not exceed 10 feet for 4- by 6-inch timbers. Rope supports shall be equivalent in strength to 1-inch diameter first-grade manila rope.	
(3) The ropes shall be attached to the needle beams by a scaffold hitch or a properly made eye splice. The loose end of the rope shall be tied by a bowline knot or by a round turn and one-half hitch.	
(4) The platform span between the needle beams shall not exceed 8 feet when using 2-inch scaffold plank. For spans greater than 8 feet, platforms shall be designed based on design requirements for the special span. The overhang of each end of the platform planks shall be not less than 1 foot and not more than 18 inches.	
(5) When one needle beam is higher than the other or when the platform is not level the platform shall be secured against slipping.	
(6) All unattached tools, bolts, and nuts used on needle beam scaffolds shall be kept in suitable containers.	
(7) One end of a needle beam scaffold may be supported by a permanent structural member conforming to paragraph (a)(4) and (8) of this section.	
(8) Each man working on a needle beam scaffold 20 feet or more above the ground or floor and working with both hands, shall be protected by a safety life belt attached to a lifeline. The lifeline shall be securely attached to substantial members of the structure (not scaffold), or to securely rigged lines, which will safely suspend the workman in case of a fall.	

Present Standard	Comments
1910.28	1910.28
(o) Plasterers', decorators', and large area scaffolds.	
(1) Plasterers', decorators', lathers', and ceiling workers' inside scaffolds shall be constructed in accordance with the general requirements set forth for independent wood pole scaffolds.	
(2) Guardrails not less than 2 by 4 inches or the equivalent and not less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1- by 4-inch lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(17) of this section.	(o)(2) A commenter has requested that guardrail requirements in (o)(2) should appear in one place within this section rather than in several paragraphs.
(3) All platform planks shall be laid with the edges close together.	
(4) When independent pole scaffold platforms are erected in sections, such sections shall be provided with connecting runways equipped with substantial guardrails.	
(p) Interior hung scaffolds.	
(1) An interior hung scaffold should be hung or suspended from the roof structure or substantial ceiling beams.	
(2) The suspended steel wire rope shall conform to paragraph (a)(22) of this section. Wire may be used providing the strength requirements of paragraph (a)(22) of this section are met.	
(3) For hanging wood scaffolds, the following minimum nominal size material is recommended:	
(i) Supporting bearers 2 by 9 inches on edge.	

Present Standard	Comments
1910.28	1910.28
(ii) Planking 2 by 9 inches or 2 by 10 inches, with maximum span 7 feet for heavy duty and 10 feet for light duty or medium duty.	
(4) Steel tube and coupler members may be used for hanging scaffolds with both types of scaffold designed to sustain a uniform distributed working load up to heavy duty scaffold loads with a safety factor of four.	
(5) When a hanging scaffold is supported by means of wire rope, such wire rope shall be wrapped at least twice around the supporting members and twice around the bearers of the scaffold, with each end of the wire rope secured by at least three standard wire-rope clips.	
(6) All overhead supporting members shall be inspected and checked for strength before the scaffold is erected.	
(7) Guardrails not less than 2 by 4 inches or the equivalent and not less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1- by 4-inch lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(17) of this section.	(p)(7) A commenter has requested that guardrail requirements in (p)(7) should appear in one place within this section rather than in several paragraphs.
(q) Ladder-jack scaffolds.	
(1) All ladder-jack scaffolds shall be limited to light duty and shall not exceed a height of 20 feet above the floor or ground.	
(2) All ladders used in connection with ladder-jack scaffolds shall be heavy-duty ladders and shall be designed and constructed in accordance with § 1910.25 and § 1910.26.	
(3) The ladder jack shall be so designed and constructed that it will bear on the side rails in addition to the ladder rungs, or if bearing on rungs only, the bearing area shall be at least 10 inches on each rung.	
(4) Ladders used in conjunction with ladder jacks shall be so placed, fastened, held, or equipped with devices so as to prevent slipping.	
(5) The wood platform planks shall be not less than 2 inches nominal in thickness. Both metal and wood platform planks shall overlap the bearing surface not less than 12 inches. The span between supports for wood shall not exceed 8 feet. Platform width shall be not less than 18 inches.	
(6) Not more than two persons shall occupy any given 8 feet of any ladder-jack scaffold at any one time.	
(r) Window-jack scaffolds.	
(1) Window-jack scaffolds shall be used only for the purpose of working at the window opening through which the jack is placed.	
(2) Window jacks shall not be used to support planks placed between one window jack and another or for other elements of scaffolding.	
(3) Window-jack scaffolds shall be provided with suitable guardrails unless safety belts with lifelines are attached and provided for the workman. Window-jack scaffolds shall be used by one man only.	
(s) Roofing brackets.	(s) Roofing brackets. Many comments have requested that requirements for roofing brackets be deleted from the standard.
(1) Roofing brackets shall be constructed to fit the pitch of the roof.	

Present Standard	Comments
1910.28	1910.28
(2) Brackets shall be secured in place by nailing in addition to the pointed metal projections. The nails shall be driven full length into the roof. When rope supports are used, they shall consist of first-grade manila of at least three-quarter-inch diameter, or equivalent. (3) A substantial catch platform shall be installed below the working area of roofs more than 20 feet from the ground to eaves with a slope greater than 3 inches in 12 inches without a parapet. In width the platform shall extend 2 feet beyond the projection of the eaves and shall be provided with a safety rail, mid-rail, and toeboard. This provision shall not apply where employees engaged in work upon such roofs are protected by a safety belt attached to a lifeline. **(t) Crawling boards or chicken ladders.** (1) Crawling boards shall be not less than 10 inches wide and 1 inch thick, having cleats 1 x 1½ inches. The cleats shall be equal in length to the width of the board and spaced at equal intervals not to exceed 24 inches. Nails shall be driven through and clinched on the underside. The crawling board shall extend from the ridge pole to the eaves when used in connection with roof construction, repair, or maintenance. (2) A firmly fastened lifeline of at least three-quarter-inch rope shall be strung beside each crawling board for a handhold. (3) Crawling boards shall be secured to the roof by means of adequate ridge hooks or equivalent effective means.	(t)(1) A commenter has requested that requirements for crawling boards and chicken ladders be deleted from the standard.

Present Standard	Comments
1910.28	1910.28
(u) Float or ship scaffolds. (1) Float or ship scaffolds shall support not more than three men and a few light tools, such as those needed for riveting, bolting, and welding. They shall be constructed in accordance with subparagraphs (2) through (6) of this paragraph, unless substitute designs and materials provide equivalent strength, stability, and safety. (2) The platform shall be not less than 3 feet wide and 6 feet long, made of three-quarter-inch plywood, equivalent to American Plywood Association Grade B–B, Group I, Exterior. (3) Under the platform, there shall be two supporting bearers made from 2- x 4-inch, or 1- x 10-inch rough, selected lumber, or better. They shall be free of knots or other flaws and project 6 inches beyond the platform on both sides. The ends of the platform shall extend about 6 inches beyond the outer edges of the bearers. Each bearer shall be securely fastened to the platform. (4) An edging of wood not less than ¾ x 1½ inches, or equivalent, shall be placed around all sides of the platform to prevent tools from rolling off. (5) Supporting ropes shall be 1-inch diameter manila rope or equivalent, free from deterioration, chemical damage, flaws, or other imperfections. Rope connections shall be such that the platform cannot shift or slip. If two ropes are used with each float, they should be arranged so as to provide four ends which are to be securely fastened to an overhead support. Each of the two supporting ropes shall be hitched around one end of a bearer and pass under the platforms to the other end of the bearer where it is hitched again, leaving sufficient rope at each end for the supporting ties.	

Present Standard	Comments
1910.28	1910.28
(6) Each workman shall be protected by a safety lifebelt attached to a lifeline. The lifeline shall be securely attached to substantial members of the structure (not scaffold), or to securely rigged lines, which will safely suspend the workman in case of a fall.	
(v) Scope.	
This section establishes safety requirements for the construction, operation, maintenance, and use of scaffolds used in the construction, alteration, demolition, and maintenance of buildings and structures.	

Manually propelled mobile ladder stands and scaffolds (towers).

Present Standard	Comments
1910.29	1910.29
(a) General requirements.	
(1) Application. This section is intended to prescribe rules and requirements for the design, construction, and use of mobile work platforms (including ladder stands but not including aerial ladders) and rolling (mobile) scaffolds (towers). This standard is promulgated to aid in providing for the safety of life, limb, and property, by establishing minimum standards for structural design requirements and for the use of mobile work platforms and towers.	(a)(1) The American National Standards Institute (ANSI) petitioned OSHA to promulgate an additional related standard based on ANSI A92.3-1973, American National Standard for Elevating Work Platforms.
(2) Working loads.	
(i) Work platforms and scaffolds shall be capable of carrying the design load under varying circumstances depending upon the conditions of use. Therefore, all parts and appurtenances necessary for their safe and efficient utilization must be integral parts of the design.	(a)(2)(i) A commenter recommended that the requirement (a)(2)(i) should be rewritten to clarify the intent.
(ii) Specific design and construction requirements are not a part of this section because of the wide variety of materials and design possibilities. However, the design shall be such as to produce a mobile ladder stand or scaffold that will safely sustain the specified loads. The material selected shall be of sufficient strength to meet the test requirements and shall be protected against corrosion or deterioration.	(a)(2)(ii) A commenter finds the requirement for protection against corrosion or deterioration to be vague and unenforceable. He suggests that OSHA develop requirements that would be meaningful.
(a) The design working load of ladder stands shall be calculated on the basis of one or more 200-pound persons together with 50 pounds of equipment each.	

Present Standard	Comments
1910.29	1910.29
(b) The design load of all scaffolds shall be calculated on the basis of: Light—Designed and constructed to carry a working load of 25 pounds per square foot. Medium—Designed and constructed to carry a working load of 50 pounds per square foot. Heavy—Designed and constructed to carry a working load of 75 pounds per square foot. All ladder stands and scaffolds shall be capable of supporting at least four times the design working load.	
(iii) The materials used in mobile ladder stands and scaffolds shall be of standard manufacture and conform to standard specifications of strength, dimensions, and weights, and shall be selected to safely support the design working load.	
(iv) Nails, bolts, or other fasteners used in the construction of ladders, scaffolds, and towers shall be of adequate size and in sufficient numbers at each connection to develop the designed strength of the unit. Nails shall be driven full length. (All nails should be immediately withdrawn from dismantled lumber.)	(a)(2)(iv) A commenter recommends removing the last sentence of this paragraph since the language is advisory and thus unenforceable.
(v) All exposed surfaces shall be free from sharp edges, burrs or other safety hazards.	(a)(2)(v) A commenter states that this regulation is too loosely worded and should be rewritten to include examples. A commenter recommends modification of this requirement to read, "Burrs and sharp edges that offer hazards to operating and maintenance personnel shall be removed."

Present Standard	Comments
1910.29	1910.29
(3) Work levels.	
(i) The maximum work level height shall not exceed four (4) times the minimum or least base dimension of any mobile ladder stand or scaffold. Where the basic mobile unit does not meet this requirement, suitable outrigger frames shall be employed to achieve this least base dimension, or provisions shall be made to guy or brace the unit against tipping.	(a)(3)(i) A commenter states that this requirement is too restrictive since there are other acceptable methods to ensure stability of a mobile scaffold.
(ii) The minimum platform width for any work level shall not be less than 20 inches for mobile scaffolds (towers). Ladder stands shall have a minimum step width of 16 inches.	(a)(3)(ii) A commenter finds this requirement too restrictive and states that the ANSI committees are recommending that the minimum work level platforms width be reduced from 20 inches to 18 inches in their latest proposals.
(iii) The supporting structure for the work level shall be rigidly braced, using adequate cross bracing or diagonal bracing with rigid platforms at each work level.	(a)(3)(iii) A commenter questions how OSHA will determine "whether there is adequate cross bracing."
(iv) The steps of ladder stands shall be fabricated from slip resistant treads.	(a)(3)(iv) A commenter suggests that OSHA should develop a performance type of requirement to assist in determining what are slip resistant treads.

Present Standard	Comments
1910.29	1910.29
(v) The work level platform of scaffolds (towers) shall be of wood, aluminum, or plywood planking, steel or expanded metal, for the full width of the scaffold, except for necessary openings. Work platforms shall be secured in place. All planking shall be 2-inch (nominal) scaffold grade minimum 1,500*f*. (stress grade) construction grade lumber or equivalent.	(a)(3)(v) A commenter recommends including a requirement to read: "Scaffold planks shall be laid tightly, with no opening greater than 1 inch, to prevent tools or materials from falling through."
(vi) All scaffold work levels 10 feet or higher above the ground or floor shall have a standard (4-inch nominal) toeboard.	(a)(3)(vi) A commenter recommends protection for work levels at heights of 6 to 9 feet above the floor.
(vii) All work levels 10 feet or higher above the ground or floor shall have a guardrail of 2- by 4-inch nominal or the equivalent installed no less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1- by 4-inch nominal lumber or equivalent.	
(viii) A climbing ladder or stairway shall be provided for proper access and egress, and shall be affixed or built into the scaffold and so located that its use will not have a tendency to tip the scaffold. A landing platform shall be provided at intervals not to exceed 30 feet.	
(4) Wheels or casters.	
(i) Wheels or casters shall be properly designed for strength and dimensions to support four (4) times the design working load.	
(ii) All scaffold casters shall be provided with a positive wheel and/or swivel lock to prevent movement. Ladder stands shall have at least two (2) of the four (4) casters and shall be of the swivel type.	(a)(4)(ii) A commenter recommends adding a requirement to read: "All lockable casters shall be locked before the scaffold is used."
(iii) Where leveling of the elevated work platform is required, screw jacks or other suitable means for adjusting the height shall be provided in the base section of each mobile unit.	(a)(4)(iii) A commenter recommends adding the following: "When screw jacks are used, they shall be located not less than 12 inches inside the scaffold frame."
(b) Mobile tubular welded frame scaffolds.	
(1) General. Units shall be designed to comply with the requirements of paragraph (a) of this section.	
(2) Bracing. Scaffolds shall be properly braced by cross braces and/or diagonal braces for securing vertical members together laterally. The cross braces shall be of a length that will automatically square and align vertical members so the erected scaffold is always plumb, square, and rigid.	(b)(2) A commenter requests that a more descriptive explanation of what is meant by "properly braced by cross braces," be included in the standard.
(3) Spacing. Spacing of panels or frames shall be consistent with the loads imposed. The frames shall be placed one on top of the other with coupling or stacking pins to provide proper vertical alignment of the legs.	
(4) Locking. Where uplift may occur, panels shall be locked together vertically by pins or other equivalent means.	
(5) Erection. Only the manufacturer of a scaffold or his qualified designated agent shall be permitted to erect or supervise the erection of scaffolds exceeding 50 feet in height above the base, unless such structure is approved in writing by a registered professional engineer, or erected in accordance with instructions furnished by the manufacturer.	

Present Standard	Comments
1910.29	1910.29
(c) Mobile tubular welded sectional folding scaffolds.	
(1) General. Units including sectional stairway and sectional ladder scaffolds shall be designed to comply with the requirements of paragraph (a) of this section.	
(2) Stairway. An integral stairway and work platform shall be incorporated into the structure of each sectional folding stairway scaffold.	
(3) Bracing. An integral set of pivoting and hinged folding diagonal and horizontal braces and a detachable work platform shall be incorporated into the structure of each sectional folding ladder scaffold.	
(4) Sectional folding stairway scaffolds. Sectional folding stairway scaffolds shall be designed as medium duty scaffolds except for high clearance. These special base sections shall be designed as light duty scaffolds. When upper sectional folding stairway scaffolds are used with a special high clearance base, the load capacity of the entire scaffold shall be reduced accordingly. The width of a sectional folding stairway scaffold shall not exceed 4½ feet. The maximum length of a sectional folding stairway scaffold shall not exceed 6 feet.	
(5) Sectional folding ladder scaffolds. Sectional folding ladder scaffolds shall be designed as light duty scaffolds including special base (open end) sections which are designed for high clearance. For certain special applications the six-foot (6') folding ladder scaffolds, except for special high clearance base sections, shall be designed for use as medium duty scaffolds. The width of a sectional folding ladder scaffold shall not exceed 4½ feet. The maximum length of a sectional folding ladder scaffold shall not exceed 6 feet 6 inches for a six-foot (6') long unit, 8 feet 6 inches for an eight-foot (8') unit or 10 feet 6 inches for a ten-foot (10') long unit.	

Present Standard	Comments
1910.29	1910.29
(6) End frames. The end frames of sectional ladder and stairway scaffolds shall be designed so that the horizontal bearers provide supports for multiple planking levels.	
(7) Erection. Only the manufacturer of the scaffold or his qualified designated agent shall be permitted to erect or supervise the erection of scaffolds exceeding 50 feet in height above the base, unless such structure is approved in writing by a licensed professional engineer, or erected in accordance with instructions furnished by the manufacturer.	
(d) Mobile tube and coupler scaffolds.	
(1) Design. Units shall be designed to comply with the applicable requirements of paragraph (a) of this section.	
(2) Material. The material used for the couplers shall be of a structural type, such as a drop-forged steel, malleable iron or structural grade aluminum. The use of gray cast iron is prohibited.	
(3) Erection. Only the manufacturer of the scaffold or his qualified designated agent shall be permitted to erect or supervise the erection of scaffolds exceeding 50 feet in height above the base, unless such structure is approved in writing by a licensed professional engineer, or erected in accordance with instructions furnished by the manufacturer.	(d)(3) A commenter states that this requirement is too restrictive.
(e) Mobile work platforms.	
(1) Design. Units shall be designed for the use intended and shall comply with the requirements of paragraph (a) of this section.	
(2) Base width. The minimum width of the base of mobile work platforms shall not be less than 20 inches.	
(3) Bracing. Adequate rigid diagonal bracing to vertical members shall be provided.	(e)(3) A commenter finds this requirement vague and unenforceable.

Present Standard	Comments
1910.29	1910.29
(f) Mobile ladder stands.	
(1) Design. Units shall comply with applicable requirements of paragraph (a) of this section.	
(2) Base width. The minimum base width shall conform to paragraph (a)(3)(i) of this section. The maximum length of the base section shall be the total length of combined steps and top assembly, measured horizontally, plus five-eighths inch per step of rise.	
(3) Steps. Steps shall be uniformly spaced, and sloped, with a rise of not less than nine (9) inches, nor more than ten (10) inches, and a depth of not less than seven (7) inches. The slope of the steps section shall be a minimum of fifty-five (55) degrees and a maximum of sixty (60) degrees measured from the horizontal.	
(4) Handrails.	
(i) Units having more than five (5) steps or 60 inches vertical height to the top step shall be equipped with handrails.	(f)(4)(i) A commenter states that the requirement for handrails on units having more than five steps or 60 inches of vertical height is less stringent than the requirements for other types of stairs.
(ii) Handrails shall be a minimum of 29 inches high. Measurements shall be taken vertically from the center of the step.	(f)(4)(ii) A commenter states that this requirement is too restrictive and requests OSHA to be more flexible on heights of handrails.
(5) Loading. The load (see paragraph (a)(2)(ii) of this section) shall be applied uniformly to a 3½ inches wide area front to back at the center of the width span with a safety factor of four (4).	

Present Standard	Comments
1910.30	1910.30
(a) Dockboards (bridge plates).	
(1) Portable and powered dockboards shall be strong enough to carry the load imposed on them.	(a)(1) A commenter recommends rewriting this requirement to include means of identification or labeling of acceptable dockboards and their capacity.
(2) Portable dockboards shall be secured in position, either by being anchored or equipped with devices which will prevent their slipping.	(a)(2) A commenter recommends giving additional examples of how to properly secure a dock board.
(3) Powered dockboards shall be designed and constructed in accordance with Commercial Standard CS202-56 (1961) "Industrial Lifts and Hinged Loading Ramps published by the U.S. Department of Commerce.	(a)(3) A commenter recommends revoking §1910.30(a)(3) since the U.S. Department of Commerce has revoked commercial standard CS 202-56(1961) as being inadequate.
(4) Handholds, or other effective means, shall be provided on portable dockboards to permit safe handling.	(a)(4) A commenter recommends giving more specific examples of safe handling of dockboards.
(5) Positive protection shall be provided to prevent railroad cars from being moved while dockboards or bridge plates are in position.	(a)(5) A commenter recommends rewriting this requirement to include examples of "positive protection," such as wheel stops or the application of railroad car hand brakes.

Present Standard	Comments
1910.30	1910.30
(b) Forging machine area.	(b) A commenter recommends that these requirements should apply to all kinds of machine operating areas, not just to forging machine areas.
(1) Machines shall be so located as to give (i) enough clearance between machines so that the movement of one operator will not interfere with the work of another, (ii) ample room for cleaning machines and handling the work, including material and scrap. The arrangement of machines shall be such that operators will not stand in aisles.	(b)(1) A commenter suggests the need for a definition of the term "aisle," in this section.
(2) Aisles shall be provided of sufficient width to permit the free movement of employees bringing and removing material. This aisle space is to be independent of working and storage space and should be defined by marking.	(b)(2) Same comment as in (b)(1).
(3) Wood platforms used on the floor in front of machines shall be substantially constructed.	(b)(3) A commenter recommends a more specific requirement for what will be acceptable as a wood platform.
(c) Veneer machinery.	(c) A commenter recommends that this requirement should apply to all types of industrial vat operations.
(1) Sides of steam vats shall extend to a height of not less than 36 inches above the floor, working platform, or ground.	(c)(1) A commenter finds this requirement too restrictive and suggests the use of the following language: "Whenever vat sides are not 36 inches high, other means for the protection of employees shall be acceptable such as guardrails or other suitable barriers."
(2) Large steam vats divided into sections shall be provided with substantial walkways between sections. Each walkway shall be provided with a standard handrail on each exposed side. These handrails may be removable, if necessary.	(c)(2) A commenter states that OSHA standards should not require walkways on all large vats which are divided into sections.
(3) Covers shall be removed only from that portion of steaming vats on which men are working and a portable railing shall be placed at this point to protect the operators.	
(4) Workmen shall not ride or step on logs in steam vats.	

Sources of standards

Present Standard	Comments
1910.31	1910.31
The standards in this Subpart D are devised from the following sources: *Standard* — *Source* § 1910.22(a) — ANSI Z4.1–1968, Requirements for Sanitation in Places of Employment. § 1910.22(b) and (c). — 41 CFR 50–204.3. § 1910.22(d) — ANSI A58.1–1955, Minimum Design Loads in Building and Other Structures. § 1910.23 — ANSI A12.1–1967, Safety Requirements for Floor and Wall Openings, Railings, and Toeboards. § 1910.24 — ANSI A64.1–1968, Requirements for Fixed Industrial Stairs. § 1910.25 — ANSI A14.1–1968, Safety Code for Portable Wood Ladders. § 1910.26 — ANSI A14.2–1956, Portable Metal Ladders. § 1910.27 — ANSI A14.3–1956, Safety Code for Fixed Ladders. § 1910.28 — ANSI A10.8–1969, Safety Requirements for Scaffolding. § 1910.29 — ANSI A92.1–1971, Standard for Manually Propelled Mobile Ladder Stands and Scaffolds. § 1910.30(a) — ANSI B56.1–1969, Safety Standard for Powered Industrial Trucks. § 1910.30(b) — ANSI B24.1–1963, Safety Standard for Forging. § 1910.30(c) — ANSI 01.1-1954 (R–1961), Safety Code for Woodworking Machinery.	Update existing ANSI standards to reflect latest revisions.

Standards organizations

Present Standard	Comments
1910.32	1910.32
The following organizations have been referenced in this Subpart D: American National Standards Institute, 1430 Broadway, New York, NY 10018. Underwriters' Laboratories, Inc., 207 East Ohio Street, Chicago, IL 60611. Factory Mutual Engineering Corp., Post Office Box 688, Norwood, MA 02062.	

[FR Doc.76–11326 Filed 4–22–76;8:45 am]

[29 CFR Part 1910]

[S–73–8]

WALKING-WORKING SURFACES

Determination To Withdraw Proposal

Pursuant to section 6(b) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 29 U.S.C. 655), Secretary of Labor's Order No. 12–71 (36 FR 8754), and 29 CFR Part 1911, a proposal to amend Part 1910 of Title 29, Code of Federal Regulations, by revising Subpart D, was published in the FEDERAL REGISTER on September 6, 1973 (38 FR 24300). Notice is hereby given, pursuant to section 6(b) (4) of the Act and 29 CFR 1911.18, that the Occupational Safety and Health Administration has determined not to issue a rule on the basis of the outstanding proposal and to withdraw this proposal.

Following publication of the proposal, more than 200 comments were received from interested persons. The prevailing view of these comments was that this proposal is inadequate. Suggestions for revisions ranged from minor clarifications of language to major deletions and/or additions to the standard, and included recommendations that an entirely new approach be taken.

The comments raised several issues relating to the nature, purpose and form of the provisions of Subpart D. Many requirements were pointed out as being of marginal value in terms of employee safety. Some provisions were attacked as having little, if any, relevance to today's workplace, or as being directed towards property protection or safety of the general public rather than to employee safety. Other comments indicated that there are gaps in the coverage of hazards in Subpart D which the proposal failed to address. Many comments indicated that the proposal was too design oriented and suggested that the various provisions of the Subpart should require a level of performance rather than specifications in order to insure employee safety.

The issues raised by the comments to the proposal emphasized the need for an intensive and extensive review of the entire Subpart D. The information submitted and available to OSHA as of now, however, does not provide an adequate foundation for the publication of a new final standard based on the outstanding proposal or for the issuance of a new proposal. Development of a new comprehensive approach to Subpart D requires withdrawal of the proposal to permit collection of data and to allow for adequate notice to the public of the agency's intentions.

In view of the above consideration, it has been determined that a final standard should not be promulgated at this time and the 1973 proposal should be withdrawn. In lieu of proceeding to a final standard at this time, OSHA is announcing a new procedure for the revision of OSHA safety standards (41 FR 17100), and is publishing a Request for Information and Notice of Public Meetings (41 FR 17227) concerning Subpart D, which will provide OSHA with a more definitive basis for future rulemaking.

(Sec. 6, 84 Stat. 1593 (29 U.S.C. 655); Secretary of Labor's Order No. 12–71 (36 FR 8754); 29 CFR Part 1911.)

Signed at Washington, D.C., this 15th day of April, 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76–11327 Filed 4–22–76;8:45 am]

[29 CFR Part 1910]

[Docket AA]

ANHYDROUS AMMONIA

Request for Information and Notice of Public Meetings

The Occupational Safety and Health Administration (OSHA) is considering revision of § 1910.111 of Title 29, Code of Federal Regulations, which establishes regulations for the storage and handling of anhydrous ammonia. This standard applies to employments covered by 29 CFR Part 1910; in addition, paragraphs (a) and (b) of this section also apply to agricultural operations by virtue of 29 CFR 1928.21(a)(2).

This notice is issued in accordance with the procedures, announced in the FEDERAL REGISTER today (41 FR 17100), for revision of certain safety standards originally promulgated pursuant to section 6(a) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 29 U.S.C. 655). The notice is intended to solicit data necesary for the revision of § 1910.111 and to provide the public an early opportunity to comment upon the scope and form that possible revisions to § 1910.111 should take. In addition to inviting the submission of written comments and data within approximately a 60 day period, the notice announces the scheduling of informal information gathering meetings to permit oral presentations of data and information to the agency.

In order to facilitate the desired public comment, this notice includes the text of the current standard along with a paragraph-by-paragraph presentation of various comments which have previously been received by OSHA. These comments and recommendations do not represent OSHA positions. It is hoped, however, that by setting them out in the right hand column alongside the text of the standard we will focus attention on some of the issues and questions which have already been raised by members of the public and encourage the submission of additional valuable information from interested persons. Comments and views are also invited on several issues concerning the overall approach to the revision of the anhydrous ammonia standard. Some of these issues are also set out in the notice. It should be noted, of course, that the current standard continues in full force and effect, and will be enforced during this review process.

I. Background. The existing anhydrous ammonia standard (§ 1910.111) became effective on February 15, 1972, after promulgation pursuant to section 6(a) of the Act, which allowed OSHA during a two year period ending on April 28, 1973, to promulgate standards based on national consensus standards without public comment or hearing. The standard was based upon the then current standard published by the American National Standards Institute (ANSI), ANSI K61.1–1966, Storage and Handling of Anhydrous Ammonia. Subsequently, paragraphs (a) and (b) of § 1910.111 were extended to apply to agricultural operations.

Since that time, ANSI has revised its standard and OSHA has been petitioned to adopt the more recent version of ANSI's standard (K61.1–1972). Apart from the updating of the source standard, OSHA recognizes that there are many areas where current technology may have surpassed existing requirements with the result that the present § 1910.111 may no longer be an effective means of providing the employee safety intended by the Act. In addition, questions have arisen as to the appropriateness of OSHA's regulating in this area, since many of the specifications for equipment in the standard seem to be addressed to manufacturers of the equipment not to employers of the employees using it. In an effort to review the adequacy of and need for § 1910.111, OSHA invites the full participation of the public.

II. General Issues. As discussed in the Notice of New Procedures for Revision of Safety Standards (41 FR 17100), there are certain issues which have been raised that are common to many of the standards promulgated under section 6(a) of the Act. These issues, as applied to § 1910.111, are set forth below:

1. Whether particular requirements contained in § 1910.111 should be revoked because they have little, if any, relevance to employee safety in the workplace and relate instead to property protection or safety of the general public. For example, § 1910.111(b)(5)(iv) prohibits locating storage containers within certain distances of places of public assembly, not of employee workplaces.

2. Whether particular provisions of the standard need simplification or clarification; for example, the tables and formulas contained in § 1910.111(b)(9). Overly complex requirements pose difficulties for all employers, especially small businesses, which must comply with the standard.

3. Whether particular provisions of § 1910.111 should set forth specifications which must be met by employers or should, rather, require a level of performance which would ensure employee safety without requiring specific means of meeting that performance level. For example, the requirement in § 1910.111(h)(2)(ii) that "shell or head thickness of any container shall not be less than three sixteenths inch" has been criticized as restricting the development of thinner but equally safe containers. On the other hand, OSHA is mindful that employee safety may depend on the structural and design adequacy of the

equipment used to contain a hazardous substance, and that, consequently, the use of specifications—such as for shell thickness—may be appropriate. If, therefore, the "performance" approach is adopted, should the standard also include, either in an appendix or the standard itself, specifications which would serve as a guide to the employer and would constitute one way, but not necessarily the only way, of meeting the level of performance required.

4. Whether there are any gaps in OSHA's coverage of anhydrous ammonia handling which could result in unsafe working conditions or workplaces. For example, workers in an ammonia manufacturing plant, which is exempt from the standard, would not be protected by § 1910.111 even though the hazards involved in the storage and handling of anhydrous ammonia in manufacturing plants may be similar to those faced by workers in distribution facilities which are covered by the standard.

5. How should ANSI and similar voluntary standards be utilized in OSHA's requirements? For example, § 1910.111 (b) (2) requires that containers be constructed to comply with the Boiler and Pressure Vessel Code, Section VIII, Unfired Pressure Vessels of the American Society of Mechanical Engineers (ASME)-1968. How should these standards be incorporated into the OSHA regulations and what should be done as they are updated? Should they be merely referenced, or should their full text be included in the standard?

III. *Specific Issues.* In addition to the above general issues, OSHA invites comments on the following specific issues relating to anhydrous ammonia:

1. Whether OSHA should require the use of special equipment to protect container valves against accidental opening, and what the requirements should be.

2. Whether OSHA should require the periodic testing of equipment, including hydrostatic testing of containers, testing safety relief valves by removing them, and yearly hydrostatic high pressure testing of hose.

3. Whether remote venting of container relief valves should be required to protect employees against inadvertent anhydrous ammonia exposure.

4. Whether mandatory guarding of all external container appurtances should be required.

5. Whether employees engaged in ammonia transfer operations should be required to carry on their person a small but immediately available water supply for emergency use.

6. Whether the standard should provide for training of employees involved in the storage and handling of anhydrous ammonia and, if so, what type of training should be provided and with what frequency.

7. Whether the current standard adequately protects employees against accidents on vehicle mounted systems caused by hose interference with moving parts, and what, if any, additional requirements should be imposed to avoid such accidents.

8. Whether employees applying anhydrous ammonia to the soil should be protected by the same regulations that apply to employees in industrial and commercial operations.

9. Whether all employees applying and handling anhydrous ammonia on the farm should have the same protection regardless of whether they work for the farmer or for the distributor.

10. Should § 1910.111 coverage be limited to anhydrous ammonia, or should it apply as well to other forms of ammonia, such as aqua ammonia, which may result in similar hazards.

11. Whether the OSHA proposed health standard covering exposure to ammonia (proposed § 1910.1031, published in the FEDERAL REGISTER on November 25, 1975, 40 FR 54684), which includes requirements for monitoring, measurement, work practices, compliance, medical surveillance, and recordkeeping to protect employees who may be exposed to ammonia vapor or liquid, should apply to employees in operations covered by § 1910.111.

IV. *Public Participation.* As discussed above, the purpose of this notice is to gather as much relevant data and information as possible from as many interested persons as possible. Public participation in this information gathering process is critical to its success. All persons concerned with these regulations, including employees who are protected by them, employers who must comply with them, experts in anhydrous ammonia equipment and operations, elected representatives and members of the public at large, are urged to participate in this process.

You are invited to submit written comments on the issues raised in this notice or on any other aspects of the regulations concerning storage and handling of anhydrous ammonia. Written comments should be submitted on or before June 22, 1976 and should be sent to Director, Office of Standards Development, Docket AA, Occupational Safety and Health Administration, Room N-3718, U.S. Department of Labor, 200 Constitution Ave. NW., Washington, D.C. 20210. Written submissions should clearly identify the portions of the standard addressed and the position taken. The data, views, and information submitted will be available for public inspection and copying at the Technical Data Center, Rm. N3620 at the above address.

Everyone interested in commenting, employers, employees, experts and others, are urged to submit their comments and information in writing. In addition to this request for written submissions, OSHA is scheduling public meetings at two locations to afford the public the widest possible opportunity to submit their data and views. The meetings will be held on the dates and at the locations listed below:

June 17–18, 1976
Holiday Inn, 5202 Brady Street, Davenport, Iowa 52804.

June 24–25, 1976
Marriott Hotel, 6363 Hamden Avenue, Denver, Colorado 80222.

Each meeting will begin promptly at 10:00 a.m., will recess from 12 noon until 2 p.m., and will continue until 5 p.m. Evening sessions will be held from 6:30–8:30 p.m. The meetings are intended as a forum for the public to orally submit information concerning issues raised by this notice and any others concerning anhydrous ammonia. The chairperson of each meeting will be a representative of the Department of Labor designated by the Assistant Secretary for Occupational Safety and Health and will have the authority to regulate the conduct of the meeting.

In order to reasonably anticipate the response at each meeting location, OSHA requests that any person wishing to make an oral presentation notify OSHA by advance written notice. The notice should identify the person and/or organization intending to testify, the amount of time requested for oral presentation, and the subject matter and a brief summary of the intended oral presentation. Such written notice of a desire to make an oral presentation should be sent to Director, Office of Standards Development, Docket AA, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3718, 200 Constitution Ave. NW., Washington, D.C. 20210, no later than two weeks before the scheduled meeting date. All persons giving advance notice by mail will have time reserved for oral presentation. Persons wishing to testify, who have not submitted advance notice, are requested to register for each meeting at the place and on the day scheduled, from 9 a.m. to 10 a.m.

As long as time permits, all persons who wish to be heard will be allowed to make oral presentations. However, should time restraints so require, priority will be given to those who register in advance.

A written transcript of these meetings will be made for OSHA's use in resolving the various issues raised by these proceedings. Copies of the transcripts will be available for inspection at the Technical Data Center, U.S. Department of Labor, Room N3620, 200 Constitution Ave. NW., Washington, D.C. 20210.

Following completion of the meetings and expiration of the comment period, OSHA will review all the information, arguments, views and data collected, as well as any other relevant data. If appropriate, OSHA will develop a proposal to amend the existing standard and will initiate rulemaking proceedings under section 6(b) of the Act. In the event that a new proposal is issued, all the information gathered will become part of the public record in that proceeding.

Signed at Washington, D.C., this 15th day of April, 1976.

MORTON CORN,
Assistant Secretary of Labor.

Present Standard	Comments
1910.111 **STORAGE AND HANDLING OF ANHYDROUS AMMONIA**	§1910.111 Storage and handling of anhydrous ammonia.
(a) General.	General note: OSHA has been petitioned by The Fertilizer Institute to adopt the 1972 American National Standards Institute Standard for Storage and Handling of Anhydrous Ammonia (ANSI K61.1-1972). In the following suggestions, significant differences between the present standard and the 1972 ANSI standard are indicated. The following are suggestions that have been received regarding the present standard:
(1) Scope.	(a)(1) All anhydrous ammonia manufacturing plants and refrigeration plants should be covered by the standard. The entire standard, not just paragraph (a) and (b) should apply to agricultural operations.
(i) This standard is intended to apply to the design, construction, location, installation, and operation of anhydrous ammonia systems including refrigerated ammonia storage systems.	The scope should be clarified to indicate that the standard covers work operations as well as equipment design requirements.
(ii) This standard does not apply to:	
(a) Ammonia manufacturing plants.	Ammonia transportation pipelines should be excluded from the standard.
(b) Refrigeration plants where ammonia is used solely as a refrigerant.	Installations with a capacity of 300 lbs. or less should be excluded from the standard.
	(Other questions and issues relating to the scope of the standard are raised in the first part of this notice.)

Present Standard	Comments
(2) Definitions. As used in this section.	(a)(2) ANSI, 1.3 has defined the following terms:
(i) "Appurtenances"—All devices such as pumps, compressors, safety relief devices, liquid-level gaging devices, valves and pressure gages.	
(ii) "Cylinder"—A container of 1,000 pounds of water capacity or less constructed in accordance with Department of Transportation specifications.	
	"Systems" as used in these standards refers to an assembly of equipment consisting essentially of the container or containers, appurtenances, pumps, compressors, and interconnecting piping.
	The abbreviations "psig" and "psia" refer to pounds per square inch gage and pounds per square inch absolute, respectively.
	"Trailer" as used in these standards refers to every vehicle designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight except the towing device rests upon the towing vehicle.
	"Tank Motor Vehicle" means any motor vehicle designed or used for the transportation of anhydrous ammonia in any tank designed to be permanently attached to any motor vehicle or any container not permanently attached to any motor vehicle which by reason of its size, construction or attachment to any motor vehicle must be loaded and/or unloaded without being removed from the motor vehicle.
	"Semi-trailer" refers to every vehicle designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.
	"Safety Relief Valve" refers to an automatic spring loaded or equivalent type pressure activated device for gas or vapor service characterized by pop action upon opening, sometimes referred to as a pop valve.
	"Hydrostatic Relief Valve" refers to an automatic pressure activated valve for liquid service characterized by throttle or slow weep opening (non-pop action).
	It has been suggested that these definitions be added to this paragraph.
	The term "systems" should be substituted for "appurtenances".
(iii) "Code"—The Boiler and Pressure Vessel Code, Section VIII, Unfired Pressure Vessels of the American Society of Mechanical Engineers (ASME)—1968.	(a)(2)(iii) The definition of "Code" should conform to the ANSI definition which is: "The Unfired Pressure Vessel Code of the American Society of Mechanical Engineers (Section VIII of the ASME Boiler Construction Code), 1952, 1956, 1959, 1962, 1965, 1968 and 1971 editions, the joint code of the American Petroleum Institute and the American Society of Mechanical Engineers (API-ASME Code) 1951 edition, and subsequent amendments to or later editions of the same, as adopted".
(iv) "Container"—Includes all vessels, tanks, cylinders, or spheres used for transportation, storage, or application of anhydrous ammonia.	

Present Standard	Comments
(v) "DOT"—U.S. Department of Transportation.	
(vi) "Design pressure" is identical to the term "Maximum Allowable Working Pressure" used in the Code.	
(vii) "Farm vehicle" (implement of husbandry)—A vehicle for use on a farm on which is mounted a container of not over 1,200 gallons water capacity.	(a)(2)(vii) To clarify the standard and allow for new technology, ANSI suggests the following definition be substituted: An "Implement of Husbandry" is a farm wagon-type tank vehicle of not over 3000 gallons capacity, used as a field storage "nurse tank" supplying the fertilizer to a field applicator and moved on highways only for bringing the fertilizer from a local source of supply to farms or fields, or from one farm or field to another. It has been suggested that the capacity in gallons of the farm wagon type tank be omitted from the definition.
(viii) "Filling density"—the percent ratio of the weight of the gas in a container to the weight of water at 60° F. that the container will hold.	
(ix) "Gas"—Anhydrous ammonia in either the gaseous or liquefied state.	
(x) "Gas mask"—Gas masks approved by the Bureau of Mines, U.S. Department of the Interior.	
(xi) "Capacity"—Total volume of the container in standard U.S. gallons.	
(xii) DOT specifications—Regulations of the Department of Transportation published in 49 CFR Chapter I.	
(xiii) "DOT regulations"—See § 1910.-111(a)(2)(xii).	
(xiv) "DOT requirements"—See § 1910.-111(a)(2)(xii).	

Present Standard	Comments
(b) Basic rules.	
This paragraph applies to all paragraphs of this section unless otherwise noted.	
(1) Approval of equipment and systems. Each appurtenance shall be approved in accordance with paragraph (b) (1) (i), (ii), (iii), or (iv) of this section.	(b)(1) It has been suggested that: One year should be allowed for new equipment to come into compliance. Existing equipment should be "grandfathered". If the Compressed Gas Association (CGA), ANSI, or The Fertilizer Institute (TFI) standards were being complied with on the effective date of the OSHA standard, then the containers, appurtenances, and hoses should be acceptable for continued use.
(i) It was installed before February 8, 1973, and was approved, tested, and installed in accordance with either the provisions of the American National Standard for the Storage and Handling of Anhydrous Ammonia, K61.1, or the Fertilizer Institute Standards for the Storage and Handling of Agricultural Anhydrous Ammonia, M-1, in effect at the time of installation; or	
(ii) It is accepted, or certified, or listed, or labeled, or otherwise determined to be safe by a nationally recognized testing laboratory, such as, but not limited to, Underwriters' Laboratories, Inc. and Factory Mutual Research Corporation; or	
(iii) It is a type which no nationally recognized testing laboratory does, or will undertake to, accept, certify, list, label, or determine to be safe; and such equipment is inspected or tested by any Federal, State, municipal, or other local authority responsible for enforcing occupational safety provisions of a Federal, State, municipal or other local law, code, or regulation pertaining to the storage, handling, transport, and use of anhydrous ammonia, and found to be in compliance with either the provisions of the American National Standard for the Storage and Handling of Anhydrous Ammonia, K61.1, or the Fertilizer Institute Standards for the Storage and Handling of Agricultural Anhydrous Ammonia, M-1, in effect at the time of installation; or	

Present Standard	Comments
(iv) It is a custom-designed and custom-built unit, which no nationally recognized testing laboratory, or Federal, State, municipal or local authority responsible for the enforcement of a Federal, State, municipal, or local law, code or regulation pertaining to the storage, transportation and use of anhydrous ammonia is willing to undertake to accept, certify, list, label or determine to be safe, and the employer has on file a document attesting to its safe condition following the conduct of appropriate tests. The document shall be signed by a registered professional engineer or other person having special training or experience sufficient to permit him to form an opinion as to safety of the unit involved. The document shall set forth the test bases, test data and results, and also the qualifications of the certifying person. (v) For the purposes of this paragraph (b)(1), the word "listed" means that equipment is of a kind mentioned in a list which is published by a nationally recognized laboratory which makes periodic inspection of the production of such equipment, and states such equipment meets nationally recognized standards or has been tested and found safe for use in a specified manner. "Labeled" means there is attached to it a label, symbol, or other identifying mark of a nationally recognized testing laboratory which, makes periodic inspections of the production of such equipment, and whose labeling indicates compliance with nationally recognized standards or tests to determine safe use in a specified manner. "Certified" means it has been tested and found by a nationally recognized testing laboratory to meet nationally recognized standards or to be safe for use in a specified manner, or is of a kind whose production is periodically inspected by a nationally recognized testing laboratory, and it bears a label, tag, or other record of certification.	

Present Standard	Comments
(2) Requirements for construction, original test and requalification of nonrefrigerated containers. (i) Containers used with systems covered in paragraphs (c), (f), (g), and (h) of this section shall be constructed and tested in accordance with the Code except that construction under Table UW12 at a basic joint efficiency of under 80 percent is not authorized. (ii) Containers built according to the Code do not have to comply with Paragraphs UG125 to UG128 inclusive, and Paragraphs UG132 and UG133 of the Code. (iii) Containers exceeding 36 inches in diameter or 250 gallons water capacity shall be constructed to comply with one or more of the following: (a) Containers shall be stress relieved after fabrication in accordance with the Code, or (b) Cold-formed heads, when used, shall be stress relieved, or (c) Hot-formed heads shall be used. (iv) Welding to the shell, head, or any other part of the container subject to internal pressure shall be done in compliance with the Code. Other welding is permitted only on saddle plates, lugs, or brackets attached to the container by the container manufacturer. (v) Containers used with systems covered in paragraph (e) of this section shall be constructed and tested in accordance with the DOT specifications.	(b)(2)(iii) Size qualifications should be omitted so that all non-refrigerated containers will be required to comply with this paragraph.

Present Standard	Comments
(vi) The provisions of subdivision (i) of this subparagraph shall not be construed as prohibiting the continued use or reinstallation of containers constructed and maintained in accordance with the 1949, 1950, 1952, 1956, 1959, and 1962 editions of the Code or any revisions thereof in effect at the time of fabrication.	(b)(2)(vi) To update the standard, the 1965, 1968, 1971 and 1974 editions of the Code should be referenced.
(3) Marking nonrefrigerated containers.	
(i) System nameplates, when required, shall be permanently attached to the system so as to be readily accessible for inspection and shall include markings as prescribed in subdivision (ii) of this subparagraph.	(b)(3) To improve employee protection, a decal outlining loading and unloading procedures should be required on all containers.
(ii) Each container or system covered in paragraphs (c), (f), (g), and (h) of this section shall be marked as specified in the following:	To improve employee safety, all container openings, except safety relief valves, liquid level gaging devices, and pressure gages should be labeled to designate whether they communicate with liquid or vapor space.
(a) With a notation "Anhydrous Ammonia."	
(b) With a marking identifying compliance with the rules of the Code under which the container is constructed.	
Under ground: Container and system nameplate. Above ground: Container.	
(c) With a notation whether the system is designed for underground or aboveground installation or both.	
(d) With the name and address of the supplier of the system or the trade name of the system and with the date of fabrication.	
Under ground and above ground: System nameplate.	
(e) With the water capacity of the container in pounds at 60° F. or gallons, U.S. Standard.	
Under ground: Container and system nameplate. Above ground: Container.	
(f) With the design pressure in pounds per square inch.	
Under ground: Container and system nameplate. Above ground: Container.	
(g) With the wall thickness of the shell and heads.	
Under ground: Container and system nameplate. Above ground: Container.	
(h) With marking indicating the maximum level to which the container may be filled with liquid anhydrous ammonia at temperatures between 20° F. and 130° F. except on containers provided with fixed level indicators, such as fixed length dip tubes, or containers that are filled with weight. Markings shall be in increments of not more than 20° F.	(b)(3)(ii)(h) Since safety relief valves are set at 250 psig, and anhydrous ammonia at 130°F has a vapor pressure of 316 psig it therefore cannot be put into these containers. To conform to anhydrous ammonia's physical properties, the 130°F figure should be changed to 100°F.
Above ground and under ground: System nameplate or on liquid-level gaging device.	
(i) With the total outside surface area of the container in square feet.	
Under ground: System nameplate. Above ground: No requirement.	
(j) Marking specified on the container shall be on the container itself or on a nameplate permanently attached to it.	
(4) Marking refrigerated containers. Each refrigerated container shall be marked with nameplate on the outer covering in an accessible place as specified in the following:	(b)(4) To improve employee protection, a decal outlining loading and unloading procedures should be required on all containers. To improve employee safety, all container openings, except safety relief valves, liquid level gaging devices, and pressure gages should be labeled to designate whether they communicate with liquid or vapor space.
(i) With the notation, "Anhydrous Ammonia."	
(ii) With the name and address of the builder and the date of fabrication.	
(iii) With the water capacity of the container in gallons, U.S. Standard.	
(iv) With the design pressure.	

Present Standard	Comments
(v) With the minimum temperature in degrees Fahrenheit for which the container was designed.	(b)(4)(v) Marking the minimum temperature has no safety value.
(vi) The maximum allowable water level to which the container may be filled for test purposes.	
(vii) With the density of the product in pounds per cubic foot for which the container was designed.	
(viii) With the maximum level to which the container may be filled with liquid anhydrous ammonia.	
(5) Location of containers.	
(i) Consideration shall be given to the physiological effects of ammonia as well as to adjacent fire hazards in selecting the location for a storage container. Containers shall be located outside of buildings or in buildings or sections thereof especially provided for this purpose.	
(ii) Permanent storage containers shall be located at least 50 feet from a dug well or other sources of potable water supply, unless the container is a part of a water-treatment installation.	
(iii) Permanent storage containers shall be located outside densely populated areas.	(b)(5)(iii) It has been suggested that this provision is not for employee protection, and consequently, should be deleted. The standard should set performance objectives, such as requiring that locations be chosen which allow for employee evacuation in case of leaks and allow for access to controls needed to shut off the leaks.
(iv) Container locations shall comply with Table H-35: TABLE H-35 Minimum distances (feet) from container to: Nominal capacity of container (gallons) / Line of adjoining property which may be built upon highways and mainline of railroad / Place of public assembly / Institution occupancy Over 500 to 2,000 — 25 — 150 — 250 Over 2,000 to 30,000 — 50 — 300 — 500 Over 30,000 to 100,000 — 50 — 450 — 750 Over 100,000 — 50 — 600 — 1,000	(b)(5)(iv) Most of these distances are for public, not employee protection. They should therefore be deleted.
(v) Storage areas shall be kept free of readily ignitible materials such as waste, weeds, and long dry grass.	
(6) Container appurtenances.	(b)(6) To improve employee protection, filling connections on all containers should have a positive shut off valve and either an internal excess flow valve or an internal back pressure check valve. All external appurtenances should be guarded; however, the practicality of guards for metering equipment has been questioned.
(i) All appurtenances shall be designed for not less than the maximum working pressure of that portion of the system on which they are installed. All appurtenances shall be fabricated from materials proved suitable for anhydrous ammonia service.	
(ii) All connections to containers except safety relief devices, gaging devices, or those fitted with No. 54 drill-size orifice shall have shutoff valves located as close to the container as practicable.	(b)(6)(ii) It has been suggested that to clarify the intent of this requirement thermometer wells should be expressly exempted.

Present Standard	Comments
(iii) Excess flow valves where required by these standards shall close automatically at the rated flows of vapor or liquid as specified by the manufacturer. The connections and line including valves and fittings being protected by an excess flow valve shall have a greater capacity than the rated flow of the excess flow valve so that the valve will close in case of failure of the line or fittings.	
(iv) Liquid-level gaging devices that require bleeding of the product to the atmosphere and which are so constructed that outward flow will not exceed that passed by a No. 54 drill-size opening need not be equipped with excess flow valves.	
(v) Openings from the container or through fittings attached directly on the container to which pressure gage connections are made need not be equipped with excess flow valves if such openings are not larger than No. 54 drill size.	
(vi) Excess flow and back pressure check valves where required by the standards in this section shall be located inside of the container or at a point outside as close as practicable to where the line enters the container. In the latter case installation shall be made in such manner that any undue strain beyond the excess flow or back pressure check valve will not cause breakage between the container and the valve.	(b)(6)(vi) The last sentence pertaining to installation against undue strain should be deleted since it is impractical to test for "undue strain".
(vii) Excess flow valves shall be designed with a bypass, not to exceed a No. 60 drill-size opening to allow equalization of pressures.	
(viii) All excess flow valves shall be plainly and permanently marked with the name or trademark of the manufacturer, the catalog number, and the rated capacity.	(b)(6)(viii) These markings should apply to all appurtenances, not only to excess flow valves. The markings should include necessary installation instructions.

Present Standard	Comments
(7) Piping, tubing, and fittings.	(b)(7) A provision should be added to require testing of all piping and tubing after assembly at not less than normal operating pressure.
(i) All piping, tubing, and fittings shall be made of material suitable for anhydrous ammonia service.	(b)(7)(i) This requirement is redundant in view of the specific prohibition of unsuitable materials contained in this paragraph.
(ii) All piping, tubing, and fittings shall be designed for a pressure not less than the maximum pressure to which they may be subjected in service.	
(iii) All refrigerated piping shall conform to the Refrigeration Piping Code, American National Standards Institute, B31.5-1966 with addenda B31.1a-1968 as it applies to ammonia.	(b)(7)(iii) This paragraph applies to refrigeration plants and should therefore be deleted.
(iv) Piping used on non-refrigerated systems shall be at least American Society for Testing and Materials (ASTM) A-53-69 Grade B Electric Resistance Welded and Electric Flash Welded Pipe or equal. Such pipe shall be at least schedule 40 when joints are welded, or welded and flanged. Such pipe shall be at least schedule 80 when joints are threaded. Threaded connections shall not be back-welded. Brass, copper, or galvanized steel pipe shall not be used.	(b)(7)(iv) To provide greater safety, schedule 80 pipe should be used in all cases between container and first valve. Piping grade should be ASTM A-53 Grade B rather than A53-69 since the 69 refers to an older edition of the ASTM standards. The sentence prohibiting backwelding of threaded connections should be deleted because it is already common practice to make such welds and they cause no hazard.
(v) Tubing made of brass, copper, or other material subject to attack by ammonia shall not be used.	
(vi) Cast iron fittings shall not be used but this shall not prohibit the use of fittings made specifically for ammonia service of malleable, nodular, or high strength gray iron meeting American Society for Testing and Materials (ASTM) A47-68, ASTM 395-68, or ASTM A126-66 Class B or C.	

Present Standard	Comments
(vii) Joint compounds shall be resistant to ammonia.	
(8) Hose specifications.	
(i) Hose used in ammonia service shall conform to the joint Agricultural Ammonia Institute—Rubber Manufacturers Association Specifications for Anhydrous Ammonia Hose.	(b)(8) A paragraph requiring annual hydrostatic testing of hoses should be added.
(ii) Hose subject to container pressure shall be designed for a minimum working pressure of 350 p.s.i.g. and a minimum burst pressure of 1,750 p.s.i.g. Hose assemblies, when made up, shall be capable of withstanding a test pressure of 500 p.s.i.g.	
(iii) Hose and hose connections located on the low-pressure side of flow control or pressure-reducing valves shall be designed for a bursting pressure of not less than five times the pressure setting of the safety relief devices protecting that portion of the system but not less than 125 p.s.i.g. All connections shall be so designed and constructed that there will be no leakage when connected.	(b)(8)(iii) "Angle end" hose valves which do not permit a straight pull on quick disconnect couplers should not be allowed in ammonia service. A safety catch on quick opening (1/4 turn) valves should be required on the running end of filler hose line. This would prevent accidents resulting from dropping the free end.
(iv) Where hose is to be used for transfering liquid from one container to another, "wet" hose is recommended. Such hose shall be equipped with approved shutoff valves at the discharge end. Provision shall be made to prevent excessive pressure in the hose.	(b)(8)(iv) The device required to prevent excessive pressure in the hose should be described as a "hydrostatic relief valve or equal device" (bleeder valve). The recommendation for "wet hose" should be deleted since the requirement to use joint Agricultural Ammonia Institute-Rubber Manufacturers Association hose affords sufficient protection. Hose using pressure no greater than 0.5 psig should be exempt from the requirements of this paragraph.
(v) On all hose one-half inch outside diameter and larger, used for the transfer of anhydrous ammonia liquid or vapor, there shall be etched, cast, or impressed at 5-foot intervals the following information. "Anhydrous Ammonia" xxx p.s.i.g. (maximum working pressure), manufacturer's name or trademark, year of manufacture. In lieu of this requirement the same information may be contained on a nameplate permanently attached to the hose.	
(9) Safety relief devices.	
(i) Every container used in systems covered by paragraphs (c), (f), (g), and (h) of this section shall be provided with one or more safety relief valves of the spring-loaded or equivalent type. The discharge from safety-relief valves shall be vented away from the container upward and unobstructed to the atmosphere. All relief-valve discharge openings shall have suitable rain caps that will allow free discharge of the vapor and prevent entrance of water. Provision shall be made for draining condensate which may accumulate. The rate of the discharge shall be in accordance with the provisions of Table H-36.	(b)(9) The wording "pressure relief devices" should replace "safety relief devices" to conform with ANSI "Terminology for Pressure Relief Devices" (ANSI B95.1-1972). (b)(9) Safety relief devices should be removed and tested every 3 years.
(ii) Container safety-relief valves shall be set to start-to-discharge as follows, with relation to the design pressure of the container: Containers — Minimum (percent) — Maximum (percent) ASME-U-68, U-69 — 110 — 125 ASME-U-200, U-201 — 95 — 100 ASME 1959, 1956, 1952, or 1962 — 95 — 100 API-ASME — 95 — 100 U.S. Coast Guard — 95 — 100	As required by DOT Regulations. This paragraph should be deleted and in its place the Code's more comprehensive requirements for safety relief devices should be incorporated by reference.

Present Standard	Comments
(iii) Safety relief devices used in systems covered by paragraphs (c), (f), (g), and (h) of this section shall be constructed to discharge at not less than the rates required in subdivision (i) of this subparagraph before the pressure is in excess of 120 percent (not including the 10 percent tolerance referred to in subdivision (ii) of this subparagraph) of the maximum permitted start-to-discharge pressure setting of the device.	
TABLE H-36 Minimum required rate of discharge in cubic feet per minute of air at 120 percent of the maximum permitted start to discharge pressure for safety relief valves.	Table H-36 - It has been alleged that Table H-36 is inaccurate and that Compressed Gas Association Pamphlet S-1.3 "Safety Relief Device Standards - Compressed Gas Storage Containers" contains correct formulas for computing the appropriate rate of discharge.

Surface area (sq. ft.)	*Flow rate CFM air*
20	258
25	310
30	360
35	408
40	455
45	501
50	547
55	591
60	635
65	678
70	720
75	762
80	804
85	845
90	885
95	925
100	965
105	1,010
110	1,050
115	1,090
120	1,120
125	1,160
130	1,200
135	1,240
140	1,280
145	1,310
150	1,350
155	1,390
160	1,420
165	1,460
170	1,500
175	1,530
180	1,570
185	1,600
190	1,640
195	1,670
200	1,710
210	1,780
220	1,850
230	1,920
240	1,980
250	2,050
260	2,120
270	2,180
280	2,250
290	2,320
300	2,380
310	2,450
320	2,510
330	2,570
340	2,640
350	2,700
360	2,760
370	2,830
380	2,890
390	2,950
400	3,010
450	3,320
500	3,620
550	3,910
600	4,200
650	4,480
700	4,760
750	5,040
800	5,300
850	5,590
900	5,850
950	6,120
1,000	6,380
1,050	6,640
1,100	6,900
1,150	7,160
1,200	7,410
1,250	7,660
1,300	7,910
1,350	8,160
1,400	8,410
1,450	8,650
1,500	8,900
1,550	9,140
1,600	9,380
1,650	9,620

Present Standard	Comments
1,700 ---------- 9,860 1,750 ---------- 10,090 1,800 ---------- 10,330 1,850 ---------- 10,560 1,900 ---------- 10,800 1,950 ---------- 11,030 2,000 ---------- 11,260 2,050 ---------- 11,490 2,100 ---------- 11,720 2,150 ---------- 11,950 2,200 ---------- 12,180 2,250 ---------- 12,400 2,300 ---------- 12,630 2,350 ---------- 12,850 2,400 ---------- 13,080 2,450 ---------- 13,300 2,500 ---------- 13,520 "Surface Area=total outside surface area of container in square feet. When the surface area is not stamped on the nameplate or when the marking is not legible the area can be calculated by using one of the following formulas: (1) Cylindrical container with hemispherical heads: Area=overall length in feet times outside diameter in feet times 3.1416. (2) Cylindrical container with other than hemispherical heads: Area=(overall length in feet plus 0.3 outside diameter in feet) times outside diameter in feet times 3.1416. (3) Spherical container: Area=outside diameter in feet squared times 3.1416." "Flow Rate—CFM Air=cubic feet per minute of air required at standard conditions, 60° F. and atmospheric pressure (14.7 p.s.i.a.)." "The rate of discharge may be interpolated for intermediate values of surface area. For containers with total outside surface area greater than 2,500 square feet, the required flow rate can be calculated using the formula: Flow Rate CFM Air=22.11 $A^{0.82}$, where A=outside surface area of the container in square feet."	

Present Standard	Comments
(iv) Safety-relief valves shall be so arranged that the possibility of tampering will be minimized. If the pressure setting adjustment is external, the relief valves shall be provided with means for sealing the adjustment. (v) Shutoff valves shall not be installed between the safety-relief valves and the container; except, that a shut-off valve may be used where the arrangement of this valve is such as always to afford full required capacity flow through the relief valves. (vi) Safety-relief valves shall direct communication with the vapor space of the container. (vii) Each container safety-relief valve used with systems covered by paragraphs (c), (f), (g), and (h) of this section shall be plainly and permanently marked with the symbol "NH_3" or "AA"; with the pressure in pounds-per-square-inch gage at which the valve is set to start-to-discharge; with the actual rate of discharge of the valve at its full open position in cubic feet per minute of air at 60° F. and atmospheric pressure; and with the manufacturer's name and catalog number. Example: "NH_3 250—4050 Air" indicates that the valve is suitable for use on an anhydrous ammonia container, is set to start-to-discharge at a pressure of 250 p.s.i.g., and that its rate of discharge at full open position (subdivisions (ii) and (iii) of this subparagraph) is 4,050 cubic feet per minute of air. (viii) The flow capacity of the relief valve shall not be restricted by any connection to it on either the upstream or downstream side. (ix) A hydrostatic relief valve shall be installed between each pair of valves in the liquid ammonia piping or hose where liquid may be trapped so as to relieve into the atmosphere at a safe location.	(b)(9)(vii) The markings should include the month and year of manufacture. (b)(9)(ix) A relief pressure of between 350 & 375 psig should be designated on these hydrostatic relief valves. It has been suggested that the requirement should be deleted.

Present Standard	Comments
(10) General.	(b)(10) The employer should provide impervious clothing, gloves, face shields, other appropriate protective clothing, and splash-proof safety goggles, as necessary to prevent contact with liquefied anhydrous ammonia. Goggles and gloves should be required to be worn during transfer operations and servicing of equipment.
(i) Personnel required to handle ammonia should be trained in safe operating practices and in the proper action to take in the event of emergencies.	(b)(10)(i) The employer should provide annual retraining and provide training materials. Operating and emergency procedure signs should be posted in the predominant language of the employees.
(ii) All stationary storage installations shall have at least two suitable gas masks in readily accessible locations. Full face masks with ammonia canisters as approved by the Bureau of Mines, U.S. Department of the Interior, are suitable for emergency action for most leaks, particularly those that occur outdoors. For protection in concentrated ammonia atmospheres self-contained breathing air apparatus is required.	(b)(10)(ii) Respirators provided shall be approved by the Mining Enforcement and Safety Administration (formerly called the Bureau of Mines) or by the National Institute for Occupational Safety and Health under provisions of 30 CFR Part 11.
(iii) Stationary storage installations shall have an easily accessible shower or a 50-gallon drum of water.	(b)(10)(iii) At least 100 gallons of water should be required.

Present Standard	Comments
(iv) Each vehicle transporting ammonia in bulk except farm applicator vehicles shall carry a container of at least 5 gallons of water and shall be equipped with a full face mask.	(b)(10)(iv) Squeeze bottles filled with water should be provided where quick access to eyewash facilities is not feasible.
(11) Charging of containers.	(b)(11) To allow for filling by density rather than by weight or volume, the ANSI, 1.3.9 definition of "filling density" should be added: "Filling Density" means the percent ratio of the weight of the gas in a container to the weight of water at 60°F that the container will hold. One lb. H_2O = 27.737 cu. in. at 60°F. For determining the water capacity of the tank in pounds, the weight of a gallon (231 cubic inches) of water at 60°F in air shall be 8.32828 pounds.
(i) The filling densities for containers that are not refrigerated shall not exceed the following:	

Type of container	Percent by weight	Percent by volume
Aboveground—Uninsulated	56	82
Aboveground—Uninsulated		87.5
Aboveground—Insulated	57	83.5
Underground—Uninsulated	58	85
DOT—In accord with DOT regulations.		

(ii) Aboveground uninsulated containers may be charged 87.5 percent by volume provided the temperature of the anhydrous ammonia being charged is determined to be not lower than 30° F. or provided the charging of the container is stopped at the first indication of frost or ice formation on its outside surface and is not resumed until such frost or ice has disappeared.	(b)(11)(ii) The specifications for filling containers should conform to ANSI, 2.11.2 as follows: The filling density for refrigerated storage tanks shall be such that the tanks will not be liquid full at a liquid temperature corresponding to the vapor pressure at the start-to-discharge pressure setting of the safety relief valve. If containers are to be filled according to liquid level by a gaging method other than a fixed length dip tube gage, each container should have a thermometer well so that the internal liquid temperature can be easily determined and the amount of liquid and vapor in the container corrected to a 60°F basis.

Present Standard	Comments
(iii) Any container, including DOT cargo and portable tanks, shipped under DOT jurisdiction shall be filled according to DOT regulations.	
(iv) Refer to paragraph (d) of this section for filling densities of refrigerated storage containers.	
(12) Transfer of liquids.	
(i) Anhydrous ammonia shall always be at a temperature suitable for the material of construction and the design of the receiving container.	(b)(12) The standard should require that rail car or tank vehicle transfer shall be done at a permanent loading and unloading site. Direct transfer from rail tanks or tank vehicles to portable vehicle tanks should not be allowed. The following ANSI,2.12.9, 2.12.9.1, 2.12.9.2 requirements for meters on compressor systems should be added: Meters used for the measurement of liquid anhydrous ammonia shall be recommended and labeled for ammonia service by the manufacturer. Liquid meters shall be designed for a minimum working pressure of 250 psig. The metering system shall incorporate devices that will prevent the inadvertent measurement of vapor.
(ii) The employer shall require the continuous presence of an attendant in the vicinity of the operation during such time as ammonia is being transferred.	
(iii) Containers shall be charged or used only upon authorization of the owner.	
(iv) Containers shall be gaged and charged only in the open atmosphere or in buildings or areas thereof provided for that purpose.	

Present Standard	Comments
(v) Pumps used for transferring ammonia shall be those manufactured for that purpose.	
(a) Pumps shall be designed for at least 250 p.s.i.g. working pressure.	
(b) Positive displacement pumps shall have, installed off the discharged port, a constant differential relief valve discharging into the suction port of the pump through a line of sufficient size to carry the full capacity of the pump at relief valve setting, which setting and installation shall be according to the pump manufacturer's recommendations.	(b)(12)(v)(b) To avoid hazards due to overloading of pumps, the following should be substituted regarding pump by-passes and differential relief valves: "Positive displacement pumps shall be equipped with a pressure actuated by-pass valve to limit the differential pressure developed by the pump to the maximum for which it is rated. If the by-pass system is designed to return the excess product to the supply container, or into the pump suction with a shut off valve in the line, a secondary safety recirculation system shall be provided which shall have no means of rendering it inoperative. The setting of the by-pass valve shall be such as to limit discharge pressure to no more than 400 psig, but in no case shall the discharge pressure be in excess of the design working pressure of the pump."
(c) On the discharge side of the pump, before the relief valve line, there shall be installed a pressure gage graduated from 0 to 400 p.s.i.	
(d) Plant piping shall contain shut-off valves located as close as practical to pump connections.	
(vi) Compressors used for transferring or refrigerating ammonia shall be recommended for ammonia service by the manufacturer.	
(a) Compressors shall be designed for at least 250 p.s.i.g. working pressure.	

Present Standard	Comments
(b) Plant piping shall contain shutoff valves located as close as practical to compressor connections.	
(c) A relief valve large enough to discharge the full capacity of the compressor shall be connected to the discharge before any shutoff valve.	(b)(12)(vi)(c) Compressor relief valves should be required to be vented to an outside, safe location if the compressor is inside a building. The relief pressure should not exceed 300 psig and in no case be set to relieve in excess of the compressor working pressure.
(d) Compressors shall have pressure gages at suction and discharge graduated to at least one and one-half times the maximum pressure that can be developed.	
(e) Adequate means, such as drainable liquid trap, shall be provided on the compressor suction to minimize the entry of liquid into the compressor.	
(f) Where necessary to prevent contamination, an oil separator shall be provided on the discharge side of the compressor.	
(vii) Loading and unloading systems shall be protected by suitable devices to prevent emptying of the storage container or the container being loaded or unloaded in the event of severance of the hose. Backflow check valves or properly sized excess flow valves shall be installed where necessary to provide such protection. In the event that such valves are not practical, remotely operated shutoff valves may be installed.	

Present Standard	Comments
(13) Tank car unloading points and operations.	
(i) Provisions for unloading tank cars shall conform to the applicable recommendations contained in the DOT regulations.	
(ii) The employer shall insure that unloading operations are performed by reliable persons properly instructed and given the authority to monitor careful compliance with all applicable procedures.	
(iii) Caution signs shall be so placed on the track or car as to give necessary warning to persons approaching the car from open end or ends of siding and shall be left up until after the car is unloaded and disconnected from discharge connections. Signs shall be of metal or other suitable material, at least 12 by 15 inches in size and bear the words "STOP—Tank Car Connected" or "STOP—Men at Work" the word, "STOP," being in letters at least 4 inches high and the other words in letters at least 2 inches high. The letters shall be white on a blue background.	
(iv) The track of a tank car siding shall be substantially level.	
(v) Brakes shall be set and wheels blocked on all cars being unloaded.	
(14) Liquid-level gaging device.	
(i) Each container except those filled by weight shall be equipped with an approved liquid-level gaging device. A thermometer well shall be provided in all containers not utilizing a fixed liquid-level gaging device.	(b)(14)(i) For clarity, the second sentence should read: "A thermometer well shall be provided in all containers filled by volume and not utilizing a fixed liquid level gaging device."
(ii) All gaging devices shall be arranged so that the maximum liquid level to which the container is filled is readily determined.	

Present Standard	Comments
(iii) Gaging devices that require bleeding of the product to the atmosphere such as the rotary tube, fixed tube, and slip tube devices shall be designed so that the maximum opening of the bleed valve is not larger than No. 54 drill size unless provided with an excess flow valve. (This requirement does not apply to farm vehicles used for the application of ammonia as covered in paragraph (h) of this section.)	
(iv) Gaging devices shall have a design pressure equal to or greater than the design pressure of the container on which they are installed.	
(v) Fixed tube liquid-level gages shall be designed and installed to indicate that level at which the container is filled to 85 percent of its water capacity in gallons.	(b)(14)(v) The coupling for fixed liquid level gages should be physically located at the 85% level.
(vi) Gage glasses of the columnar type shall be restricted to stationary storage installations. They shall be equipped with shutoff valves having metallic handwheels, with excess-flow valves, and with extra heavy glass adequately protected with a metal housing applied by the gage manufacturer. They shall be shielded against the direct rays of the sun.	
(15) Painting of containers. Aboveground uninsulated containers should have a reflective surface maintained in good condition.	
(16) Electrical equipment and wiring.	(b)(16) Where concentrations of ammonia in excess of 16% are likely to be encountered, explosion proof equipment should be required.
(i) Electrical equipment and wiring for use in ammonia installations shall be general purpose or weather resistant as appropriate.	
(ii) Electrical systems shall be installed and maintained in accordance with Subpart S of this part.	

Present Standard	Comments
(c) Systems utilizing stationary, nonrefrigerated storage containers.	
This paragraph applies to stationary, nonrefrigerated storage installations utilizing containers other than those covered in paragraph (e) of this section. Paragraph (b) of this section applies to this paragraph unless otherwise noted.	
(1) Design pressure and construction of containers. The minimum design pressure for nonrefrigerated containers shall be 250 p.s.i.g.	(c)(1) It has been recommended that U-68 and U-69 ASME Code containers with design pressure of 200 psig should be acceptable if recertified at 250 psig and equipped with 250 psig relief valves.
(2) Container valves and accessories filling and discharge connections.	
(i) Each filling connection shall be provided with combination back-pressure check valve and excess-flow valve; one double or two single back-pressure check valves; or a positive shutoff valve in conjunction with either an internal back-pressure check valve or an internal excess flow valve.	(c)(2)(i) Combination back-pressure check valves and excess flow valves and one double or two single back-pressure check valves should not be permitted.
(ii) All liquid and vapor connections to containers except filling pipes, safety relief connections, and liquid-level gaging and pressure gage connections provided with orifices not larger than No. 54 drill size as required in paragraphs (b)(6)(iv) and (v) of this section shall be equipped with excess-flow valves.	
(iii) Each storage container shall be provided with a pressure gage graduated from 0 to 400 p.s.i. Gages shall be designated for use in ammonia service.	
(iv) All containers shall be equipped with vapor return valves.	
(3) Safety-relief devices.	
(i) Every container shall be provided with one or more safety-relief valves of the spring-loaded or equivalent type in accordance with paragraph (b)(9) of this section.	

Present Standard	Comments
(ii) The rate of discharge of spring-loaded safety relief valves installed on underground containers may be reduced to a minimum of 30 percent of the rate of discharge specified in Table H-36. Containers so protected shall not be uncovered after installation until the liquid ammonia has been removed. Containers which may contain liquid ammonia before being installed underground and before being completely covered with earth are to be considered aboveground containers when determining the rate of discharge requirements of the safety-relief valves.	(c)(3)(ii) For comment on Table H-36, see comment under (b)(9)(iii).
(iii) On underground installations where there is a probability of the manhole or housing becoming flooded, the discharge from vent lines shall be located above the high water level. All manholes or housings shall be provided with ventilated louvers or their equivalent, the area of such openings equalling or exceeding combined discharge areas of safety-relief valves and vent lines which discharge their content into the manhole housing.	
(iv) Vent pipes, when used, shall not be restricted or of smaller diameter than the relief-valve outlet connection.	
(v) If desired, vent pipes from two or more safety-relief devices located on the same unit, or similar lines from two or more different units may be run into a common discharge header, provided the capacity of such header is at least equal to the sum of the capacities of the individual discharge lines.	
(4) Reinstallation of containers.	
(i) Containers once installed under ground shall not later be reinstalled above ground or under ground, unless they successfully withstand hydrostatic pressure retests at the pressure specified for the original hydrostatic test as required by the code under which constructed and show no evidence of serious corrosion.	
(ii) Where containers are reinstalled under ground, the corrosion-resistant coating shall be put in good condition; see subparagraph (5)(iv) of this paragraph. Where containers are reinstalled above ground, safety devices or gaging devices shall comply with paragraph (b)(9) of this section and this subparagraph respectively for aboveground containers.	
(5) Installation of storage containers.	
(i) Containers installed above ground, except as provided in subdivision (v) of this subparagraph shall be provided with substantial concrete or masonry supports, or structural steel supports on firm concrete or masonry foundations. All foundations shall extend below the frost line.	
(ii) Horizontal aboveground containers shall be so mounted on foundations as to permit expansion and contraction. Every container shall be supported to prevent the concentration of excessive loads on the supporting portion of the shell. That portion of the container in contact with foundations or saddles shall be protected against corrosion.	(c)(5)(ii) The ANSI, 3.4.2 requirement that "the bearing afforded by the saddles shall extend over at least 1/3 of the circumference of the shell" should be added. An alternative requirement should make provision for the width of the saddle, the number of square inches of bearing surface, or tolerance for fit of the piers to the tank.
(iii) Containers installed under ground shall be so placed that the top of the container is below the frost line and in no case less than 2 feet below the surface of the ground. Should ground conditions make compliance with these requirements impracticable, installation shall be made otherwise to prevent physical damage. It will not be necessary to cover the portion of the container to which manhole and other connections are affixed. When necessary to prevent floating, containers shall be securely anchored or weighted.	(c)(5)(iii) The minimum depth of the top of underground containers should be changed from 2 feet to 1 foot to agree with the ANSI, 3.4.3 requirement.

Present Standard	Comments
(iv) Underground containers shall be set on a firm foundation (firm earth may be used) and surrounded with earth or sand well tamped in place. The container, prior to being placed under ground, shall be given a corrosion resisting protective coating. The container thus coated shall be so lowered into place as to prevent abrasion or other damage to the coating.	(c)(5)(iv) "Corrosion resisting protective coating" shall be defined as follows: "two preliminary coatings of red lead followed by a heavy coating of coal tar or asphalt or their equivalent".
(v) Containers with foundations attached (portable or semiportable tank containers with suitable steel "runners" or "skids" and commonly known in the industry as "skid tanks") shall be designed and constructed in accordance with subparagraph (1) of this paragraph.	
(vi) Secure anchorage or adequate pier height shall be provided against container flotation wherever sufficiently high flood water might occur.	
(vii) The distance between underground containers of over 2,000 gallons capacity shall be at least 5 feet.	(c)(5)(vii) This paragraph should apply to both aboveground and underground containers of 1200 gallons capacity to conform to ANSI, 3.4.5 requirements.
(6) Protection of appurtenances.	
(i) Valves, regulating, gaging, and other appurtenances shall be protected against tampering and physical damage. Such appurtenances shall also be protected during transit of containers.	(c)(6)(i) To prevent unauthorized employees from operating systems, the following ANSI, 3.7.1 requirement should be added: Valves and other appurtenances shall be protected against physical damage. Main container shut off valves shall be kept closed and locked when the installation is unattended. If the facility is protected against tampering by fencing or other suitable means, valve locks are not required .
(ii) All connections to underground containers shall be located within a dome, housing, or manhole and with access thereto by means of a substantial cover.	
(7) Damage from vehicles. Precaution shall be taken against damage to ammonia systems from vehicles.	

Present Standard	Comments
(d) Refrigerated storage systems.	
This paragraph applies to systems utilizing containers with the storage of anhydrous ammonia under refrigerated conditions. All applicable rules of paragraph (b) of this section apply to this paragraph unless otherwise noted.	
(1) Design of containers.	
(i) The design temperature shall be the minimum temperature to which the container will be refrigerated.	
(ii) Containers with a design pressure exceeding 15 p.s.i.g. shall be constructed in accordance with paragraph (b)(2) of this section, and the materials shall be selected from those listed in API Standard 620, Recommended Rules for Design and Construction of Large, Welded, Low-Pressure Storage Tanks, Fourth Edition, 1970, Tables 2.02, R2.2, R2.2(A), R2.2.1, or R2.3.	(d)(1)(ii) The referenced rules should be updated to indicate a newer edition: Fifth Edition, 1973 and supplement No. 2 including tables 2.02, R2.1, R2.2, R2.3, R2.4.
(iii) Containers with a design pressure of 15 p.s.i.g. and less shall be constructed in accordance with the applicable requirements of API Standard 620 including its Appendix R.	
(iv) When austenitic steels or nonferrous materials are used, the Code shall be used as a guide in the selection of materials for use at the design temperature.	
(v) The filling density for refrigerated storage containers shall be such that the container will not be liquid full at a liquid temperature corresponding to the vapor pressure at the start-to-discharge pressure setting of the safety-relief valve.	

Present Standard	Comments
(2) Installation of refrigerated storage containers. (i) Containers shall be supported on suitable noncombustible foundations designed to accommodate the type of container being used. (ii) Adequate protection against flotation or other water damage shall be provided wherever high flood water might occur. (iii) Containers for product storage at less than 32° F. shall be supported in such a way, or heat shall be supplied, to prevent the effects of freezing and consequent frost heaving. **(3) Shutoff valves.** When operating conditions make it advisable, a check valve shall be installed on the fill connection and a remotely operated shutoff valve on other connections located below the maximum liquid level. **(4) Safety relief devices.** (i) Safety relief valves shall be set to start-to-discharge at a pressure not in excess of the design pressure of the container and shall have a total relieving capacity sufficient to prevent a maximum pressure in the container of more than 120 percent of the design pressure. Relief valves for refrigerated storage containers shall be self-contained spring-loaded, weight-loaded, or self-contained pilot-operated type.	(d)(2) This paragraph should be expanded to require dikes to prevent the escape of refrigerated ammonia should a tank rupture. (d)(4) The new ANSI, 4.5.3 provision should be added to allow shut off valves in relief valve lines as follows: Shut off valves of adequate flow capacity may be provided and used to facilitate inspection and repair of safety relief valves. When a shut off valve is provided it shall be so arranged that it can be locked or sealed open, and it shall not be closed except by an authorized persons who shall remain stationed there while the valve remains closed, and who shall again lock or seal the valve open when leaving the station.
(ii) The total relieving capacity shall be the larger of: (a) Possible refrigeration system upset such as (1) Cooling water failure, (2) Power failure, (3) Instrument air or instrument failure, (4) Mechanical failure of any equipment, (5) Excessive pumping rates. (b) Fire exposure determined in accordance with Compressed Gas Association (CGA) S-1, Part 3, Safety Relief Device Standards for Compressed Gas Storage Containers, 1959, except that "A" shall be the total exposed surface area in square feet up to 25 foot above grade or to the equator of the storage container if it is a sphere, whichever is greater. If the relieving capacity required for fire exposure is greater than that required by (a) of this subdivision, the additional capacity may be provided by weak roof to shell seams in containers operating at essentially atmospheric pressure and having an inherently weak roof-to-shell seam. The weak roof-to-shell seam is not to be considered as providing any of the capacity required in (a) of this subdivision.	(d)(4)(ii)(a) An additional refrigeration system upset factor which should be considered is "changing atmospheric conditions." (d)(4)(ii)(b) Instead of referencing CGA Standards, the ANSI, 4.5.2.2 formulas for relieving capacity required for fire exposure should be set forth in the standard as follows: Either one of the following formulas for fire exposure, (1) for valve manufacturers who use weight of vapors to be relieved as basis for classifying valves: $W = \frac{34{,}500\ F\ A^{0.82}}{L}$ or (2) for valve manufacturers that classify valves on the basis of air flow: $Qa = \frac{633{,}000\ F\ A^{0.82}}{L\ C} \sqrt{\frac{Z\ T}{M}}$ Where W = weight of vapors to be relieved in pounds/hour at relieving conditions; Qa = air flow in cubic feet per minute at standard conditions (60 F and 14.7 psi); F = fireproofing credit. Use F = 1.0 except when an approved fireproofing material of recommended thickness is used, then use F = 0.2.

Present Standard	Comments
A = total surface area in square feet up to 25 feet above grade or to the equator of a sphere, whichever is greater; Z = compressibility factor of ammonia at relieving conditions (if not known, use Z = 1.0); T = temperature in degrees R (460 + temperature in degrees F of gas at relieving conditions); M = molecular weight = 17 for ammonia; L = latent heat of ammonia at relieving conditions; C = constant based on relation of specific heats. (C may be obtained from the following table). (If K is not known use C = 315).	

K	C	K	C	K	C
1.00	315	1.26	343	1.52	366
1.02	318	1.28	345	1.54	368
1.04	320	1.30	347	1.56	369
1.06	322	1.32	349	1.58	371
1.08	324	1.34	351	1.60	372
1.10	327	1.36	352	1.62	374
1.12	329	1.38	354	1.64	376
1.14	331	1.40	356	1.66	377
1.16	333	1.42	358	1.68	379
1.18	335	1.44	359	1.70	380
1.20	337	1.46	361	2.00	400
1.22	339	1.48	363	2.20	412
1.24	341	1.50	364		

Where $K = \frac{C_p}{C_v}$ at atmospheric conditions

and C_p = Specific heat of vapor at constant pressure

C_v = Specific heat of vapor at constant volume

Present Standard	Comments
(iii) If vent lines are installed to conduct the vapors from the relief valve, the back pressure under full relieving conditions shall not exceed 50 percent of the start-to-discharge pressure for pressure balanced valves or 10 percent of the start-to-discharge pressure for conventional valves. The vent lines shall be installed to prevent accumulation of liquid in the lines. (iv) The valve or valve installation shall provide weather protection. (v) Atmospheric storage shall be provided with vacuum breakers. Ammonia gas, nitrogen, methane, or other inert gases can be used to provide a pad. **(5) Protection of container appurtenances.** Appurtenances shall be protected against tampering and physical damage. **(6) Reinstallation of refrigerated storage containers.** Containers of such size as to require field fabrication shall, when moved and reinstalled, be reconstructed and reinspected in complete accordance with the requirements under which they were constructed. The containers shall be subjected to a pressure retest and if rerating is necessary, rerating shall be in accordance with applicable requirements. **(7) Damage from vehicles.** Precaution shall be taken against damage from vehicles. **(8) Refrigeration load and equipment.** (i) The total refrigeration load shall be computed as the sum of the following: (a) Load imposed by heat flow into the container caused by the temperature differential between design ambient temperature and storage temperature. (b) Load imposed by heat flow into the container caused by maximum sun radiation.	(d)(4)(iii) A common discharge header should be permitted to serve discharge lines and multiple safety relief valves on the same storage unit. The design of the discharge line and header should be specified as accommodating the maximum flow and a 10% back pressure. The exhausting of a system or a container into such discharge line or header should be prohibited.

Present Standard	Comments
(c) Maximum load imposed by filling the container with ammonia warmer than the design storage temperature. (ii) More than one storage container may be handled by the same refrigeration system. **(9) Compressors.** (i) A minimum of two compressors shall be provided either of which shall be of sufficient size to handle the loads listed in subparagraphs (8)(i)(*a*) and (*b*) of this paragraph. Where more than two compressors are provided minimum standby equipment equal to the largest normally operating equipment shall be installed. Filling compressors may be used as standby equipment for holding compressors. (ii) Compressors shall be sized to operate with a suction pressure at least 10 percent below the minimum setting of the safety valve(s) on the storage container and shall withstand a suction pressure at least equal to 120 percent of the design pressure of the container. **(10) Compressor drives.** (i) Each compressor shall have its individual driving unit. (ii) An emergency source of power of sufficient capacity to handle the loads listed in subparagraphs (8)(i)(*a*) and (*b*) of this paragraph shall be provided unless facilities are available to safely dispose of vented vapors while the refrigeration system is not operating. **(11) Automatic control equipment.** (i) The refrigeration system shall be arranged with suitable controls to govern the compressor operation in accordance with the load as evidenced by the pressure in the container(s).	

Present Standard	Comments
(ii) An emergency alarm system shall be installed to function in the event the pressure in the container(s) rises to the maximum allowable operating pressure. (iii) An emergency alarm and shutoff shall be located in the condenser system to respond to excess discharge pressure caused by failure of the cooling medium. (iv) All automatic controls shall be installed in a manner to preclude operation of alternate compressors unless the controls will function with the alternate compressors. **(12) Separators for compressors.** (i) An entrainment separator of suitable size and design pressure shall be installed in the compressor suction line of lubricated compression. The separator shall be equipped with a drain and gaging device. (ii) An oil separator of suitable size shall be installed in the compressor discharge line. It shall be designed for at least 250 p.s.i.g. and shall be equipped with a gaging device and drain valve. **(13) Condensers.** The condenser system may be cooled by air or water or both. The condenser shall be designed for at least 250 p.s.i.g. Provision shall be made for purging noncondensibles either manually or automatically. **(14) Receiver and liquid drain.** A receiver shall be provided with a liquid-level control to discharge the liquid ammonia to storage. The receiver shall be designed for at least 250 p.s.i.g. and be equipped with the necessary connections, safety valves, and gaging device.	(d)(11)(ii) The alarm should be required to function also in the event the pressure falls to the minimum allowable operating pressure.

Present Standard	Comments
(15) Insulation. Refrigerated containers and pipelines which are insulated shall be covered with a material of suitable quality and thickness for the temperatures encountered. Insulation shall be suitably supported and protected against the weather. Weatherproofing shall be of a type which will not support flame propagation.	
(e) Systems utilizing portable DOT containers.	(e) ANSI has clarified this paragraph making it also apply to portable tanks, cargo tanks, and tank car tanks. ANSI also specified that these containers not be buried. A new paragraph should be added requiring containers to be provided with safety relief devices as required by Department of Transportation Regulations.
(1) Conformance. Cylinders shall comply with DOT specifications and shall be maintained, filled, packaged, marked, labeled, and shipped to comply with 49 CFR Chapter I and Marking Portable Compressed Gas Containers to Identify the Material Contained, ANSI Z48.1–1954 (R1970).	
(2) Storage. Cylinders shall be stored in an area free from ignitable debris and in such manner as to prevent external corrosion. Storage may be indoors or outdoors.	
(3) Heat protection. Cylinders filled in accordance with DOT regulations will become liquid full at 145° F. Cylinders shall be protected from heat sources such as radiant flame and steampipes. Heat shall not be applied directly to cylinders to raise the pressure.	(e)(3) The requirement that at 145°F these containers are considered liquid full should be deleted to conform to ANSI, 5.1.5.
(4) Protection. Cylinders shall be stored in such manner as to protect them from moving vehicles or external damage.	(e)(4) Container valves shall be protected while in transit, in storage, and while being moved into final utilizations, as follows: (a) By setting them into a recess of the container, or
	(b) By ventilated cap or collar, fastened to the container, capable of withstanding a blow from any direction equivalent to that of a 30-lb. weight dropped four feet. Construction must be such that a blow will not be transmitted to the valves or other connections. Container valves and pressure regulating equipment shall be protected against tampering when installed for use.
(5) Valve cap. Any cylinder which is designed to have a valve protection cap shall have the cap securely in place when the cylinder is not in service.	(e)(5) When containers are not connected for service, the outlet valves shall be kept tightly closed even though containers are considered empty.
(f) Tank motor vehicles for the transportation of ammonia.	(f) The following requirements concerning the mounting of containers on trucks should be added to conform to ANSI, 6.2 requirements: The means of attachment of any container to the cradle, frame or chassis of a vehicle shall be designed on a basis of two "g" loading in either direction, using a safety factor of not less than 4, based on the ultimate strength of the material used. For purposes of this requirement, two "g" of load support is equivalent to three times the static weight of the articles supported; two "g" of loading and bending, acceleration, and torsion is equivalent to twice the static weight support applied horizontally at the road surface.

Present Standard	Comments
	"Hold-down" devices, when used, shall anchor the container to the cradle, frame or chassis in a suitable and safe manner that will not introduce undue concentration of stresses. These devices shall incorporate positive means for drawing the container down tight, and suitable stops or anchors shall be provided to prevent relative movement between container and framing due to stopping, starting or changes in direction.
	Vehicles designed and constructed so that the cargo tanks constitute in whole or in part the stress member used in lieu of the frame shall be supported by external cradles suspending at least 120° of the shell circumference. The design calculation shall include beam stress, shear stress, torsion stress, bending moment and acceleration stress, in addition to those covered by the code under which the cargo tank was designed.
	If a liquid withdrawal line is installed in the bottom of a container, the connections thereto, including hose, shall not be lower than the lowest horizontal edge of the trailer axle. Provisions shall be made to secure both ends of the hose while in transit. When the cradle and the container are not welded together, suitable material shall be used between them to eliminate metal-to-metal friction.

Present Standard	Comments
	(1) This paragraph applies to containers and pertinent equipment mounted on tank motor vehicles including semitrailers and full trailers used for the transportation of ammonia. This paragraph does not apply to farm vehicles. For requirements covering farm vehicles, refer to paragraphs (g) and (h) of this section. Paragraph (b) of this section applies to this paragraph unless otherwise noted. Containers and pertinent equipment for tank motor vehicles for the transportation of anhydrous ammonia, in addition to complying with the requirements of this section, shall also comply with the requirements of DOT. **(2) Design pressure and construction of containers.** (i) The minimum design pressure for containers shall be that specified in the regulations of the DOT. (ii) The shell or head thickness of any container shall not be less than three-sixteenth inch. (iii) All container openings, except safety relief valves, liquid-level gaging devices, and pressure gages, shall be labeled to designate whether they communicate with liquid or vapor space. **(3) Container appurtenances.** (i) All appurtenances shall be protected against physical damage.

Present Standard	Comments
(ii) All connections to containers, except filling connections, safety relief devices, and liquid-level and pressure gage connections, shall be provided with suitable automatic excess flow valves, or in lieu thereof, may be fitted with quick-closing internal valves, which shall remain closed except during delivery operations. The control mechanism for such valves may be provided with a secondary control remote from the delivery connections and such control mechanism shall be provided with a fusible section (melting point 208° F. to 220° F.) which will permit the internal valve to close automatically in case of fire.	
(iii) Filling connections shall be provided with automatic back-pressure check valves, excess-flow valves, or quick-closing internal valves, to prevent back-flow in case the filling connection is broken. Where the filling and discharge connect to a common opening in the container shell and that opening is fitted with a quick-closing internal valve as specified in subdivision (ii) of this subparagraph, the automatic valve shall not be required.	
(iv) All containers shall be equipped for spray loading (filling in the vapor space) or with an approved vapor return valve of adequate capacity.	
(4) Piping and fittings.	
(i) All piping, tubing, and fittings shall be securely mounted and protected against damage. Means shall be provided to protect hoses while the vehicle is in motion.	
(ii) Fittings shall comply with paragraph (b)(6) of this section. Pipe shall be Schedule 80.	
(5) Safety relief devices.	
(i) The discharge from safety relief valves shall be vented away from the container upward and unobstructed to the open air in such a manner as to prevent any impingement of escaping gas upon the container; loose-fitting rain caps shall be used. Size of discharge lines from safety relief valves shall not be smaller than the nominal size of the safety-relief valve outlet connection. Suitable provision shall be made for draining condensate which may accumulate in the discharge pipe.	
(ii) Any portion of liquid ammonia piping which at any time may be closed at both ends shall be provided with a hydrostatic relief valve.	
(6) Transfer of liquids.	
(i) The content of tank motor vehicle containers shall be determined by weight, by a suitable liquid-level gaging device, or other approved methods. If the content of a container is to be determined by liquid-level measurement, the container shall have a thermometer well so that the internal liquid temperature can be easily determined. This volume when converted to weight shall not exceed the filling density specified by the DOT.	

Present Standard	Comments
(ii) Any pump, except a constant speed centrifugal pump, shall be equipped with a suitable pressure actuated bypass valve permitting flow from discharge to suction when the discharge pressure rises above a predetermined point. Pump discharge shall also be equipped with a spring-loaded safety relief valve set at a pressure not more than 135 percent of the setting of the bypass valve or more than 400 p.s.i.g., whichever is larger.	
(iii) Compressors shall be equipped with manually operated shutoff valves on both suction and discharge connections. Pressure gages of bourdon-tube type shall be installed on the suction and discharge of the compressor before the shutoff valves. The compressor shall not be operated if either pressure gage is removed or is inoperative. A spring-loaded, safety-relief valve capable of discharging to atmosphere the full flow of gas from the compressor at a pressure not exceeding 300 p.s.i.g. shall be connected between the compressor discharge and the discharge shutoff valve.	
(iv) Valve functions shall be clearly and legibly identified by metal tags or nameplates permanently affixed to each valve.	
(7) Full trailers and semitrailers.	
(i) All full trailers shall be firmly and securely attached to the vehicle drawing them by means of suitable drawbars supplemented by a safety chain (or chains) or safety cables.	
(ii) Every full trailer or semitrailer shall have a reliable system of brakes, and adequate provision shall be made to operate the brakes from the driver's seat.	
(iii) Every full trailer shall be equipped with self-energizing brakes.	
(iv) Full trailers shall be so designed that the towed vehicle will follow substantially in the path of the towing vehicle and will not whip or swerve dangerously from side to side.	
(v) Where a fifth wheel is employed, it shall be ruggedly designed, securely fastened to both units, and equipped with a positive locking mechanism which will prevent separation of the two units except by manual release.	
(8) Protection against collision. Each tank motor vehicle shall be provided with properly attached bumpers or chassis extension arranged to protect the tank, piping, valves, and fittings from physical damage in case of collision.	
(9) Chock blocks. At least two chock blocks shall be provided. These blocks shall be placed to prevent rolling of the vehicle whenever it is parked during loading and unloading operations.	
(10) Portable tank containers (skid tanks). Where portable tank containers are used for farm storage they shall comply with paragraph (c)(1) of this section. When portable tank containers are used in lieu of cargo tanks and are permanently mounted on tank motor vehicles for the transportation of ammonia, they shall comply with the requirements of this paragraph.	

Present Standard	Comments
(g) Systems mounted on farm vehicles other than for the application of ammonia.	(g) Because many containers of a capacity greater than 1200 gallons are currently being used, this paragraph's application should not be limited to containers of that size.
(1) Application. This paragraph applies to containers of 1,200 gallons capacity or less and pertinent equipment mounted on farm vehicles (implements of husbandry) and used other than for the application of ammonia to the soil. Paragraph (b) of this section applies to this paragraph unless otherwise noted.	(g) OSHA should adopt the latest ANSI standard because much of agricultural equipment currently in use already conforms to ANSI K61.1(1972).
(2) Design pressure and classification of containers.	
(i) The minimum design pressure for containers shall be 250 p.s.i.g.	(g) To improve safety, braking systems on farm vehicles used to transport ammonia should be required.
(ii) The shell or head thickness of any container shall be not less than three-sixteenths of an inch.	(g)(2)(ii) The 3/16 inch specification should be deleted because it would restrict the use of thinner but equally safe shells.
(3) Mounting containers.	
(i) A suitable "stop" or "stops" shall be mounted on the vehicle or on the container in such a way that the container shall not be dislodged from its mounting due to the vehicle coming to a sudden stop. Back slippage shall also be prevented by proper methods.	
(ii) A suitable "hold down" device shall be provided which will anchor the container to the vehicle at one or more places on each side of the container.	
(iii) When containers are mounted on four-wheel trailers, care shall be taken to insure that the weight is distributed evenly over both axles.	
(iv) When the cradle and the tank are not welded together suitable material shall be used between them to eliminate metal-to-metal friction.	

Present Standard	Comments
(4) Container appurtenances.	
(i) All containers shall be equipped with a fixed liquid-level gage.	(g)(4)(i) The liquid level gage should be required to be used for bleeding gas when filling and to indicate when the container is 85% full. This would aid in complying with state laws which require tanks to be filled to only 85% full of ammonia. Vapor compressor transfer requires this capability for safety.
(ii) All containers with a capacity exceeding 250 gallons shall be equipped with a pressure gage having a dial graduated from 0–400 p.s.i.	(g)(4)(ii) This requirement should apply to all containers regardless of capacity.
(iii) The filling connection shall be fitted with combination back-pressure check valve and excess-flow valve; one double or two single back-pressure check valves; or a positive shutoff valve in conjunction with either an internal back-pressure check valve or an internal excess flow valve.	(g)(4)(iii) Combination back-pressure check valves and excess flow valves and one double or two single back-pressure flow valves should not be permitted.
(iv) All containers with a capacity exceeding 250 gallons shall be equipped for spray loading or with an approved vapor return valve.	
(v) All vapor and liquid connections except safety-relief valves and those specifically exempted by paragraph (b)(6)(v) of this section shall be equipped with approved excess-flow valves or may be fitted with quick-closing internal valves which, except during operating periods, shall remain closed.	
(vi) Fittings shall be adequately protected from damage by a metal box or cylinder with open top securely fastened to the container or by rigid guards, well braced, welded to the container on both sides of the fittings or by a metal dome. If a metal dome is used, the relief valve shall be properly vented through the dome.	

Present Standard	Comments
(vii) If a liquid withdrawal line is installed in the bottom of a container, the connections thereto, including hose, shall not be lower than the lowest horizontal edge of the vehicle axle.	(g)(4)(vii) It has been suggested that the following should be added: "and no portion of the hose shall hang below the vehicle's axle."
(viii) Provision shall be made to secure both ends of the hose while in transit.	(g)(4)(viii) "Secure" should be clarified to indicate that the requirement is not met by connecting the hose directly to valves.
(5) Marking the container. There shall appear on each side and on the rear end of the container in letters at least 4 inches high, the words, "Caution—Ammonia" or the container shall be marked in accordance with DOT regulations.	
(6) Farm vehicles.	
(i) Farm vehicles shall conform with State regulations.	
(ii) All trailers shall be securely attached to the vehicle drawing them by means of drawbars supplemented by suitable safety chains.	
(iii) A trailer shall be constructed so that it will follow substantially in the path of the towing vehicle and will not whip or swerve dangerously from side to side.	
(iv) All vehicles shall carry a can containing 5 gallons or more of water.	(g)(6)(iv) The water can's opening should be designed so as to facilitate flushing of the eyes. It should be possible to open the can by using one hand. Goggles, gloves, transfer instructions, and first aid instructions should be required.
(h) Systems mounted on farm vehicles for the application of ammonia.	(h) Goggles, gloves, 5 gallons of water, transfer instructions and first aid instructions should be required. Rear lights should be required on tractors for night transfer of ammonia.
(1) This paragraph applies to systems utilizing containers of 250 gallons capacity or less which are mounted on farm vehicles (implement of husbandry) and used for the application of ammonia to the soil. Paragraph (b) of this section applies to this paragraph unless otherwise noted. Where larger containers are used, they shall comply with paragraph (g) of this section.	(h)(1) This paragraph should apply to all systems used for the application an anhydrous ammonia, regardless of size.
(2) Design pressure and classification of containers.	
(i) The minimum design pressure for containers shall be 250 p.s.i.g.	
(ii) The shell or head thickness of any container shall not be less than three-sixteenths inch.	(h)(2)(ii) The 3/16 inch specification should be deleted because it would restrict the use of thinner but equally safe shells.
(3) Mounting of containers. All containers and flow-control devices shall be securely mounted.	
(4) Container valves and accessories.	
(i) Each container shall have a fixed liquid-level gage.	
(ii) The filling connection shall be fitted with a combination back-pressure check valve and an excess-flow valve; one double or two single back-pressure check valves: or a positive shutoff valve in conjunction with an internal back-pressure check valve or an internal excess-flow valve.	(h)(4)(ii) See comment to (g)(4)(iii).

Present Standard	Comments
(iii) The applicator tank may be filled by venting to open air provided the bleeder valve orifice does not exceed seven-sixteenths inch in diameter.	(h)(4)(iii) The ANSI, 8.3.3 revision states that: An excess flow valve is not required in the vapor connection, provided the controlling orifice is not in excess of (7/16) seven-sixteenths of an inch in diameter and the valve is a hand operated (attached handwheel or equivalent) shut off valve. To assist in filling applicator tanks, it is permissable to bleed vapors to the open air, providing the preceding requirements are met. It has been suggested that this revision should be adopted. It should be specified that the bleeder valve orifice means the liquid level gage connection.
(iv) Regulation equipment may be connected directly to the tank coupling or flange, in which case a flexible connection shall be used between such regulating equipment and the remainder of the liquid withdrawal system. Regulating equipment not so installed shall be flexibly connected to the container shutoff valve.	
(v) No excess flow valve is required in the liquid withdrawal line provided the controlling orifice between the contents of the container and the outlet of the shutoff valve does not exceed seven-sixteenths inch in diameter.	

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[29 CFR Part 1910]

[Docket L]

FIRE PROTECTION

Request for Information and Notice of Public Meetings

The Occupational Safety and Health Administration (OSHA) is considering revising its standards concerning fire protection. These standards deal with portable fire suppression equipment (portable fire extinguishers and standpipe and hose systems), fixed fire suppression equipment (automatic sprinkler systems and various fixed chemical extinguishing systems) and local fire alarm signaling systems. The standards comprise Subpart L of 29 CFR Part 1910, §§ 1910.156–1910.165b.

This notice is issued in accordance with the procedures, announced in the FEDERAL REGISTER today (41 FR 17100, for revision of certain safety standards originally promulgated pursuant to section 6(a) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 29 U.S.C. 655). The notice is intended to solicit data necessary for the revision of Subpart L and to provide the public an early opportunity to comment upon the scope and form that possible revisions of Subpart L should take. In addition to inviting the submission of written comments and data within approximately a 60 day period, the notice announces the scheduling of informal information gathering meetings to permit oral presentations of information to the agency.

In order to facilitate the desired public comment, this notice includes the text of the current standards along with a paragraph-by-paragraph presentation of various comments and requests for revision which have previously been received by OSHA. These comments and recommendations do not represent an OSHA position. It is hoped, however, that by setting them out in the right hand column alongside the text of the standard we will focus attention on some of the issues and questions which have already been raised by members of the public and will encourage the submission of additional valuable information from interested persons. Comments and views are also invited on several issues concerning the overall approach to the revision of the fire protection standards and the safety standards in general. Some of these issues are also set out in the notice. It should be noted, of course, that the current standards will remain in full force and effect, and will be enforced during this review process.

I. *Background.* The existing Subpart L became effective on August 27, 1971, after promulgation pursuant to section 6(a) of the Act, which allowed OSHA during a two-year period ending on April 28, 1973, to promulgate standards based on national consensus standards without public comment or hearing. Subpart L was based upon the then existing national consensus standards published by the National Fire Protection Association (NFPA). Since that time NFPA has revised and updated its standards and OSHA has been petitioned to adopt the more recent versions of the NFPA standards. Apart from the updating of the source standards, OSHA recognizes that there may be areas where current technology has surpassed existing requirements with the result that the present Subpart L may no longer be an effective means of providing the employee safety intended by the Act. In addition, questions have arisen as to the appropriateness of OSHA's regulating in this area. The question has been posed whether the regulation of fire protection is related to employee safety. In an effort to review the adequacy of and need for the fire protection standards, OSHA invites the full participation of the public.

II. *General Issues.* As discussed in the Notice of New Procedures for Revision of Safety Standards (41 FR 17100), there are certain issues which have been raised that are common to many of the standards promulgated under section 6(a) of the Act. These issues, as applied to Subpart L, are set forth below:

1. Whether particular standards contained in Subpart L should be revoked because they have little, if any, relevance to employee safety in the workplace and relate instead to property protection or safety of the general public. For example, § 1910.157(c)(1)(ii) speaks in terms of the number of extinguishers needed to protect the property, not the employees.

2. Whether particular provisions of the standards need simplification or clarification; for example, the definitions contained in § 1910.156. Overly complex requirements pose difficulties for all employers, especially small businesses, which must comply with the standard.

3. Whether particular provisions of Subpart L should set forth specifications which must be met by employers or should, rather, require a level of performance which would ensure employee safety without requiring specific means of meeting that performance level. For example, § 1910.158 currently contains such detailed requirements as the size of a nozzle which is allowed on a standpipe system. Presently, § 1910.158(b)(2)(ii) requires that Class II service standpipes have a 1½ inch hose connection. These specification and design requirements have been said to restrict technology by not allowing a system with a 1'' hose which may provide adequate protection to employees. Some employers have found the specification standards to be too restrictive and have suggested a performance oriented standard that would require the employer to provide a system that would protect his employees from harm by fire. It has been suggested that in such event a system meeting NFPA requirements could be prima facie evidence that it provided adequate employee protection.

4. Whether there are any gaps in OSHA's coverage of fire protection which could result in unsafe working conditions. For example, OSHA currently requires fire extinguishers, but does not require employee training in their use. Should training be required? If so, what type (classroom, hands-on or both) and to what extent should retraining be given? Conversely, should there be any OSHA regulations on fire protection or should the only requirements be for emergency egress of employees?

5. How should ANSI and NFPA standards be utilized in these standards? For example, §§ 1910.158 and 1910.159 require compliance with several NFPA standards. How should these standards be incorporated into the OSHA regulations and what should be done as the NFPA standards are updated?

III. *Specific Issues.* In addition to the above general issues, OSHA invites comments on the following specific issues relating to fire protection:

1. *Applicability.* Whether Subpart L should in and of itself require the use of fixed and portable fire suppression and alarm systems and equipment, or whether it should simply be referenced when fire protection devices are required by other OSHA standards. For example, should § 1910.157 require fire extinguishers in all permanent work places, or should it only contain requirements which extinguishers must meet if they are required by other OSHA regulations.

2. *Fire Extinguishers.* a. Whether OSHA should continue to allow the use of inverting type portable extinguishers.

b. Whether OSHA should, in view of their toxicity, prohibit carbon tetrachloride and chlorobromomethane as extinguishing agents.

c. Whether OSHA should require a mounting height for portable fire extinguishers, and, if so, what it should be;

d. Whether OSHA should accept fixed automatic fire extinguishing systems in lieu of portable fire extinguishers;

e. Whether portable fire extinguishers should be required only along the means of egress routes, so that they should only be used to aid the employees in escaping from the hazard.

3. *Standpipe and Hose Systems.* a. Whether OSHA should require variable stream nozzles with shutoffs;

b. Whether OSHA should accept any hose system in lieu of portable fire extinguishers, and, if so, what types;

c. Whether unlined linen or hemp hose should be prohibited by OSHA;

d. Whether OSHA should establish maintenance and testing requirements for fire hose, and, if so, what should they be;

4. *Fixed Extinguishing Systems.* Whether total flooding systems using agents hazardous to employees should be regulated by OSHA; and if so, whether predischarge alarms, evacuation and rescue plans, and maintenance requirements should be addressed;

5. *Detectors and Fire Alarm Systems.* a. Whether OSHA should allow alternatives to manual pullbox alarms such as whistles, voices, visual or tactile communication systems;

b. Whether the requirements for frequent tests of fire alarm signal systems are necessary when the systems are provided with supervisory circuits. How often should unsupervised systems be tested?

c. Whether a single universal fire evacuation signal should be required, and, if so, what should it be?

IV. *Public Participation.* As discussed above, the purpose of this notice is to gather as much relevant data and comments as possible from as many interested persons as possible. Public participation in this information gathering process is critical to its success. All persons concerned with these regulations, including employees who are protected by them, employers who must comply with them, experts in fire protection, elected representatives and members of the public at large, are urged to participate in this process.

You are invited to submit written comments on the issues raised in this notice or on any other aspects of the regulations concerning fire protection. Written comments should be submitted on or before June 22, 1976 and should be sent to Director, Office of Standards Development, Docket L, Occupational Safety and Health Administration, Room N3718, U.S. Department of Labor, 200 Constitution Ave., N.W., Washington, D.C. 20210. Written submissions should clearly identify the standards or sections thereof addressed and the position taken. The data, views and information submitted will be available for public inspection and copying at the Technical Data Center, Room N3620, at the above address.

Everyone interested in commenting, employees, employers, manufacturers, and others with technical data, are urged to submit their comments and information in writing. In addition to this request for written submissions, OSHA is scheduling several public meetings at various locations around the country to afford the public the widest possible opportunity to submit their data and views. The meetings will be held on the dates and at the locations listed below:

June 9–10, 1976: Towne House, Gorden Lounge, 8th & Market, San Francisco, Calif. 94102.

June 16–17, 1976: Fairmont Hotel, Gold Room, Ross & Akard Streets, Dallas, Texas 75201.

June 23–24, 1976: Fanuell Hall, Merchants Row, Fanuell Square, Boston, Massachusetts 02201.

Each meeting will begin promptly at 10 a.m., will recess from 12 noon until 2 p.m., and will continue until 5 p.m. Evening sessions will be held from 6:30–8:30 p.m. The meetings are intended as a forum for the public to orally submit information concerning issues raised by this notice and any others concerning fire protection equipment. The chairperson of each meeting will be a representative of the Department of Labor designated by the Assistant Secretary for Occupational Safety and Health, and will have all necessary authority to regulate the conduct of the meetings.

In order to reasonably anticipate the response at each meeting location, OSHA requests that any person wishing to make an oral presentation notify OSHA by advance written notice. The notice should identify the person and/or organization intending to testify, the amount of time requested for oral presentation, and the subject matter and a brief summary of the intended oral presentation. Such written notice of a desire to make an oral presentation should be sent to Director, Office of Standards Development, Docket L, Occupational Safety and Health Administration, Room No. N3718, Department of Labor, 200 Constitution Ave., N.W., Washington, D.C. 20210, no later than two weeks before the scheduled meeting date. All persons giving advance notice by mail will have time reserved for oral presentation. Persons wishing to testify, who have not submitted advance notice, are requested to register for each meeting at the place and on the day scheduled from 9 a.m. to 10 a.m.

As long as time permits, all persons who wish to be heard will be allowed to make oral presentations. However, should time restraints so require, priority will be given to those who register in advance.

A written transcript of these meetings will be made for OSHA's use in resolving the various issues raised by these proceedings. Copies of the transcripts will be available for inspection at the Technical Data Center, U.S. Department of Labor, Room N3620, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Following completion of the meetings and expiration of the comment period, OSHA will review all the information, arguments, views and data collected, as well as any other relevant data. If appropriate, OSHA will develop a proposal to amend the existing standard and will initiate rulemaking proceedings under section 6(b) of the Act. In the event that a new proposal is issued, all the information gathered will become part of the public record in that proceeding.

Signed at Washington, D.C. this 15th day of April 1976.

MORTON CORN,
Assistant Secretary of Labor.

Present Standard	Comments
SUBPART L—FIRE PROTECTION **1910.156—DEFINITIONS APPLICABLE TO THIS SUBPART**	SUBPART L -- FIRE PROTECTION 1910.156 -- DEFINITIONS APPLICABLE TO THIS SUBPART
	The following are suggestions that have been made regarding the present standard:
(a) "Class A fires" are fires in ordinary combustible materials, such as wood, cloth, paper, and rubber.	(a) This definition should be expanded so that an employer is aware of the type of extinguishing agent needed to extinguish this type of fire. This would be for educational purposes.
(b) "Class B fires" are fires in flammable liquids, gases, and greases.	(b) This definition should also be expanded to describe the needed effects of an agent on this type of fire so that an employer would be aware of the type of extinguishing agent needed to extinguish this type of fire. This would be provided for educational purposes. The terms "combustible liquid" and "flammable solids" should be included as examples of this class of fire and they should be defined. The term "flammable liquid" should be defined.

Present Standard	Comments
1910.156	1910.156
(c) "Class C fires" are fires which involve energized electrical equipment where the electrical nonconductivity of the extinguishing media is of importance. (When electrical equipment is deenergized, extinguishers for Class A or B fires may be used safely.)	(c) This classification of fires should be deleted because electrical equipment becomes either a Class A or a Class B hazard once it has been deenergized. Who is to decide whether "the electrical nonconductivity of the extinguishing media is of importance?"
(d) "Class D fires" are fires in combustible metals, such as magnesium, titanium, zirconium, sodium, and potassium.	(d) This definition should be expanded to describe the needed effects of an agent on this type of fire and to include reactive materials such as flammable and combustible solids. The needed effects of the agent would be included for educational purposes.
(e) Classification of portable fire extinguishers: "Portable fire extinguishers" are classified for use on certain classes of fires and rated for relative extinguishing effectiveness at a temperature of plus 70° F. by nationally recognized testing laboratories. This is based upon the preceding classification of fires and the fire extinguishment potentials as determined by fire tests. NOTE: The classification and rating system described in this section is that used by Underwriters' Laboratories, Inc. and Underwriters Laboratories of Canada and is based on extinguishing preplanned fires of determined size and description as follows: (i) Class A rating—Wood and excelsior fires excluding deep-seated conditions. (ii) Class B rating—Two-inch depth gasoline fires in square pans. (iii) Class C rating—No fire test. Agent must be a nonconductor of electricity. (iv) Class D rating—Special tests on specific combustible metal fires.	(e) There should be a separate definition for "rating of portable fire extinguishers" because extinguishers are both "classified" and "rated". Notes should be deleted because they are purely informational. The present testing system to determine rating is not necessarily relevant to conditions of use and should be revised.

Present Standard	Comments
1910.156	1910.156
(f) A "light hazard" is a situation where the amount of combustibles or flammable liquids present is such that fires of small size may be expected. These may include offices, schoolrooms, churches, assembly halls, telephone exchanges, etc.	(f) The present definition should be revoked because it refers to property protection. A more safety oriented definition which defines the hazards to employees should be adopted. Definitions for "hazard classifications" are too restrictive and should allow a determination of classification to be made by a competent person in each workplace.
(g) An "ordinary hazard" is a situation where the amount of combustibles or flammable liquids present is such that fires of moderate size may be expected. These may include mercantile storage and display, auto showrooms, parking garages, light manufacturing, warehouses not classified as extra hazard, school shop areas, etc.	(g) Same comment as for paragraph (f).
(h) An "extra hazard" is a situation where the amount of combustibles or flammable liquids present is such that fires of severe magnitude may be expected. These may include woodworking, auto repair, aircraft servicing, warehouses with high-piled (14 feet or higher) combustibles, and processes such as flammable liquid handling, painting, dipping, etc.	(h) Same comment as for paragraph (f).

Present Standard	Comments
1910.156	1910.156
(i) Sprinkler system: A "sprinkler system," for fire protection purposes, is an integrated system of underground and overhead piping designed in accordance with fire protection engineering standards. The system includes a suitable water supply, such as a gravity tank, fire pump, reservoir, or pressure tank and/or connection by underground piping to a city main. The portion of the sprinkler system above ground is a network of specially sized or hydraulically designed piping installed in a building, structure or area, generally overhead, and to which sprinklers are connected in a systematic pattern. The system includes a controlling valve and a device for actuating an alarm when the system is in operation. The system is usually activated by heat from a fire and discharges water over the fire area.	(i) The note should be deleted because it is for informational purposes only.
NOTE: The design and installation of water supply facilities such as gravity tanks, fire pumps, reservoirs, or pressure tanks, and underground piping are covered by NFPA Standards No. 22–1970, Water Tanks For Private Fire Protection; No. 20–1970, Installation of Centrifugal Fire Pumps and No. 24–1970, Outside Protection.	
(j) Sprinkler alarms: A "sprinkler alarm" unit is an assembly of apparatus approved for the service and so constructed and installed that any flow of water from a sprinkler system equal to or greater than that from a single automatic sprinkler will result in an audible alarm signal on the premises.	(j) This definition should permit other than audible sprinkler alarms. The use of "approved" is ambiguous because it is not clear who would approve the apparatus.

Present Standard	Comments
1910.156	1910.156
(k) Class of service—standpipe systems: "Standpipe systems" are grouped into three general classes of service for the intended use in the extinguishment of fire. (1) Class I: For use by fire departments and those trained in handling heavy fire streams (2½-inch hose). (2) Class II: For use primarily by the building occupants until the arrival of the fire department (small hose). (3) Class III: For use by either fire departments and those trained in handling heavy hose streams or by the building occupants.	(k) Paragraphs (k)(1), (k)(2) and (k)(3) should be combined with paragraphs (l), (m) and (n) because they deal with the same subject matter. The term "standpipe" needs to be defined. It is not clear whether untrained or trained employees (rather than "occupants") are intended to use the various classes of standpipe service.
(l) Class I service: "Class I service" is a standpipe system capable of furnishing the effective fire streams required during the more advanced stages of fire on the inside of buildings or for exposure fire.	(l) See first comment for paragraph (k).
(m) Class II service: "Class II service" is a standpipe system which affords a ready means for the control of incipient fires by the occupants of buildings during working hours and by watchmen and those present during the night time and holidays.	(m) See first comment for paragraph (k).
(n) Class III service: "Class III service" is a standpipe system capable of furnishing the effective fire streams required during the more advanced stages of fire on the inside of buildings as well as providing a ready means for the control of fires by the occupants of the building.	(n) See first comment for paragraph (k).

Present Standard	Comments
1910.156	1910.156
(o) Standpipe systems: "Standpipe systems" are usually of the following types:	(o) This paragraph gives examples, not definitions, and it should be rewritten to define "standpipe system".
(1) A wet standpipe system having a supply valve open and water pressure maintained at all times.	(o)(1) None.
(2) A standpipe system so arranged through the use of approved devices as to admit water to the system automatically by opening a hose valve.	(o)(2) None.
(3) A standpipe system arranged to admit water to the system through manual operation of approved remote control devices located at each hose station.	(o)(3) None.
(4) Dry standpipe having no permanent water supply. See also paragraph (k) of this section.	(o)(4) Dry standpipes are not relevant to employee safety and should be deleted as an example.
(p) Type I storage: "Type I storage" is that in which combustible commodities or noncombustible commodities involving combustible packaging or storage aids are stored over 15 feet but not more than 21 feet high in solid piles or over 12 feet but not more than 21 feet high in piles that contain horizontal channels. Minor quantities of commodities of hazard greater than ordinary combustibles may be included without affecting this general classification.	(p) This paragraph should be revoked because the term is relevant only to property protection.

Present Standard	Comments
1910.156	1910.156
(q) Type II storage: "Type II storage" is that in which combustible commodities or noncombustible commodities involving combustible packaging or storage aids are stored not over 15 feet high in solid piles or not over 12 feet high in piles that contain horizontal channels. Minor quantities of commodities of hazard greater than ordinary combustibles may be included without affecting this general classification.	(q) Same comment as for paragraph (p).
(r) Type III storage: "Type III storage" is that in which the stored commodities, packaging, and storage aids are noncombustible or contain only a small concentration of combustibles which are incapable of producing a fire that would cause appreciable damage to the commodities stored or to noncombustible wall, floor or roof construction. Ordinary combustible commodities in completely sealed noncombustible containers may qualify in this classification. General commodity storage that is subject to frequent changing and storage of combustible packaging and storage aids is excluded from this category.	(r) Same comment as for paragraph (p).
(s) "Approved": "Approved" means listed or approved by: (1) At least one of the following nationally recognized testing laboratories: Factory Mutual Engineering Corp.; Underwriters' Laboratories, Inc., or (2) Federal agencies such as Bureau of Mines, Department of the Interior: Department of Transportation; or U.S. Coast Guard, which issue approvals for such equipment.	(s) This paragraph should be expanded to permit the use of custom designed fire protection devices and equipment.

Present Standard	Comments
1910.157 **PORTABLE FIRE EXTINGUISHERS**	§1910.157 -- PORTABLE FIRE EXTINGUISHERS General note: OSHA has been petitioned by the American National Standards Institute (ANSI) to adopt the 1974 edition of the National Fire Protection Association (NFPA) standard for portable fire extinguishers (NFPA 10-1974) as the OSHA standard for such equipment. In the following suggestions, where there is a difference between the present standard and the new NFPA standard, it will be so indicated. It has also been suggested that OSHA revoke this section because it has no relation to employee safety. The following suggestions have also been made concerning the present standard:
(a) General requirements. **(1) Operable condition.** Portable extinguishers shall be maintained in a fully charged and operable condition, and kept in their designated places at all times when they are not being used.	(a)(1) This paragraph should be renumbered because it contains a requirement for the maintenance of extinguishers and therefore should be placed in paragraph (d) of this section. The term "designated place" should be defined.

Present Standard	Comments
1910.157	1910.157
(2) Location. Extinguishers shall be conspicuously located where they will be readily accessible and immediately available in the event of fire. They shall be located along normal paths of travel.	(a)(2) Extinguishers should be located along the means of egress from a workplace. The terms "readily accessible" and "immediately available" should be defined. The term "normal paths of travel" needs to be clarified.
(3) Marking of location. Extinguishers shall not be obstructed or obscured from view. In large rooms, and in certain locations where visual obstruction cannot be completely avoided, means shall be provided to indicate the location and intended use of extinguishers conspicuously.	(a)(3) This requirement contradicts itself because it says that "extinguishers shall not be obstructed or obscured from view," and then it permits the locating of extinguishers in places where "visual obstruction" cannot be completely avoided. A special marking or symbol should be adopted to distinguish extinguisher location.
(4) Marking of extinguishers. If extinguishers intended for different classes of fire are grouped, their intended use shall be marked conspicuously to insure choice of the proper extinguisher at the time of a fire.	(a)(4) Different types of extinguishers should not be grouped together because it could lead to confusion in choosing the proper extinguisher at the time of a fire.
(5) Mounting of extinguishers. Extinguishers shall be installed on the hangers or in the brackets supplied, mounted in cabinets, or set on shelves unless the extinguishers are of the wheeled type.	(a)(5) It should make no difference how an extinguisher is mounted, just as long as it can be retrieved and used without injury to the employee.

Present Standard	Comments
1910.157	1910.157
(6) Height of mounting. Extinguishers having a gross weight not exceeding 40 pounds shall be installed so that the top of the extinguisher is not more than 5 feet above the floor. Extinguishers having a gross weight greater than 40 pounds (except wheeled types) shall be so installed that the top of the extinguisher is not more than 3½ feet above the floor.	(a)(6) Alternative methods for mounting fire extinguishers should be permitted as long as the extinguisher is readily accessible and easily dismounted.
(7) Cabinet mounting. Extinguisher mounted in cabinets or wall recesses or set on shelves shall be placed in a manner such that the extinguisher operating instructions face outward. The location of such extinguishers shall be marked conspicuously.	(a)(7) This requirement should be deleted because it is partially redundant with paragraph (a)(3) and because it makes no difference to employee safety which way the instructions face.
(8) Vibrating locations. Extinguishers installed under conditions where they are subject to severe vibration shall be installed in brackets specifically designed to cope with this vibration.	(a)(8) None
(9) Temperature range. Extinguishers shall be suitable for use within a temperature range of at least plus 40° to 120° Fahrenheit.	(a)(9) In light of the future change to metric units of measure, all measurements in this subpart should have their metric equivalents included in brackets.
(10) Extreme temperature exposure. When extinguishers are installed in locations subjected to temperatures outside the range prescribed in this subparagraph, they shall be of a type approved or listed for the temperature to which they will be exposed, or placed in an enclosure capable of maintaining the temperature within the range prescribed in this subparagraph.	(a)(10) This paragraph is verbose and should be condensed to permit a clear understanding of the requirement. This paragraph is unnecessary and should be deleted because installation of extinguishers in a cold climate requires, by terms of their approval, just such an extinguisher.

Present Standard	Comments
1910.157	1910.157
(b) Selection of extinguishers. **(1) General.** The selection of extinguishers for a given situation will depend upon the character of the fires anticipated, the construction and occupancy of the individual property, the vehicle or hazard to be protected, ambient-temperature conditions, and other factors. The number of extinguishers required shall be determined by reference to paragraph (c) of this section. Approved fire extinguishers shall be used to meet the requirements of this section. [38 F.R. 19030, July 17, 1973.]	(b)(1) This paragraph should be rewritten because it makes reference to property and vehicle protection which is not within the scope of the Act. Selection of extinguishers should be based on a survey done by a competent person. This paragraph is informational and should therefore be deleted.
(2) Selection by hazard. (i) Extinguishers shall be selected for the specific class or classes of hazards to be protected in accordance with the following paragraphs.	(b)(2)(i) The paragraph should be corrected editorially by changing the term "hazard" to "fire" and the term "protected" to "extinguished or controlled."
(ii) Extinguishers for protecting Class A hazards shall be selected from among the following: foam, loaded stream, multipurpose dry chemical, and water types. Certain smaller extinguishers which are charged with multipurpose dry chemical are rated on Class B and Class C fires, but have insufficient effectiveness to earn the minimum 1-A rating even though they have value in extinguishing smaller Class A fires. Such smaller extinguishers shall not be used to meet the requirements of paragraph (c)(2)(i) of this section.	(b)(2)(ii) Same suggestion as for paragraph (b)(2)(i). NFPA 10-1974 has deleted all words after the first sentence. "Smaller Class A fires" is ambiguous.

Present Standard	Comments
1910.157	1910.157
(iii) Extinguishers for protection of Class B hazards shall be selected from the following: bromotrifluoromethane, carbon dioxide, dry chemical, foam, loaded stream, and multipurpose dry chemical. Extinguishers with ratings less than 1-B shall not be considered in determining suitability.	(b)(2)(iii) This paragraph should list the Class B agent, Halon 1211, bromochlorodifluoromethane, as an acceptable agent. "Multipurpose dry chemical" should be eliminated because the term has caused confusion. Listing of agents is limiting technological advances. It will also limit their use to current established uses. Selection by a competent person should be permitted. This paragraph should address solubility of flammable liquids and alcohol foam agents. "Hazards" should be changed to "fires".
(iv) Extinguishers for protection of Class C hazards shall be selected from the following: bromotrifluoromethane, carbon dioxide, dry chemical, and multipurpose dry chemical. NOTE: Carbon dioxide extinguishers equipped with metal horns are not considered safe for use on fires in energized electrical equipment and, therefore, are not classified for use on Class C hazards.	(b)(2)(iv) Same comments as for paragraph (b)(2)(iii). Note should be deleted because it is for informational purposes only. Who classifies carbon dioxide? Water spray should be included as an acceptable agent for electrical fires.

Present Standard	Comments
1910.157	1910.157
(v) Extinguishers and extinguishing agents for the protection of Class D hazards shall be of types approved for use on the specific combustible-metal hazard.	(b)(2)(v) An alternative selection method is needed because there are some agents which are effective on Class D fires, but for which no "approval" has been obtained. Selection of extinguishing agents should be left to a competent person.
(c) Distribution of portable fire extinguishers. **(1) General.** **(i)** The number of fire extinguishers needed to protect a property shall be determined as prescribed herein, considering the area and arrangement of the building or occupancy, the severity of the hazard, the anticipated classes of fires, and the distances to be traveled to reach extinguishers.	(c)(1)(i) This paragraph should be rewritten because it refers to property protection. This paragraph should also permit distribution according to general guidelines established by a competent person.
(ii) Fire extinguishers shall be provided for the protection of both the building structure, if combustible and the occupancy hazards contained therein.	(c)(1)(ii) This paragraph should be rewritten because it refers to property protection. Orientation of this paragraph should be towards control of occupancy hazard during employee presence.
(iii) Required building protection shall be provided by fire extinguishers suitable for Class A fires.	(c)(1)(iii) This paragraph should be revoked because it relates to property protection.

Present Standard	Comments
1910.157	1910.157
(iv) Occupancy hazard protection shall be provided by fire extinguishers suitable for such Class A, B, C, or D fire potentials as may be present.	(c)(1)(iv) This paragraph should be rewritten because it refers to "occupancy hazard protection" and because an "occupant" is not necessarily an employee.
(v) Extinguishers provided for building protection may be considered also for the protection of occupancies having a Class A fire potential.	(c)(1)(v) Same comments as that for paragraph (c)(1)(iv).
(vi) Combustible buildings having an occupancy hazard subject to Class B, and/or Class C fires, shall have a standard complement of Class A fire extinguishers as required by Table L–1 for building protection, plus additional Class B and/or Class C extinguishers. Where fire extinguishers have more than one letter classification (such as 2–A: 20–B:C), they may be considered to satisfy the requirements of each letter class.	(c)(1)(vi) The paragraph should be revoked because it regulates building protection and not employee safety. The types and distribution of extinguishers to be used in a workplace should be as recommended by a competent person.
(vii) Rooms or areas shall be graded generally as light hazard, ordinary hazard, or extra hazard. Limited areas of greater or lesser hazard shall be protected as required.	(c)(1)(vii) This paragraph should be rewritten because it is not specifically directed to employee safety hazards.
(2) Fire extinguisher size and placement for Class A hazards.	
(i) Minimal sizes of fire extinguishers for the listed grades of hazard shall be provided on the basis of Table L–1. Extinguishers shall be located so that the maximum travel distances shall not exceed those specified in Table L–1.	(c)(2)(i) The travel distances in Table L–1 are based on property protection and the distances are too restrictive. "Hazards" should be changed to "fires".

Present Standard	Comments
1910.157	1910.157
(ii) The protection requirements specified in Table L–1 may be fulfilled by several extinguishers of lower ratings for ordinary or extrahazard occupancies.	(c)(2)(ii) This paragraph is based on property protection and the distances are too restrictive. This paragraph should be deleted and a competent person should be permitted to determine ratings as necessary. "Several extinguishers" is too ambiguous.
(iii) Where the floor area of a building is less than that specified in Table L–1, at least one extinguisher of the minimum size recommended shall be provided.	(c)(2)(iii) This paragraph, as the above, pertains to building protection and should be revoked.

TABLE L–1

Basic minimum extinguisher rating for area specified	Maximum travel distances to extinguishers (feet)	Areas to be protected per extinguisher		
		Light hazard occupancy (square feet)	Ordinary hazard occupancy (square feet)	Extra hazard occupancy (square feet)
1A	75	3,000	Note 1	Note 1
2A	75	6,000	3,000	Note 1
3A	75	9,000	4,500	3,000
4A	75	11,250	6,000	4,000
6A	75	11,250	9,000	6,000

NOTE 1: Not permitted except as specified in subdivision (ii) of this subparagraph.

Table L–1 There is no data base which indicates these are acceptable travel distances under all fire conditions.

This table should be extended to include the following:

10A	75	11,250	11,250	9,000
20A	75	11,250	11,250	11,250
40A	75	11,250	11,250	11,250

Present Standard	Comments
1910.157	1910.157
(iv) The protection requirements may be fulfilled with extinguishers of higher rating provided the travel distance to such larger extinguishers shall not exceed 75 feet.	(c)(2)(iv) This paragraph should be rewritten because the 75 foot travel distance is too restrictive.
(3) Fire extinguisher size and placement for Class B fires other than for fires in flammable liquids of appreciable depth.	
(i) Minimal sizes of fire extinguishers for the listed grades of hazard shall be provided on the basis of Table L–2. Extinguishers shall be located so that the maximum travel distances shall not exceed those specified in Table L–2.	(c)(3)(i) This paragraph should be rewritten because the rating system for fire extinguishers has changed and because the travel distance distances are too restrictive. Employee safety should be differentiated from property protection. The concept of having a competent person make the necessary decisions relevant to employee fire safety should be addressed in this paragraph. If a fire extinguisher is provided because it is required by an insurance firm or by a fire marshall, but is not required by OSHA, does it still have to meet OSHA specifications? The term "appreciable depth" is not clear and should be defined. Table L-2 The basic minimum extinguisher ratings in this table should be updated to the present ones being used in the fire protection field. This paragraph should be rewritten because the present hazard category for "light"

TABLE L–2

Type of hazard	Basic minimum extinguisher rating	Maximum travel distance to extinguishers (feet)
Light	4B	50
Ordinary	8B	50
Extra	12B	50

NOTE: Where this section calls for minimum extinguisher ratings of 4-B, 8-B, or 12-B, the requirements may be met by existing extinguishers of multiple foam extinguishers as allowed by paragraph (c)(3)(ii) of this section. However, if a single extinguisher must be purchased to fulfill such requirements, the next higher rating shall be used.

Present Standard	Comments
1910.157	1910.157
	Table L-2 (continued) hazard seems to indicate that a "light flammable hazard" may require a smaller fire extinguisher than what is justified.
(ii) Two or more extinguishers of lower rating, except for foam extinguishers, shall not be used to fulfill the protection requirements of Table L–2. Up to three foam extinguishers may be used to fulfill these requirements.	(c)(3)(ii) This paragraph should not restrict the number of foam extinguishers permitted.
(iii) The protection requirements may be fulfilled with extinguishers of higher ratings provided the travel distance to such larger extinguishers shall not exceed 50 feet.	(c)(3)(iii) This paragraph should be deleted because the travel distances are too restrictive and because the travel distances can be determined by a competent person based on the specific situation. Weight limitations should be imposed on those extinguishers with higher ratings.
(4) Fire extinguisher size and placement for Class B fires in flammable liquids of appreciable depth.	
(i) For flammable liquid hazards of appreciable depth (Class B), such as in dip or quench tanks, Class B fire extinguishers shall be provided on the basis of one numerical unit of Class B extinguishing potential per square foot of flammable liquid surface of the largest tank hazard within the area.	(c)(4)(i) The note should be deleted because it is purely informational.
NOTE: Appreciable depth is defined as a depth of a liquid greater than one-quarter inch.	

Present Standard	Comments
1910.157	1910.157
(ii) Two or more extinguishers of lower ratings except for foam extinguishers, shall not be used in lieu of the extinguisher required for the largest tank. Up to three foam extinguishers may be used to fulfill these requirements.	(c)(4)(ii) Same comment as in paragraph (c)(3)(ii).
(iii) Scattered or widely separated hazards shall be individually protected if the specified travel distances in subdivisions (i) and (iii) of subparagraph (3) of this paragraph (c) are exceeded. Likewise, extinguishers in the proximity of a hazard shall be carefully located so as to be accessible in the presence of a fire without undue danger to the operator.	(c)(4)(iii) This paragraph should recognize the concept of the "competent person".
(5) Fire extinguisher size and placement for Class C hazards.	(c)(5)(i) The paragraph should be deleted because water sprays can be used on energized equipment, because discussion of a Class C hazard is outdated in light of recent studies and because decisions in this area can be made by a competent person. There is no need for this paragraph since Class C fires have already been defined. There should be a requirement for the number of extinguishers needed.
(i) Extinguishers with Class C ratings shall be required where energized electrical equipment may be encountered which would require a nonconducting extinguishing media. This will include fire either directly involving or surrounding electrical equipment. Since the fire itself is a Class A or Class B hazard the extinguishers are sized and located on the basis of the anticipated Class A or B hazard.	

Present Standard	Comments
1910.157	1910.157
(d) Inspection, maintenance, and hydrostatic tests.	
(1) General.	
(i) The employer shall be responsible for such inspection, maintenance, and testing.	(d)(1)(i) This paragraph should be rewritten because the employer is not usually knowledgeable in testing extinguishers. This paragraph does not tell what is required in the inspection, maintenance check or test.
(ii) For details of conducting needed inspections, proper maintenance operations, and required tests, see NFPA No. 10A–1970, Maintenance and Use of Portable Fire Extinguishers.	(d)(1)(ii) This paragraph should be deleted because OSHA should not reference outside standards, but should print the parts the employer needs to know. At present, this paragraph is informational and imposes no duty upon the employer.
(2) Inspection.	
(i) Extinguishers shall be inspected monthly, or at more frequent intervals when circumstances require, to insure they are in their designated places, to insure they have not been actuated or tampered with, and to detect any obvious physical damage, corrosion, or other impairments.	(d)(2)(i) This paragraph should be deleted because terms such as "impairment", "insure", "obvious" and "physical damage" are vague and need to be defined. This paragraph does not specifically require a "competent person" to perform inspections on fire extinguishers.

Present Standard	Comments
1910.157	1910.157
(ii) Any extinguishers showing defects shall be given a complete maintenance check.	(d)(2)(ii) The same comment has been made that was made for paragraph (d)(2)(i).
(3) Maintenance.	
(i) At regular intervals, not more than 1 year apart, or when specifically indicated by an inspection, extinguishers shall be thoroughly examined and/or recharged or repaired to insure operability and safety; or replaced as needed.	(d)(3)(i) This paragraph should be rewritten to permit a "competent person" to determine intervals and the extent of maintenance. Extinguishers should be repaired immediately.
(ii) Extinguishers removed from the premises to be recharged shall be replaced by spare extinguishers during the period they are gone.	(d)(3)(ii) The phrase "spare extinguisher" should be clarified because the employer could remove a 40B:C extinguisher and replace it with a "spare" 5B:C extinguisher and arguably meet the requirement.
(iii) Pails or drums of powder-extinguishing agents for scoop or shovel application to metal fires shall be kept full at all times.	(d)(3)(iii) None.
(iv) Each extinguisher shall have a durable tag securely attached to show the maintenance or recharge date and the initials or signature of the person who performs this service.	(d)(3)(iv) This paragraph should provide for the alternative of accepting the test markings of DOT on certain types of shells so that duplicate efforts can be eliminated.
(4) Hydrostatic tests.	(d)(4) General note: NFPA 10-1974 has amended the hydrostatic test section in its entirety.
(i) If, at any time, an extinguisher shows evidence of corrosion or mechanical injury, it shall be subjected to a hydrostatic pressure test, or replaced.	(d)(4)(i) The paragraph should be rewritten because it does not tell what happens to a unit after it is replaced or to what extent "corrosion" must exist.

Present Standard	Comments
1910.157	1910.157
(ii) For evaluating the condition of extinguisher cylinders made to Department of Transportation specifications (cf. 49 CFR Chapter I), see the Standard for Visual Inspection of Compressed Gas Cylinders (CGA C-6), published by the Compressed Gas Association, 500 Fifth Avenue, New York, NY 10036.	(d)(4)(ii) This paragraph should be rewritten because it is informational and should reference the Air Force's illustrated manual on defects.
(iii) At intervals not exceeding those specified in Table L-3 and subdivision (iv) of this subparagraph, extinguishers shall be hydrostatically tested. The first hydrostatic retest may be conducted between the fifth and sixth years for those with a designated test interval of 5 years.	(d)(4)(iii) This paragraph needs to be rewritten because it does not tell what type of test can be done on pump tanks.
TABLE L-3 **HYDROSTATIC TEST INTERVAL FOR EXTINGUISHERS**	Table L-3 This table should be revised to list the type of container instead of the agent inside of the container.
Extinguisher type: — *Test interval year* Soda-acid ..... 5 Cartridge-operated water and/or anti-freeze ..... 5 Stored-pressure water and/or anti-freeze ..... 5 Wetting agent ..... 5 Foam ..... 5 Loaded stream ..... 5 Dry chemical extinguishers with stainless steel shells, or soldered-brass shells ..... 5 Carbon dioxide extinguishers ..... 5 Dry chemical extinguishers with brazed-brass shells, mild-steel shell, or aluminum shells ..... 12 Bromotrifluoromethane ..... 12 Dry powder extinguishers for metal fires 12	There is no supporting data indicating that these intervals are acceptable. Incidence indicates more frequent testing may be desireable. The note should be deleted since it is for informational purposes only. Halon 1211 should be recognized as an extinguishing agent.

39 F.R. 1437, January 9, 1974.

NOTE: Cylinders under jurisdiction of the U.S. Department of Transportation (formerly Interstate Commerce Commission) may require hydrostatic testing at more frequent periods.

Present Standard	Comments
1910.157	1910.157
(iv) Nitrogen cylinders (or other cylinders used for inert-gas storage), such as found on wheeled extinguishers, shall be tested at a 5-year interval.	(d)(4)(iv) This paragraph should be rewritten because it should allow for the ten year test permitted in NFPA 10-1974,5-3.1. This paragraph does not distinguish between small hand held units and larger wheeled units.
(v) On those extinguishers which are equipped with a shutoff nozzle at the outlet end of the hose, a hydrostatic test shall be performed on the hose with its couplings (but without the discharge nozzle) at the test interval specified for the unit on which the hose is installed.	(d)(4)(v) None.
(vi) The test pressure for dry chemical and dry powder hose assemblies requiring a hydrostatic test shall be at a test pressure of 300 pounds per square inch for a 1-minute period. Carbon dioxide hose assemblies requiring a hydrostatic test shall be at test pressure of 1,250 p.s.i. for a 1-minute period.	(d)(4)(vi) This paragraph should be deleted because the test has no relevance to employee safety.
(vii) Hydrostatic tests are not required on fire pails, pump-type water and/or antifreeze extinguishers, and factory-sealed disposable (nonrefillable) containers. If such an extinguisher or water pail shows evidence of corrosion or mechanical injury, it may be unsafe or unsuitable for further use and shall be replaced with a new unit.	(d)(4)(vii) None.
1910.157	1910.157
(viii) The hydrostatic test date shall be recorded on a record tag of metal or equally durable material, or a suitable metallized decal which shall be affixed (by a heatless process) to the shell of an extinguisher which favorably passes the hydrostatic test. The record tag shall contain the following information: Date of test, test pressure, and name or initials of person or agency making the test.	(d)(4)(viii) This paragraph should be rewritten to permit alternatives such as keeping a written record of tests in one location and recognizing DOT's marking procedure.
(ix) For extinguishers subjected to an original factory test pressure of 350 p.s.i. or greater, the test pressure shall be 75 percent of the factory test pressure (as noted on the extinguisher nameplate), but in no case less than 300 p.s.i., see Table L–4. For extinguishers subjected to an original factory test pressure of less than 350 p.s.i., the test pressure shall be 75 percent of the factory test pressure; see Table L–4. Pressure shall be applied at a rate of rise to reach the test pressure in approximately 1 minute, and the pressure shall be held for 1 minute, after which it shall be released.	(d)(4)(ix) This paragraph should be rewritten to permit recognition of alternative test pressures.

Present Standard	Comments
1910.157	1910.157
TABLE L-4	Table L-4 This table should be revoked because it is not used in NFPA 10-1974 and because extinguishers should be categorized, if necessary, by shell type, not agent.

HYDROSTATIC TEST PRESSURE REQUIREMENTS—NON-ICC SHELLS, SHELLS NOT SPECIFIED IN U.S. DEPARTMENT OF TRANSPORTATION REGULATIONS, (FORMERLY INTERSTATE COMMERCE COMMISSION)

Extinguisher type	Original factory test pressure	Requires hydrostatic test pressure
All dry chemical and dry powder.	400 p.s.i. or greater.	75% of factory test pressure.
	350-399 p.s.i.	300 p.s.i.
	below 350 p.s.i.	75% of factory test pressure.
Foam—500 p.s.i. factory test.	500	375.
Foam—350 p.s.i. factory test.	350	300.
Soda-acid—500 p.s.i. factory test.	500	375.
Soda-acid—350 p.s.i. factory test.	350	300.
Stored-pressure or cartridge-operated water-type (including antifreeze and loaded-stream).	400 p.s.i. or greater.	75% of factory test pressure.
	350-399 p.s.i.	300 p.s.i.
	below 350.	75% of factory test pressure.

(x) Carbon dioxide extinguishers, nitrogen cylinders, and other cylinders or cartridges used for the storage of inert, compressed gases shall be hydrostatically tested in accordance with the requirements of the U.S. Department of Transportation (formerly Interstate Commerce Commission); see 49 CFR Parts 171-190.

(d)(4)(x) This paragraph should be deleted because the cylinders under DOT jurisdiction do not need to be reregulated.

(xi) Extinguisher shells, cartridges, or cylinders which show leakage or permanent distortion in excess of specified limits, or which rupture, shall be removed from service.

(d)(4)(xi) This paragraph should also require that extinguishers which fail the test be destroyed because there is a possibility that shells that fail the test and are removed from service could be reused again without the user knowing of the danger.

Present Standard	Comments
1910.158—STANDPIPE AND HOSE SYSTEMS	§1910.158 -- STANDPIPE AND HOSE SYSTEMS.
	General note: This entire section should be deleted because it is a specialized work procedure to be covered under the fire brigade training requirements.
	The following are suggestions that have been made regarding the present standard:
(a) General requirements.	(a)(1) OSHA should recognize "Class II" standpipe systems in lieu of "class A" extinguishers.
(1) Application. Where standpipe and hose systems are provided they shall meet the design requirements of the National Fire Protection Association's Standard for the Installation of Standpipe and Hose Systems NFPA 14-1970 and the requirements of this section.	The paragraph should be rewritten so that the reader knows what the section requires him to do and when he is required to do it. The standard should be updated to require compliance with NFPA 14-1972. The present standard should be rewritten because it now implies that all standpipes are under OSHA jurisdiction. The paragraph should require standpipes.
(2) Closets and cabinets. Closets and cabinets used to contain fire hose shall be of sufficient size to permit the installation of the necessary equipment at hose stations, and so designed as not to interfere with the prompt handling of the hose and equipment at time of fire. They shall be used for fire equipment only.	(a)(2) This paragraph should be revoked because it suggests property protection and is not related to employee safety.

Present Standard	Comments
1910.158	1910.158
(3) Protection of standpipes. Standpipes shall be so located that they are protected against mechanical and fire damage.	(a)(3) None.
(b) Hose outlets.	
(1) Location of hose.	
(i) Hose outlets shall be within easy reach of a person standing on the floor and in no case shall be over 6 feet from the floor. Hose stations shall be located conspicuously within the immediate area and where not likely to be obstructed. Hose may be located at one side of the standpipe and supplied by short lateral connections to the standpipe where necessary to avoid obstructions.	(b)(1)(i) This paragraph should be rewritten to permit location determination to be made by a competent person. The term "within easy reach of a person" needs to be defined. The term "within the immediate area" needs to be defined. The last sentence should be made mandatory rather than informational or deleted.
(ii) For Class III service, the outlets for large hose shall be located in a stairway enclosure, and for small hose the outlets shall be located in the corridor or space adjacent to the stairway enclosure.	(b)(1)(ii) This paragraph should be revoked because it is not related to employee safety and because NFPA has rewritten the paragraph using the word"should" instead of "shall".
(2) Hose connections.	
(i) Standpipes for Class I service shall be provided with 2½-inch hose connections on each floor.	(b)(2)(i) This paragraph should be deleted because it does not relate to employee safety. This paragraph should be rewritten so that Class I service could be provided when a 2-1/2 inch by 1-1/2 inch adapter is provided.

Present Standard	Comments
1910.158	1910.158
(ii) Standpipes for Class II service shall be provided with 1½-inch hose connections on each floor.	(b)(2)(ii) This paragraph should be deleted because it does not affect employee safety.
(iii) Standpipes for Class III service shall be provided with both a 2½-inch and 1½-inch hose connection on each floor. The hose connections may be through one 2½-inch hose valve and an easily removable 2½-inch by 1½-inch adapter.	(b)(2)(iii) This paragraph should be deleted because it does not affect employee safety.
(3) Hose. Each hose outlet provided for the use of building occupants (Class II and III services) shall be equipped with approved small fire hose attached and ready for use. The maximum total length of unlined hose shall be 75 feet. The maximum total length of lined hose shall be 100 feet.	(b)(3) This paragraph should be rewritten so that OSHA would not accept unlined linen or hemp hose because it is not reliable and very poor in serive-ability. The length of hose should not be limited for trained fire brigades.
(4) Hose racks or reels. Each station provided with small hose shall be equipped with an approved rack, or an approved reel securely fastened in position: provided, that an employer may continue to use a reel acquired prior to May 20, 1974, even though it is not approved, so long as it is in good working condition. [39 F.R. 6109, February 19, 1974.]	(b)(4) This paragraph should be rewritten because it is in conflict with paragraph (a)(2). Small hose needs to be defined.
(5) Hose valves.	
(i) An approved hose valve shall be provided at each outlet for attachment of hose.	(b)(5)(i) None.

Present Standard	Comments
1910.158	1910.158
(ii) Where the static pressure at any standpipe outlet for small hose exceeds 100 pounds per square inch, an approved device shall be installed at the outlet to reduce the pressure so that the nozzle pressure will be approximately 80 pounds per square inch. NOTE: Pressure reducers are not required on standpipe outlets for 2½-inch hose because it is assumed 2½-inch hose will be attached only when the persons likely to use it are trained in handling large streams.	(b)(5)(ii) This requirement should be deleted because there is no hazard to employees under static conditions. This paragraph also interferes with the proper use of hose and nozzle for custom designed outputs requiring pressures higher than that indicated. The paragraph should be rewritten to provide a pressure reducing device for standpipes for 2-1/2 inch hose connections.
(iii) National (American) Standard Fire Hose Coupling Screw Threads shall be used whenever they will fit existing equipment; see Standard for Screw Threads Gaskets for Fire Hose Couplings, NFPA No. 194–1968.	(b)(5)(iii) This paragraph should be rewritten because it is too restrictive as it only allows one type of screw thread.
(6) Nozzles. Nozzles shall be of an approved type. Size of nozzles for small hose shall be not larger than one-half inch.	(b)(6) This paragraph should be rewritten to require the use of nozzles with nozzle shutoffs and variable stream. The paragraph should also be rewritten because the requirement for nozzles 1-1/2 inch in size is too restrictive. The term "approved type" may be too restrictive.

Present Standard	Comments
1910.158	1910.158
(7) Dry standpipe identification. Each hose connection on dry standpipes shall be provided with a conspicuous, durable, and permanently legible sign reading "Dry Standpipe for Fire Department Use Only."	(b)(7) This paragraph should be revoked because dry standpipes for fire department use do not apply to employee safety.
(c) Water supplies.	
(1) Minimum supply for Class I service.	(c)(1)(i) This entire paragraph should be deleted because it is not related to employee safety. This paragraph should be rewritten to include metric equivalents.
(i) The minimum supply for Class I service shall be sufficient to provide 500 gallons per minute for a period of at least thirty (30) minutes.	
(ii) Where more than one standpipe is required, the minimum supply shall be 500 gallons per minute for the first standpipe and 250 gallons per minute for each additional standpipe, the total supply not to exceed 2,500 gallons a minute, for a period of at least thirty (30) minutes.	(c)(1)(ii) None.
(iii) The supply shall be sufficient to maintain a residual pressure of 65 pounds per square inch at the topmost outlet of each standpipe (including the roof outlet) with 500 gallons per minute flowing.	(c)(1)(iii) The phrase "roof outlet" should be deleted because it is not necessary.
(2) Minimum supply for Class II service. The minimum supply for Class II service shall be sufficient to provide 100 gallons per minute for a period of at least thirty (30) minutes. The supply shall be sufficient to maintain a residual pressure of 65 pounds per square inch at the topmost outlet of each standpipe (including the roof outlet) with 100 gallons per minute flowing.	(c)(2) Same suggestion as that for (c)(1)(iii). The paragraph should be rewritten so that a lesser residual pressure is permitted.

Present Standard	Comments
1910.158	1910.158
(3) Minimum supply for Class III service. The minimum supply for Class III service shall be the same as for Class I service.	(c)(3) This paragraph should be rewritten because it is not related to employee safety.
(4) Fire department connections.	(c)(4) This paragraph should be revoked because it has nothing to do with employee safety.
(i) One or more fire department connections shall be provided for each Class I or Class III standpipe system.	(c)(4)(i) This paragraph should be revoked because fire department connections have nothing to do with employee safety.
(ii) In high-rise buildings having two or more zones, a fire department connection shall be provided for each zone.	(c)(4)(ii) Same suggestion as that for (c)(4)(i). The term "zone" needs to be clarified.
(iii) Fire department connections shall be properly supported.	(c)(4)(iii) Same suggestion as that for (c)(4)(i).
(iv) There shall be no shutoff valve in the fire department connection.	(c)(4)(iv) Same suggestion as that for (c)(4)(i).
(v) An approved straightway check valve shall be installed in each fire department connection, located as near as practicable to the point where it joins the system.	(c)(4)(v) This paragraph should be rewritten because it is too restrictive.
(vi) The pipe between the check valve and the outside hose coupling shall be equipped with an approved automatic drip, arranged to discharge to a proper place.	(c)(4)(vi) This paragraph should be deleted because the approval requirements are not related to employee safety.
(vii) Hose connections shall be approved type and shall be equipped with standard caps, properly secured and arranged for easy removal by fire departments.	(c)(4)(vii) This paragraph should be deleted for the same reason as that in (c)(4)(vi) and because it is unrealistic in light of current vandalism.
(viii) Hose coupling threads shall conform to those used by the local fire department. (American) National Standard Fire-Hose Coupling Screw Threads shall be used whenever they will fit the local fire department hose threads; see standard for Screw Threads and Gaskets for Fire Hose Couplings, NFPA No. 194—1968.	(c)(4)(viii) Same suggestion is made that was made for paragraph (b)(5) of this section.
(ix) Hose connections should be on the street side of buildings and shall be located and arranged so that hose lines can be readily and conveniently attached to the inlets without interference from any nearby objects including buildings, fences, posts, or other fire department connections.	(c)(4)(ix) This paragraph should be deleted because it is advisory and not related to employee safety.
(x) Hose connections shall be designated by a sign having raised letters at least one inch in size cast on a plate or fitting, reading "Standpipe."	(c)(4)(x) This paragraph should be deleted because the marking of hose connections is an aid to firefighters and not related to employee safety.

Present Standard	Comments
1910.158	1910.158
(xi) If hose connection does not serve all of the building an appropriate and durable sign shall be attached indicating the portions of the building served.	(c)(4)(xi) None.
(d) Tests and maintenance.	
(1) Tests. All new systems including yard piping shall be tested hydrostatically at not less than 200 pounds per square inch pressure for 2 hours, or at 50 pounds per square inch in excess of the normal pressure when the normal pressure is in excess of 150 pounds per square inch.	(d)(1) This paragraph should be rewritten recognizing that a competent person can conduct this type of test. The paragraph should be rewritten so as to tell the employer what to do if the system fails the tests required. The frequency of tests should be set. The paragraph does not provide for maintenance if tests show failure.
(2) Periodic inspection.	
(i) The tanks shall be kept properly filled, and where pressure tanks are employed, a pressure of at least 75 pounds per square inch shall be maintained at all times. NOTE: For further details, see Standard for Water Tanks for Private Fire Protection, NFPA No. 22-1970.	(d)(2)(i) The term "tanks" should be defined. This paragraph should be deleted because there may be other means of obtaining supply and pressure and because it is not related to employee safety. The "note" should be deleted because it is for informational purposes only.

Present Standard	Comments
1910.158	1910.158
(ii) The valves in the main connection to the automatic sources of water supply shall be open at all times. The hose valves should be frequently examined to see that they are tight. NOTE: For further details, see Care of Fire Hose, NFPA No. 198-1969.	(d)(2)(ii) The note in this paragraph should be deleted because it is informational. The word "automatic" should be deleted because it is too restrictive. The word "frequently" should be defined because it is ambiguous.
1910.159—AUTOMATIC SPRINKLER SYSTEMS	§1910.159 -- AUTOMATIC SPRINKLER SYSTEMS. General note: The American National Standards Institute (ANSI) has petitioned OSHA to adopt the 1974 edition of the National Fire Protection Association (NFPA) standard for automatic sprinkler systems (NFPA 13-1974) as the basis for this section. The following are additional suggestions that have been made regarding the present standard:
(a) General requirements.	(a)(1) The paragraph should be rewritten to restrict coverage to those systems installed to provide suppression along the means of egress from high hazard occupancies.
(1) Design. When automatic sprinkler systems are provided they shall meet design requirements of the National Fire Protection Association's Standard for the Installation of Sprinkler Systems NFPA No. 13-1969 and the requirements of this section.	The paragraph should be rewritten to include a scope and application statement so that employers know just what and when requirements apply to them.

Present Standard	Comments
1910.159	1910.159
	(a)(1) Continued:
	A "grandfather clause" should be provided for previously installed systems.
	The installation of automatic sprinkler systems should be required.
(2) Water supply. Every automatic sprinkler system shall have at least one automatic water supply of adequate pressure, capacity and reliability.	(a)(2) The term "adequate" should be defined because it does not tell the employer what pressure, capacity, and reliability are required.
	This paragraph should be rewritten to permit a "competent person" to determine what pressures, capacities, etc. are needed.
(3) Fire department connection. A connection through which a fire department can pump water into the sprinkler system makes a desirable auxiliary supply. For this purpose, one or more fire department connections shall be provided in all cases.	(a)(3) The first sentence should be deleted because it is not a requirement.
(b) Fire department connections.	(b) The entire paragraph (b) should be deleted because it is not related to employee safety.
(1) Size. Pipe size shall not be less than 4 inches for fire engine connections and not less than 6 inches for fireboat connections, except that 3-inch pipe may be used to connect a single hose connection to a 3-inch or smaller riser.	
(2) Valves.	
(i) An approved straightaway check valve shall be installed in each fire department connection, located as near as practicable to the point where it joins the system.	
(ii) There shall be no shutoff valve in the fire department connection.	
(3) Support. Fire department connections shall be properly supported.	
(4) Hose connections.	
(i) Hose connections shall be of approved type.	
(ii) Hose coupling threads shall conform to those used by the local fire department. National (American) Standard Fire Hose Coupling Screw Threads shall be used whenever they will fit the local fire department hose.	(b)(4)(ii) The term "local" should be defined because it could mean either the municipal or the company fire department.
(iii) Hose connections shall be equipped with caps, properly secured and arranged for easy removal by fire departments.	
(iv) Hose connections shall be located and arranged so that hose lines can be readily and conveniently attached to the inlets without interference from any nearby objects including buildings, fences, posts, or other fire department connections.	
(v) Hose connections shall be designated by a sign having raised letters at least 1 inch in size cast on plate or fitting reading for service designated: Viz— "AUTO-SPKR." or "OPEN SPKR."	
(c) Sprinkler alarms.	(c)(1)(i) This sentence should be rewritten because it is too restrictive since waterflow alarms are not needed on systems having less than twenty (20) heads. The updated NFPA standard NFPA No. 13-1974 requires alarms only on systems having more than 20 sprinkler heads.
(1) General.	
(i) Waterflow alarms shall be provided on all sprinkler installations.	

Present Standard	Comments
1910.159	1910.159
(ii) An alarm unit shall include an approved mechanical alarm, horn, or siren, or an approved weatherproof electric gong, bell, horn, or siren on the outside of the building or approved electric gongs, bells, horns, or sirens inside the building, or a combination of such devices.	(c)(1)(ii) This paragraph should be rewritten because it is too long and contains too many separate requirements. The NFPA standard separates these requirements.
(iii) All alarm apparatus shall be so located and installed that all parts are readily accessible for inspection, removal, and repair, and shall be substantially supported. Outdoor mechanical or electrically operated bells shall be of weatherproof and guarded type. On each alarm check valve used under conditions of variable water pressure, a retarding device shall be installed. Suitable valves shall be provided in the connections to retarding chambers, to permit repair or removal without shutting off sprinklers; these valves shall be so arranged that they may be locked or sealed in the open position.	(c)(1)(iii) This paragraph should be rewritten because it is too long and contains too many separate requirements. The NFPA standard separates these requirements. This paragraph should be deleted in its entirety because the requirement for approval in (c)(1)(ii) should cover these aspects.
(2) Waterflow detecting devices.	
(i) The alarm apparatus for a wet-pipe system shall consist of an approved alarm check valve or other approved water flow detecting alarm device with the necessary attachments required to give an alarm.	(c)(2)(i) This paragraph should be rewritten because it does not describe what type of alarm is required and because alarm check valves are not needed on smaller systems.
(ii) The alarm apparatus for a dry-pipe system shall consist of approved alarm attachments to the dry-pipe valve. When a dry-pipe valve is located on the system side of an alarm valve, the actuating device of the alarms for the dry-pipe valve may be connected to the alarms on the wet-pipe system.	(c)(2)(ii) Same suggestion as that made for paragraph (c)(2)(i).
(iii) The alarm apparatus for preaction and deluge systems shall consist of approved electric alarm attachments, actuated by a thermostatic system independently of flow of water in the system.	(c)(2)(iii) This paragraph should be rewritten because it is not necessary that the alarm attachments be electrical.
(3) Drains. Drains from alarm devices shall be so arranged that there will be no danger of freezing, and so that there will be no overflowing at the alarm apparatus, at domestic connections or elsewhere with the sprinkler drains wide open and under pressure.	(c)(3) This paragraph should be rewritten because the drain has no relationship to employee safety.
(d) Maintenance of sprinkler system. A sprinkler system installed under this Standard must be properly maintained for efficient service. The employer is responsible for the condition of his sprinkler system and must use due diligence in keeping the system in good operating condition.	(d) This paragraph may be too performance oriented for the employer to understand what is expected of him. The terms "properly maintained" and "due diligence" need to be defined. This paragraph should make a reference to the "competent person" concept suggested in other sections of this subpart. This paragraph does not provide requirements for maintenance of systems installed prior to OSHA.

Present Standard	Comments
1910.159	1910.159
(e) Sprinkler head clearance.	(e) The entire paragraph (e), "Sprinkler head clearance", should be deleted because it is directed to protection of property and because the basic section in the OSHA standards [§1910.177] concerning type of storage has been revoked.
(1) Type I storage. Clearance of at least 36 inches shall be maintained between sprinkler deflectors and top of storage to reduce the possibility of obstruction to the distribution of water.	A single clearance of 18 inches is all that should be required for employee safety.
(2) Type II storage. Clearance of at least 18 inches shall be maintained between sprinkler deflectors and top of storage to reduce the possibility of obstruction to the distribution of water.	
(3) Type III storage. In sprinklered buildings, at least 18 inches clearance between sprinkler deflectors and top of storage shall be maintained.	

Present Standard	Comments
1910.160—FIXED DRY CHEMICAL EXTINGUISHING SYSTEMS	§1910.160 -- FIXED DRY CHEMICAL EXTINGUISHING SYSTEMS.
(a) General requirements.	(a)(1) This paragraph should have a scope and application statement to inform the employer what is expected of him.
(1) Design. When dry chemical extinguishing systems are provided they shall meet the design requirements of the National Fire Protection Association's "Standard For Dry Chemical Extinguishing Systems" NFPA No. 17–1969 and the requirements of this section.	A "grandfather clause" needs to be added to the standard for older systems. The standard should be updated to meet the current edition of the new NFPA standard, NFPA 17-1973. The following are suggestions that have been made regarding the present standard:
(2) Safety requirements. Where there is a possibility that personnel may be exposed to a dry chemical discharge, suitable safeguards shall be provided to insure prompt evacuation of such locations, and also to provide means for prompt rescue of any trapped personnel.	(a)(2) The paragraph needs to be expanded to further regulate the safety hazards associated with a fixed dry chemical system; such hazards as visual interference and breathing difficulty at the time of system discharge should be addressed.
(b) Alarms and indicators.	
(1) General. Alarms and/or indicators are used to indicate the operation of the system, hazard to personnel, or failure of any supervised device or equipment. The devices may be audible or visual. The type, number, and location of the devices shall be such that their purpose is satisfactorily accomplished.	(b)(1) The term "satisfactorily accomplished" should be defined. The paragraph should be rewritten because it is vague and only the last sentence is a requirement.
[38 F.R. 19030, July 17, 1973.]	

Present Standard	Comments
1910.160	1910.160
(2) Operation alarm.	
(i) An alarm or indicator shall be provided to show that the system has operated, that personnel response may be needed, and that the system should be charged.	(b)(2)(i) This paragraph should be rewritten because it is not directly related to employee safety.
(ii) Alarms indicating failure of supervised devices or equipment shall give prompt and positive indication of any failure and shall be distinctive from alarms indicating operation or hazardous conditions.	(b)(2)(ii) Same suggestion as that for paragraph (b)(2)(i).
(c) Inspection and maintenance.	
(1) Inspection and tests.	
(i) At least annually, all dry chemical systems including alarms, shutdowns, and other associated equipment, shall be thoroughly inspected and checked for proper operation by a competent inspector.	(c)(1)(i) This paragraph should delete the specific time period in favor of judgement by a "competent person." The paragraph should indicate whether this is only an inspection of the system or whether the system has to be tested by actual operation.
(ii) The purpose of the inspection and testing prescribed by paragraph (c) of this section shall be not only to insure that the system is in full operating condition but also to indicate the probable continuance of that condition until the next inspection. Attention at this inspection shall be given to any extension of the hazard protected by the system.	(c)(1)(ii) This paragraph does not tell the employer what to do if the system fails the test. This paragraph should be rewritten because it is not an enforceable requirement.
(iii) The inspector's report, with recommendations, if any, shall be filed with the employer or with whomever is designated by the employer.	(c)(1)(iii) This paragraph should explicitly require that deficiencies be reported.
(iv) Between the regular annual inspection or tests, the system shall be inspected visually or otherwise by competent personnel, following a predetermined schedule. [38 F.R. 19030, July 17, 1973.]	(c)(1)(iv) The paragraph should be rewritten because the phrase "or otherwise" is too vague. The paragraph should be deleted because it is unnecessary.
(v) At least semiannually, all expellant gas containers shall be checked by pressure or weight against the required minimums.	(c)(1)(v) The paragraph should be rewritten because the term "required minimums" is too vague and to refer to a "competent person" concept of inspection.
(vi) At least semiannually, all stored pressure dry chemical containers shall be checked by pressure and weight against the required minimums.	(c)(1)(vi) The same suggestion is made that was made for (c)(1)(v).
(vii) Except for stored pressure systems, at least annually the dry chemical in the system storage container shall be sampled from the top center and also near the wall to determine the existence of lumps harder than will be friable when dropped from a height of 4 inches.	(c)(1)(vii) The term "friable" is correct, but should be defined. This is an unnecessary specification which would be part of an inspection by a competent person.

Present Standard	Comments
1910.160 **(2) Maintenance.**	1910.160
(i) These fixed dry chemical systems shall be maintained in full operating condition at all times. Use, impairment, and restoration of this protection shall be reported promptly to the employer.	(c)(2)(i) The term "full operating condition" should be defined.
(ii) Any troubles or impairments shall be corrected at once by competent personnel.	(c)(2)(ii) The term "competent person" should be defined as a safety or fire professional with either a P.E. [Professional Engineer], a C.S.P. [Certified Safety Professional], membership in S.F.P.E. [Society of Fire Protection Engineers] or membership in A.S.S.E. [American Society of Safety Engineers].

Present Standard	Comments
1910.161—CARBON DIOXIDE EXTINGUISHING SYSTEMS	1910.161 -- CARBON DIOXIDE EXTINGUISHING SYSTEMS
	The following are suggestions that have been made regarding the present standard:
(a) General requirements.	
(1) Design. When carbon dioxide extinguishing systems are provided they shall meet the design requirements of the National Fire Protection Association's "Standard on Carbon Dioxide Extinguishing Systems" NFPA No. 12–1968 and the requirements of this section.	(a)(1) A scope and application statement is needed to more clearly define what is expected of the employer and when he is expected to do it. The present standard seems to imply that all carbon dioxide systems are covered by the requirements of this section when such a system is provided in the workplace; a "grandfather clause" should therefore be added for existing systems. The standard should be up-dated to require compliance with the new NFPA No. 12-74. OSHA should not reference NFPA standards, but instead reprint only those parts that employers need to know.
(2) Safety requirements. In any use of carbon dioxide where there is a possibility that employees may be trapped in, or enter into atmospheres made hazardous by a carbon dioxide discharge, suitable safeguards shall be provided to insure prompt evacuation of and to prevent entry into such atmospheres and also to provide means for prompt rescue of any trapped personnel. Such safety items as personnel training, warning signs, discharge alarms, predischarge alarms, and breathing apparatus shall be considered.	(a)(2) This paragraph should be rewritten to more fully regulate the safety hazards associated with the use of carbon dioxide systems as there is no mention in the present standard of the possibility of asphyxiation due to discharge of a total flooding system.

Present Standard	Comments
1910.161	1910.161
(b) Inspection and maintenance.	
(1) Inspection and tests.	
(i) At least annually, all carbon dioxide systems shall be thoroughly inspected and tested for proper operation by a competent engineer or inspector.	(b)(1)(i) This requirement should be rewritten so that the remainder of paragraph (b)(1) could be deleted. The fact that a competent person is conducting the inspection or maintenance should preclude the necessity of telling him what he has to do.
(ii) The goal of this inspection and testing shall be not only to insure that the system is in full operating condition but shall indicate the probable continuance of that condition until the next inspection.	(b)(1)(ii) The phrase "probable continuance" should be defined.
(iii) Suitable discharge tests shall be made when any inspection indicates their advisability.	(b)(1)(iii) The phrase "suitable tests" should be defined so that employers know what is expected of them.
(iv) Between the regular service contract inspection or tests, the system shall be inspected visually or otherwise by competent personnel, following a schedule.	(b)(1)(iv) This paragraph should be rewritten because it seems to apply only to those employers who have a service contract for inspections and not to those who do not have this service.
(v) At least semiannually, all high pressure cylinders shall be weighed. If, at any time, a container shows a loss in net content of more than 10 percent, it shall be refilled or replaced.	(b)(1)(v) The loss should be measured in terms of weight, not content, because it is the weight that is being checked.
(vi) If, at any time, a low pressure container shows a loss of more than 10 percent, it shall be refilled, unless the minimum gas requirements are still provided.	(b)(1)(vi) The paragraph should be rewritten so there would be a unit of measure for "10 percent."

Present Standard	Comments
1910.161	1910.161
(2) Maintenance.	
(i) These carbon dioxide systems shall be maintained in full operating condition at all times.	(b)(2)(i) The term "full operating condition" should be defined.
(ii) Any troubles or impairments shall be corrected at once by competent personnel.	(b)(2)(ii) Same suggestion that was made for §1910.160(c)(2)(ii). [Define "competent person."]
1910.162—OTHER SPECIAL FIXED EXTINGUISHING SYSTEMS. [RESERVED]	§1910.162 -- OTHER SPECIAL FIXED EXTINGUISHING SYSTEMS. OSHA has been asked to adopt standards for fixed extinguishing systems using bromotrifluoromethane (Halon 1301) and foam as the extinguishing agents.
1910.163—LOCAL FIRE ALARM SIGNALING SYSTEMS	§1910.163 -- LOCAL FIRE ALARM SIGNALING SYSTEMS. General note: This section should provide the hardware specifications and design criteria for local fire alarm signaling systems used in workplaces to comply with other OSHA fire protection requirements. OSHA should not be concerned with the sections of the source standard that apply to "watchman service" because such service is generally limited to property protection.

Present Standard	Comments
1910.163	1910.163
(a) General requirements. Where local fire alarm signaling systems are provided they shall meet the design requirements of the National Fire Protection Association's "Standard for the Installation, Maintenance, and Use of Local Protective Signaling Systems for Watchman, Fire Alarm and Supervisory Service." NFPA No. 72A–1967 and the requirements of this section.	The following are suggestions that have been made regarding the present standard: OSHA should not reference standards; it should print those parts that an employer needs to know. Design and specification standards are not required, only performance oriented language should be used. (a) This paragraph should be rewritten to include a scope and application statement so that employers are aware of what is required and when it is required. The standard should be updated to require compliance with the current edition of the NFPA 72A standard, 1974.
(b) Fire alarm boxes. **(1) General.** Manual fire alarm boxes shall be approved for the particular application and shall be used only for fire protective signaling purposes. Combined fire alarm and watchman's signaling boxes are acceptable.	(b)(1) This paragraph should be deleted because manual boxes are seldom used now that other methods of two-way communications, such as telephones, are available.
(2) Mounting. Each box shall be securely mounted.	(b)(2) This requirement should be deleted because it is not related to employee safety.
(3) Distribution. Manual fire alarm boxes shall be distributed throughout the protected area so that they are unobstructed, readily accessible, and located in the normal path of exit from the area. Additional boxes shall be provided on each floor to obtain a maximum horizontal travel distance of 200 feet to the nearest box.	(b)(3) This requirement should be deleted because it is too restrictive and because it leads to expensive installation with constant maintenance.

Present Standard	Comments
1910.163	1910.163
(c) Maintenance. All systems shall be under the supervision of qualified persons. These persons shall cause tests and inspections to be made at weekly intervals, and shall have general charge of all alterations and additions to the systems under their supervision.	(c) This paragraph is an excellent paragraph for use with all of the Subpart L sections in lieu of detailed requirements as long as the term "qualified person" is defined. This paragraph is too restrictive in requiring weekly tests on fire alarm systems.
1910.164—FIRE BRIGADES [RESERVED]	§1910.164 -- FIRE BRIGADES. OSHA should add requirements for personal protective equipment and training for fire brigadesmen. There is an immediate need for safety and health standards in this area.
1910.165—EFFECTIVE DATES	§1910.165 -- EFFECTIVE DATES. If an appropriate "grandfather clause" is developed, this section could be revoked.
(a) The provisions of this Subpart L shall become effective on August 27, 1971, except as provided in the remaining paragraphs of this section. **(b)** The following provisions shall become effective on February 15, 1972: § 1910.157(c). § 1910.185(b) and (c). § 1910.159(a), (b), and (c). § 1910.160(a). § 1910.161(a).	This section contains no standards; however, it would be updated at the time of publication of the final rulemaking.

Present Standard	Comments
(c) Notwithstanding anything in paragraph (a), (b), or (d) of this section, any provision in any other section of this subpart which contains in itself a specific effective date or time limitation shall become effective on such date or shall apply in accordance with such limitation.	1910.165
(d) Notwithstanding anything in paragraph (a) of this section, if any standard in 41 CFR Part 50–204, other than a national consensus standard incorporated by reference in § 50–204.2(a)(1), is or becomes applicable at any time to any employment and place of employment, by virtue of the Walsh-Healey Public Contracts Act, or the Service Contract Act of 1965, or the National Foundation on Arts and Humanities Act of 1965, any corresponding established Federal standard in this Subpart L which is derived from 41 CFR Part 50–204 shall also become effective, and shall be applicable to such employment and place of employment, on the same date.	
1910.165a—SOURCES OF STANDARDS	§1910.165a -- SOURCES OF STANDARDS.
Sec. — *Source*	
1910.156(a)–(h) — NFPA No. 10–1970, Standard for the Installation of Portable Fire Extinguishers.	This section contains no standards; however, it would be updated to reflect this information at the time of the final rulemaking publication.
1910.156(i)–(j) — NFPA No. 13–1969, Standard for the Installation of Sprinkler Systems.	
1910.156(k)–(o) — NFPA No. 14–1970, Standard for the Installation of Standpipe and Hose Systems.	
1910.156(p)–(s) — NFPA No. 231–1970, Standard for Indoor General Storage.	
1910.157 — NFPA No. 10–1970, Standard for the Installation of Portable Fire Extinguishers.	This section should be combined with §1910.165b.
1910.158 — NFPA No. 14–1970, Standard for the Installation of Standpipe and Hose Systems.	1910.165
1910.159(a)–(d) — NFPA No. 13–1969, Standard for the Installation of Sprinkler Systems.	
1910.159(e) — NFPA No. 231–1970, Standard for Indoor General Storage.	
1910.160 — NFPA No. 17–1969, Standard for Dry Chemical Extinguishing Systems.	
1910.161 — NFPA No. 12–1968, Standard on Carbon Dioxide Extinguishing Systems.	
1910.163 — NFPA No. 72A–1967, Standard for the Installation, Maintenance, and Use of Local Protective Signalling Systems for Watchman, Fire Alarm and Supervisory Service.	
1910.165b—STANDARDS ORGANIZATIONS	1910.165b --STANDARDS ORGANIZATIONS.
Compressed Gas Association, Inc., 500 Fifth Avenue, New York, NY 10036. National Fire Protection Association, 60 Batterymarch Street, Boston MA 02110. American National Standards Institute, 1430 Broadway, New York, NY 10018.	This section contains information that would be updated at the time of final rulemaking publication. This section should be combined with §1910.165a.

[FR Doc.76–11329 Filed 4–22–76;8:45 am]

federal register

FRIDAY, APRIL 23, 1976



PART III:

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

General Wage Determination Decisions; Modifications and Supersedeas Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders, 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Ohio	OH76–2054

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Arizona:	
AZ76–5008	Jan. 23, 1976.
Connecticut:	
CT76–2042; CT76–2043	Apr. 2, 1976.
Idaho:	
ID76–5016	Feb. 13, 1976.
Indiana:	
IN75–2133	Dec. 19, 1975.
Kentucky:	
KY76–1038	Mar. 12, 1976.
Louisiana:	
LA76–4013	Jan. 30, 1976.
Michigan:	
MI76–2031	Mar. 12, 1976.
New York:	
NY76–3136; NY76–3138	Jan. 23, 1976.
Oklahoma:	
OK76–4018; OK76–4019; OK 76–4021; OK76–4022.	Feb. 6, 1976.
Pennsylvania:	
PA75–3055	June 27, 1975.
PA75–3101; PA75–3102; PA 75–3104.	Oct. 3, 1975.
PA76–3150	Mar. 19, 1976.
PA76–3155	Mar. 26, 1976.
PA76–3157	Apr. 2, 1976.
Texas:	
TX76–4027; TX75–4028; TX 76–4033; TX76–4034; TX 76–4040; TX76–4041; TX 76–4140; TX76–4041; TX 4042.	Feb. 13, 1976.
TX76–4045; TX76–4046; TX76–4047; TX76–4050.	Feb. 20, 1976.
Utah:	
UT76–5017	Feb. 13, 1976.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decision being superseded.

Nebraska:	
NE76–4068 (NE76–4074)	Mar. 26, 1976.
South Dakota:	
SD76–5023 (SD76–5039	Do.
Tennessee:	
TN75–1068 (TN76–1052)	July 18, 1975.
Texas:	
TX76–4031 (TX76–4076)	Feb. 13, 1976.

Signed at Washington, D.C., this 16th day of April 1976.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: Ohio COUNTY: Tuscarawas
DECISION NO. OH76-2054 DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.635	.35	.80		.02
BOILERMAKERS	10.88	.50	.85		.01
BRICKLAYERS & STONEMASONS	10.00	.50	.35		.01
CEMENT MASONS	10.00	.50	.35		.01
CARPENTERS	9.22	.40	.30		.02
ELECTRICIANS:					
Northern part of County	10.60	.30	1%+.10		.3%
Southern part of County	10.00	.29	1%	c	.5%
ELEVATOR CONSTRUCTORS:					
Elevator Constructors	10.825	.495	.32	4%+a+b	.02
Elevator Constructors' Helpers	7.20	.495	.32	4%+a+b	.02
Elevator Constructors' Helpers (Prob.)	5.14				
GLAZIERS	8.99	.70	.67		.03
IRONWORKERS	9.97	.60	.50		.03
LABORERS: Laborers, Carpenter tender Concrete handler, finisher tender, guard rail erector	6.95	.55	.40		.05
Bottom men scaffold builders, air and power driven tools, burner, pipelayer mason and plaster tenders, hod carrier, laser beam set up men, blasters & dynamite men	7.15	.55	.40		.05
Gunnite Operators	7.55	.55	.40		.05
LINE CONSTRUCTION:					
Northern Part of County					
Linemen & Equipment Operators	10.60	.30	1%+.10		.25%
Truck Drivers	7.95	.30	1%+.10		.25%
Groundman 1 yr & over	7.50	.30	1%+.10		.25%
Groundman under 1 year	7.05	.30	1%+.10		.25%
Southern Part of County					
Linemen & Equipment Operators	10.00	.29	1%	c	.5%
Truck Driver	6.50	.29	1%	c	.5%
Groundman	6.00	.29	1%	c	.5%
MARBLE, TILE & TERRAZZO WORKERS	9.79	.45	.60		.02
MILLWRIGHTS & PILEDRIVERMEN	9.65	.40	.30		.02

DECISION NO OH76-2054

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Brush and Roller	$ 8.42	.55	.40		.02
Paperhanger	8.52	.55	.40		.02
Spray	8.92	.55	.40		.02
Drywall	8.82	.55	.40		.02
PLUMBERS	10.60	.35	.35		.08
ROOFERS	10.04	.57	.40		.02
SHEET METAL WORKERS	9.86	.45	.60		.02
SPRINKLER FITTERS	11.15	.50	.80		.08
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer Contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years

c. One paid holiday - Labor Day

DECISION NO. OH76-2054

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	$10.74	.46	.80		.11
GROUP B	10.58	.46	.80		.11
GROUP C	10.23	.46	.80		.11
GROUP D	9.42	.46	.80		.11
GROUP E	9.09	.46	.80		.11
GROUP F	7.98	.46	.80		.11

GROUP A - A-frames, air compressor on steel erection, rotary drills used on caisson work for foundations and sub-structure work, boiler or compressor operator mounted on crain (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, dredge, (dipper, clam or suction) 3 man crew, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator and helicopter winch operator when hoisting builders materials, hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction on site), hammerhead tower cranes, trench machines (over 24" wide), tug boat.

GROUP B - Asphalt paver, bulldozer, C.M.I. type equipment, endloaders, Kohlman type loaders (dirt loading), lead greaseman, mucking machines, power grader, power scoops, power scrapers, push cat.

GROUP C - Air compressor (pressureizing shafts or tunnels), asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operators installing well points or other type of dewatering system, pumps (4" and over discharge), submersible pumps (4" and ober discharge), trenchers 24" and under.

GROUP D - Compressors on building construction, conveyors (building material), generators, gunnite machines, mixers (capacity more than one bag), mixers (one bag capacity, side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers, welder operator.

GROUP E - Backfillers & tampers, batch plant, bar and joint installing machines, bull floats, burlap and curing machines, clefplanes, concrete spreading mach., crushers, deck hands, drum firemen (asphalt), farm type tractors pulling attachments, finifhsing machines, form trenchers, high pressure pumps over 4" discharge, hydro seeders, self propelled power spreader, self propelled sub-grader, tire repairman, tractors pulling sheeps foot roller or grader, vibratory compactors (with integral power).

GROUP F - Oiler, helper, signalman, inboard, & outboard motor boat launch, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. pressure, pumps under 4" discharge, submersible pumps under 4" discharge.

DECISION NO. AZ76-5008 - Mod. #3 (41 FR 3577 - January 23, 1976) Maricopa County, Arizona	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Decision #AZ76-5008 - Mod. #3 dated 3/26/76 to Mod. #2					

DECISION NO. CT76-2042 - Mod. #1 (41 FR 14276 - April 2, 1976) Fairfield, Litchfield, New London, & Windham Counties, Connecticut	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Carpenters; Millwrights; Piledrivermen; & Soft floor layers (Building Construction):					
Litchfield Co.: Harwinton, Plymouth, & Terryville	$9.65	.65	.40		.05
Carpenters (Heavy and Highway Construction):					
Fairfield Co.: Bridgeport, Easton, Fairfield, Monroe, Shelton, Stratford, Trumbull, Weston, & Westport	9.40	.65	.40	f	$50.00p/y
Fairfield Co.: Bethel, Brookfield, Danbury, Darien, New Canaan, New Fairfield, Newtown, Norwalk, Redding, Ridgefield, Sherman, Stamford, & Wilton; Litchfield County	9.40	.65	.40	f	.05
Fairfield Co.: Greenwich	9.45	.60	.40	f	.02
New London & Windham Cos.	9.40	.65	.40	f	.03
Sprinkler fitters	11.38	.60	.90		.08
Omit:					
Laborers (Heavy & Highway Construction) Schedule					
Power equipment operators schedules					
Add:					
Laborers (Heavy & Highway Construction) Schedule					
Power equipment operators schedules					

MODIFICATIONS P. 3

DECISION NO. CT76-2042 Cont'd

POWER EQUIPMENT OPERATORS (Heavy and Highway construction)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Class 1	$10.93	.45	.90	a	.10
Class 2	10.79	.45	.90	a	.10
Class 3	10.47	.45	.90	a	.10
Class 4	10.28	.45	.90	a	.10
Class 5	10.14	.45	.90	a	.10
Class 6	9.96	.45	.90	a	.10
Class 7	9.76	.45	.90	a	.10
Class 8	8.92	.45	.90	a	.10
Class 9	9.02	.45	.90	a	.10
Class 10	9.36	.45	.90	a	.10
Class 11	9.69	.45	.90	a	.10
Class 12	8.58	.45	.90	a	.10
Class 13	9.30	.45	.90	a	.10
Crane with 150' boom - $.25 extra					
Crane with 200' boom - $.50 extra					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day

FOOTNOTE:
a. 7 paid holidays: A through F, and Good Friday

CLASSIFICATIONS:
Class 1: Erecting and handling structural steel; Front end loader (7 cy. or over)
Class 2: Piledriver; Power shovel and crane; Dragline; Gradall; Trenching machine; Lighter derrick; Paver (concrete); Derrick (stiff leg and guy); Steel pile sheeting; Koehring loader (skooper); Master mechanic
Class 3: Drill (Joy heavy weight champion or equivalent); Side boom; loader (Euclid); Mucking machine; Pumpcrete; Rock and earth boring machine; Post hole digger; Well digger; & Hammer (vibratory); Central mix; Combination hoe & loader (over 1/4 yd)
Class 4: Asphalt spreader
Class 5: Front end loader (3 yds. or over); Grader; Power stone spreader; Combination hoe and loader
Class 6: Asphalt roller; Bulldozer; Carryall; Maintenance engineer; Concrete mixer (5 bags and over); Welder
Class 7: Front end loader (under 3 yds.); Roller; Power chipper; Fork lift; Finishing machine; Asphalt plant; Power pavement breaker; Dinky machine
Class 8: Compressor; Pump
Class 9: Fireman (high pressure)
Class 10: Well point system
Class 11: Compressor battery
Class 12: Oiler
Class 13: Batch plant; Bulk cement plant

MODIFICATIONS P. 4

DECISION NO. CT76-2042 Cont'd

POWER EQUIPMENT OPERATORS (Building construction)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Derrick; Hoisting engineer 2 drums and over; Hoisting structural steel; Pile driver; & Setting stone	$10.90	.45	.90	a	.10
Dragline; Fork lift - over 4' lift; Front end loader - 7 cy. or over; Gradall; Hoisting engineer (all types of equipment where a drum and cable are used to hoist, pull or drag material regardless of motive power or operation); Koehring scooper loader and/or hoe; Master mechanic; Shovel; & Tower crane	10.80	.45	.90	a	.10
Maintenance engineer	10.70	.45	.90	a	.10
Central mix operator; Coleman loader and screening plant or similar equipment; Combination hoe and loader over 1/4 yd.; Conveyors - regardless of motive power; Front end loader - 3 cy. up to 7 cy.; High pressure portable boiler; Joy drill - limited to joy heavy weight champion or equivalent; Mucking machine; Post hole digger; Pumpcrete machine; Rock boring machine; Vibratory hammer; Welder; & Well digger	10.45	.45	.90	a	.10
Compressor battery operator	9.70	.45	.90	a	.10
Asphalt spreader	10.25	.45	.90	a	.10
Bulldozer; Carry-all operators; Grader; & Scraper pan	10.20	.45	.90	a	.10
Combination hoe and loader machine; Concrete mixer - 5 bags or over; Front end loader under 3 cy.; Powerstone spreader	10.15	.45	.90	a	.10
Air and steam valve	9.45	.45	.90	a	.10
Compressor; Generator; Pump and Well point; Welding machine	9.35	.45	.90	a	.10

DECISION NO. CT76-2042 Cont'd

POWER EQUIPMENT OPERATORS (Building construction)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (Cont'd):					
Fork lift not over 4'; & Steam Jenny	$10.05	.45	.90	a	.10
Mechanical heater	9.20	.45	.90	a	.10
Roller	9.95	.45	.90	a	.10
Dinky machine; Power pavement breaker	9.80	.45	.90	a	.10
Fireman (High pressure)	9.00	.45	.90	a	.10
Oiler	8.55	.45	.90	a	.10
Crane with boom, excluding jib, over 150' - $.25 extra					
Crane with boom, excluding jib, over 200' - $.50 extra					
PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day					
FOOTNOTE: a. 7 paid holidays: A through F, and Good Friday					
LABORERS (Heavy and Highway Construction):					
Laborers	$7.50	.50	.45		.10
Acetylene burners; Asphalt raker; Chain saw operator; Concrete & power buggy operators; Concrete saw operator; fence & guard rail erectors; Form setters; Hand operated concrete vibrator operators; Hand operated vibratory compactor operators; Mason tenders; Pipelayers; Pneumatic drill operators; Pneumatic Gas & Electric drill operators; Powdermen & wagon drill operators	7.75	.50	.45		.10
Air track operators; Block pavers; Curb setters	8.00	.50	.45		.10
Blasters	8.25	.50	.45		.10

DECISION NO. CT76-2043 - Mod. #1
(41 FR 14285 - April 2, 1976)

Hartford, Middlesex, New Haven & Tolland Counties, Connecticut	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Carpenters; Millwrights; Piledrivermen; & Soft floor layers (Building Construction): Hartford Co.: Berlin, Bristol, Canton, E. Berlin, Kensington, Marion, Milldale, New Britain, Newington, Plainville, & Southington; Middlesex Co.; New Haven Co.: Meriden, & Wallingford	$9.65	.65	.40		.05
Carpenters (Heavy & Highway Construction): New Haven Co.: Ansonia, Derby, Milford, Orange (w. of Orange Center Rd. & s. of Rte. #1 & w. of the Oyster River), Oxford, & Seymour	9.40	.65	.40	f	$50.00p/y
Hartford Co.; Middlesex Co.; & New Haven Co.: Remainder of Co.; Tolland Co.: Bolton, Ellington, Somers, Stafford, Tolland, & Vernon	9.40	.65	.40	f	.05
Tolland Co.: Andover, Columbia, Coventry, Hebron Mansfield, Union, & Willington	9.40	.65	.40	f	.03
Sprinkler fitters	11.38	.60	.90		.08
Omit: Laborers (Heavy & Highway Construction) Schedule; Power equipment operators Schedules					
Add: Laborers (Heavy & Highway Construction) Schedule; Power equipment operators Schedules					

MODIFICATIONS P. 7

DECISION NO. CT76-2043 Cont'd

POWER EQUIPMENT OPERATORS (Heavy and Highway construction)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Class 1	$10.93	.45	.90	a	.10
Class 2	10.79	.45	.90	a	.10
Class 3	10.47	.45	.90	a	.10
Class 4	10.28	.45	.90	a	.10
Class 5	10.14	.45	.90	a	.10
Class 6	9.96	.45	.90	a	.10
Class 7	9.76	.45	.90	a	.10
Class 8	8.92	.45	.90	a	.10
Class 9	9.02	.45	.90	a	.10
Class 10	9.36	.45	.90	a	.10
Class 11	9.69	.45	.90	a	.10
Class 12	8.58	.45	.90	a	.10
Class 13	9.30	.45	.90	a	.10
Crane with 150' boom - $.25 extra					
Crane with 200' boom - $.50 extra					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day

FOOTNOTE:
a. 7 paid holidays: A through F, and Good Friday

CLASSIFICATIONS:
Class 1: Erecting and handling structural steel; Front end loader (7 cy. or over)
Class 2: Piledriver; Power shovel and crane; Dragline; Gradall; Trenching machine; Lighter derrick; Paver (concrete); Derrick (stiff leg and guy); Steel pile sheeting; Koehring loader (skooper); Master mechanic
Class 3: Drill (Joy heavy weight champion or equivalent); Side boom; loader (Euclid); Mucking machine; Pumpcrete; Rock and earth boring machine; Post hole digger; Well digger; & Hammer (vibratory); Central mix; Combination hoe & loader (over 1/4 yd)
Class 4: Asphalt spreader
Class 5: Front end loader (3 yds. or over); Grader; Power stone spreader; Combination hoe and loader
Class 6: Asphalt roller; Bulldozer; Carryall; Maintenance engineer; Concrete mixer (5 bags and over); Welder
Class 7: Front end loader (under 3 yds.); Roller; Power chipper; Fork lift; Finishing machine; Asphalt plant; Power pavement breaker; Dinky machine
Class 8: Compressor; Pump
Class 9: Fireman (high pressure)
Class 10: Well point system
Class 11: Compressor battery
Class 12: Oiler
Class 13: Batch plant; Bulk cement plant

MODIFICATIONS P. 8

DECISION NO. CT76-2043 Cont'd

POWER EQUIPMENT OPERATORS (Building construction)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Derrick; Hoisting engineer 2 drums and over; Hoisting structural steel; Pile driver; & Setting stone	$10.90	.45	.90	a	.10
Dragline; Fork lift - over 4' lift; Front end loader - 7 cy. or over; Gradall; Hoisting engineer (all types of equipment where a drum and cable are used to hoist, pull or drag material regardless of motive power or operation); Koehring scooper loader and/or hoe; Master mechanic; Shovel; & Tower crane	10.80	.45	.90	a	.10
Maintenance engineer	10.70	.45	.90	a	.10
Central mix operator; Coleman loader and screening plant or similar equipment; Combination hoe and loader over 1/4 yd.; Conveyors - regardless of motive power; Front end loader - 3 cy. up to 7 cy.; High pressure portable boiler; Joy drill - limited to joy heavy weight champion or equivalent; Mucking machine; Post hole digger; Pumpcrete machine; Rock boring machine; Vibratory hammer; Welder; & Well digger	10.45	.45	.90	a	.10
Compressor battery operator	9.70	.45	.90	a	.10
Asphalt spreader	10.25	.45	.90	a	.10
Bulldozer; Carry-all operators; Grader; & Scraper pan	10.20	.45	.90	a	.10
Combination hoe and loader machine; Concrete mixer - 5 bags or over; Front end loader under 3 cy.; Powerstone spreader	10.15	.45	.90	a	.10
Air and steam valve	9.45	.45	.90	a	.10
Compressor; Generator; Pump and Well point; Welding machine	9.35	.45	.90	a	.10

DECISION NO. CT76-2043 Cont'd

POWER EQUIPMENT OPERATORS (Building construction)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (Cont'd):					
Fork lift not over 4'; & Steam Jenny	$10.05	.45	.90	a	.10
Mechanical heater	9.20	.45	.90	a	.10
Roller	9.95	.45	.90	a	.10
Dinky machine; Power pavement breaker	9.80	.45	.90	a	.10
Fireman (High pressure)	9.00	.45	.90	a	.10
Oiler	8.55	.45	.90	a	.10
Crane with boom, excluding jib, over 150' - $.25 extra					
Crane with boom, excluding jib, over 200' - $.50 extra					
PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day					
FOOTNOTE: a. 7 paid holidays: A through F, and Good Friday					
LABORERS (Heavy and Highway Construction):					
Laborers	$7.50	.50	.45		.10
Acetylene burners; Asphalt raker; Chain saw operator; Concrete & power buggy operators; Concrete saw operator; fence & guard rail erectors; Form setters; Hand operated concrete vibrator operators; Hand operated vibratory compactor operators; Mason tenders; Pipelayers; Pneumatic drill operators; Pneumatic Gas & Electric drill operators; Powdermen & wagon drill operators	7.75	.50	.45		.10
Air track operators; Block pavers; Curb setters	8.00	.50	.45		.10
Blasters	8.25	.50	.45		.10

DECISION #ID76-5016 - Mod. #2
(41 FR 6961 - February 13, 1976)
Statewide, Idaho

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Add:					
Power Equipment Operators: (Cont'd)					
Zone 1: Area within a fifteen (15) mile radius from the Center of the following Cities: Lewiston, Idaho and Spokane, Washington					
Zone 2: Area from within a fifteen (15) mile radius to forty-five (45) mile radius from the center of the above named Cities.					
Zone 3: Area over a forty-five (45) mile radius from the center of the above named Cities.					
With the exception that the area within a fifteen (15) mile radius of the center of the City of Coeur d'Alene, Idaho, shall be considered within Zone 1.					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Add:					
Soft Floor Layers:					
Benewah, Bonner, Boundary, Clearwater, Idaho County north of the 46th Parallel, Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties	$7.89	.25	.40	.31	
Remaining Counties	7.50				

DECISION NO. IN75-2133 - Mod. #3 (40 FR 59155 - December 19, 1975) Statewide, except Lake, LaPorte, Porter, & St. Joseph Counties, Indiana	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Carpenters:					
Elkhart County Bartholomew (Camp Atterbury), Boone, Fountain, Hamilton, Hancock, Hendricks, Johnson (except Edinburg), Marion, Montgomery, Morgan (except Washington), Parke (except portion lying west of a line south and north running through Jessup, Rosedale, Carbondale, & Poland), Putnam, Vermillion (north of the south city limits of Summit Grove), & Warren Cos.	$9.58	.50	.50		.05
Remainder of state of Indiana	9.85	.50	.50		.08
	9.48	.45	.35		.05

DECISION #KY76-1038 - Mod. #1 (41 FR-10828 - March 12, 1976) Hardin, Jefferson, and Meade Counties, Kentucky	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos workers	10.21	.45	.65		.02

DECISION #IA76-4013 - Mod. #4 (41 FR 4760 - January 30, 1976) Statewide Louisiana	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos workers:					
Zone 3	$ 8.40	.45	1.00		.05
Lathers:					
Zone 3	9.385	.30			.01
Marble setters:					
Zone 6	9.10				
Painters:					
Zone 3:					
Group 1	7.755	.275	.30		.05
Group 2	8.13	.275	.30		.05
Group 3	9.005	.275	.30		.05
Sprinkler fitters	10.10	.60	.90		.08
Terrazzo workers:					
Zone 6	9.10				
Tile setters:					
Zone 6	9.10				

DECISION #MI76-2031 - Mod. #1 (41 FR 10831 - March 12, 1976) Alcona, Alpena, Charlevoix, Emmet, Grand Traverse, Leelanau, Mason, Montmorency, Muskegon, Oceana, Oscoda & Presque Isle Counties, Michigan	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Electricians:					
Muskegon, Oceana & the Remainder of Mason Counties	$9.66	.40	1%+.25		.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. NY76-3136-Mod.#1 (41 FR3670-January 23, 1976) Orange County, New York					
Change:					
Electricians: Remainder of County	$9.90	.65	1%+.69	.60	½%
DECISION NO. NY76-3138-Mod#2 (41FR3682-January 23, 1976) Dutchess County, New York					
Change:					
Electricians: Beacon and Fishkill	$9.90	.65	1%+.69	.60	½%
DECISION NO. OK76-4018 - Mod. #1 (41 FR 5550 - February 6, 1976) Muskogee, Adair and Cherokee Counties, Oklahoma)					
CHANGE:					
Boilermakers	$9.00	.50	.76		.02
Bricklayers-Stonemasons	8.71	.30	.40		.04
Elevator constructors	8.825	.445	.29	3%+a+b	.02
DECISION NO. OK76-4019 - Mod. #1 (41 FR 5553 - February 6, 1976) McIntosh County, Oklahoma					
CHANGE:					
BOILERMAKERS	$9.00	.50	.76		.02
ELEVATOR CONSTRUCTORS	8.825	.445	.29	3%+a+b	.02
BRICKLAYERS-Stonemasons	8.00	.30	.40		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. OK76-4020 - Mod. #1 (41 FR 5555 - February 6, 1976) Garfield County, Oklahoma					
CHANGE:					
BOILERMAKERS	$9.00	.50	.76		.02
ELEVATOR CONSTRUCTORS	8.855	.495	.32	2½%+a+b	.02
DECISION NO. OK76-4021 - Mod. #1 (41 FR 5557 - February 6, 1976) Tulsa & Creek Counties, Oklahoma					
CHANGE:					
Boilermakers	$9.00	.50	.76		.02
Elevator constructors	8.825	.445	.29	3%+a+b	.02
LABORERS CLASSIFICATION DEFINITIONS GROUP III TO READ "Wagon drill operator" and GROUP IV TO READ "Powdermen or blaster"					
DECISION NO. OK76-4022 - Mod. #1 (41 FR 5559 - February 6, 1976) Oklahoma, Cleveland, Canadian, Caddo, Grady, Kingfisher, Logan, Lincoln, McClain, Pottawatomie, and Seminole Counties, Oklahoma					
CHANGE:					
BOILERMAKERS	$9.00	.50	.76		.02
ELEVATOR CONSTRUCTORS	8.855	.495	.32	2½%+a+b	.02

MODIFICATIONS P. 15

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #PA-75-3055 - Mod. #6 (40 FR 2737 - June 27, 1975) Berks County, Pennsylvania					
Change: Electricians: Herford, Longswamp, & Washington Twps. portion of Maxatawney, Twp. east of Sacony Creek	$10.35	.30	.104		.02
DECISION #PA-75-3101 - Mod. #4 (40 FR 45990 - October 3, 1975) Northampton County, Pennsylvania					
Change: Electricians: Allen, Hanover, Lehigh, Bath, Freemansburg, Hallertown and Bethlehem	10.35	.30	.104		.02
DECISION #PA-75-3102 - Mod. #5 (40 FR 45993 - October 3, 1975) Lackawanna, Susquehanna, Wayne and Wyoming Counties, Pennsylvania					
Change: Painters: Lackawanna, Wayne, Susquehanna, and Tunkhannock in Wyoming County					
Brush	7.60		.85		
Spray	9.10		.85		
Steel	8.60		.85		

MODIFICATIONS P. 16

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #PA-75-3104 - Mod. #5 (40 FR 45998 - October 3, 1975) Lehigh County, Pennsylvania					
Change: Electricians	$10.35	.30	.104		.02
Add:					
Truck Drivers	7.45	g	h	j	
Helpers & Warehousemen	7.35	g	h	j	
Trailer Drivers	7.75	g	h	j	
Low Bed Trailer Drivers	8.00	g	h	j	
Euclids	7.00	g	h	j	
DECISION #PA-76-3150 - Mod. #1 (41 FR 11767 - March 19, 1976) Montgomery County, Pennsylvania					
Change: Electricians: Upper Hanover	10.35	.30	1.04		.02

Footnotes:
g. Employer contributes $58.37 per month to a Health & Welfare Fund
h. Employer contributes $43.34 per month to a pension fund.
j. When an employee has been employed for one year but less than five years, he shall receive one weeks vacation

Decision #PA76-3155 - Mod. # 1 (41 FR 12862 - March 26, 1976) Elk, Forest, MCKean & Warren Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers, cement masons, stonemasons (Zone 1)	$10.10	.50	.50		
Marble setters:					
Elk, McKean & Warren Counties	10.10	.50	.50		
Plasterers:					
Elk, McKean & Warren Counties	10.10	.50	.50		
Tile setters & Terrazzo workers:					
Zone 1	10.10	.50	.50		

Decision #PA76-3157 - Mod. # 1 (41 FR 14298 - April 2, 1976) Allegheny, Armstrong, Beaver, Butler, Fayette, Indiana, Washington & Westmoreland Counties, Pennsylvania	Basic Hourly Rate Zone 1	Basic Hourly Rate Zone 2	Basic Hourly Rate Zone 3	Fringe Benefits H & W	Fringe Benefits Pension
Change:					
Laborers					
Class 1		$7.50	$7.40	.40	.50
Class 2	$7.65	7.625	7.525	.40	.50
Class 3		7.75	7.70	.40	.50
Class 4		8.00	7.90	.40	.50
Class 5		8.20	7.95	.40	.50
Area Covered By Laborers Zones					
Zone 1 - Allegheny County					
Zone 2 - Beaver, Butler, Washington, Westmoreland					
Zone 3 - Armstrong, Fayette & Indiana					
Sprinkler Fitters					
Zone 2	11.61	.60	.90		.08
Area Covered By Sprinkler Fitters Zones					
Zone 2 - Armstrong, Beaver, Butler, Indiana, Washington & Westmoreland					

DECISION #TX76-4027 - Mod. #3 (41 FR 7028 - February 13, 1976) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers & stonemasons	$ 8.95		.30		
Carpenters:					
Zone 1:					
Carpenters	8.85				
Millwrights	9.20				
Painters:					
Group 1	7.70		.30		
Group 2	7.82		.30		
Group 3	8.45		.30		
Group 4	7.95		.30		
Sprinkler fitters	10.90	.60	.90		.08

DECISION #TX76-4028 - Mod. #1 (41 FR 7015 - February 13, 1976) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas					
Change:					
Bricklayers	8.95		.30		
Carpenters	8.85				
Painters	7.70		.30		

MODIFICATIONS P. 19

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX76-4033 - Mod. #2 (41 FR 7019 - February 13, 1976) Bowie County, Texas					
Change:					
Sprinkler fitters	$10.90	.60	.90		.08
DECISION #TX76-4034 - Mod. #3 (41 FR 7021 - February 13, 1976) Brazos County, Texas					
Change:					
Laborers:					
Group 1	4.25	.28	.20		.02
Group 2	4.35	.28	.20		.02
Group 3	4.45	.28	.20		.02
Group 4	4.40	.28	.20		.02
Group 5	4.50	.28	.20		.02
Group 6	4.65	.28	.20		.02
DECISION #TX76-4035 - Mod. #3 (41 FR 7023 - February 13, 1976) Cameron, Hidalgo, Starr & Willacy Counties, Texas					
Change:					
Sprinkler fitters	10.90	.60	.90		.08
DECISION #TX76-4037 - Mod. #3 (41 FR 7033 - February 13, 1976) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties, Texas					
Change:					
Sprinkler fitters	10.90	.60	.90		.08

MODIFICATIONS P. 20

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX76-4040 - Mod. #3 (41 FR 7026 - February 13, 1976) El Paso County, Texas					
Change:					
Carpenters:					
Carpenters	$ 7.09	.55			.02
Millwrights	7.50	.55			.02
Stationary radial arm power saw operator	7.23	.55			.02
Floor layers	7.09	.55			.02
Cement masons	6.01	.48			.03
Glaziers	6.24	.30	.10		.02
Ironworkers	7.65	.55	.80		.10
Laborers:					
Group 1	5.46	.38	.35		
Group 2	5.21	.38	.35		
Group 3	4.96	.38	.35		
Group 4	4.84	.38	.35		
Group 5	4.71	.38	.35		
Group 6	4.56	.38	.35		
Lathers	7.75				.01
Plasterers	7.27	.48			.01
Plumbers & steamfitters	8.21	.41	.35		.05
Soft floor layers	6.18	.30	.10		.02
Sprinkler fitters	10.90	.60	.90		.08
Power Equipment Operators:					
Group 1	5.99	.35	.40		.10
Group 2	6.57	.35	.40		.10
Group 3	6.66	.35	.40		.10
Group 4	6.71	.35	.40		.10
Group 5	6.79	.35	.40		.10
Group 6	7.03	.35	.40		.10
Group 7	7.19	.35	.40		.10
Group 8	6.66	.35	.40		.10
Group 9	6.89	.35	.40		.10
Group 10	7.19	.35	.40		.10

MODIFICATIONS P. 21

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX76-4041 - Mod. #4					
(41 FR 7037 - February 13, 1976)					
Glaveston & Harris Counties, Texas					
Change:					
Pipefitters:					
Harris County & that part of					
Galveston County west of the					
Trinity River	9.90	.40	.60		.045
Plumbers:					
Harris County	9.92	.40	.60		.10
Roofers:					
Roofers	8.14	.20	.25	.25	.03
Kettlemen	7.42	.20	.25	.25	.03
Helpers	5.27	.20	.25	.25	.03
Sprinkler fitters	10.90	.60	.90		.08
DECISION #TX76-4042 - Mod. #2					
(41 FR 7013 - February 13, 1976)					
Harrison County, Texas					
Change:					
Sprinkler fitters	10.90	.60	.90		.08
DECISION #TX76-4045 - Mod. #4					
(41 FR 7914 - February 20, 1976)					
Jefferson & Orange Counties, Texas					
Change:					
Lathers	9.385	.30			.01
Painters:					
Southern half of Jefferson					
County & all of Orange County:					
Group 1:					
Commercial	9.40				
Residential	9.25				
Group 2:					
Commercial	9.45				
Residential	9.30				
Group 3:					
Commercial	9.90				
Residential	9.77				
Group 4:					
Commercial	9.725				
Residential	9.51				
Group 5:					
Commercial	10.65				
Residential	10.04				
Pipefitters	9.86	.35	.72		.08
Roofers:					
Roofers	8.14	.20	.25	.25	.03
Kettlemen	7.42	.20	.25	.25	.03
Helpers	5.27	.20	.25	.25	.03
Sprinkler fitters	10.90	.60	.90		.08

MODIFICATIONS P. 22

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX76-4042 - Mod. #2					
(41 FR 7013 - February 13, 1976)					
Harrison County, Texas					
Change:					
Sprinkler fitters	$10.90	.60	.90		.08
DECISION #TX76-4045 - Mod. #4					
(41 FR 7914 - February 20, 1976)					
Jefferson & Orange Cos., Texas					
Change:					
Lathers	9.385	.30			.01
Painters:					
Southern half of Jefferson					
County & all of Orange County:					
Group 1:					
Commercial	9.40				
Residential	9.25				
Group 2:					
Commercial	9.45				
Residential	9.30				
Group 3:					
Commercial	9.90				
Residential	9.77				
Group 4:					
Commercial	9.725				
Residential	9.51				
Group 5:					
Commercial	10.65				
Residential	10.04				
Pipefitters	9.86	.35	.72		.08
Roofers:					
Roofers	8.14	.20	.25	.25	.03
Kettlemen	7.42	.20	.25	.25	.03
Helpers	5.27	.20	.25	.25	.03
Sprinkler fitters	10.90	.60	.90		.08

MODIFICATIONS P. 23

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX76-4046 - Mod. #5 (41 FR 7916 - February 20, 1976) Kleberg & Nueces Counties, Texas					
Change:					
Sprinkler fitters	$10.90	.60	.90		.08
DECISION #TX76-4047 - Mod. #2 (41 FR 7918 - February 20, 1976) Lubbock County, Texas					
Change:					
Sprinkler fitters	10.90	.60	.90		.08
DECISION #TX76-4050 - Mod. #4 (41 FR 7922 - February 20, 1976) Travis County, Texas					
Change:					
Sprinkler fitters	10.90	.60	.90		.08

MODIFICATIONS P. 24

DECISION #UT76-5017 - Mod. #2
(41 FR 7043 - February 13, 1976)
Statewide, Utah

Omit:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators: (Cont'd)					

Zone 1: Area within a fifteen (15) mile radius from the Center of the following Cities: Lewiston, Idaho and Spokane, Washington

Zone 2: Area from within a fifteen (15) mile radius to forty-five (45) mile radius from the center of the above named Cities.

Zone 3: Area over a forty-five (45) mile radius from the center of the above named Cities.

With the exception that the area within a fifteen (15) mile radius of the center of the City of Coeur d'Alene, Idaho, shall be considered within Zone 1.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Soft Floor Layers:					
Benewah, Bonner, Boundary, Clearwater, Idaho County north of the 46th Parallel, Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties	$7.89	.25	.40	.31	
Remaining Counties	7.50				

SUPERSEDEAS DECISION

STATE: Nebraska

COUNTIES: Cass, Douglas, Sarpy, Washington and that portion of Saunders County East of Highway #109

DECISION NUMBER: NE76-4074

DATE: Date of Publication

Supersedes Decision No. NE76-4068 dated March 26, 1976, in 41 FR 12859

DESCRIPTION OF WORK: Heavy in all, but Washington County and Highway Construction (excluding bridges across navigables waterways)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Carpenters	$8.21	.50	.40	.60	.05
Piledrivermen	8.335	.50	.40	.60	.05
CEMENT FINISHERS	8.53	.50	.40		
IRONWORKERS: Reinforcing and Structural	7.95	.35	.30	.50	
LABORERS:					
Common Laborer	6.20	.35	.30	.15	.05
Towboat and Dredge Deckhands	6.30	.35	.30	.15	.05
Form Setter Helpers	6.40	.35	.30	.15	.05
Rakers and Screedmen on Asphalt work; Mortar Mixers; Chain Saw Operator	6.38	.35	.30	.15	.05
Pipelayers; Concrete Saw Operator	6.45	.35	.30	.15	.05
Form Setters and Precast Manhole Setter, Inlet Builders and Manhole Setters	6.83	.35	.30	.15	.05
POWER EQUIPMENT OPERATORS:					
Group: 1	6.62	.50	.40		
Group: 2	6.68	.50	.40		
Group: 3	7.06	.50	.40		
Group: 4	7.28	.50	.40		
Group: 5	7.76	.50	.40		
Group: 6	7.98	.50	.40		
Group: 7	8.15	.50	.40		
Group: 8	8.32	.50	.40		

CLASSIFICATION DEFINITIONS

Group: 1 Oilers; Greasers; Mechanic's Helper; Spread Oiler (less than one year experience)

Group: 2 Oiler Driver

Group: 3 Tractor under 35 HP; Air Compressors; Pumps-welding machine; Spray machine; Form Trenchers; Belt Machine

Group: 4 Concrete Mixer; Concrete Pumps; Hydro-Hammer

Group: 5 Spreader Oiler (after one year experience in classification)

DECISION NO. NE76-4074

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'T)

Group: 6 Concrete Spreader; Concrete Finishing Machine, Bulldozer; Roller; Traxcavator; Forklift; Winch Truck; One Drum Hoist; Oil Distributor; Asphalt Roller

Group: 7 Blade (patrol); Scraper

Group: 8 Hoist, 2 Drums; Trenching Machine; Paving Mixer, Piledriver; Heavy duty Mechanic; Welder; Shovel; Dragline; Clamshell; Orange Peel; Backhoe; Derrick; Crane; Locomotive; Fireman on Boiler; Laydown Machine; Two Drum Winch Truck; side Boom Cat, Pug Mill Operator on Asphalt Plant; Leverman on Dredge; Engineer on Dredge; Tugboat Operator; Gradall Operator; Rotary Well Drilling Operator; Hydrocrane; Cleveland tupe Backfiller; Self-Propelled Spreader Vibrator; Slip Form Paver.

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group: 1 - Single Axle, Tack and Spreader Truck	$6.38	.35	.30		
Group: 2 - Tandem Axle Trucks, Euclid Trucks, Power Lift Form Trucks and Spreader Trucks	6.44	.35	.30		
Group: 3 - Three-Axle Tandem	6.49	.35	.30		
Group: 4 - Lowboys-Tractor Trailer, Water Pulls	6.57	.35	.30		
Group: 5 - Tandem Dump with Auxiliary End Dump Trailer	6.62	.35	.30		
Group: 6 - Lumber Carrier	6.74	.35	.30		

SUPERSEDEAS DECISION

STATE: South Dakota COUNTIES: Statewide
DECISION NUMBER: SD76-5039 DATE: Date of Publication
Supersedes Decision No. SD76-5023 dated March 26, 1976, in 41 FR 12872
DESCRIPTION OF WORK: Heavy and Highway Construction

DECISION No. SD76-5039

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Concrete Finisher	$ 5.82				
Form Builder	5.82				
Form Setter	5.82				
Painter	5.38				
LABORERS:					
Air tool operator	4.32				
Common laborer	4.32				
Landscape workers	4.32				
Form builder helpers (bridge and culvert)	4.86				
Manhole builder	5.52				
Piledriver (leadsman)	5.38				
Pipelayer (other than culvert)	5.38				
Powderman (blaster)	6.34				
POWER EQUIPMENT OPERATORS:					
Asphalt distributor	5.76				
Asphalt paving machine	5.86				
Asphalt paving machine helper	4.32				
Asphalt plant helper	4.86				
Asphalt plant, stationary and traveling	5.86				
Auger operator (truck type)	4.86				
Automatic fine grader operator	6.00				
Beginner Operator (8 mos. or less experience as Power Equipment Op.)	5.04				
Broom, self-propelled	4.86				
Bulldozer, 80 h.p. or less	5.28				
Bulldozer, over 80 h.p.	5.86				
Bullfloat machine	5,62				
Concrete batch plant	5.86				
Concrete mixer	5.04				
Concrete paver	6.34				
Concrete paving cure machine	5.14				
Concrete paving finishing machine	6.00				
Concrete paving form grader	6.00				
Concrete paving joint machine	5.76				
Concrete paving joint sealer	5.14				
Concrete paving saw	5.62				
Concrete paving spreader	6.00				
Concrete paving subgrader	5.86				
Conveyor	4.32				
Cranes, Derricks, Draglines, Piledrivers, Backhoes and Shovels, 1 1/4 cu. yds. or less	5.86				
Cranes, Derricks, Draglines, Piledrivers, Backhoes and Shovels, over 1 1/4 cu. yds.	6.34				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (Cont'd):					
Crusher (incl. those with integral screening plant)	$ 5.86				
Curb machine	5.14				
Fireman (boiler and retort)	4.90				
Front End Loader, 1 1/4 cu. yds. or less	5.04				
Front End Loader, 1 1/4 cu. yds. to 3 1/4 cu. yds.	5.62				
Front End Loader, over 3 1/4 cu. yds.	5.86				
Mechanic, heavy duty	6.24				
Mechanic, helper	5.04				
Mechanic, maintenance	5.62				
Motor grader, (finish)	6.34				
Motor grader, (rough)	5.76				
Oiler and greaser	5.62				
Roller, self-propelled (hot mix)	5.14				
Roller, self-propelled (other)	4.62				
Roller, sheepsfoot or 50 ton pneumatic	5.14				
Scrapers	6.58				
Spreader (materials)	5.62				
Stationary plant	5.14				
Tractor (crawler or pneumatic)	5.14				
Tractor, farm type w/attachments (including loader)	4.32				
Tractor - push	6.10				
Traveling plant (stabilization)	5.86				
Traveling plant, helper	4.32				
Trenching machine	5.62				
Wagon drill (including airtrac-trac-drill, etc.)	5.62				
TRUCK DRIVERS:					
Euclid or dumptor	4.82				
Truck crane	4.70				
Truck driver, single axle	4.32				
Truck driver, tandem or semi-trailer	4.62				
WELDER:					
Welder, certified	6.00				
Welder, general	5.62				

SUPERSEDEAS DECISION

STATE: Tennessee COUNTY: Carter
DECISION NUMBER: TN76-1052 DATE: Date of Publication
Supersedes Decision No. TN75-1068 dated July 18, 1975 in 40 FR 34034
DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rate	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	5.50				
Carpenters	5.00				
Cement masons	7.15				
Electricians	7.00	.40			½ of 1%
Laborers	2.75				
Painters, brush	4.66				
Plumbers & pipefitters	4.95	.04		.06	
Sheet metal workers	6.00	.35	.50		.04
Steamfitters	5.00				
Truck drivers	3.25				
Welders	6.00	.30	.50		.04
POWER EQUIPMENT OPERATORS:					
Fork lift	3.30				

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Bell, Bosque, Coryell, Falls, Hill & McLennan

DECISION NO.: TX76-4072

DATE: Date of Publication

Supersedes Decision No. TX76-4031, dated February 13, 1976, in 41 FR 7040.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction in Bosque, Falls, Hill & McLennan Counties).

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
ZONE 1 - Bell, Coryell & Falls Counties	$ 9.23	.42	.60		.08
ZONE 2 - Bosque, Hill & McLennan Counties	8.78	.30	.51		.025
BOILERMAKERS	9.00	.50	.76		.02
BRICKLAYERS	8.60		.55		.03
CARPENTERS:					
ZONE 1 - Bell & Coryell Counties:					
Carpenters	7.74				
Millwrights	7.99				
ZONE 2 - Bosque, Falls, Hill & McLennan Counties:					
Carpenters	7.97	.23			
Millwrights	8.37	.23			
CEMENT MASONS	8.04	.40	.20		
ELECTRICIANS:					
ZONE 1 - Bosque, Falls, Hill & McLennan Counties; Parts of Bell & Coryell Counties north of Cowhouse Creek	8.90		1%		1/4%
ZONE 2 - Parts of Bell & Coryell Counties south of Cowhouse Creek	9.80		1%		.8%
ELEVATOR CONSTRUCTORS	8.60	.495	.32	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	6.60				
IRONWORKERS	8.44	.55	.60		.12
LABORERS:					
Unskilled	2.97				
Mason tenders	3.55				
Mortar mixers	3.55				
LATHERS	8.30			.80	.05
LINE CONSTRUCTION:					
Linemen; Linemen operators	10.26		1%		1/2%
Cable splicer	11.29		1%		1/2%
Groundman, 1st 6 months	6.16		1%		1/2%
Groundman, 2nd 6 months	6.67		1%		1/2%
Groundman, 1 year & over	7.18		1%		1/2%

DECISION NO. TX76-4072

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
GROUP 1 - Brush	$ 6.45				.04
GROUP 2 - Boiler pipes & steel, structural steel, window jacks, roofs, stage work, smoke stack, water towers, boatswain chair	6.95				.04
GROUP 3 - Ames tools for dry walls	7.05				.04
GROUP 4 - Spray work & self feeding rollers	7.20				.04
GROUP 5 - Steam cleaning, sand-blasting & hazardous work	7.55				.04
PLASTERERS	9.00	.25	.10		.01
PLUMBERS & PIPEFITTERS:					
ZONE 1 - Area within a 35 mile radius of Waco, including Temple, Marlin, Clifton & Hillsboro					
ZONE 2 - All other areas					
ROOFERS:					
GROUP 1 - Slate, tile, asbestos roofing & siding	6.20				.03
GROUP 2 - Composition, built-up, damp & waterproofing	6.05				.03
GROUP 3 - Kettlemen	4.54				.03
SHEET METAL WORKERS:					
ZONE 1 - Within a radius of 20 miles from the McLennan County Courthouse, Waco	8.51				.05
ZONE 2 - Over 20 miles but less than 45 miles	9.01				.05
ZONE 3 - Over 45 miles	9.51				.05
SPRINKLER FITTERS	10.90	.60	.90		.08
TRUCK DRIVERS	2.80				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. TX76-4072

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate
b - Paid Holidays - A thru F

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

DECISION NO. TX76-4072

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 8.63		.40		
GROUP 2	7.56		.40		
GROUP 3	6.34		.40		
GROUP 4	6.23		.40		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy Duty Mechanic; Blade Grader - Self-propelled; Bull Clam; Back Filler; Derricks, power operated (all types); Dragline; Push Cat Operator; Euclid Operator; Bull Dozer and all types of Cat Tractors; Cable-Way; Back Hoe; Crane, Power Operated (all types); Elevating Grader, self-propelled; Hoist, Motor-Driven, two drums or more; Mix Mobile; High-Lifts & Loaders, over 1/3 cu. yd. capacity; Winch Truck; Locomotive; Mixer, 14 cu. ft. or over; Paving Mixer (all sizes); Scraper; Trenching Machine (all sizes); Gradall; Foundation Boring Machine; Scoopmobile; Shovel; power operated; Pump Crete Machine; Clam Shell Operator; Rock Crusher Operated on Job; Welding Machine, 6 to 12; Two 125 cu. ft. Compressors; Well points, including installations

GROUP 2 - Blade Grader, Towed; Flex Plane; Form Grader; Mixer, less than 14 cu. ft.; Pulsometer; Truck Crane Driver & Oiler, Combination man; Gasoline or Diesel Driven Welding Machine, 3 to 6; Hoist, Single Drum; Pump, 2½ in. or larger; Pneumatic Roller; High-Lifts & Loaders, 1/3 cu. yd. or less; Forklift, 1500 lbs. capacity or less; Air Compressors, anytime there are two or more attachments operating on a 125 cu. ft. compressor, a light equipment operator shall be employed. One 125 cu. ft. air compressor and one welding machine requires no operator. One 125 cu. ft. compressor and two welding machines or any 2 air compressors equivalent to a 125 cu. ft. air compressor requires a light equipment operator

GROUP 3 - Fireman

GROUP 4 - Oiler

DECISION NO. TX76-4072

INCIDENTAL PAVING & UTILITIES (BELL & CORYELL COUNTIES)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Tool Man	$2.80				
Asphalt Heaterman	3.40				
Asphalt Raker	3.80				
Batching Plant Scaleman	3.75				
Carpenter	4.00				
Carpenter Helper	3.00				
Concrete Finisher (Paving)	4.35				
Concrete Finisher Helper (Paving)	3.25				
Concrete Finisher (Structures)	3.90				
Concrete Finisher Helper (Structures)	2.50				
Electricians	6.60				
Form Builder (Structures)	4.00				
Form Builder Helper (Structures)	3.25				
Form Setter (Paving & Curb)	3.65				
Form Setter (Structures)	4.00				
Form Setter Helper (Structures)	3.00				
Laborer, Common	2.50				
Laborer, Utility Man	3.00				
Mechanic	4.25				
Mechanic Helper	4.00				
Oiler	3.75				
Serviceman	3.50				
Painter (Structures)	5.25				
Pipelayer (Concrete & Clay)	3.25				
Pipelayer Helper (Concrete & Clay)	2.50				
Plumbers:					
Zone 1 - 35 miles of Waco, Texas including town of Temple	7.80	.30	.30		.03
Zone 2 - all area not included in Zone 1	8.20	.30	.30		.03
Powderman	4.00				
Reinforcing Steel Setter (Structures)	4.00				
Reinforcing Steel Setter Helper	3.00				
Sign Erector	3.55				
Spreader Box Man	3.65				
Swamper	3.30				
Power Equipment Operators:					
Asphalt Distributor	3.75				
Asphalt Paving Machine	3.80				

DECISION NO. TX76-4072

INCIDENTAL PAVING & UTILITIES (BELL & CORYELL COUNTIES)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Broom or Sweeper Operator	$3.50				
Bulldozer, 150 HP and Less	3.50				
Bulldozer, over 150 HP	4.00				
Concrete Paving Curing Machine	3.50				
Concrete Paving Mixer	3.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.25				
Crusher or Screening Plant Operator	3.75				
Foundation Drill Operator (Crawler Mounted)	3.50				
Foundation Drill Operator (Truck Mounted)	4.75				
Foundation Drill Operator Helper	3.50				
Front End Loader (2½ CY & Less)	3.60				
Front End Loader (Over 2½ CY)	4.00				
Motor Grader Operator, Fine Grade	4.50				
Motor Grader Operator	4.00				
Roller, Steel Wheel (Plant-Mix Pavements)	3.25				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.00				
Roller, Pneumatic (Self-Propelled)	2.90				
Scrapers (17 CY and Less)	3.75				
Scrapers (Over 17 CY)	4.00				
Tractor (Crawler Type) 150 HP and Less	3.00				
Tractor (Crawler Type) over 150 HP	3.65				
Tractor (Pneumatic) 80 HP & Less	3.10				
Tractor (Pneumatic) over 80 HP	3.25				
Traveling Mixer	3.25				
Trenching Machine, Heavy	3.75				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.60				
Truck Drivers:					
Single Axle, Light	3.00				
Single Axle, Heavy	3.40				
Tandem Axle or Semitrailer	3.00				
Lowboy-Float	3.35				
Weighman (Truck Scales)	2.50				
Welder	4.00				
Welder Helper	3.25				

[FR Doc.76-11456 Filed 4-22-76;8:45 am]

federal register

FRIDAY, APRIL 23, 1976



PART IV:

FEDERAL COMMUNICATIONS COMMISSION

■

National Telephone Network

Proposed Standard Plugs and Jacks

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 68]

[Docket No. 20774; FCC 76-319, 40181]

NATIONAL TELEPHONE NETWORK

Standard Plugs and Jacks

By the Commission: Commissioner Hooks concurring in the result; Commissioner Washburn absent.

1. In a First Report and Order in Docket No. 19528, 56 F.C.C. 2d 593 (1975), the Commission established a registration program designed to allow users of the nationwide telephone network to connect terminal equipment other than PBXs, key telephone systems, main telephones and coin telephones to the network without the need for carrier-provided "connecting arrangements" (protective devices previously required for the connection of customer-provided equipment), provided that such equipment complies with the standards incorporated in the Commission's registration program to protect the network from harm. These standards are contained in a new Part 68 of the Commission's Rules. In a Second Report and Order released March 18, 1976 in Docket No. 19528 (FCC 76-242), the Commission extended the registration program to include PBXs, key telephone systems and main telephones.

2. The First Report and Order stated that standard plugs and jacks will be used for the connection of registered terminal equipment (other than the then-excluded main telephones, PBXs, key telephone systems and coin telephones). It stated:

> We have purposefully declined to prescribe specific standard plugs and jacks, including a Programmed Data Jack design, in the belief that acceptable designs will be voluntarily arrived at by cooperative action between the carriers and the terminal equipment industry.
>
> If jointly sponsored designs for standard plugs and jacks are not expeditiously arrived at, we will prescribe specific designs.
>
> —56 F.C.C. 2d at 611.

Thus, the Commission had expected that the carriers and terminal equipment manufacturers would meet and arrive at suitable designs. As a consequence of having received numerous inquiries from interested carriers and manufacturers, the Commission issued a Public Notice convening meetings at its Washington, D.C. offices to provide a forum for such discussion.[1]

3. The Public Notice set forth the purpose of the meetings, and the Commission's conceptual requirements for standard plugs and jacks which previously were published in the First Report and Order in Docket No. 19528. It was mailed not only to all parties of record in Docket No. 19528, but also to some 2,000 telephone equipment manufacturers who were expected to be interested in the subject of the meetings.[2] Some 33 industry organizations, 4 trade associations, 7 telephone carriers, 2 press representatives, and representatives from 2 other Federal agencies attended meetings which were held on February 9, 10, 11, 19, 20; March 3, 4, 10, 11 and 18, 1976 and which were chaired by Common Carrier Bureau staff.[3] The meetings were conducted in an informal, open discussion format, and presentations were made orally, in writing, and by prepared diagrams.

4. Our staff has indicated that substantial agreement was reached on matters discussed herein, although a limited number of attendees expressed partial disagreement with the results. On the basis of the presentations and discussions of issues at these meetings, we are issuing this Notice of Proposed Rulemaking to solicit not only the comments of those who attended the meetings, but also the comments or other interested entities as well. We are not at this time expressing our views as to the consensus judgments of the attendees; rather, we are publishing these judgments as issues to be addressed by the comments which we are inviting herein, and we are publishing the technical specifications arrived at by the attendees as a basis for revisions to Part 68 of the Rules. In addition, while the meetings were conducted prior to release of our Second Report and Order in Docket No. 19528, which for the first time included main telephones in the registration program, we see no reason why the standard plugs and jacks which we will adopt for the connection of extension telephones should not also be used for the connection of main telephones. Therefore, we propose to make standard the same plugs and jacks for both extension telephones and main telephones.[4] After we have received comments herein, we will prescribe standard plugs and jacks for the connection of all equipment to the telephone network other than PBXs, key telephone systems, coin telephones, and equipment used in conjunction with party line service.

Issues

5. First, we invite comment on whether the six and eight pin miniature (modular) plugs and jacks, and 50-pin miniature ribbon connector which are presently in use in the Bell System and Independent telephone companies' areas shall be adopted as standard. Attendees of the meetings agreed that upon consideration of all relevant factors, including cost, technical appropriateness and versatility, adoption of these plugs and jacks and connectors as standard would permit efficient implementation of the program. However, the specific proposed six and eight pin plugs and jacks are patented by the Bell System, which has expressed its intent to require licensing under its patents. Adoption of these jacks and connectors would thus require some modification or waiver of paragraph 49 of the Commission's First Report and Order, which stated in pertinent part:

> We will require that any entity be permitted to manufacture and supply standard plugs for use with registered terminal equipment and registered protective circuitry, without being subject to licensing by a telephone company and without any other telephone company-imposed restrictions.—56 F.C.C. 2d at 611.

Bell System representatives at the meeting, speaking for the American Telephone and Telegraph Company and its various subsidiaries which are the owners of these patents, made the following representations in behalf of the adoption of the Bell System's patented plugs and jacks:

a. The Bell System will grant patent licenses on its standard plugs, jacks and cords (which may be integral with the plug) to anyone and everyone who desires to be licensed.

b. Such licenses will be uniform and nondiscriminatory.

c. The Bell System will make available, without charge, adequate product information to assure that such jacks and plugs and cords designed by Bell can be produced by a competent manufacturer.

d. Standard uniform royalties will be charged to all licensees as follows:

(1) The maximum royalty to be applied in any case will be 5 percent of the licensee's sales price of plugs and jacks and 0.75 percent of the licensee's sales price to those licensees who take licenses for a category of patents covering the proposed standard plugs and jacks, and who do not have contracts with Bell whereby they license their patents to Bell. Assuming that other manufacturers charge prices about the same as those now charged by the Western Electric Company for the plugs and jacks, it is anticipated that in most instances the royalty for the use of Bell's patents pertaining to these plugs and jacks will be in the range of ½ to 1 cent per unit.

(2) The royalty would be something less than these percentages to those licensees with whom Bell has a cross-licensing agreement.

(3) In most instances a manufacturer of the combination of the plug and cord, which is licensed under specific patents, would pay a royalty in the neighborhood of 0.75 percent of the selling price.

e. Western Electric Company will offer to sell jacks, plugs and cords to any supplier of terminal equipment at prices equal to the prices charged by Western Electric to the Bell telephone operating companies.[5]

6. Second, we invite comment upon the use of three basic types of plugs and jacks, a 6-pin, an 8-pin and a 50-pin (regardless of whether the particular meeting-sponsored versions or other versions are prescribed by the Commission as standard) for the connection of various equipment types to the telephone network under Part 68 of the Commis-

[1] Public Notice No. 60105, released January 21, 1976 and attached hereto as Appendix A.

[2] The Commission mailed the Notice to each entity on AT&T's current mailing list for the dissemination of technical data to equipment manufacturers.

[3] A list of attendees is attached hereto in Appendix B.

[4] The same instruments are used both as extension and main telephones.

[5] Appendix C herein reproduces a "Statement" of the Bell System with respect to the foregoing which was distributed at the February 20, 1976 meeting; a brief description of all patents involved in the relevant category of patents; and Bell's proposed licensing agreements.

sion's Rules. Such three basic types are proposed to be used in 24 configurations to accommodate known and presently foreseeable requirements for connection of terminal equipment, and to provide for the connection of single-line bridged (or parallel) connections (with and without "A-lead" connections), multiple-line bridged (or parallel) connections (with and without "A-lead" connections), single-line series connections, and series connections associated with telephone sets. In addition, it is proposed that three adapters be provided by the telephone carriers to convert existing (carrier-provided) non-standard jacks into the new standard jacks. Such adapters would provide for the following conversions:

a. An adapter containing a four-prong plug compatible with the four-prong jacks which are currently in wide use in the Bell System and Independent telephone companies' areas (a 283-type plug, or its equivalent), and a six-pin standard jack;

b. An adapter containing one six-pin standard plug and two six-pin standard jacks (essentially, a type of "cube tap"); and

c. An adapter containing a 12-pin plug compatible with 12-pin jacks which are currently in use by some carriers (Bell indicated that they are in use by Bell System telephone companies in the mid-West), and a six-pin standard jack.

It is proposed that other adapters might be designed and manufactured by interested parties, but that the telephone carriers would not offer to provide such adapters, as they feel that by offering such adapters they would tend to extend the use of non-standard plugs and jacks after January 1, 1977.[6] Specific proposed configurations for the use of a 6-pin, an 8-pin and a 50-pin jack and plug design in 16 voice and 8 data applications are included herein in Appendix D, and we propose to incorporate these 24 configurations and the three afore-described adapters into Part 68 of the Rules.

7. Third, we invite comment on a proposed requirement that certain data configurations of the 8-pin plug and 50-pin connector contain convex keying to prevent the inadvertant insertion of a data plug into a jack intended for voice. This requirement flowed both from a staff suggestion that any standard data jack be compatible with voice plugs (for dual use), and from concern that service or equipment disruption could result if a data plug were inadvertently inserted into a voice jack with incompatible electrical connections thereto. However, the keying requirement may have the effect of delaying connection of registered data equipment as such plugs, and compatible jacks and connectors, do not presently exist. The Commission recognized this possibility in its February 13, 1976 Memorandum Opinion and Order in Docket No. 19528 (FCC 76–134), at paragraph 12 thereof, wherein it established an interim requirement for six months after adoption of standard data-application plugs and jacks, of continuing the present tariff practices regarding connection of data equipment as an alternative to the new registration program, thereby establishing continuity in the provision of data service. However, two data equipment manufacturers' representatives sought the use of an interim plug and jack arrangement for connection of their equipment during this six month period in which production of the new data plugs and jacks will commence. Although the consensus opinion of other attendees was that such interim arrangements are not practical in view of cost and possible adverse impact on timely development of the agreed-upon connectors, we invite comment on this matter.

PROPOSED RULES

8. We propose that our final rules on standard plugs and jacks will follow the proposals in Appendix D herein, and relevant comments which we will receive on the afore-listed issues. In view of the wide actual notice which has been given of such rules in our First Report and Order, our February 13, 1976 Memorandum Opinion and Order, our Second Report and Order, our Public Notice and its industry-wide distribution by the Commission, and of the publicity accorded in the trade press, as well as the specific proposals which are contained in the appendices to this Notice of Proposed Rulemaking, we are not herein detailing the exact language which we propose to adopt. We conclude that Section 68.104 of the Commission's Rules already sets forth the conceptual boundaries of our standard plug and jack requirement, and the detailed implementation proposed in this Notice and its appendices adequately place all interested parties on notice of final Commission action in this matter.

9. Accordingly, *It is ordered*, pursuant to Sections 4(i), 4(j), 201–205, 208, 215, 218, 313, 314, 403, 404, 410 and 602 of the Communications Act of 1934, as amended, That interested parties may file comments on the issues and proposals discussed herein no later than May 3, 1976 and that replies to such comments may be filed no later than May 13, 1976.

10. *It is further ordered*, That parties demonstrate good cause why the Commission should not make effective immediately upon adoption those rules which it will adopt in Part 68 of the Commission's Rules and Regulations, in view of the expressed May 1, 1976 effective date of the registration program.[7]

Adopted: April 7, 1976.

Released: April 12, 1976.

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

[6] One such adapter which was discussed is one which would permit the use of the current 4-prong 283-type plug.

[7] Memorandum Opinion and Order, released February 13, 1976 (FCC 76–134), paragraph 10.

APPENDIX A.—FCC SCHEDULES MEETINGS ON STANDARD PLUGS AND JACKS FOR REGISTERED TELEPHONE TERMINAL EQUIPMENT

In a First Report and Order in Docket 19528, 56 F.C.C. 2d 593 (1975), the Commission established a registration program designed to allow users of the nationwide telephone network to connect terminal equipment other than PBX's, key telephone systems, main station telephones, and coin telephones to the network without the need for carrier-supplied connecting arrangements, provided they comply with the standards incorporated in the registration program to protect the network from harm. The standards and registration procedures are contained in a new Part 68 of the Commission's Rules.

Section 68.104 of the new rules requires that, except for telephone company-provided ringers, all terminal equipment be connected to the telephone network through standard plugs and jacks. In declining to prescribe specific standard plugs and jacks, the Commission expressed its belief that acceptable designs would be voluntarily arrived at by cooperative action between the carriers and the terminal equipment industry. The Commission did, however, require that any entity be permitted to manufacture and supply standard plugs for use with registered terminal equipment and registered protective circuitry, without being subject to licensing by a telephone company and without any other telephone company-imposed restrictions. The Commission further required that standard jacks shall be so arranged that, if the plug connected thereto is withdrawn, no interference to the operation of equipment at the customer's premises which remains connected to the telephone network, shall occur by reason of such withdrawal.

In an attempt to encourage as wide participation as possible by various interested parties, the Commission will be holding meetings at its Washington offices looking towards agreement among the parties on contemplated uniform national standards for plugs and jacks to be used in conjunction with registered telephone terminal equipment. These meetings will be held, to the extent necessary, in accordance with the following schedule: February 9, 8210, 2025 M Street, N.W.; February 10, A–110, 1229 20th Street, N.W.; February 11, 8210, 2025 M Street, N.W.; February 19, 8210, 2025 M Street, N.W.; February 20, 8210, 2025 M Street, N.W.

All meetings will begin at 9:00 a.m., except the February 10 meeting which will begin at 9:30 a.m. If necessary, these meetings will be continued daily during the week of February 23.

All parties attending these meetings are expected to send competent technical personnel prepared to discuss all aspects of plug and jack designs. Due to space limitations, parties are requested to limit participation to one person, if possible.

If there are any questions with respect to this notice or the scheduling of future meetings, they should be directed to either Teresa Larson or Patricia Taylor at (202) 632–6363.

APPENDIX B.—ATTENDEES

INDUSTRY

AMP, Inc.
Bunker-Ramo Corporation, Amphenol Industrial Division
Codex Corp.
Communication Certification Laboratory
Communication Controls Corp.
Communications Group, Inc.
DASA Corporation
Dictaphone Corp.

Elgin Electronics, Inc.
Electronic Processors, Inc.
Executone Corporation, Inc.
Exxon Enterprises
Ford Industries
General Data Comm Industries, Inc.
I.B.M. Corporation
ICC/Milgo
Intertel, Inc.
I.T.T.—CESD
I.T.T. Telecom
I.T.T. Terryphone Corp.
Meyer Wire Co., Inc.
Northern Telecom, Canada
Northern Telecom, Nashville, TN
Onyx Telephone Center, Ltd.
Phonemate
Pulsecom, A Division of Hubbel
Rixon, Inc.
Rollins Protective Services, Inc.
Stanford Research Institute (SRI)
Stromberg Carlson
Tele-Dynamics
Timeplex
T.A.D. Avanti (Record-A-Call)

INDUSTRIES SENDING WRITTEN OR TELEPHONE COMMENTS ONLY

Action Communication Systems
ADC Telecommunications of Minneapolis, Minn.
Berkeley Applied Research Corp. of Alamo, Calif.
Precision Components, Inc. of Addison, Ill.
Sentry Technology, Inc. of Santa Cruz, Calif.
Vadic

CARRIERS

Bell System Companies (including Western Electric Co. & Bell Labs)
Central Telephone
Continental Telephone Corporation
GTE Companies (including Automatic Electric)
Mid-Continent Telephone Corporation
United Telecommunications, Inc. (United Telephone System)
Western Union Telegraph Company

TRADE ASSOCIATIONS

Electronic Industries Association (EIA)
Independent Data Communications Manufacturers Association (IDCMA)
North American Telecommunications Association (NATA)
United States Independent Telephone Association (USITA)

GOVERNMENT AGENCIES

Federal Communications Commission—Staff
Office of Telecommunications (Department of Commerce)
Rural Electrification Administration (Department of Agriculture)

PRESS

Telecommunications Reports
Telephony

APPENDIX C.—STATEMENT OF BELL SYSTEM COMPANIES REGARDING ADOPTION OF "MINIATURE" PLUG AND JACK AS STANDARD

The primary objective of the Commission, and of this group is to arrive at the best possible design for standard plugs and jacks which will permit from a technical and administrative point of view the orderly and quick implementation of the registration program. The discussions among telephone equipment manufacturers, common carriers and members of the F.C.C. Common Carrier Bureau Staff regarding adoption of a standard design for plugs and jacks have resulted in a clear consensus that for most connections under Part 68 of the Commission's Rules, the "miniature" plugs and jacks currently being used by telephone industry should be adopted as standard. This consensus was based on a recognition by those present at the meetings that "miniature" plugs and jacks are already designed and available and would permit the most efficient and rapid implementation of the registration program. It was also recognized that this design permitted the versatility necessary for many of the types of connections contemplated by the registration program. Moreover, the telephone companies have been and are presently moving toward the total use of such plugs and jacks. The Bell operating telephone companies have already installed more than 15 million of the "miniature" jacks and will have installed a total of 30 million of such jacks by the end of 1976.

For the Commission to adopt a design for a standard plug and jack other than the "miniature" plug and jack would result in:

1. extensive delay in the orderly implementation of the registration program;

2. higher costs to manufacturers and telephone companies, and thus the telephone user;

3. the adoption of a design which more than likely would be technically inferior and less versatile and thus less desirable.

For these reasons, the public interest requires the adoption of the "miniature" plugs and jacks as the standard.

As we have stated earlier in these meetings, we will grant patent licenses on our standard jacks and plugs, and cords connecting those plugs, to anyone and everyone who desires to be licensed. Such licenses will be uniform and non-discriminatory. The Bell System would agree to make available, without charge, adequate product information to assure that such jacks and plugs and cords designed by Bell can be produced by a competent manufacturer.

We will charge standard uniform royalties to all desiring licenses. The standard royalty rates which are now charged to all licensees are as follows:

1. The maximum royalty to be applied in any case would be 5% of the licensee's sales price of plugs and jacks and ¾ of 1% of the licensee's sales price for cords to those licensees who take licenses for a category of patents and who do not have contracts with us whereby they license their patents to us. Assuming that the other manufacturers charge prices about the same as those charged by Western Electric for the plugs and jacks, it is anticipated that in most instances the royalty for the use of our patents pertaining to plugs and jacks will be in the range of ½ cent to 1 cent per unit.

2. The royalty would be something less than these percentages to those licensees with whom we have cross-licensing agreements. In most instances a manufacturer of the combination of the plug and cord which is licensed under specific patents would pay a royalty in the neighborhood of ¾ of 1% of the selling price.

These terms are already in effect with many present licensees who are at these meetings, and these are the terms specifically contemplated by the 1956 antitrust decree.

Alternatively, Western Electric will offer to sell jacks, plugs and cords to any supplier of terminal equipment at prices equal to the prices charged by Western Electric to the Bell operating companies. It should be noted that Western Electric prices to the operating companies include a part of the cost of research and development which is what the royalty charge is designed to cover. Thus, to require Bell to make available this information to others without compensation would result in a competitive disadvantage to and discrimination against the Bell telephone companies.

Some of the present licensees are as follows:

All Tech Industries
Bendix Corp.
Electro Appliance Co.
Hughes Aircraft Corp.
IBM
North American Communications Corp.
North Electric
Roamwell
Sanders Associates
Schjeldahl Company, Inc.
Superior Continental Corp.
Standard Oil of Indiana
Trimm, Inc.
TRW Cinch
Wescom, Inc.
ITT
Communication Systems, Inc.
Lynn Electronics, Inc.
Northern Electric
General Cable
Adirondark Wire & Cable Co., Inc.
GTE Automatic
3M

The same types of contracts signed by these licensees will be offered to all others.

A BRIEF DESCRIPTION OF SOME BELL SYSTEM PATENTS RELATING TO MODULAR CORDS, PLUGS AND JACKS

These summaries are intended to indicate the nature of the technical disclosure and are not to be used for interpreting the scope of the claims.

Hardesty 13.—3,699,498: Covers the basic design of the modular plug, including terminals, strain relief, contact tangs latching means, etc. Was the first universal type connector unit of miniature size for use with all models of Bell System station sets.

Hardesty 15.—3,761,869: Builds on the basic concept outlined in case 13, adds design modifications so that automatic assembly apparatus can be used for mass production.

Hardesty 17.—3,835,445: One piece modular plug obviates former requirement of ultrasonic bonding of plug top to bottom, contains internal strain relief to assure correct alignment of tinsel conductors for automatic assembly.

Krumreich 12.—3,850,497: The basic design of a modular jack for use in telephone housings, used in the 616,623 and 523 series of jacks and plugs. Is constructed to accept the plug on the modular cords.

Hardesty 18.—3,860,316: One piece molded plug including methods of assembly, jacket and conductor strain relief altered to insure better and more effective control, jacket contains a ridge for easier orientation of conductors.

Sauer 1.—3,868,341: A clear flame retardant composition of matter used as jacketing material on modular line cords.

Valia 2.—A-480,333: A clear flame retardant composition with improved clarity without sacrificing oil resistance and/or light resistance.

Krumreich 13.—A-504,081: An alternate design to the basic connector outlined in case 12. This design does not require bonding, is used in the 630 type jack.

Hardesty 19.—A521,429: A continuation-in-part of case 18, wherein the strain relief element has been redesigned to improve its effectiveness.

Hardesty 21.—A620,629: One piece modular plug with partially seated terminals that allow a field installer to terminate existing cords at site locations.

Hardesty 20.—A620,630: A continuation-in-part of case 18 with further modification to the jacket strain relief facilities.

PATENT LICENSE AGREEMENT

Effective as of _____, WESTERN ELECTRIC COMPANY, INCORPORATED, a New York corporation ("WESTERN"), having an office at 222 Broadway, New York, New York 10038, and_____

_____

("the CORPORATION"), having an office at

_____

agree as follows:

_____

ARTICLE I

Definitions

1.01 Terms in this agreement (other than technical terms, names of parties, companies and Article headings) which are in capital letters shall have the meanings specified in the General Definitions Appendix, and technical terms in this agreement which are in capital letters shall have the meanings specified in the Technical Definitions Appendix.

ARTICLE II

Grants of Licenses and Immunities

2.01 WESTERN grants to the CORPORATION under WESTERN'S PATENTS nonexclusive licenses for products of the following kinds:

_____

2.02 The CORPORATION grants to WESTERN and to AMERICAN TELEPHONE AND TELEGRAPH COMPANY, a New York corporation ("AT&T"), severally, under the CORPORATION'S PATENTS nonexclusive royalty-free licenses for products of the following kinds:

_____

2.03 All licenses herein granted shall commence on the effective date hereof and, except as provided in Article VI and notwithstanding the expiration of the FIVE YEAR PERIOD, shall continue for the entire terms that the patents under which they are granted are in force or for that part of such terms for which the grantor has the right to grant such licenses.

2.04(a) WESTERN grants under all patents issued in countries other than the United States and owned or controlled by AT&T, WESTERN or their SUBSIDIARIES, royalty-free immunity relating to the sale, lease or use in, or the importation into, such other countries of LICENSED PRODUCTS, and maintenance parts therefor, manufactured under the licenses granted under WESTERN'S PATENTS; provided, however, that nothing in this Section 2.04(a) shall relieve the CORPORATION of its obligation to pay any royalty which may be predicated upon such manufacture of any such LICENSED PRODUCT or part, whether or not the first sale, lease or use thereof occurs outside of the United States.

(b) The CORPORATION grants under all patents issued in countries other than the United States and owned or controlled by it or its ASSOCIATED COMPANIES, royalty-free immunity relating to the sale, lease or use in, or the importation into, such other countries of LICENSED PRODUCTS, and maintenance parts therefor, manufactured under the licenses granted under the CORPORATION'S PATENTS.

2.05 The licenses granted for LICENSED PRODUCTS are licenses to make, have made, use, lease and sell such LICENSED PRODUCTS. Such licenses include the rights to maintain LICENSED PRODUCTS, to practice methods and processes involved in the use of LICENSED PRODUCTS and to make and have made, to use and have used, and to maintain machines, tools, materials and other instrumentalities, and to use and have used methods and processes, insofar as such machines, tools, materials, other instrumentalities, methods and processes are involved in or incidental to the development, manufacture, installation, testing or repair of LICENSED PRODUCTS.

2.06 The grant of each license to the CORPORATION includes the right to grant sublicenses within the scope of such license to its SUBSIDIARIES. The grant of each license to WESTERN or AT&T includes the right to grant sublicenses within the scope of such license to its ASSOCIATED COMPANIES. Such right of either party or AT&T may be exercised at any time prior to termination or cancellation of the corresponding license under the provisions of Article VI. Any such sublicenses granted to any present SUBSIDIARY or any present ASSOCIATED COMPANY may be made effective, retroactively, as of the effective date hereof, and any such sublicenses granted to any future SUBSIDIARY or any future ASSOCIATED COMPANY may be made effective retroactively, as of the date such company became a SUBSIDIARY or an ASSOCIATED COMPANY.

ARTICLE III

Acquisition and Warranty

3.01 WESTERN and the CORPORATION shall each acquire rights to inventions made during the FIVE YEAR PERIOD which relate to the subject matter of licenses granted and are made, in the course of their employment, either solely or jointly with anyone, by its or its ASSOCIATED COMPANIES' employees (and in the case of WESTERN'S obligation, by employees of AT&T or its SUBSIDIARIES) who are employed to do research, development or other inventive work, such that each grantee shall, by virtue of this agreement, receive in respect of patents issued for such inventions, licenses and rights of the scope and upon the terms herein provided to be granted to such grantee.

3.02 WESTERN and, except as may be stated in a letter from the CORPORATION to WESTERN referring to this agreement and delivered before or concurrently with the execution hereof by WESTERN, the CORPORATION each warrants that there are no commitments or restrictions which will limit the licenses and rights granted by it under patents issued at any time for inventions owned at any time during the FIVE YEAR PERIOD by it or any of its ASSOCIATED COMPANIES (and in the case of WESTERN'S warranty, by AT&T or any of its SUBSIDIARIES).

3.03 It is recognized that either party or any of its ASSOCIATED COMPANIES may have entered into or may hereafter enter into a contract with a national government to do development work financed by such government and may be required under such contract (either unconditionally or by reason of any action or inaction thereunder) to assign to such government its rights to grant, or may now or hereafter be restrained by such government from granting, licenses or immunities to others than its ASSOCIATED COMPANIES under patents for inventions arising out of such work or covered by such contract. The resulting inability of such party to grant the licenses or immunities purported to be granted by it under patents for such inventions shall not be considered to be a breach of this agreement, if

(i) Such contract is for the benefit of such government's military or national defense establishment or the Energy Research and Development Administration of the United States Government or the National Aeronautics and Space Administration of the United States Government, or

(ii) In cases other than (i), such contract is with the United States Government or any agency of and within such Government, and any such requirement or restraint is pursuant to a statute or officially promulgated regulation of such Government or agency applicable to such contract;

provided, however, that

(iii) Such party (or, if an ASSOCIATED COMPANY thereof has entered into such contract, such ASSOCIATED COMPANY) shall exert its best efforts to enable such party to grant the licenses or immunities herein purported to be granted by it under such patents; and

(iv) Within ninety (90) days after the filing of any application for any such patent, such party shall give written notice to the other party identifying such application by country, number and date of filing.

For the purposes of this Section 3.03, AT&T, WESTERN and their ASSOCIATED COMPANIES shall all be deemed to be ASSOCIATED COMPANIES of one another, and the CORPORATION and its ASSOCIATED COMPANIES shall be deemed to be ASSOCIATED COMPANIES of one another.

ARTICLE IV

Royalty

4.01 The CORPORATION shall pay to WESTERN royalty, at the applicable rate hereinafter specified, on each LICENSED PRODUCT, and maintenance part therefor, which is a ROYALTY-BEARING PRODUCT, and

(i) Which is sold, leased or put into use by the CORPORATION or any of its SUBSIDIARIES while any license acquired hereunder by the CORPORATION with respect to such ROYALTY-BEARING PRODUCT shall remain in force, or

(ii) Which is made by or for the CORPORATION or any of its SUBSIDIARIES while any such license shall remain in force and is thereafter sold, leased or put into use by the CORPORATION or any of its SUBSIDIARIES,

whether or not such SUBSIDIARIES are sublicensed pursuant to Section 2.06, such royalty rate to be applied, except as provided in Section 4.05, to the NET SELLING PRICE of such ROYALTY-BEARING PRODUCT if sold for a separate consideration payable wholly in money and in all other cases to the FAIR MARKET VALUE thereof. The royalty rates applicable to LICENSED PRODUCTS of the kinds specified in Section 2.01, and maintenance parts therefor, are as follows:

(ii) * * *

4.02 If a LICENSED PRODUCT is a ROYALTY-BEARING PRODUCT solely on account of one or a limited number of WESTERN'S PATENTS, the CORPORATION may elect to reduce the amount of royalty otherwise payable hereunder on said LICENSED PRODUCT by a royalty reduction percentage, and as of an effective date, established by WESTERN. Upon written request from the CORPORATION identifying the LICENSED PRODUCT and each relevant patent, WESTERN will inform the CORPORATION of the royalty reduction percentage applicable in respect of said LICENSED PRODUCT and patent or patents and the effective date thereof.

4.03 A LICENSED PRODUCT, or maintenance part therefor, which is made and sold by the CORPORATION or any of its SUBSIDIARIES and which is a ROYALTY-BEARING PRODUCT hereunder on account of one or more of WESTERN'S PATENTS, may be treated by the CORPORATION as not licensed and not subject to royalty hereunder if all of the following conditions are met:

(i) The purchaser is licensed under the same patent or patents, pursuant to another agreement, to have said LICENSED PRODUCT or part made;

(ii) The purchaser expressly advises the CORPORATION or its SUBSIDIARY, whichever effects the making and sale, in writing at or prior to (but in no event later than) the time of such sale that, in purchasing said LICENSED PRODUCT or part, it is exercising its own license or licenses under said patent or patents to have said LICENSED PRODUCT or part made; and

(iii) The CORPORATION retains such written advice and makes it available to WESTERN at the latter's request.

4.04 Only one royalty shall be payable hereunder in respect of any ROYALTY-BEARING PRODUCT. Royalty shall accrue hereunder on any LICENSED PRODUCT, or maintenance part therefor, upon its first becoming a ROYALTY-BEARING PRODUCT, and the royalty thereon shall become payable in accordance with the provisions of this Article IV upon the first sale, lease or putting into use thereof.

4.05 If any sale of a ROYALTY-BEARING PRODUCT shall be made by the CORPORATION or a SUBSIDIARY thereof to

(i) Any company of which the CORPORATION is a SUBSIDIARY at the time of such sale, or

(ii) The CORPORATION or a SUBSIDIARY thereof or any other SUBSIDIARY of a company of which the CORPORATION is a SUBSIDIARY at the time of such sale,

royalty payable hereunder shall be computed on the FAIR MARKET VALUE of such ROYALTY-BEARING PRODUCT.

ARTICLE V

Reports and Payments

5.01 The CORPORATION shall keep full, clear and accurate records with respect to ROYALTY-BEARING PRODUCTS. WESTERN shall have the right through its accredited auditing representatives to make an examination and audit, during normal business hours, not more frequently than annually, of all such records and such other records and accounts as may under recognized accounting practices contain information bearing upon the amount of royalty payable to it under this agreement. Prompt adjustment shall be made by the proper party to compensate for any errors or omissions disclosed by such examination or audit. Neither such right to examine and audit nor the right to receive such adjustment shall be affected by any statement to the contrary, appearing on checks or otherwise, unless such statement appears in a letter, signed by the party having such right and delivered to the other party, expressly waiving such right.[1]

5.02(a) Within sixty (60) days after the end of each semiannual period ending on June 30th or December 31st, commencing with the semiannual period during which this agreement first becomes effective, the CORPORATION shall furnish to WESTERN a statement, in form acceptable to WESTERN, certified by a responsible official of the CORPORATION:

(i) Showing all ROYALTY-BEARING PRODUCTS, by kinds of LICENSED PRODUCTS, which were sold, leased or put into use during such semiannual period, the NET SELLING PRICES of such ROYALTY-BEARING PRODUCTS or (where royalty is based on FAIR MARKET VALUES) the FAIR MARKET VALUES thereof and the amount of royalty payable thereon (or if no such ROYALTY-BEARING PRODUCT has been so sold, leased or put into use, showing that fact);

(ii) Identifying, if royalty is reduced under provisions of Section 4.02, each LICENSED PRODUCT by its type and the patent or patents involved in such royalty reduction;

(iii) Showing, by purchasers and kinds of LICENSED PRODUCTS, the monetary totals of the sales, to each purchaser exercising its own "to have made" license or licenses, of LICENSED PRODUCTS and maintenance parts in transactions of the character described in Section 4.03; and

(iv) Identifying all transactions of the character described in Section 4.05.

(b) Within such sixty (60) days the CORPORATION shall, irrespective of its own business and accounting methods, pay to WESTERN the royalties payable for such semiannual period.

(c) Notwithstanding the provisions of Section 7.04(a)(v), the CORPORATION shall furnish whatever additional information WESTERN may reasonably prescribe from time to time to enable WESTERN to ascertain which LICENSED PRODUCTS (and maintenance parts therefor) sold, leased or put into use by the Corporation or any of its SUBSIDIARIES are subject to the payment of royalty to WESTERN, and the amount of royalty payable thereon.

5.03 Royality payments provided for in this agreement shall, when overdue bear interest at an annual rate of one percent (1%) over the prime rate or successive prime rates in effect in New York City during delinquency.

5.04 Payment to WESTERN shall be made in United States dollars to WESTERN'S Treasury Organization at 222 Broadway, New York, New York 10038, or at such changed address as WESTERN shall have specified by written notice. If any royalty for any semiannual period referred to in Section 5.02 is computed in other currency, conversion to United States dollars shall be at the prevailing rate for bank cable transfers on New York City as quoted for the last day of such semiannual period by leading banks dealing in the New York City foreign exchange market.

ARTICLE VI

Termination, Cancellation and Surrender

6.01 Any termination under the provisions of this Article VI by one party of licenses and rights of the other party shall not affect the licenses and rights of the terminating party and its sublicensees (or of AT&T and its sublicensees if WESTERN is the terminating party), nor the obligations of the CORPORATION under the provisions of Articles IV and V if it is the terminating party.

6.02 If WESTERN shall fail to fulfill one or more of its obligations under this agreement, the CORPORATION may, upon election and in addition to any other remedies that it may have, at any time terminate all licenses and rights granted to WESTERN and AT&T hereunder, by not less than six (6) months' written notice to WESTERN specifying any such breach, unless within the period of such notice all breaches specified therein shall have been remedied.

6.03(a) If the CORPORATION shall fail to fulfill one or more of

(i) Its obligations under Articles IV or V, or

(ii) Its obligations under this agreement whereby WESTERN or AT&T fails to receive licenses or rights which it is entitled hereunder to receive under patents issued in the United States,

WESTERN may, upon election and in addition to any other remedies that it may have, at any time terminate all licenses and rights granted to the CORPORATION hereunder, by not less than six (6) months' written notice to the CORPORATION specifying any such breach, unless within the period of such notice all breaches specified therein shall have been remedied.

(b) Termination by WESTERN of licenses and rights granted to the CORPORATION shall terminate the obligations of the CORPORATION under the provisions of Articles IV and V relating to such terminated licenses and rights, except such obligations as to ROYALTY-BEARING PRODUCTS made, sold, leased or put into use prior to such termination.

6.04(a) By written notice to WESTERN, the CORPORATION may cancel the licenses for any specified products granted hereunder to it under WESTERN'S PATENTS. Such cancellation shall be effective as of the date of giving said notice but shall not relieve the CORPORATION of its obligation to pay accrued royalties with respect to such specified products.

(b) By written notice to the CORPORATION, WESTERN or AT&T may cancel the licenses for any specified products granted hereunder to it under the CORPORATION'S PATENTS, such cancellation to be effective as of the date of giving said notice.

6.05 By written notice to WESTERN, specifying any of WESTERN'S PATENTS by number and date of issuance, the CORPORATION may surrender and terminate all licenses and rights granted to it under such specified patent or patents or under any specified invention or inventions thereof. Such surrender and termination shall be effective as of a date specified in said notice which shall not be more than six (6) months prior to the date of giving said notice. As of said effective date, such specified patent or patents or invention or inventions shall cease to be among, or among the inventions of, WESTERN'S PATENTS for the purposes of this agreement without affecting obligations in respect of royalties accrued prior to said effective date.

6.06(a) Every sublicense granted by a party or AT&T shall terminate with termination or cancellation of its corresponding license.

(b) Any sublicenses granted shall terminate if and when the grantee thereof ceases to be an ASSOCIATED COMPANY of WESTERN or AT&T or a SUBSIDIARY of the CORPORATION. Each LICENSED PRODUCT and each maintenance part, made by or for a SUBSIDIARY of the CORPORATION, and on which royalty has accrued but which remains not sold, leased or put into use at the time such SUBSIDIARY ceases to be a SUBSIDIARY of the CORPORATION, shall be deemed to have been put into use by such SUBSIDIARY immediately prior to such time at the place said LICENSED PRODUCT or part is then located.

(c) If an ASSOCIATED COMPANY'S relationship to a party or AT&T changes so that such ASSOCIATED COMPANY is no longer an ASSOCIATED COMPANY of such party or AT&T, licenses and rights acquired under the patents and patent rights of such ASSOCIATED COMPANY for inventions made prior to the date such relationship changed shall not be affected by such change.

6.07 Licenses, immunities and rights with respect to each LICENSED PRODUCT, and each maintenance part, made, sold, leased or put into use prior to any termination or cancellation under the provisions of this Article VI shall survive such termination or cancellation.

[1] If licensee insists on a non-Western auditor, third line, insert, after "representatives", -or, at the election of the CORPORATION, through a firm

ARTICLE VII

Miscellaneous Provisions

7.01 With respect to patents or inventions owned jointly by the CORPORATION, or any of its ASSOCIATED COMPANIES, with any other person or persons who has or have granted, or who shall hereafter grant, to WESTERN or AT&T, licenses or other rights thereunder, the CORPORATION, to the extent that the licenses and rights so granted do not exceed the scope of the licenses and rights herein granted by the CORPORATION, consents to the grant of licenses and rights to WESTERN and AT&T under such patents and inventions by such other person or persons.

7.02(a) Each party shall, upon written request from the other party sufficiently identifying any patent by country, number and date of issuance, inform the other party as to the extent to which any such patent is subject to the licenses, immunities and rights granted to such other party.

(b) If such licenses, immunities or rights under any such patent are restricted in scope, copies of all pertinent provisions of any contract (other than provisions of a contract with a government to the extent that disclosure thereof is prohibited under that government's laws or regulations) creating such restrictions shall, upon request, be furnished to the party making such request.

7.03 Upon written request from one party, the other party shall inform the requesting party which of said other party's patents cover inventions under which the United States Government holds a royalty-free license.

7.04(a) Nothing contained in this agreement shall be construed as

(i) Requiring the filing of any patent application, the securing of any patent or the maintaining of any patent in force; or

(ii) A warranty or representation by any grantor as to the validity or scope of any patent; or

(iii) A warranty or representation that any manufacture, sale, lease, use or importation will be free from infringement of patents other than those under which and to the extent to which licenses or immunities are in force hereunder; or

(iv) An agreement to bring or prosecute actions or suits against third parties for infringement; or

(v) An obligation to furnish any manufacturing or technical information or assistance; or

(vi) Conferring any right to use, in advertising, publicity or otherwise, any name, trade name or trademark, or any contraction, abbreviation or simulation thereof; or

(vii) Conferring by implication, estoppel or otherwise upon any grantee any license or other right under any patent, except the licenses and rights expressly granted to such grantee; or

(viii) An obligation upon any grantor to make any determination as to the applicability of any patent to any product of any grantee or any of its ASSOCIATED COMPANIES; or

(ix) A release for any infringement prior to the effective date hereof.

(b) Neither party nor AT&T makes any representations, extends any warranties of any kind or assumes any responsibility whatever with respect to the manufacture, sale, lease, use or importation of any LICENSED PRODUCT, or part therefor, by any grantee, any of its ASSOCIATED COMPANIES, or any direct or indirect supplier or vendee or other transferee of any such company, other than the licenses, immunities, rights and warranties expressly herein granted.

7.05 Neither this agreement nor any licenses or rights hereunder, in whole or in part, shall be assignable or otherwise transferable.

7.06 Any notice, request or information shall be deemed to be sufficiently given when sent by registered mail addressed to the addressee at its office above specified (and when addressed to WESTERN, to the attention of its Patent Licensing Organization) and any royalty statement shall be deemed to be sufficiently furnished when sent by registered mail addressed to WESTERN's Treasury Organization at 222 Broadway, New York, New York 10038, or at such changed address as the addressee shall have specified by written notice.

7.07 This agreement sets forth the entire agreement and understanding between the parties as to the subject matter hereof and merges all prior discussions between them, and neither of the parties shall be bound by any conditions, definitions, warranties, understandings or representations with respect to such subject matter other than as expressly provided herein, or in any prior existing written agreement between the parties, or as duly set forth on or subsequent to the effective date hereof in writing and signed by a proper and duly authorized representative of the party to be bound thereby.

7.08 The construction and performance of this agreement shall be governed by the law of the State of New York.

IN WITNESS WHEREOF, each of the parties has caused this agreement to be executed in duplicate originals by its duly authorized representatives on the respective dates entered below.

WESTERN ELECTRIC COMPANY, INCORPORATED

By _____
Director of Patent Licensing

Date _____

Attest:

[SEAL]

_____
Secretary

_____

By _____

Title _____

Date _____

Attest:

[SEAL]

_____
Secretary

GENERAL DEFINITIONS APPENDIX

ASSOCIATED COMPANIES of AT&T are The Southern New England Telephone Company, a Connecticut corporation, and its SUBSIDIARIES, Cincinnati Bell Inc., an Ohio corporation, and its SUBSIDIARIES, and SUBSIDIARIES of AT&T other than WESTERN and its SUBSIDIARIES.

ASSOCIATED COMPANIES of the CORPORATION are SUBSIDIARIES of the CORPORATION, companies presently having the CORPORATION as a SUBSIDIARY and other SUBSIDIARIES of such companies.

ASSOCIATED COMPANIES of WESTERN are SUBSIDIARIES of WESTERN.

The CORPORATION'S PATENTS means all patents issued at any time in the United States for

(i) Inventions made prior to the termination of the FIVE YEAR PERIOD and owned or controlled at any time during the FIVE YEAR PERIOD by the CORPORATION or any of its ASSOCIATED COMPANIES,

(ii) Inventions made during the FIVE YEAR PERIOD, solely or jointly with anyone, and in the course of their employment by employees of any such company who are employed to do research, development or other inventive work, and

(iii) Any other inventions made prior to the termination of the FIVE YEAR PERIOD, with respect to which and to the extent to which any such company shall at any time during the FIVE YEAR PERIOD have the right to grant the licenses and rights which are herein granted by the CORPORATION.

FAIR MARKET VALUE means the NET SELLING PRICE which the CORPORATION or any of its SUBSIDIARIES, whichever effects the sale, lease or use of the product or maintenance part, would realize from an unaffiliated buyer in an arm's length sale of an identical product or maintenance part in the same quantity and at the same time and place as such sale, lease or use.

FIVE YEAR PERIOD means the period commencing on the effective date of this agreement and having a duration of five years.

LICENSED PRODUCT means, as to any respective grantee,

(i) Any product as such, or

(ii) Any product which is any specified combination,

of the kinds listed in Section 2.01 or 2.02 of this agreement. Although the term does not mean, and although licenses are not granted for, any other combination, a LICENSED PRODUCT

(iii) Shall not lose its status as such on account of, and

(iv) Shall not cause an unlicensed combination to infringe the grantor's patents (i.e., WESTERN'S PATENTS or the CORPORATION'S PATENTS, as the case may be) solely on account of,

such LICENSED PRODUCT being made, sold, leased or put into use as part of an unlicensed combination.

NET SELLING PRICE means the gross selling price of the ROYALTY-BEARING PRODUCT in the form in which it is sold, whether or not assembled (and without excluding therefrom any components or subassemblies thereof, whatever their origin and whether or not patent impacted), less the following items but only insofar as they pertain to the sale of such ROYALTY-BEARING PRODUCT by the CORPORATION or any of its SUBSIDIARIES and are included in such gross selling price:

(i) Usual trade discounts actually allowed (other than cash discounts, advertising allowances, or fees or commissions to any employees of the CORPORATION, a SUBSIDIARY of the CORPORATION, a company of which the CORPORATION is a SUBSIDIARY at the time of the sale, or any other SUBSIDIARY of a company of which the CORPORATION is a SUBSIDIARY at the time of such sale);

(ii) Packing costs;

(iii) Import, export, excise and sales taxes, and customs duties;

(iv) Costs of insurance and transportation from the place of manufacture to the customer's premises or point of installation;

(v) Costs of installation at the place of use; and

(vi) Costs of special engineering services not incident to the design or manufacture of the ROYALTY-BEARING PRODUCT.

ROYALTY-BEARING PRODUCT means any LICENSED PRODUCT of the kinds specified in Section 2.01 of this agreement (other than any LICENSED PRODUCT for which all the licenses granted in this agreement are at a royalty rate of zero percent (0%)), and any maintenance part therefor,

(i) Which upon manufacture includes, or the manufacture of which employs, any invention of any of WESTERN'S PATENTS in force at the time and place of such manufacture, or

(ii) Which includes when sold, leased or put into use, or the use of which employs, any invention of any of WESTERN'S PAT-

ENTS in force at the time and place of such sale, lease or use,

other than

(iii) Inventions under which the United States Government holds a royalty-free license if such LICENSED PRODUCT or part is contracted for, directly or indirectly, by the United States Government, or by another national government with funds derived through the Military Assistance Program or otherwise through the United States Government, and

(iv) Inventions employed in the manufacture of, or included in, such LICENSED PRODUCT or any original part thereof, or such maintenance part therefor or any original part thereof, by a direct or indirect supplier of the CORPORATION or any of its SUBSIDIARIES, but only to the extent such supplier has exercised its own licenses granted by WESTERN under patents for such inventions to so employ or include said inventions.

SUBSIDIARY means a company the majority of whose stock entitled to vote for election of directors is now or hereafter controlled by the parent company either directly or indirectly, but any such company shall be deemed to be a SUBSIDIARY only so long as such control exists.

WESTERN'S PATENTS means all patents issued at any time in the United States for

(i) Inventions made prior to the termination of the FIVE YEAR PERIOD and owned or controlled at any time during the FIVE YEAR PERIOD by AT&T, WESTERN or any of their SUBSIDIARIES,

(ii) Inventions made during the FIVE YEAR PERIOD, solely or jointly with anyone, and in the course of their employment by employees of any such company who are employed to do research, development or other inventive work, and

(iii) Any other inventions made prior to the termination of the FIVE YEAR PERIOD, with respect to which and to the extent to which any such company shall at any time during the FIVE YEAR PERIOD have the right to grant the licenses and rights which are herein granted by WESTERN;

provided, however, that said patents do not include those issued for inventions made by employees of any SUBSIDIARY of WESTERN or AT&T exclusively engaged in the performance of contracts with the Energy Research and Development Administration of the United States.

PATENT LICENSE AGREEMENT

Effective as of _____, WESTERN ELECTRIC COMPANY, INCORPORATED, a New York corporation ("WESTERN"), having an office at 222 Broadway, New York, New York 10038, and _____

_____

("the CORPORATION"), having an office at _____

_____

agree as follows:

_____

ARTICLE I

Definitions

1.01 Terms in this agreement (other than technical terms, names of parties, companies and Article headings) which are in capital letters shall have the meanings specified in the General Definitions Appendix, and technical terms in this agreement which are in capital letters shall have the meanings specified in the Technical Definitions Appendix.

ARTICLE II

Grants of Licenses and Immunities

2.01 WESTERN grants to the CORPORATION under WESTERN'S PATENTS nonexclusive licenses for products of the following kinds:

_____

2.02 All licenses herein granted shall commence on the effective date hereof and, except as provided in Article V and notwithstanding the expiration of the FIVE YEAR PERIOD, shall continue for the entire terms that the patents under which they are granted are in force or for that part of such terms for which WESTERN has the right to grant such licenses.

2.03 WESTERN grants under all patents issued in countries other than the United States and owned or controlled by AMERICAN TELEPHONE AND TELEGAPH COMPANY, a New York corporation ("AT&T"), WESTERN or their SUBSIDIARIES, royalty-free immunity relating to the sale, lease or use in, or the importation into, such other countries of LICENSED PRODUCTS, and maintenance parts therefor, manufactured under the licenses granted under WESTERN'S PATENTS; provided, however, that nothing in this Section 2.03 shall relieve the CORPORATION of its obligation to pay any royalty which may be predicated upon such manufacture of any such LICENSED PRODUCT or part, whether or not the first sale, lease or use thereof occurs outside of the United States.

2.04 The licenses granted for LICENSED PRODUCTS are licenses to make, have made, use, lease and sell such LICENSED PRODUCTS. Such licenses include the rights to maintain LICENSED PRODUCTS, to practice methods and processes involved in the use of LICENSED PRODUCTS and to make and have made, to use and have used, and to maintain machines, tools, materials and other instrumentalities, and to use and have used methods and processes, insofar as such machines, tools, materials, other instrumentalities, methods and processes are involved in or incidental to the development, manufacture, installation, testing or repair of LICENSED PRODUCTS.

2.05 The grant of each license to the CORPORATION includes the right to grant sublicenses within the scope of such license to its SUBSIDIARIES. Such right may be exercised at any time prior to termination or cancellation of the corresponding license under the provisions of Article V. Any such sublicenses granted to any present SUBSIDIARY may be made effective, retroactively, as of the effective date hereof, and any such sublicenses granted to any future SUBSIDIARY may be made effective, retroactively, as of the date such company became a SUBSIDIARY.

2.06 It is recognized that WESTERN or any of its ASSOCIATED COMPANIES may have entered into or may hereafter enter into a contract with a national government to do development work financed by such government and may be required under such contract (either unconditionally or by reason of any action or inaction thereunder) to assign to such government its rights to grant, or may now or hereafter be restrained by such government from granting, licenses or immunities to others than its ASSOCIATED COMPANIES under patents for inventions arising out of such work or covered by such contract. The resulting inability of WESTERN to grant the licenses or immunities purported to be granted by it under patents for such inventions shall not be considered to be a breach of this agreement, if

(i) Such contract is for the benefit of such government's military or national defense establishment or the Energy Research and Development Administration of the United States Government or the National Aeronautics and Space Administration of the United States Government, or

(ii) In cases other than (i), such contract is with the United States Government or any agency of and within such Government, and any such requirement or restraint is pursuant to a statute or officially promulgated regulation of such Government or agency applicable to such contract;

provided, however, that

(iii) WESTERN (or, if an ASSOCIATED COMPANY thereof has entered into such contract, such ASSOCIATED COMPANY) shall exert its best efforts to enable WESTERN to grant the licenses or immunities herein purported to be granted by it under such patents; and

(iv) Within ninety (90) days after the filing of any application for any such patent, WESTERN shall give written notice to the other party identifying such application by country, number and date of filing.

For the purposes of this Section 2.06, AT&T, WESTERN and their ASSOCIATED COMPANIES shall all be deemed to be ASSOCIATED COMPANIES of one another.

ARTICLE III

Royalty

3.01 The CORPORATION shall pay to WESTERN royalty, at the applicable rate hereinafter specified, on each LICENSED PRODUCT, and maintenance part therefor, which is a ROYALTY-BEARING PRODUCT, and

(i) Which is sold, leased or put into use by the CORPORATION or any of its SUBSIDIARIES while any license acquired hereunder by the CORPORATION with respect to such ROYALTY-BEARING PRODUCT shall remain in force, or

(ii) Which is made by or for the CORPORATION or any of its SUBSIDIARIES while any such license shall remain in force and is thereafter sold, leased or put into use by the CORPORATION or any of its SUBSIDIARIES,

whether or not such SUBSIDIARIES are sublicensed pursuant to Section 2.05, such royalty rate to be applied, except as provided in Section 3.05, to the NET SELLING PRICE of such ROYALTY-BEARING PRODUCT if sold for a separate consideration payable wholly in money and in all other cases to the FAIR MARKET VALUE thereof. The royalty rates applicable to LICENSED PRODUCTS of the kinds specified in Section 2.01, and maintenance parts therefor, as as follows:

(iii) * * *

3.02 If a LICENSED PRODUCT is a ROYALTY-BEARING PRODUCT solely on account of one or a limited number of WESTERN'S PATENTS, the CORPORATION may elect to reduce the amount of royalty otherwise payable hereunder on said LICENSED PRODUCT by a royalty reduction percentage, and as of an effective date, established by WESTERN. Upon written request from the CORPORATION identifying the LICENSED PRODUCT and each relevant patent, WESTERN will inform the CORPORATION of the royalty reduction percentage applicable in respect of said LICENSED PRODUCT and patent or patents and the effective date thereof.

3.03 A LICENSED PRODUCT, or maintenance part therefor, which is made and sold by the CORPORATION or any of its SUBSIDIARIES and which is a ROYALTY-BEARING PRODUCT hereunder on account of one or more of WESTERN'S PATENTS, may be treated by the CORPORATION as not licensed and not subject to royalty hereunder if all of the following conditions are met:

(i) The purchaser is licensed under the same patent or patents, pursuant to another agreement, to have said LICENSED PRODUCT or part made;

(ii) The purchaser expressly advises the CORPORATION or its SUBSIDIARY, whichever effects the making and sale, in writing at

or prior to (but in no event later than) the time of such sale that, in purchasing said LICENSED PRODUCT or part, it is exercising its own license or licenses under said patent or patents to have said LICENSED PRODUCT or part made; and

(iii) The CORPORATION retains such written advice and makes it available to WESTERN at the latter's request.

3.04 Only one royalty shall be payable hereunder in respect of any ROYALTY-BEARING PRODUCT. Royalty shall accrue hereunder on any LICENSED PRODUCT, or maintenance part therefor, upon its first becoming a ROYALTY-BEARING PRODUCT, and the royalty thereon shall become payable in accordance with the provisions of this Article III upon the first sale, lease or putting into use thereof.

3.05 If any sale of a ROYALITY-BEARING PRODUCT shall be made by the CORPORATION or a SUBSIDIARY thereof to

(i) Any company of which the CORPORATION is a SUBSIDIARY at the time of such sale, or

(ii) The CORPORATION or a SUBSIDIARY thereof or any other SUBSIDIARY of a company of which the CORPORATION is a SUBSIDIARY at the time of such sale,

royalty payable hereunder shall be computed on the FAIR MARKET VALUE of such ROYALITY-BEARING PRODUCT.

ARTICLE IV

Reports and Payments

4.01 The CORPORATION shall keep full, clear and accurate records with respect to ROYALTY-BEARING PRODUCTS. WESTERN shall have the right through its accredited auditing representatives to make an examination and audit, during normal business hours, not more frequently than annually, of all such records and such other records and accounts as may under recognized accounting practices contain information bearing upon the amount of royalty payable to it under this agreement. Prompt adjustments shall be made by the proper party to compensate for any errors or omissions disclosed by such examination or audit. Neither such right to examine and audit nor the right to receive such adjustment shall be affected by any statement to the contrary, appearing on checks or otherwise, unless such statement appears in a letter, signed by the party having such right and delivered to the other party, expressly waiving such right.[2]

4.02(a) Within sixty (60) days after the end of each semiannual period ending on June 30th or December 31st, commencing with the semiannual period during which this agreement first becomes effective, the CORPORATION shall furnish to WESTERN a statement, in form acceptable to WESTERN, certified by a responsible official of the CORPORATION:

(i) Showing all ROYALTY-BEARING PRODUCTS, by kinds of LICENSED PRODUCTS, which were sold, leased or put into use during such semiannual period, the NET SELLING PRICES of such ROYALTY-BEARING PRODUCTS or (where royalty is based on FAIR MARKET VALUES) the FAIR MARKET VALUES thereof and the amount of royalty payable thereon (or if no such ROYALTY-BEARING PRODUCT has been so sold, leased or put into use, showing that fact);

(ii) Identifying, if royalty is reduced under provisions of Section 3.02, each LICENSED PRODUCT by its type and the patent or patents involved in such royalty reduction;

(iii) Showing, by purchasers and kinds of LICENSED PRODUCTS, the monetary totals of the sales, to each purchaser exercising its own "to have made" license or licenses, of LICENSED PRODUCTS and maintenance parts in transactions of the character described in Section 3.03; and

(iv) Identifying all transactions of the character described in Section 3.05.

(b) Within such sixty (60) days the CORPORATION shall, irrespective of its own business and accounting methods, pay to WESTERN the royalties payable for such semiannual period.

(c) Notwithstanding the provisions of Section 6.03(a) (v), the CORPORATION shall furnish whatever additional information WESTERN may reasonably prescribe from time to time to enable WESTERN to ascertain which LICENSED PRODUCTS (and maintenance parts therefor) sold, leased, or put into use by the CORPORATION or any of its SUBSIDIARIES are subject to the payment of royalty to WESTERN, and the amount of royalty payable thereon.

4.03 Royalty payments provided for in this agreement shall, when overdue, bear interest at an annual rate of one percent (1%) over the prime rate or successive prime rates in effect in New York City during delinquency.

4.04 Payment to WESTERN shall be made in United States dollars to WESTERN's Treasury Organization at 222 Broadway, New York, New York 10038, or at such changed address as WESTERN shall have specified by written notice. If any royalty for any semiannual period referred to in Section 4.02 is computed in other currency, conversion to United States dollars shall be at the prevailing rate for bank cable transfers on New York City as quoted for the last day of such semiannual period by leading banks dealing in the New York City foreign exchange market.

ARTICLE V

Termination, Cancellation and Surrender

5.01(a) If the CORPORATION shall fail to fulfill one or more of its obligations under ARTICLES III or IV, WESTERN may, upon election and in addition to any other remedies that it may have, at any time terminate all licenses and rights granted to the CORPORATION hereunder, by not less than six (6) months' written notice to the CORPORATION specifying any such breach, unless within the period of such notice all breaches specified therein shall have been remedied.

(b) Termination by WESTERN of licnses and rights granted to the CORPORATION shall terminate the obligations of the CORPORATION under the provisions of Articles III and IV relating to such terminated licenses and rights, except such obligations as to ROYALTY-BEARING PRODUCTS made, sold, leased or put into use prior to such termination.

5.02 By written notice to WESTERN, the CORPORATION may cancel the licenses for any specified products granted hereunder to it under WESTERN'S PATENTS. Such cancellation shall be effective as of the date of giving said notice but shall not relieve the CORPORATION of its obligation to pay accrued royalties with respect to such specified products.

5.03 By written notice to WESTERN, specifying any of WESTERN'S PATENTS by number and date of issuance, the CORPORATION may surrender and terminate all licenses and rights granted to it under such specified patent or patents or under any specified invention or inventions thereof. Such surrender and termination shall be effective as of a date specified in said notice which shall not be more than six (6) months prior to the date of giving said notice. As of said effective date, such specified patent or patents or invention or inventions shall cease to be among, or among the inventions of, WESTERN'S PATENTS for the purposes of this agreement without affecting obligations in respect of royalties accrued prior to said effective date.

5.04(a) Every sublicense granted by the CORPORATION shall terminate with termination or cancellation of its corresponding license.

(b) Any sublicenses granted shall terminate if and when the grantee thereof ceases to be a SUBSIDIARY of the CORPORATION. Each LICENSED PRODUCT and each maintenance part, made by or for a SUBSIDIARY of the CORPORATION, and on which royalty has accrued but which remains not sold, leased or put into use at the time such SUBSIDIARY ceases to be a SUBSIDIARY of the CORPORATION, shall be deemed to have been put into use by such SUBSIDIARY immediately prior to such time at the place said LICENSED PRODUCT or part is then located.

5.05 Licenses, immunities and rights with respect to each LICENSED PRODUCT, and each maintenance part, made, sold, leased or put into use prior to any termination or cancellation under the provisions of this Article V shall survive such termination or cancellation.

ARTICLE VI

Miscellaneous Provisions

6.01(a) WESTERN shall, upon written request from the CORPORATION sufficiently identifying any patent by country, number and date of issuance, inform the CORPORATION as to the extent to which any such patent is subject to the licenses, immunities and rights granted to the CORPORATION.

(b) If such licenses, immunities or rights under any such patent are restricted in scope, copies of all pertinent provisions of any contract (other than provisions of a contract with a government to the extent that disclosure thereof is prohibited under that government's laws or regulations) creating such restrictions shall, upon request, be furnished to the CORPORATION.

6.02 Upon written request from the CORPORATION, WESTERN shall inform the CORPORATION which of WESTERN'S PATENTS cover inventions under which the United States Government holds a royalty-free license.

6.03(a) Nothing contained in this agreement shall be construed as

(i) Requiring the filing of any patent application, the securing of any patent or the maintaining of any patent in force; or

(ii) A warranty or representation by WESTERN as to the validity or scope of any patent; or

(iii) A warranty or representation that any manufacture, sale, lease, use or importation will be free from infringement of patents other than those under which and to the extent to which licenses or immunities are in force hereunder; or

(iv) An agreement to bring or prosecute actions or suits against third parties for infringement; or

(v) An obligation to furnish any manufacturing or technical information or assistance; or

(vi) Conferring any right to use, in advertising, publicity or otherwise, any name, trade name or trademark, or any contraction, abbreviation or simulation thereof; or

(vii) Conferring by implication, estoppel or otherwise upon the CORPORATION any license or other right under any patent, except the licenses and rights expressly granted to the CORPORATION; or

(viii) An obligation upon WESTERN to make any determination as to the applicability of any patent to any product of the

[2] If licensee insists on a non-Western auditor, third line, insert, after "repre

CORPORATION or any of its SUBSIDIARIES; or

(ix) A release for any infringement prior to the effective date hereof.

(b) Neither WESTERN nor AT&T makes any representations, extends any warranties of any kind or assumes any responsibility whatever with respect to the manufacture, sale, lease, use or importation of any LICENSED PRODUCT, or part therefor, by the CORPORATION, any of its SUBSIDIARIES, or any direct or indirect supplier or vendee or other transferee of any such company, other than the licenses, immunities and rights expressly herein granted.

6.04 Neither this agreement nor any licenses or rights hereunder, in whole or in part, shall be assignable or otherwise transferable.

6.05 Any notice, request or information shall be deemed to be sufficiently given when sent by registered mail addressed to the addressee at its office above specified (and when addressed to WESTERN, to the attention of its Patent Licensing Organization) and any royalty statement shall be deemed to be sufficiently furnished when sent by registered mail addressed to WESTERN'S Treasury Organization at 222 Broadway, New York, New York 10038, or at such changed address as the addressee shall have specified by written notice.

6.06 This agreement sets forth the entire agreement and understanding between the parties as to the subject matter hereof and merges all prior discussions between them, and neither of the parties shall be bound by any conditions, definitions, warranties, understandings or representations with respect to such subject matter other than as expressly provided herein, or in any prior existing written agreement between the parties, or as duly set forth on or subsequent to the effective date hereof in writing and signed by a proper and duly authorized representative of the party to be bound thereby.

6.07 The construction and performance of this agreement shall be governed by the law of the State of New York.

IN WITNESS WHEREOF, each of the parties has caused this agreement to be executed in duplicate originals by its duly authorized representatives on the respective dates entered below.

WESTERN ELECTRIC COMPANY, INCORPORATED

By _____
Director of Patent Licensing

Date _____

Attest:

_____
Secretary

_____

By _____

Title _____

Date _____

Attest:

[SEAL]

_____
Secretary

GENERAL DEFINITIONS APPENDIX

FAIR MARKET VALUE means the NET SELLING PRICE which the CORPORATION or any of its SUBSIDIARIES, whichever effects the sale, lease or use of the product or maintenance part, would realize from an unaffiliated buyer in an arm's length sale of an identical product or maintenance part in the same quantity and at the same time and place as such sale, lease or use.

FIVE YEAR PERIOD means the period commencing on the effective date of this agreement and having a duration of five years.

LICENSED PRODUCT means

(i) Any product as such, or

(ii) Any product which is any specified combination,

of the kinds listed in Section 2.01 of this agreement. Although the term does not mean, and although licenses are not granted for, any other combination, a LICENSED PRODUCT

(iii) Shall not lose its status as such on account of, and

(iv) Shall not cause an unlicensed combination to infringe WESTERN'S PATENTS solely on account of,

such LICENSED PRODUCT being made, sold, leased or put into use as part of an unlicensed combination.

NET SELLING PRICE means the gross selling price of the ROYALTY-BEARING PRODUCT in the form in which it is sold, whether or not assembled (and without excluding therefrom any components or subassemblies thereof, whatever their origin and whether or not patent impacted), less the following items but only insofar as they pertain to the sale of such ROYALTY-BEARING PRODUCT by the CORPORATION or any of its SUBSIDIARIES and are included in such gross selling price:

(i) Usual trade discounts actually allowed (other than cash discounts, advertising allowances, or fees or commissions to any employees of the CORPORATION, a SUBSIDIARY of the CORPORATION, a company of which the CORPORATION is a SUBSIDIARY at the time of the sale, or any other SUBSIDIARY of a company of which the CORPORATION is a SUBSIDIARY at the time of such sale);

(ii) Packing costs;

(iii) Import, export, excise and sales taxes, and customs duties;

(iv) Costs of insurance and transportation from the place of manufacture to the customer's premises or point of installation;

(v) Costs of installation at the place of use; and

(vi) Costs of special engineering services not incident to the design or manufacture of the ROYALTY-BEARING PRODUCT.

ROYALTY-BEARING PRODUCT means any LICENSED PRODUCT, and any maintenance part therefor,

(i) Which upon manufacture includes, or the manufacture of which employs, any invention of any of WESTERN'S PATENTS in force at the time and place of such manufacture, or

(ii) Which includes when sold, leased or put into use, or the use of which employs, any invention of any of WESTERN'S PATENTS in force at the time and place of such sale, lease or use,

other than

(iii) Inventions under which the United States Government holds a royalty-free license if such LICENSED PRODUCT or part is contracted for, directly or indirectly, by the United States Government, or by another national government with funds derived through the Military Assistance Program or otherwise through the United States Government, and

(iv) Inventions employed in the manufacture of, or included in, such LICENSED PRODUCT or any original part thereof, or such maintenance part therefor or any original part thereof, by a direct or indirect supplier of the CORPORATION or any of its SUBSIDIARIES, but only to the extent such supplier has exercised its own licenses granted by WESTERN under patents for such inventions to so employ or include said inventions.

SUBSIDIARY means a company the majority of whose stock entitled to vote for election of directors is now or hereafter controlled by the parent company either directly or indirectly, but any such company shall be deemed to be a SUBSIDIARY only so long as such control exists.

WESTERN'S PATENTS means all patents issued at any time in the United States for

(i) Inventions made prior to the termination of the FIVE YEAR PERIOD and owned or controlled at any time during the FIVE YEAR PERIOD by AT&T, WESTERN or any of their SUBSIDIARIES.

(ii) Inventions made during the FIVE YEAR PERIOD, solely or jointly with anyone, and in the course of their employment by employees of any such company who are employed to do research, development or other inventive work, and

(iii) Any other inventions made prior to the termination of the FIVE YEAR PERIOD, with respect to which and to the extent to which any such company shall at any time during the FIVE YEAR PERIOD have the right to grant the licenses and rights which are herein granted by WESTERN;

provided, however, that said patents do not include those issued for inventions made by employees of any SUBSIDIARY of WESTERN or AT&T exclusively engaged in the performance of contracts with the Energy Research and Development Administration of the United States.

TECHNICAL DEFINITIONS APPENDIX

APPENDIX D.—PLUGS AND JACKS

GENERAL DESCRIPTION

Three categories of interfaces are defined herein: single line bridged connections, single line series connections, and multiple line bridged connections. Mechnical descriptions of the specific Bell-sponsored plug and jack arrangements for each of these categories are also given in this appendix. Each of the categories of interfaces can be connected to the network in a number of different ways as described. Further, each type of connection is identified by a Universal Service Order Code (USOC) designation, and is more fully specified in the following pages.

For Proper Implementation of the Connectors

Manufacturer should supply with his product information which identifies the appropriate jack by USOC number for his device.

In addition, where a device is intended to be used with PBX or key telephone systems, a table indicating the compatability of his device with each of the available types of PBX and key telephone systems and the appropriate USOC number should be furnished.

Where a multiple jack is requested, the customer must specify which line should appear on each position within the jack.

APPENDIX D-2

ELECTRICAL CONFIGURATIONS - VOICE

Electrical Network Connection	USOC	Plug/Jack△	Diagram #
Single Line			
1) Bridged T/R	RJ11C, RJ11W	6 Pin*	1, 2
2) Bridged T/R, A/Al T/R ahead of line ckt.	RJ12C, RJ12W	6 Pin	3, 4
3) Bridged T/R, A/Al T/R behind line ckt.	RJ13C, RJ13W	6 Pin	5, 6
4) Series T/R ahead of all station equip.	RJ31X	8 Pin	14
5) Series T/R at station	RJ32X	8 Pin	15
6) Series T/R, bridged, A/Al T/R ahead of line ckt.	RJ33X	8 Pin	16
7) Series T/R, bridged, A/Al T/R behind line ckt.	RJ34X	8 Pin	17
8) Series T/R, bridged A/Al Behind station pick up keys	RJ35X	8 Pin	18
9) Series T/R, (with Data Modem) With Mode indication	RJ36X	8 Pin	19

* Number of pins indicates maximum capacity of jacks

△ Bell System to provide Technical Specifications on Plugs and Jacks

APPENDIX D-3

Electrical Network Connection	USOC	Plug/Jack △	Diagram #
Multi Line			
10) Bridged T/R	RJ21X	50 Pin Miniature Ribbon Connector	10
11) Bridged T/R, A/Al T/R ahead of line ckt.	RJ22X	50 Pin Miniature Ribbon Connector	11
12) Bridged T/R, A/Al T/R behind line ckt.	RJ23X	50 Pin Miniature Ribbon Connector	12
13) Bridged T/R, A/Al 5 Lines behind line ckt.	RJ24X	50 Pin Miniature Ribbon Connector	13

△ Bell System to provide Technical Specifications on Plugs and Jacks

APPENDIX D-4

ADAPTERS

Mechanical/Electrical

Jack	Plug	USOC	Diagram #
4 Prong	Single-6 Pin Mini	RJA1X	7
Single 6 Pin Mini	Dual-6 Pin Mini	RJA2X	8
12 Prong	Sirgle-6 Pin Mini	RJA3X	9

APPENDIX D-5

MECHANICAL ARRANGEMENTS - VOICE

JACKS	PLUGS
1) Miniature 6 Pin*(Single Line Bridged)	1) 6 Pin
2) Miniature 8 Pin (Single Line Series)	2) 8 Pin
3) 50 Pin Miniature Ribbon Connector (Multiple Lines Bridged)	3) 50 Pin Miniature Ribbon Connector

* Number of pins indicates maximum capacity of jacks

Mechanical Mounting arrangement of the jack was not considered at the meetings.

APPENDIX D–6

STANDARD JACK ARRANGEMENTS – VOICE

I. PROVISIONAL DIAGRAM NUMBER: 1

II. UNIVERSAL SERVICE ORDER CODE (USOC): RJ11C

III. EQUIPMENT DESIGNATION CODE: 625A, 625C, 625F, 625B
625S, 625T

IV. TYPE

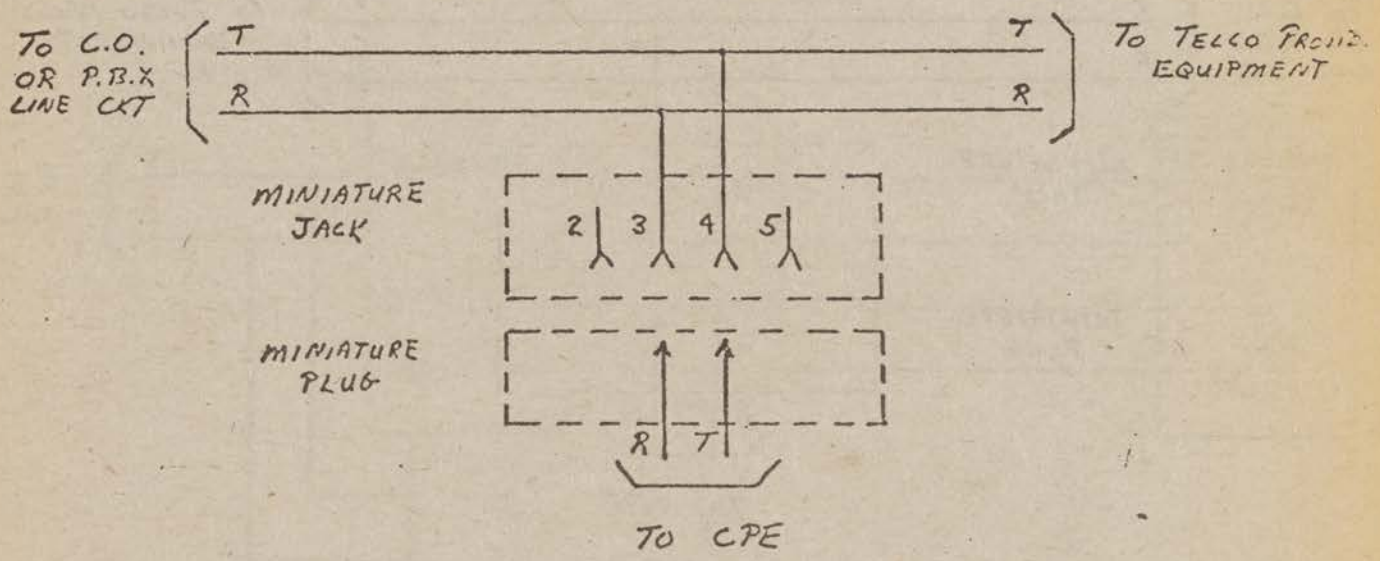
(A) EQUIPMENT STYLE: Miniature

(B) NETWORK CONNECTION: Single line bridged tip and ring

(C) LEADS PROVIDED: Tip and ring only

(D) TYPICAL USAGE: Single line non-key extensions, ancillary devices

V. WIRING DIAGRAM:



VI. ASSOCIATED INFORMATION:

Used for baseboard mounted or flush mounted jack installations. Conductors 2 and 5 are reserved for telephone company use.

APPENDIX D–7

STANDARD JACK ARRANGEMENTS – VOICE

I. PROVISIONAL DIAGRAM NUMBER: 2

II. UNIVERSAL SERVICE ORDER CODE (USOC): RJ11W

III. EQUIPMENT DESIGNATION CODE: 630A

IV. TYPE

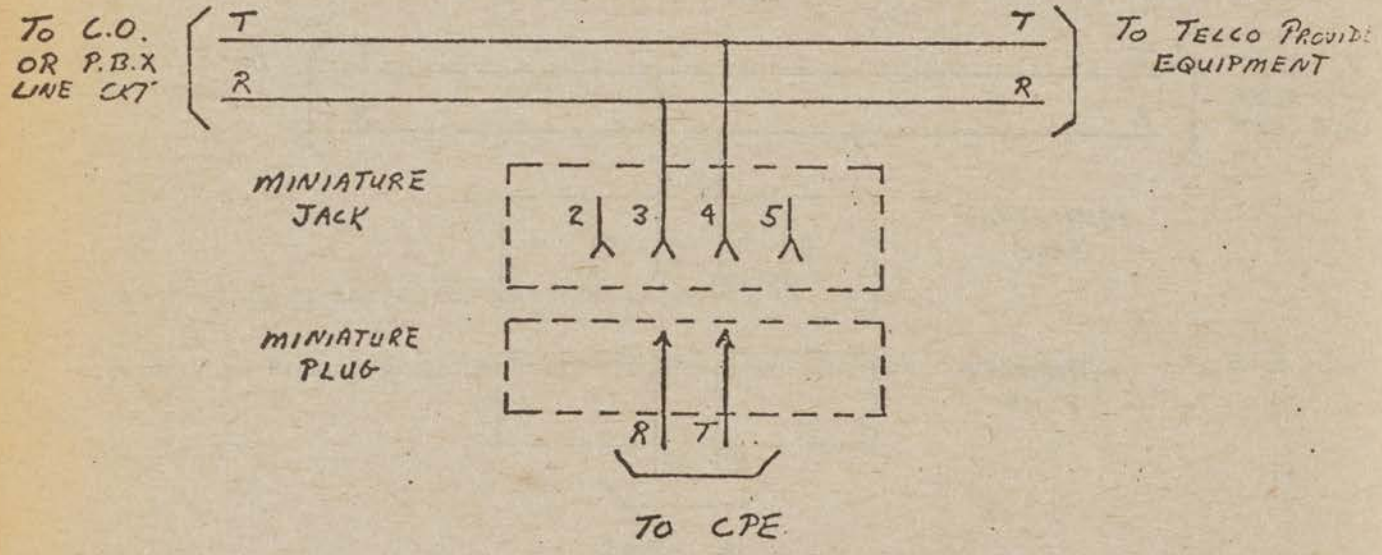
(A) EQUIPMENT STYLE: Miniature

(B) NETWORK CONNECTION: Single line bridged tip and ring

(C) LEADS PROVIDED: Tip and ring only

(D) TYPICAL USAGE: Single line non-key extensions, ancillary devices

V. WIRING DIAGRAM:



VI. ASSOCIATED INFORMATION:

Used for wall mounted jack installations. Conductors 2 and 5 are reserved for telephone company use.

STANDARD JACK ARRANGEMENTS – VOICE APPENDIX D–8

I. PROVISIONAL DIAGRAM NUMBER: 3

II. UNIVERSAL SERVICE ORDER CODE (USOC): RJ12C

III. EQUIPMENT DESIGNATION CODE: 625A, 625C, 625F, 625B
625S, 625T

IV. TYPE

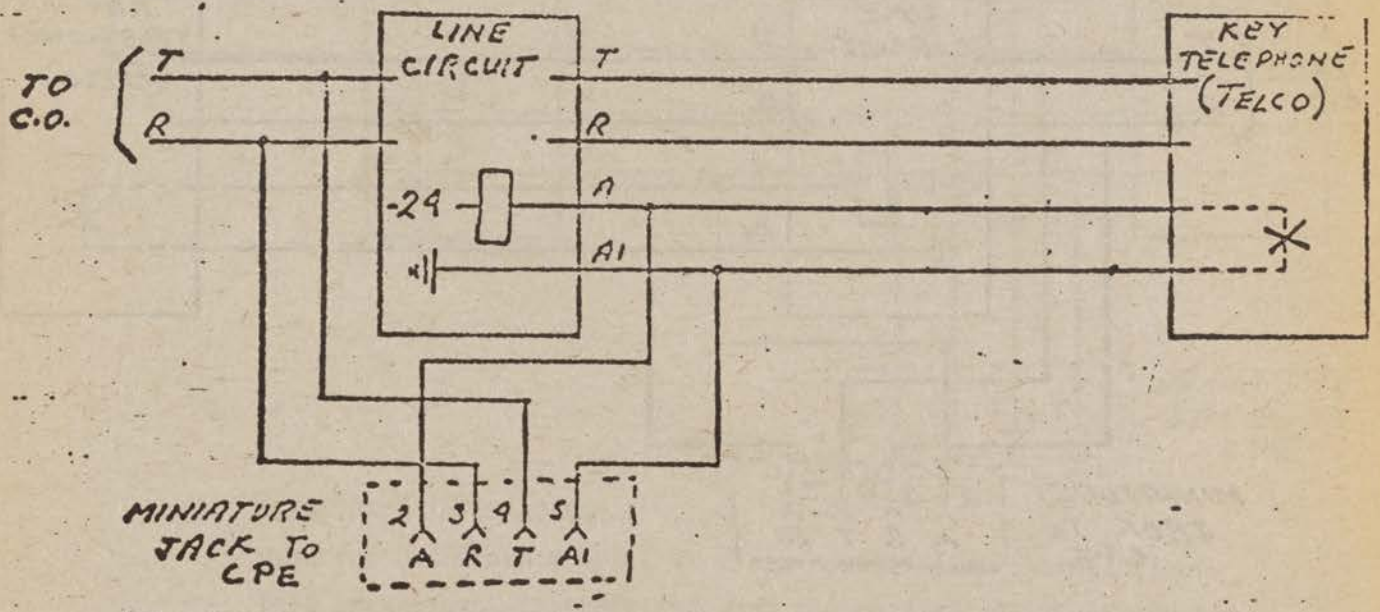
(A) EQUIPMENT STYLE: Miniature

(B) NETWORK CONNECTION: Single line bridged tip and ring ahead of line circuit.

(C) LEADS PROVIDED: Tip, ring, A, A1

(D) TYPICAL USAGE: Connecting ancillary equipment and non-key extension telephones requiring "A" lead control to key telephone lines where "A" lead control is available especially when CPE is not compatible with the electrical characteristics of the tip and ring behind the line circuit.

V. WIRING DIAGRAM:



VI. ASSOCIATED INFORMATION:

Used for baseboard mounted or flush mounted jack installations.

STANDARD JACK ARRANGEMENTS – VOICE APPENDIX D–9

I. PROVISIONAL DIAGRAM NUMBER: 4

II. UNIVERSAL SERVICE ORDER CODE (USOC): RJ12W

III. EQUIPMENT DESIGNATION. CODE: 630A

IV. TYPE

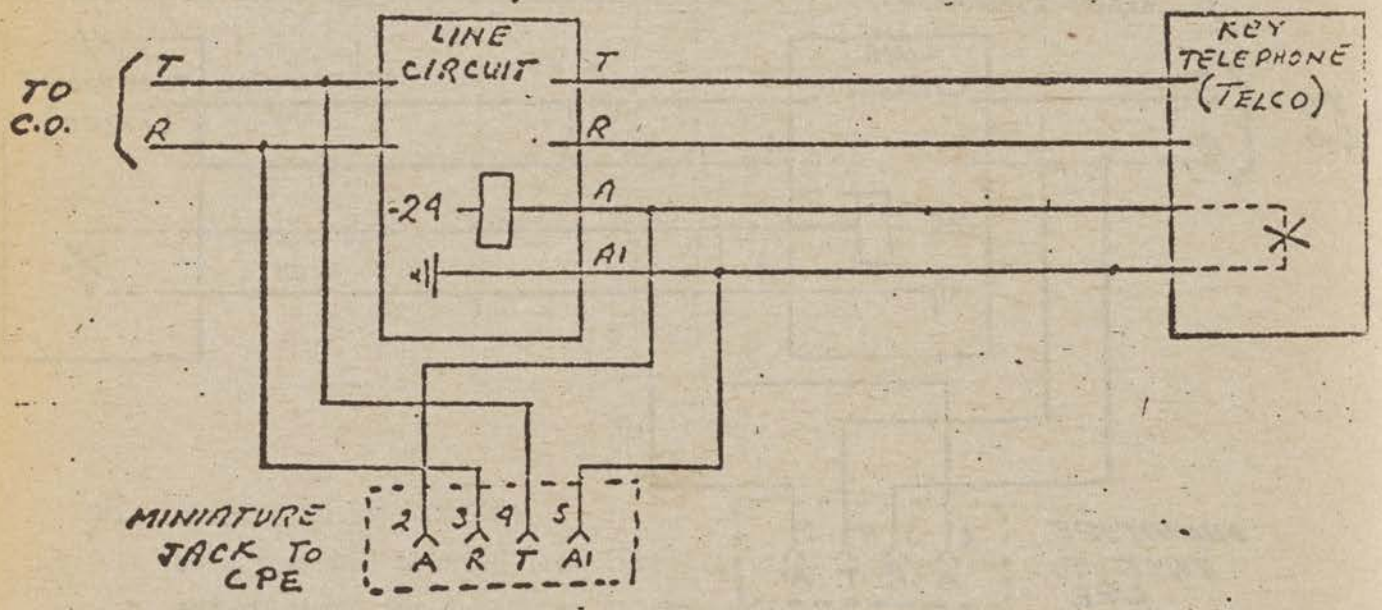
(A) EQUIPMENT STYLE: Miniature

(B) NETWORK CONNECTION: Single line bridged tip and ring ahead of line circuit.

(C) LEADS PROVIDED: Tip, ring, A, A1

(D) TYPICAL USAGE: Connecting ancillary equipment and non-key extension telephones requiring "A" lead control to key telephone lines where "A" lead control is available especially when CPE is not compatible with the electrical characteristics of the tip and ring behind the line circuit.

V. WIRING DIAGRAM:



VI. ASSOCIATED INFORMATION:

Used for wall mounted jack installations.

APPENDIX D–10

STANDARD JACK ARRANGEMENTS– VOICE

I. PROVISIONAL DIAGRAM NUMBER: 5

II. UNIVERSAL SERVICE ORDER CODE (USOC): RJ13C

III. EQUIPMENT DESIGNATION CODE: 625A, 625C, 625F, 625B 625S, 625T

IV. TYPE

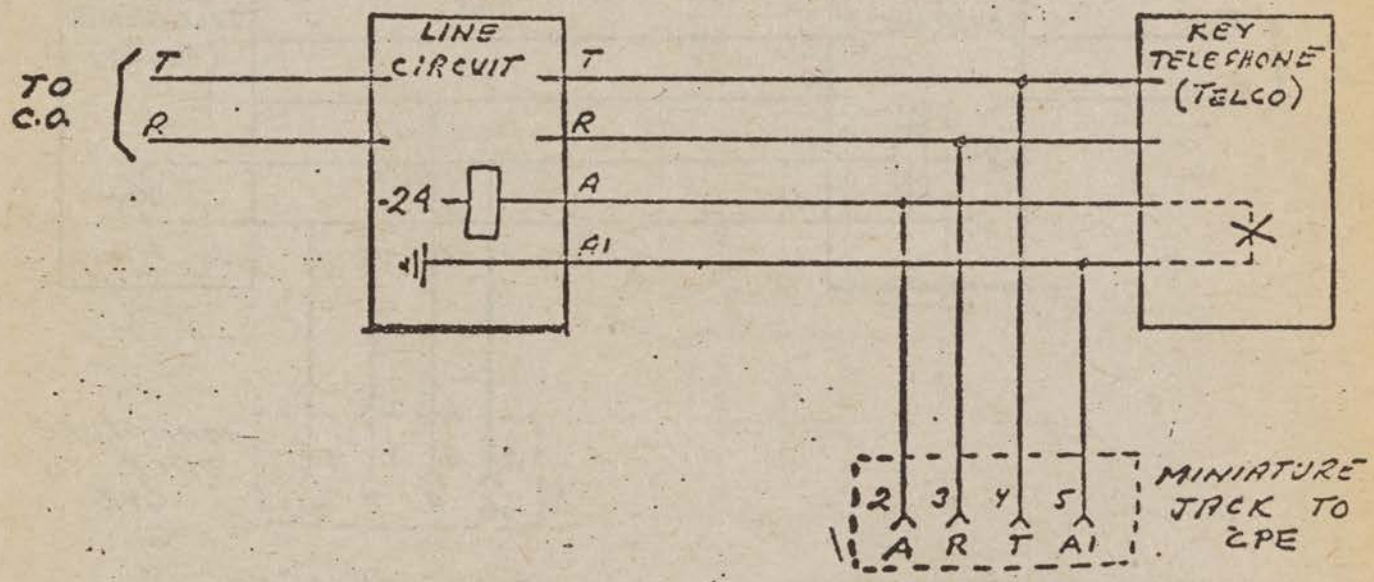
(A) EQUIPMENT STYLE: Miniature

(B) NETWORK CONNECTION: Single line bridged tip and ring behind line circuit

(C) LEADS PROVIDED: Tip, ring, A, A1

(D) TYPICAL USAGE: Connecting ancillary equipment and non-key extension telephones requiring "A" lead control to key telephone lines where "A" lead control is available.

V. WIRING DIAGRAM:



VI. ASSOCIATED INFORMATION:

Used for baseboard mounted or flush mounted jack installations. This arrangement is preferred when the registered CPE is located near the key telephone.

APPENDIX D-11

STANDARD JACK ARRANGEMENTS - VOICE

I. PROVISIONAL DIAGRAM NUMBER: 6

II. UNIVERSAL SERVICE ORDER CODE (USOC): RJ13W

III. EQUIPMENT DESIGNATION CODE: 630A

IV. TYPE

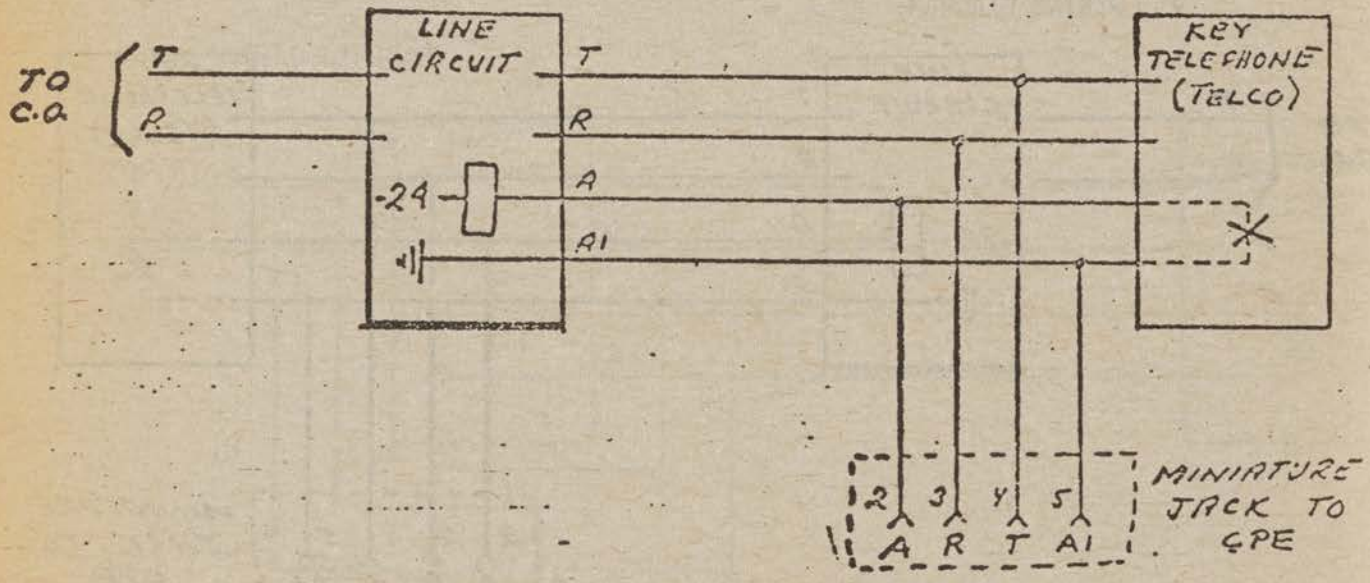
(A) EQUIPMENT STYLE: Miniature

(B) NETWORK CONNECTION: Single line bridged tip and ring behind line circuit

(C) LEADS PROVIDED: Tip, ring, A, A1

(D) TYPICAL USAGE: Connecting ancillary equipment and non-key extension telephones requiring "A" lead control to key telephone lines where "A" lead control is available.

V. WIRING DIAGRAM:



VI. ASSOCIATED INFORMATION:

Used for wall mounted jack installations. This arrangement is preferred when the registered CPE is located near the key telephone.

APPENDIX D–12

STANDARD JACK ARRANGEMENTS– VOICE

I. PROVISIONAL DIAGRAM NUMBER: 7

II. UNIVERSAL SERVICE ORDER CODE (USOC): RJA1X

III. EQUIPMENT DESIGNATION. CODE: 225A

IV. TYPE

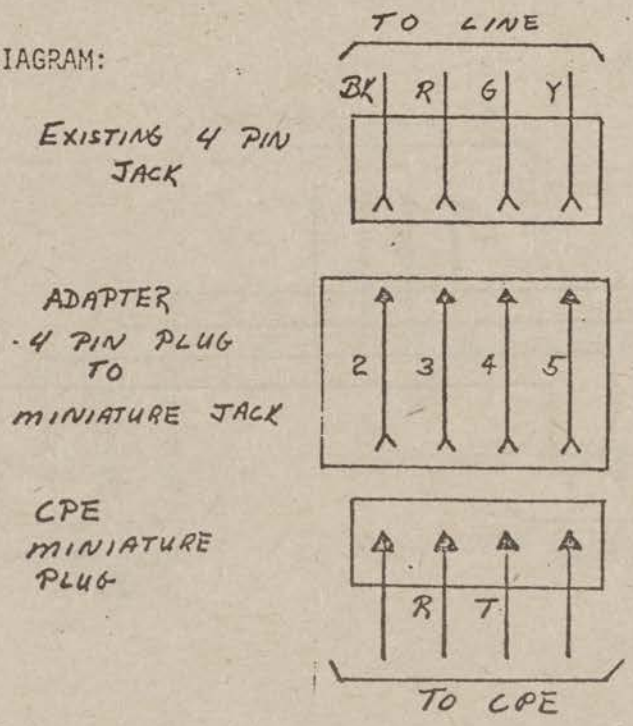
(A) EQUIPMENT STYLE: Adapter

(B) NETWORK CONNECTION: Single line bridged tip and ring

(C) LEADS PROVIDED: Tip, ring, (A and A1 if 4 pin jack has these leads terminated)

(D) TYPICAL USAGE: Convert from non-standard 4 pin jack to standard miniature

V. WIRING DIAGRAM:



VI. ASSOCIATED INFORMATION:

Adapter is always provided by the telephone company when connecting telephone company equipment. Adapter may be furnished by the telephone company or the customer when connecting registered CPE. Conductors 2 and 5 are reserved for telephone company use except when providing A and A1 leads.

APPENDIX D-13

STANDARD JACK ARRANGEMENTS - VOICE

I. PROVISIONAL DIAGRAM NUMBER: 8

II. UNIVERSAL SERVICE ORDER CODE (USOC): RJA2X

III. EQUIPMENT DESIGNATION . . . CODE: 267A

IV. TYPE

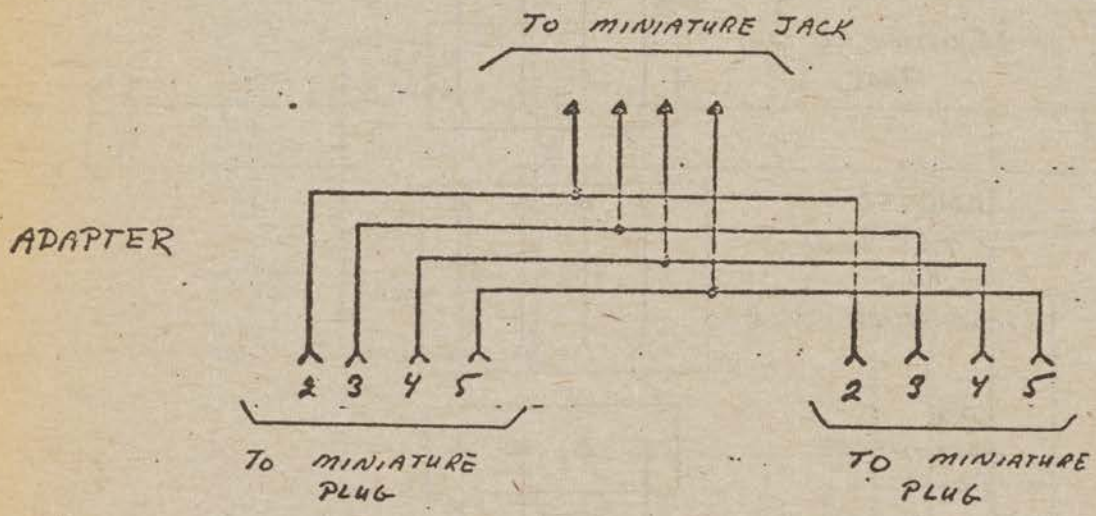
(A) EQUIPMENT STYLE: Adapter

(B) NETWORK CONNECTION: Single line bridged tip and ring

(C) LEADS PROVIDED: Tip, ring, (A and A1 if the miniature jack has these leads terminated)

(D) TYPICAL USAGE: Used to connect two miniature plugs to one miniature jack. Can also be used with 225A adapter.

V. WIRING DIAGRAM:



VI. ASSOCIATED INFORMATION:

Adapter is always provided by the telephone company when one or both miniature jacks are used for telephone company equipment. Adapter may be furnished by the telephone company or the customer when both miniature jacks are used for registered CPE. Conductors 2 and 5 are reserved for telephone company use except when providing A and A1 leads.

APPENDIX D–14

STANDARD JACK ARRANGEMENTS – VOICE

I. PROVISIONAL DIAGRAM NUMBER: 9

II. UNIVERSAL SERVICE ORDER CODE (USOC): RJA3X

III. EQUIPMENT DESIGNATION CODE: 224A

IV. TYPE

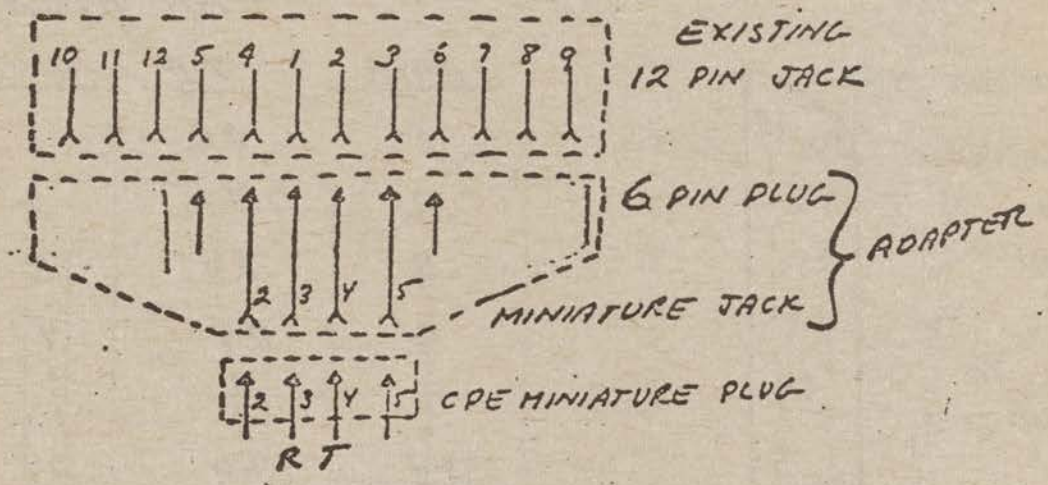
(A) EQUIPMENT STYLE: Adapter

(B) NETWORK CONNECTION: Single line bridged tip and ring

(C) LEADS PROVIDED: Tip, ring (A and A1 if the existing 12 pin jack has these leads terminated)

(D) TYPICAL USAGE: To connect miniature plug equipment to an existing 12 pin non-standard jack

V. WIRING DIAGRAM:



VI. ASSOCIATED INFORMATION:

Adapter is always provided by the telephone company when connecting telephone company equipment. Adapter may be furnished by the telephone company or the customer when connecting registered CPE. Conductors 2 and 5 are reserved for telephone company use except when providing A and A1 leads.

STANDARD JACK ARRANGEMENTS – VOICE APPENDIX D–15

I. PROVISIONAL DIAGRAM NUMBER: 10

II. UNIVERSAL SERVICE ORDER CODE (USOC): RJ21X

III. EQUIPMENT DESIGNATION CODE: 50 pin miniature connector

IV. TYPE

(A) EQUIPMENT STYLE: Miniature ribbon connector (female)

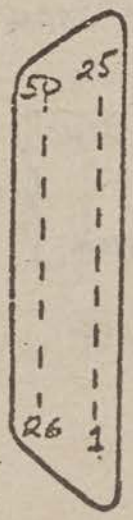
(B) NETWORK CONNECTION: Multiple bridged tip and ring

(C) LEADS PROVIDED: Tip and ring only

(D) TYPICAL USAGE: To bridge tip and ring connections of central office lines, PBX lines, or PBX-CO trunks in large installations.
Typical CPE: Traffic Data Recording Equipment

V. WIRING DIAGRAM:

MINIATURE RIBBON CONNECTOR (JACK) SIMILAR TO KS 16690 TYPE



PIN ASSIGNMENT

PAIR	TIP	RING
1	26	1
2	27	2
3	28	3
4	29	4
⋮	⋮	⋮
24	49	24
25	50	25

VI. ASSOCIATED INFORMATION:

Each pin of a 50 pin miniature ribbon female connector is used to provide a bridged tip and ring connection. Depending on the number of lines required, 50 or less of the pins may be activated.

APPENDIX D-16

STANDARD JACK ARRANGEMENTS - VOICE

I. PROVISIONAL DIAGRAM NUMBER: 11

II. UNIVERSAL SERVICE ORDER CODE (USOC): RJ22X

III. EQUIPMENT DESIGNATION CODE: 50 pin miniature connector

IV. TYPE

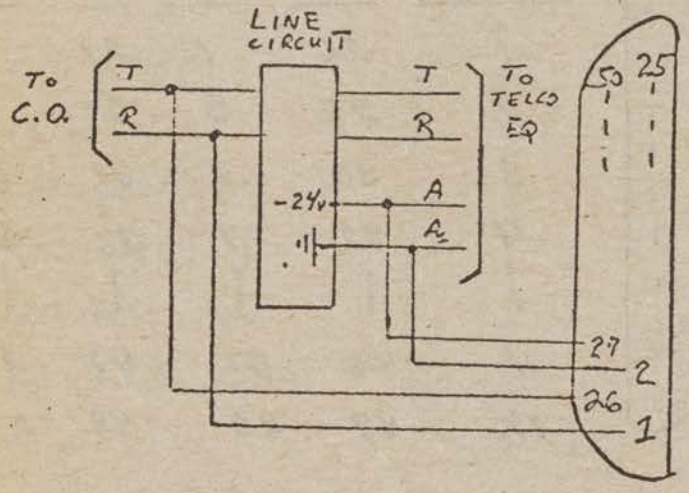
(A) EQUIPMENT STYLE: Miniature ribbon connector (female)

(B) NETWORK CONNECTION: Multiple bridged tip and ring ahead of the line circuit.

(C) LEADS PROVIDED: Tip, ring, A, A1

(D) TYPICAL USAGE: Connecting relatively large amounts of ancillary equipment requiring "A" lead control to key telephone lines where "A" lead control is available.

V. WIRING DIAGRAM:



PIN ASSIGNMENT

LINE	T	R	A	A1
1	26	1	27	2
2	28	3	29	4
3	30	5	31	6
4	32	7	33	8
⋮	⋮	⋮	⋮	⋮
11	46	21	47	22
12	48	23	49	24

VI. ASSOCIATED INFORMATION:

Each pin of a 50 pin miniature ribbon female connector is used to provide a bridged tip and ring connection as well as A and A1 leads. Depending on the number of lines required (up to 12), 50 or less of the pins may be activated.

APPENDIX D–17

STANDARD JACK ARRANGEMENTS – VOICE

I. PROVISIONAL DIAGRAM NUMBER: 12

II. UNIVERSAL SERVICE ORDER CODE (USOC): RJ23X

III. EQUIPMENT DESIGNATION CODE: 50 pin miniature connector

IV. TYPE

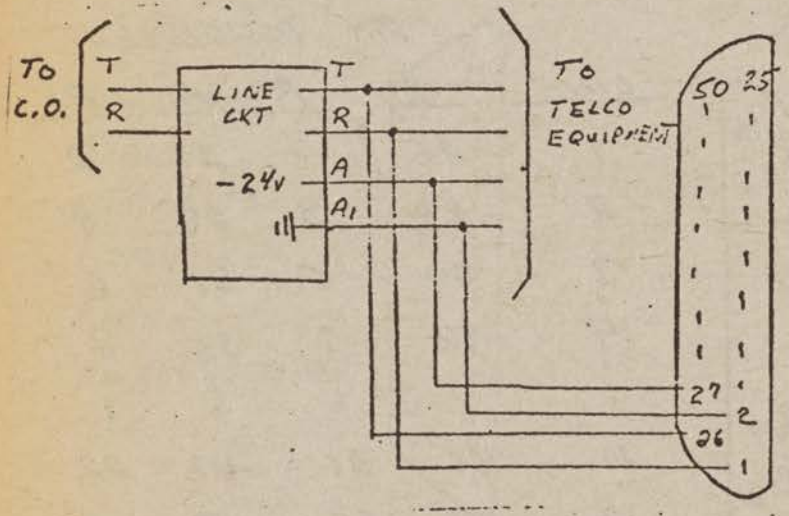
(A) EQUIPMENT STYLE: Miniature ribbon connector (female)

(B) NETWORK CONNECTION: Multiple bridged tip and ring behind the line circuit.

(C) LEADS PROVIDED: Tip, ring, A, A1

(D) TYPICAL USAGE: Connecting relatively large amounts of ancillary equipment requiring "A" lead control to key telephone lines where "A" lead control is available.

V. WIRING DIAGRAM:



PIN ASSIGNMENT

LINE	T	R	A	A
1	26	1	27	2
2	28	3	29	4
3	30	5	31	6
4	32	7	33	8
⋮	⋮	⋮	⋮	⋮
11	46	21	47	22
12	48	23	49	24

VI. ASSOCIATED INFORMATION:

Each pin of a 50 pin miniature ribbon female connector is used to provide a bridged tip and ring connection as well as A and A1 leads. Depending on the number of lines required (up to 12), 50 or less of the pins may be activated.

APPENDIX D-18

STANDARD JACK ARRANGEMENTS- VOICE

I. PROVISIONAL DIAGRAM NUMBER: 13

II. UNIVERSAL SERVICE ORDER CODE (USOC): RJ24X

III. EQUIPMENT DESIGNATION CODE: 50 pin miniature connector

IV. TYPE

(A) EQUIPMENT STYLE: Miniature ribbon connector (female)

(B) NETWORK CONNECTION: Multiple bridged tip and ring behind the line circuit.

(C) LEADS PROVIDED: Tip, ring, A, A1

(D) TYPICAL USAGE: To connect multi-line, non-key equipment to key telephone sets where "A" lead control is available. Typical CPE: 5 line conferencing device.

V. WIRING DIAGRAM:

MINIATURE RIBBON CONNECTOR (FEMALE) SIMILAR TO KS 16690 TYPE.



PIN ASSIGNMENT

LINE	TIP	RING	"A"	"A1"
1	26	1	27	2
2	29	4	30	2
3	32	7	33	2
4	35	10	36	2
5	38	13	39	2

VI. ASSOCIATED INFORMATION:

A 50 pin miniature ribbon female connector is used to provide the same tip, ring, A, and A1 appearances as a standard 5 line key telephone set.

APPENDIX D-19

STANDARD JACK ARRANGEMENTS- VOICE

I. PROVISIONAL DIAGRAM NUMBER: 14

II. UNIVERSAL SERVICE ORDER CODE (USOC): RJ31X

III. EQUIPMENT DESIGNATION CODE:

IV. TYPE

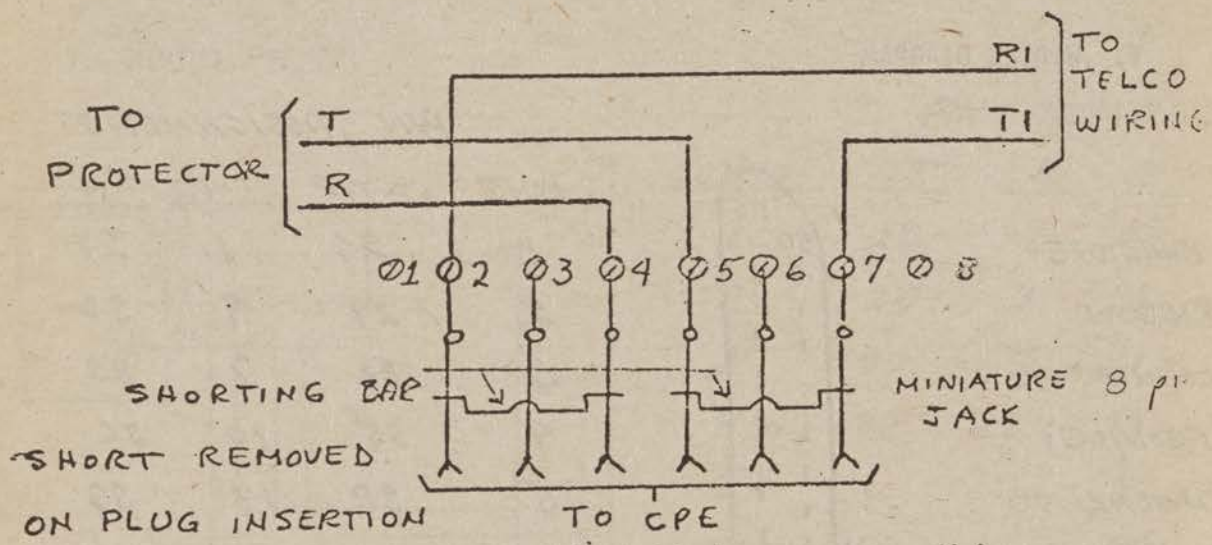
(A) EQUIPMENT STYLE: Series jack

(B) NETWORK CONNECTION: Series tip and ring ahead of all station equipment

(C) LEADS PROVIDED: Tip and ring only

(D) TYPICAL USAGE: Alarm reporting device

V. WIRING DIAGRAM:



VI. ASSOCIATED INFORMATION:

When a plug is inserted, normally closed contacts open to break both sides of the line.

STANDARD JACK ARRANGEMENTS – VOICE APPENDIX D–20

I. PROVISIONAL DIAGRAM NUMBER: 15

II. UNIVERSAL SERVICE ORDER CODE (USOC): RJ32X

III. EQUIPMENT DESIGNATION CODE:

IV. TYPE

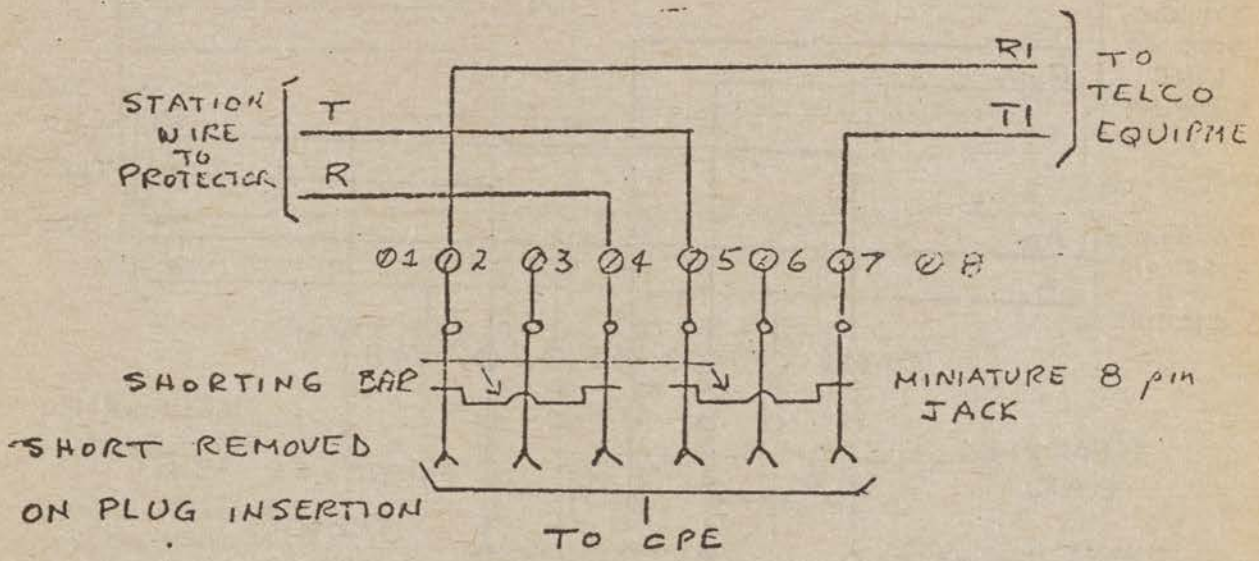
(A) EQUIPMENT STYLE: Series jack

(B) NETWORK CONNECTION: Series tip and ring at the station

(C) LEADS PROVIDED: Tip and ring only

(D) TYPICAL USAGE: Automatic dialer

V. WIRING DIAGRAM:



VI. ASSOCIATED INFORMATION:

When a plug is inserted, normally closed contacts open to break both sides of the line.

STANDARD JACK ARRANGEMENTS – VOICE APPENDIX D–21

I. PROVISIONAL DIAGRAM NUMBER: 16

II. UNIVERSAL SERVICE ORDER CODE (USOC): RJ33X

III. EQUIPMENT DESIGNATION CODE:

IV. TYPE

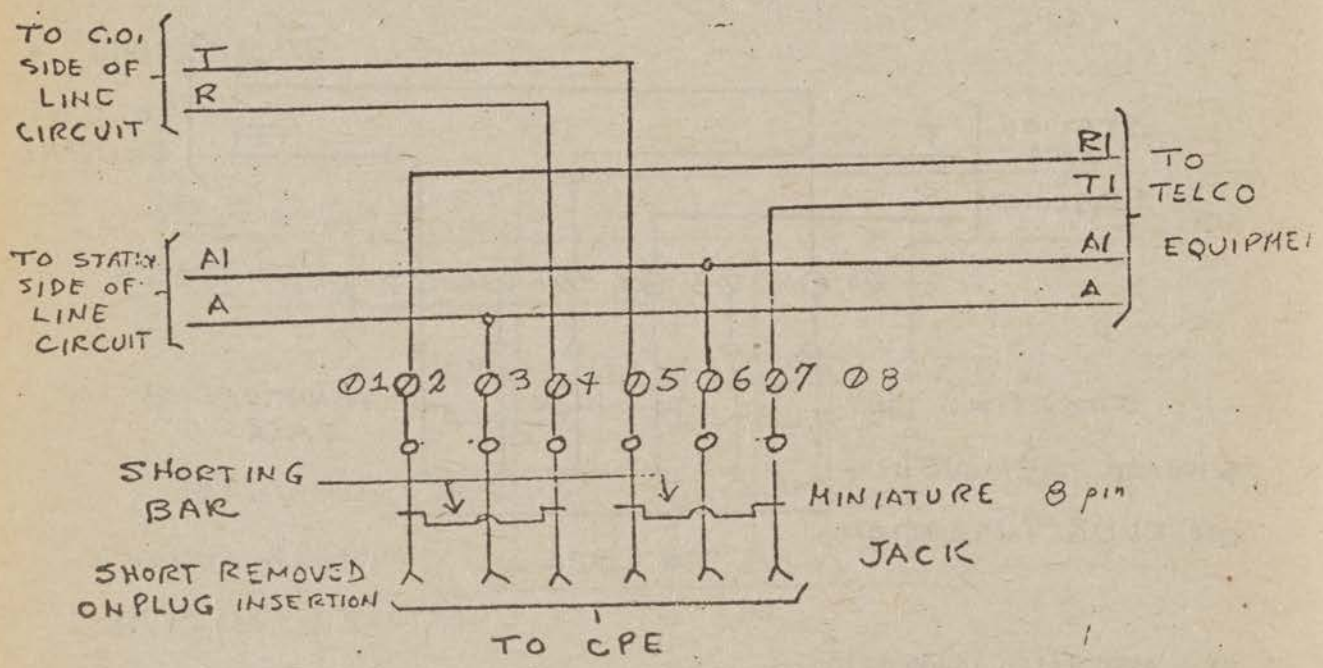
(A) EQUIPMENT STYLE: Series jack

(B) NETWORK CONNECTION: Series tip and ring ahead of line circuit

(C) LEADS PROVIDED: Tip, ring, A, A1

(D) TYPICAL USAGE: Automatic dialer, call restricter

V. WIRING DIAGRAM:



When a plug is inserted, normally closed contacts open to break both sides of the line.

STANDARD JACK ARRANGEMENTS – VOICE

APPENDIX D–22

I. PROVISIONAL DIAGRAM NUMBER: 17

II. UNIVERSAL SERVICE ORDER CODE (USOC): RJ34X

III. EQUIPMENT DESIGNATION AND CODE:

IV. TYPE

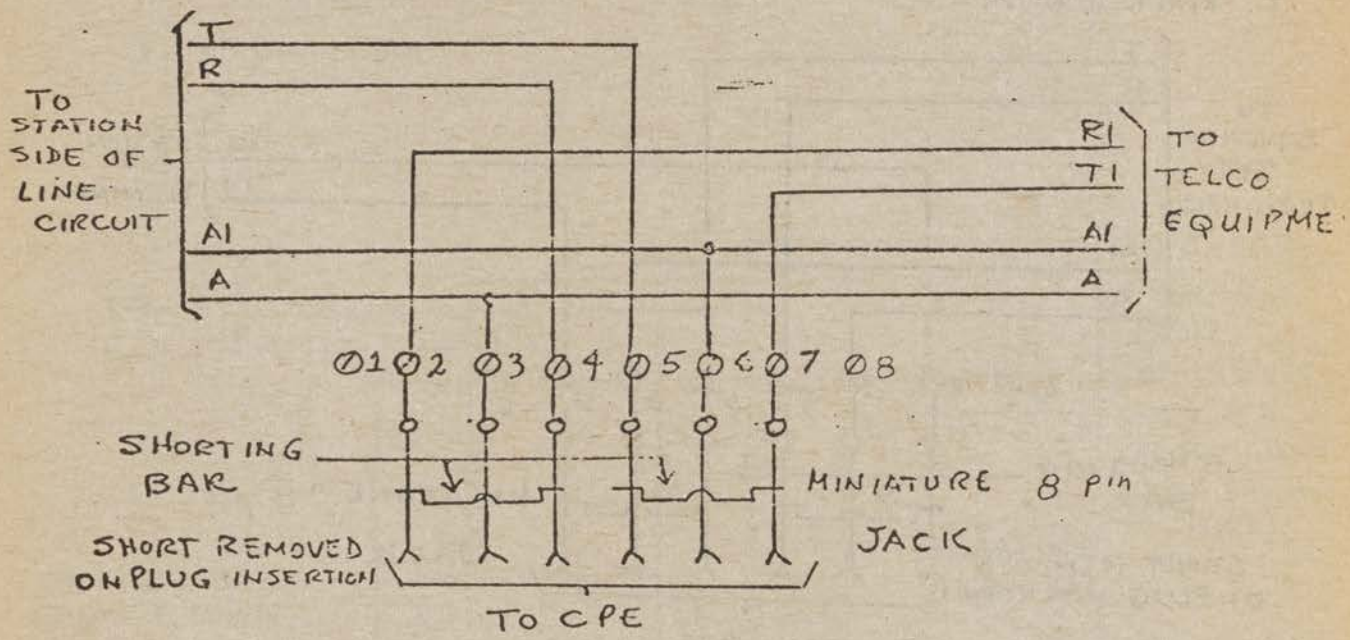
(A) EQUIPMENT STYLE: Series jack

(B) NETWORK CONNECTION: Series tip and ring behind line circuit

(C) LEADS PROVIDED: Tip, ring, A, A1

(D) TYPICAL USAGE: Automatic dialer, call restricter

V. WIRING DIAGRAM:



VI. ASSOCIATED INFORMATION:

When a plug is inserted, normally closed contacts open to break both sides of the line.

APPENDIX D-23

STANDARD JACK ARRANGEMENTS- VOICE

I. PROVISIONAL DIAGRAM NUMBER: 18

II. UNIVERSAL SERVICE ORDER CODE (USOC): RJ35X

III. EQUIPMENT DESIGNATION CODE:

IV. TYPE

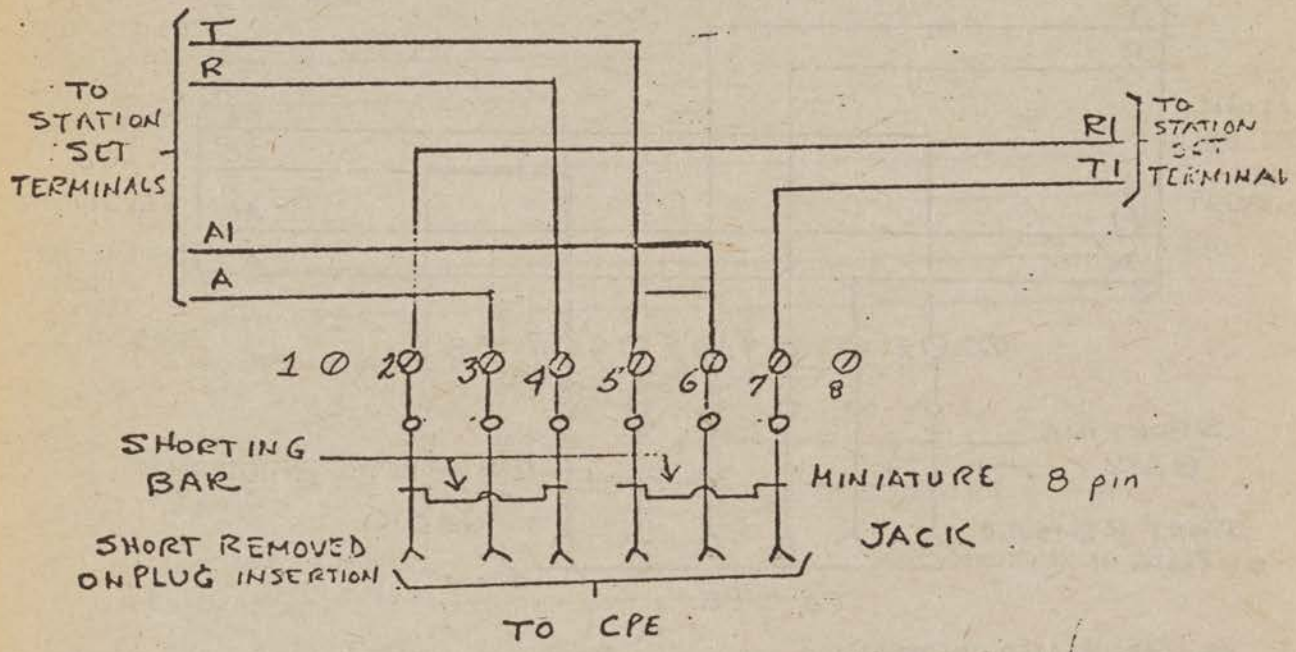
(A) EQUIPMENT STYLE: Series jack

(B) NETWORK CONNECTION: Series connection - multiple tip and ring behind line circuit at key telephone set.

(C) LEADS PROVIDED: Tip, ring, A, A1

(D) TYPICAL USAGE: Series dialer, speakerphone

V. WIRING DIAGRAM:



VI. ASSOCIATED INFORMATION:

When a plug is inserted, normally closed contacts open to break both sides of the line. Provides access to multiple tip and ring via selection of key button on telephone set key module. Internal set wiring changes and terminal connections will vary according to the type of telephone set.

APPENDIX D-24

STANDARD JACK ARRANGEMENTS - VOICE

I. PROVISIONAL DIAGRAM NUMBER: 19

II. UNIVERSAL SERVICE ORDER CODE (USOC): RJ36X

III. EQUIPMENT DESIGNATION CODE:

IV. TYPE

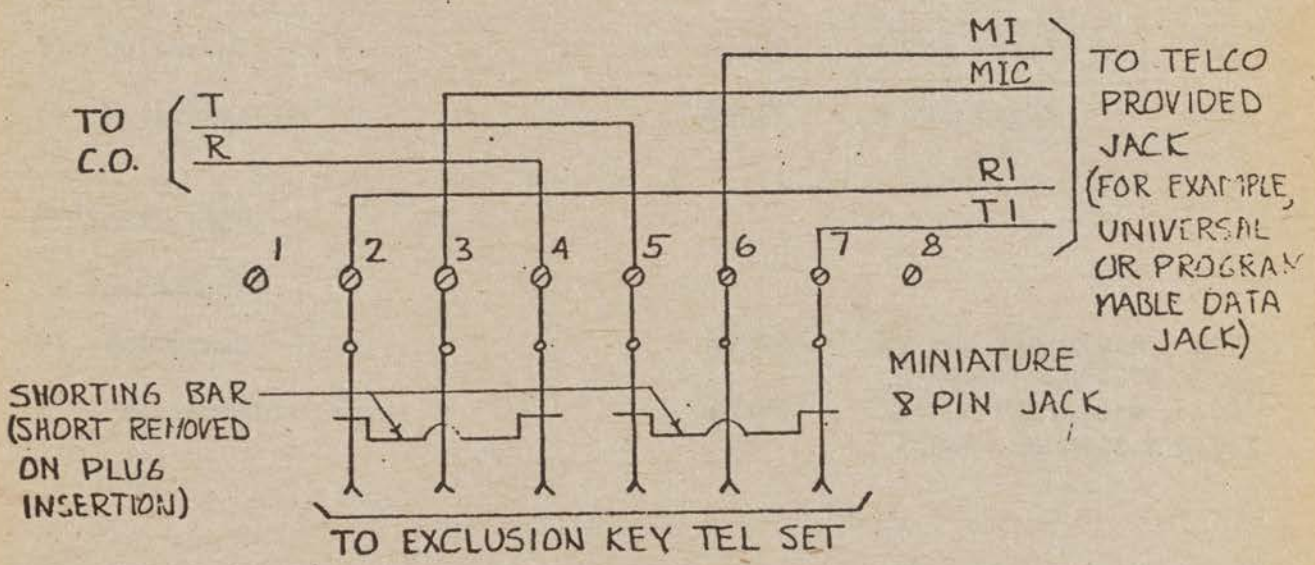
(A) EQUIPMENT STYLE: Series Jack

(B) NETWORK CONNECTION: Series Connection - Series Tip and Ring with mode indication to station equipment behind series connection.

(C) LEADS PROVIDED: Tip, ring, mode indication pair

(D) TYPICAL USE: Exclusion key tel. set in series with a data jack.

V. WIRING DIAGRAM:



APPENDIX D-25

MECHANICAL ARRANGEMENTS - DATA

	Jacks	Plugs
1)	Miniature 8 Pin Keyed (Single Lines)	* 8 Pin Keyed ** 6 Pin
2)	50 Pin Miniature Ribbon Connector Keyed (8 Lines)	50 Pin Keyed

* 8 Pin Keyed Miniature Plug for Fixed Loop Loss and Programmable Data

** 6 Pin non-Keyed for "Permissive Use"

APPENDIX D-26

ELECTRICAL CONFIGURATIONS - DATA

Network Connections	USOC	Plug/Jack△	Diagram #
Single Line			
Bridged T/R			
1) Universal	RJ41X	8 Pin Keyed	101
2) Programmable Only	RJ45X	8 Pin Keyed	104
Bridged T/R, A/Al (T/R ahead of Line Ckt.)			
3) Universal	RJ42X	8 Pin Keyed	102
4) Programmable Only	RJ46X	8 Pin Keyed	105
Bridged T/R, A/Al (T/R behind Line Ckt.)			
5) Universal	RJ43X	8 Pin Keyed	103
6) Programmable	RJ47X	8 Pin Keyed	106
Multiple Line			
Bridged T/R			
7) Universal	RJ26X	50 Pin Miniature Ribbon Connector keyed	107
8) Programmable	RJ27X	50 Pin Miniature Ribbon Connector keyed	108

NOTES:

Data modems registered as "permissive use" modems may be connected to tip and ring of any jack.

△ Bell System to provide Technical Specifications on plugs and jacks.

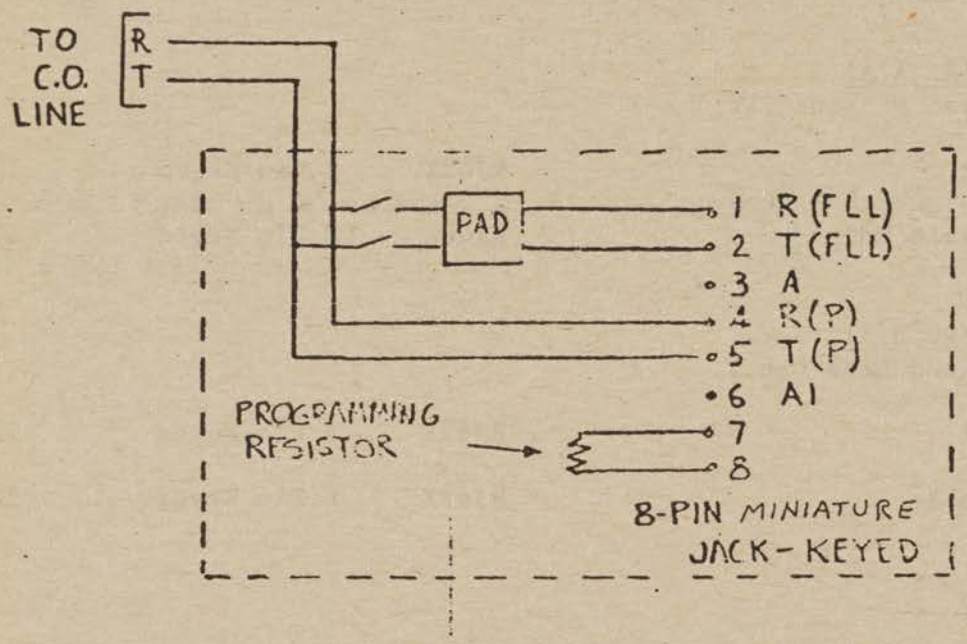
APPENDIX D-27

GENERAL INFORMATION - DATA JACKS

1. TYPE OF CONNECTION: Single Data Line - Universal Data Loop

2. DESCRIPTION: Two wires from a Universal Data Jack are connected to the tip and ring of a central office line. These connections are bridged to connections to Telco provided telephone, if provided.

3. WIRING DIAGRAM:



4. USE: To connect data modems of either the fixed loss loop type or the programmed loop type. Provides maximum allowable signal power on telecommunications network with:

a) Loops having a fixed loss of 8 dB and a fixed loss loop type of modem having a maximum output power of -4 dBm. Such loops are padded out to 8 dB by the telephone company installer in accordance with the loss of the loop facility, or

b) Loops having a variable loss and programmed loop type of modem having its output signal power controlled by a programming resistor in the connecting block. The value of the programming resistor is determined by the loss of the loop facility according to a set of resistor values agreed upon by the industry. The operations in a) and b) would be performed at the time of installation of the connecting block.

NOTES: 1. Switch shown in sketch must be operated to position appropriate to modem type being connected.

2. The connecting block must be developed.

3. A tel. set or permissive modem with 4 pin modular plug can be plugged into the 8 pin jack to pick up tip and ring if a regular modem is not plugged in.

4. The 8 pin modular plug will be keyed to prevent plugging into existing key systems. Otherwise modem could be damaged and key equipment and associated lines could be rendered inoperative. Pin assignment shown is consistent with current usage of jack and plug and connecting cables.

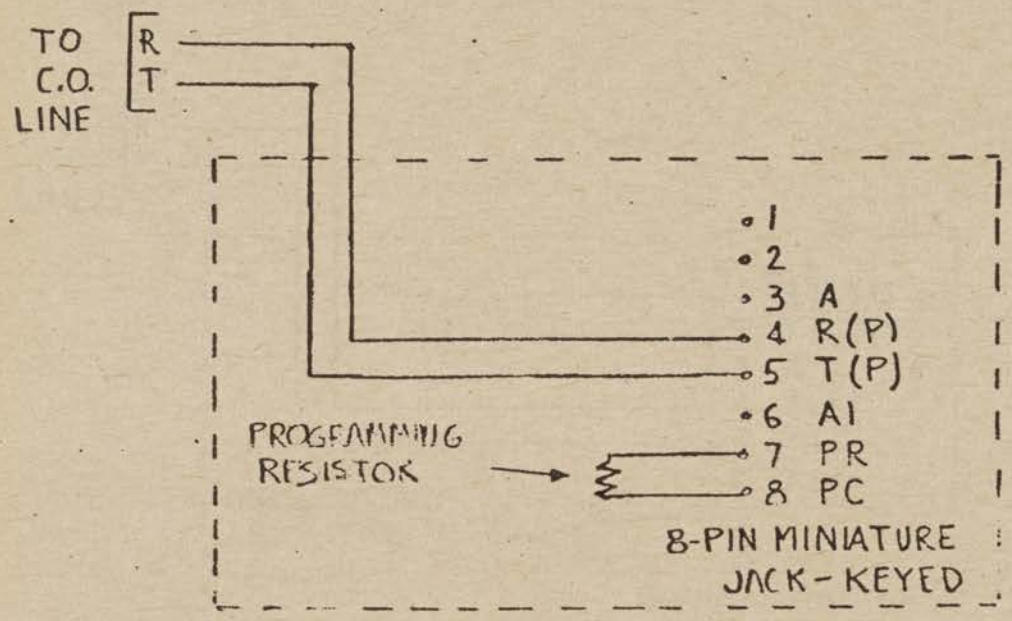
APPENDIX D-29

GENERAL INFORMATION - DATA JACKS

1. TYPE OF CONNECTION: Single Data Line - Programmable Data Loop

2. DESCRIPTION: Two wires from a programmable data jack are connected to the tip and ring of a central office line. These connections are bridged to connections to Telco provided telephone, if provided.

3. WIRING DIAGRAM:



4. USE: To connect data modems for programmed loop type. Provides maximum allowable signal power on telecommunications network with loops having a variable loss and programmed loop type of modem having its output signal power controlled by a programming resistor in the connecting block. The value of the programming resistor is determined by the loss of the loop facility according to a set of resistor values agreed upon by the industry. The resistor value would be selected and installed at the time of installation of the connecting block.

NOTES: 1. The connecting block must be developed.

2. A tel. set or permissive modem with 4 pin modular plug can be plugged into the 8 pin jack to pick up tip and ring if a programmable modem is not plugged in.

3. The 8 pin modular plug will be keyed to prevent plugging into existing key systems. Otherwise modem could be damaged and key equipment and associated lines could be rendered inoperative. Pin assignment shown is consistent with current usage of jack and plug and connecting cables.

APPENDIX D-30

Determination of Programmed Resistor

The value of the resistor is calculated on the basis of Figure 1. Figure 1 is not intended to restrict the mode of implementation within the data equipment.

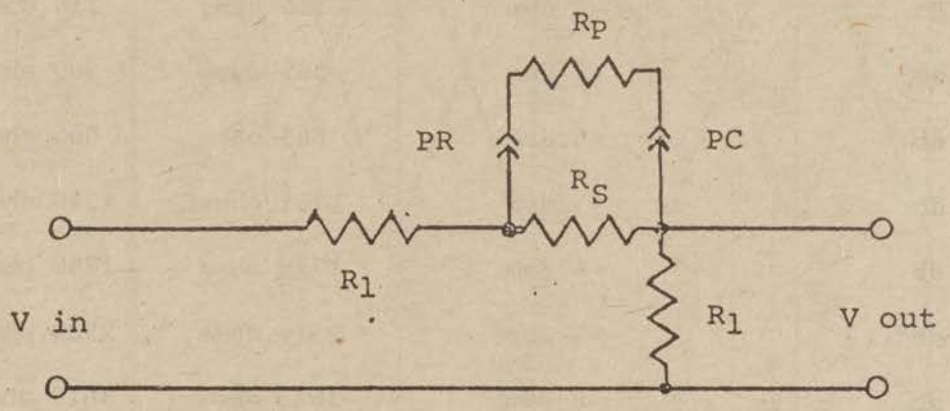


Figure 1

Rl is the source impedance for the input signal Vin, and also the terminating impedance of the load. R_S is a series resistance, on which the computation of the programming resistor R_P is based. The table of values of R_P is derived for R_1 = 600 ohms

R_S = 3600 ohms

The open circuit condition on the control leads PR and PC is reserved for the programming of the maximum attenuation step, -12 dbm. The short circuit condition, R_P = 0 is reserved for the highest programmed level, 0 dbm.

APPENDIX D-31

Actual attenuation of the Figure 1 network	Programmed level of equipment	R_p calculated	R_p actual
6 db	0 dbm	short	short
7 db	-1 dbm	149 ohms	150 ohms
8 db	-2 dbm	336 ohms	336 ohms
9 db	-3 dbm	569 ohms	569 ohms
10 db	-4 dbm	865 ohms	866 ohms
11 db	-5 dbm	1252 ohms	1240 ohms
12 db	-6 dbm	1775 ohms	1780 ohms
13 db	-7 dbm	2514 ohms	2520 ohms
14 db	-8 dbm	3629 ohms	3610 ohms
15 db	-9 dbm	5489 ohms	5490 ohms
16 db	-10 dbm	9178 ohms	9200 ohms
17 db	-11 dbm	19,864 ohms	19,800 ohms
18 db	-12 dbm	open	open

The implementation of R_p within the connection arrangement shall be as tabulated in column "R_p actual" using a tolerance of $\pm$1% to make use of standard industry resistor values.

The voltages impressed on resistor R_p by the data equipment shall be such as not to cause power dissipation in R_p in excess of 50 milliwatts.

USOC Designations

		NO TEL. SET JACK	BRIDGED TEL SET JACK	SERIES TEL. SET JACK
UNIVERSAL	NO A-LEAD	RJ41X	RJ41X, RJ11C or RJ11W (Note 1)	RJ41X; RJ36X (Note 2)
	A-LEAD T&R AHEAD OF LINE CIRCUIT	RJ42X	RJ42X, RJ12C or RJ12W (Note 1)	
	A-LEAD T&R BEHIND LINE CIRCUIT	RJ43X	RJ43X, RJ13C or RJ13W (Note 1)	
PROGRAMMABLE ONLY	NO A-LEAD	RJ45X	RJ45X, RJ11C or RJ11W (Note 1)	RJ45X; RJ36X (Note 2)
	A-LEAD T&R AHEAD OF LINE CIRCUIT	RJ46X	RJ46X, RJ12C or RJ12W (Note 1)	
	A-LEAD T&R BEHIND LINE CIRCUIT	RJ47X	RJ47X, RJ13C or RJ13W (Note 1)	

Notes: 1. Tel. Set Requires Separate USOC
2. Tel. Set REquires Separate USOC; Customer Choice of Tel. Set or Data Set Control of Line

APPENDIX D-33

STANDARD JACK ARRANGEMENTS - DATA

I. PROVISIONAL DIAGRAM NUMBER: 101

II. UNIVERSAL SERVICE ORDER CODE (USOC): RJ41X

III. EQUIPMENT DESIGNATION

IV. TYPE

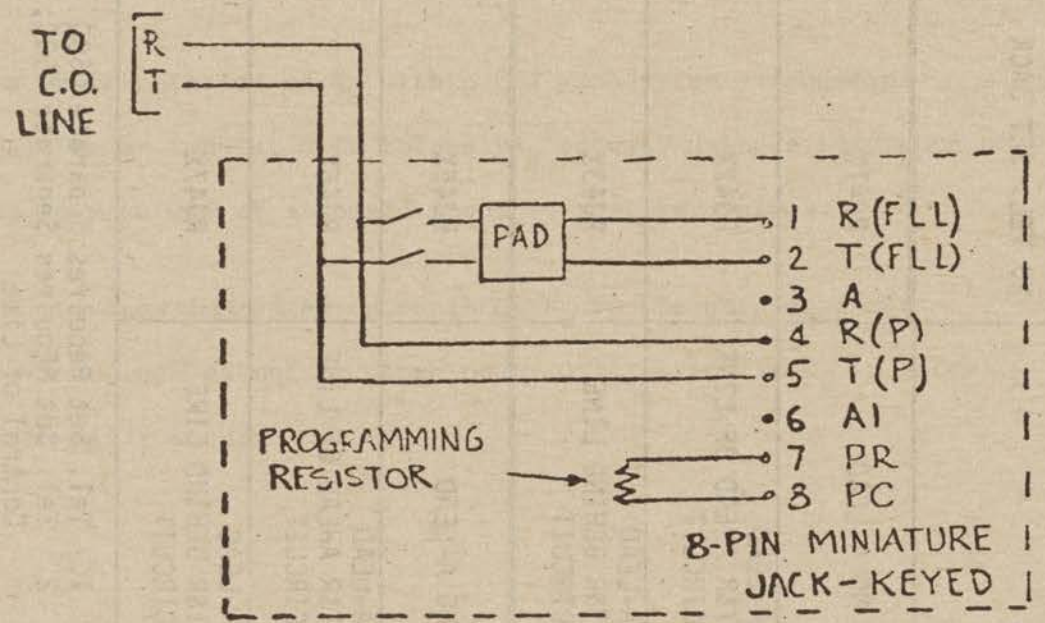
(A) EQUIPMENT STYLE: Minature 8 Pin Keyed

(B) NETWORK CONNECTION: Single line bridged tip and ring

(C) LEADS PROVIDED: T&R (FLL), T&R (P), PR&PC

(D) TYPICAL USAGE: Provides Universal connection for fixed loss line (FLL) or programmable (P) types of modems

V. WIRING DIAGRAM:



APPENDIX D-34

STANDARD JACK ARRANGEMENTS - DATA

I. PROVISIONAL DIAGRAM NUMBER: 102

II. UNIVERSAL SERVICE ORDER CODE (USOC): RJ42X

III. EQUIPMENT DESIGNATION CODE:

IV. TYPE

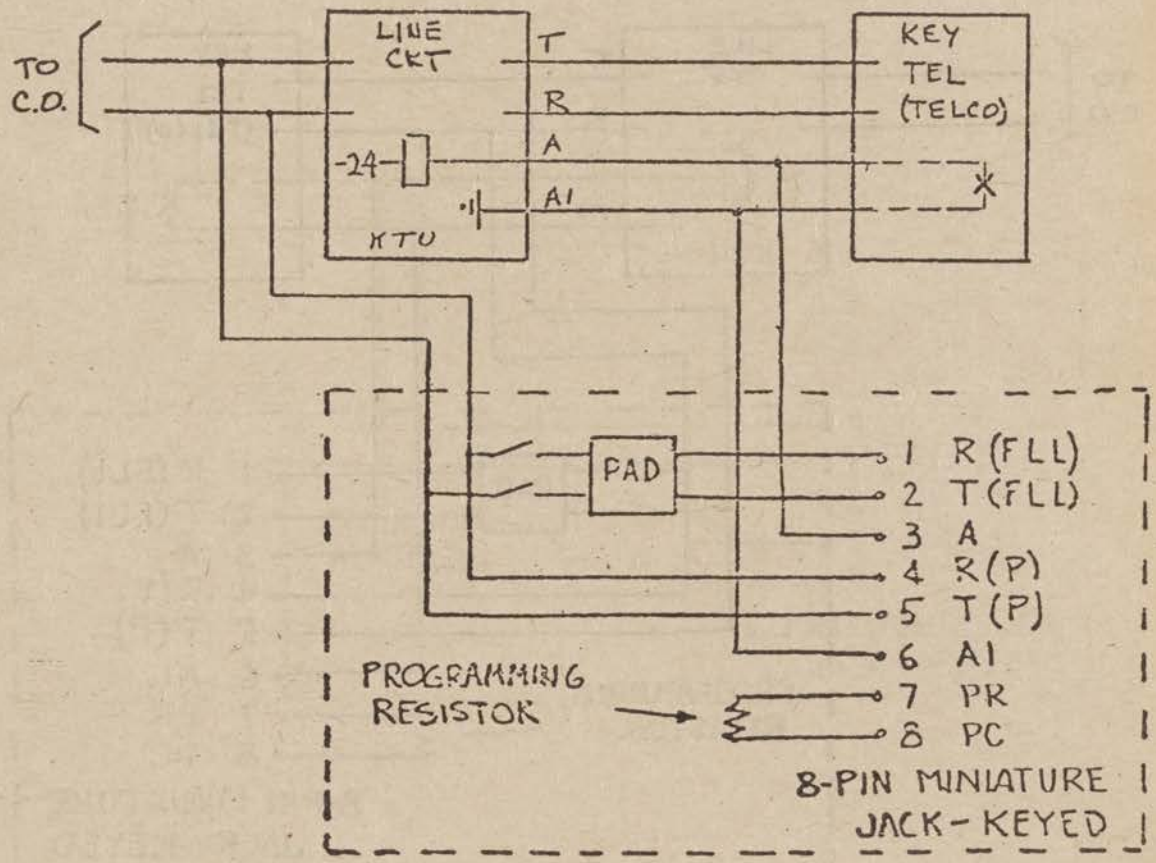
(A) EQUIPMENT STYLE: Minature 8 Pin Keyed

(B) NETWORK CONNECTION: Single line bridged tip and ring ahead of line cirucit

(C) LEADS PROVIDED: T&R (FLL), T&R (P), PR&PC, A&AI

(D) TYPICAL USAGE: Provides Universal connection for fixed loss line (FLL) or programmable (P) types of modems

V. WIRING DIAGRAM:



APPENDIX D–35

STANDARD JACK ARRANGEMENTS – DATA

I. PROVISIONAL DIAGRAM NUMBER: 103

II. UNIVERSAL SERVICE ORDER CODE (USOC): RJ43X

III. EQUIPMENT DESIGNATION

IV. TYPE

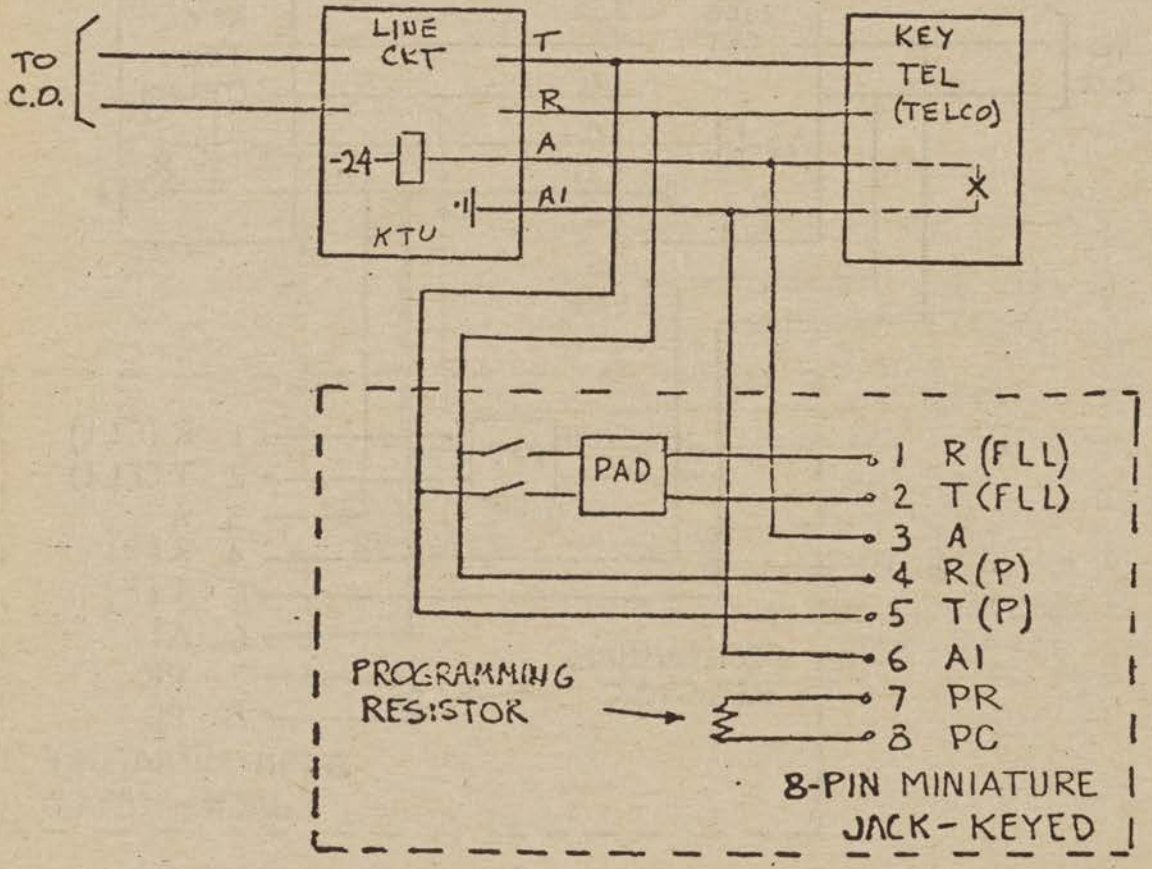
(A) EQUIPMENT STYLE: Miniature 8 Pin Keyed

(B) NETWORK CONNECTION: Single line bridged tip and ring behind line circuit

(C) LEADS PROVIDED: T&R (FLL), T&R (P), PR&PC, A&AI

(D) TYPICAL USAGE: Provides Universal connection for fixed loss (FLL) or programmable (P) types of modems

V. WIRING DIAGRAM:



APPENDIX D–36

STANDARD JACK ARRANGEMENTS – DATA

I. PROVISIONAL DIAGRAM NUMBER: 104

II. UNIVERSAL SERVICE ORDER CODE (USOC): RJ45X

III. EUQIPMENT DESIGNATION CODE:

IV. TYPE

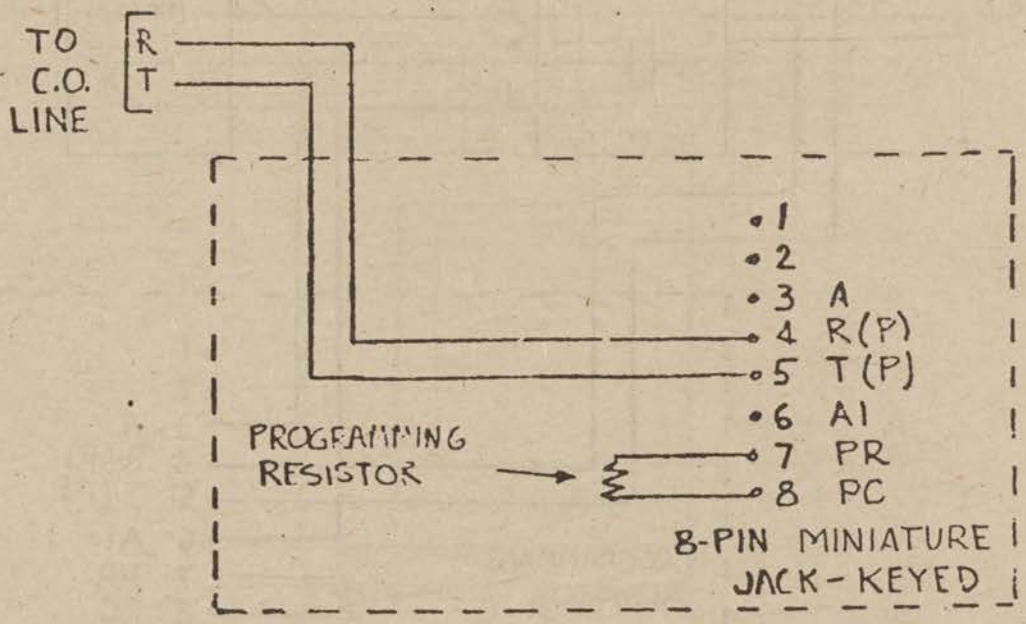
(A) EQUIPMENT STYLE: Miniature 8 Pin Keyed

(B) NETWORK CONNECTION: Single line bridged tip and ring

(C) LEADS PROVIDED: T&R (P), PR&PC

(D) TYPICAL USAGE: Provides connection for programmable (P) type of modem

V. WIRING DIAGRAM:



APPENDIX D-37

STANDARD JACK ARRANGEMENTS- DATA

I. PROVISIONAL DIAGRAM NUMBER: 105

II. UNIVERSAL SERVICE ORDER CODE (USOC): RJ46X

III. EQUIPMENT DESIGNATION CODE:

IV. TYPE

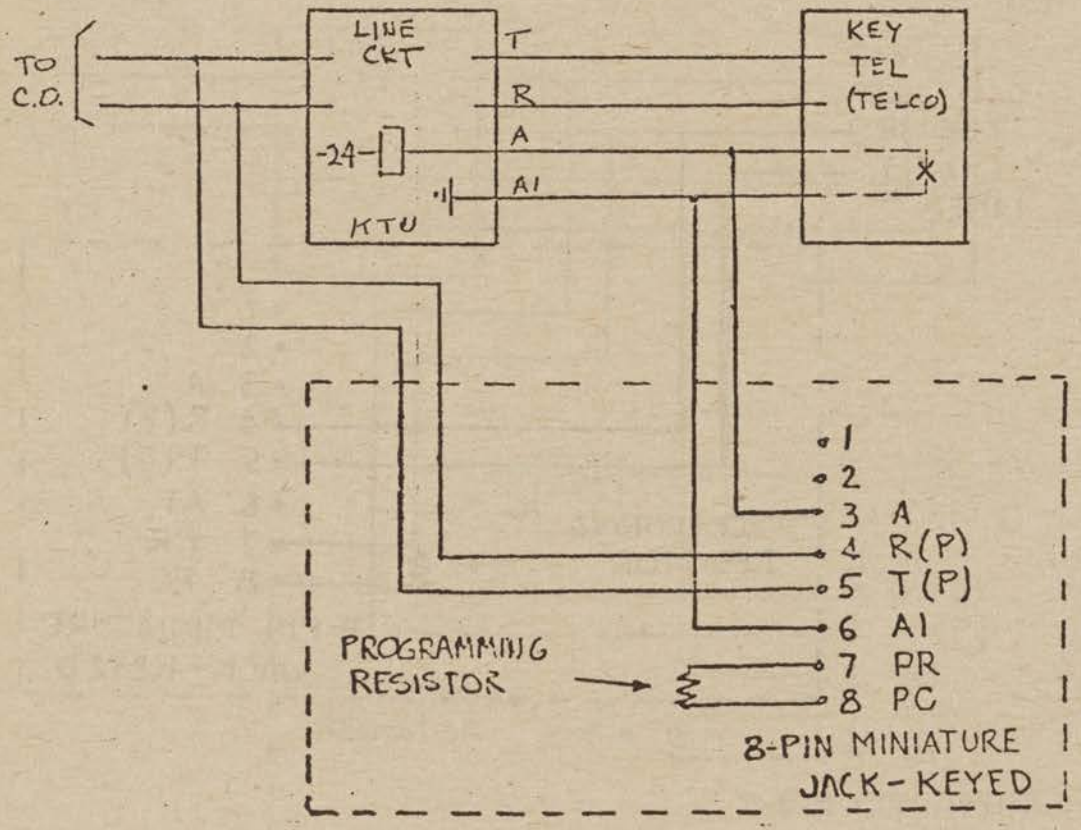
(A) EQUIPMENT STYLE: Miniature 8 Pin Keyed

(B) NETWORK CONNECTION: Single line bridged tip and ring ahead of line circuit.

(C) LEADS PROVIDED: T&R (P), PR&PC, A&AI

(D) TYPICAL USAGE: Provides connection for programmable (P) type of modem.

V. WIRING DIAGRAM:



APPENDIX D–38

STANDARD JACK ARRANGEMENTS – DATA

I. PROVISIONAL DIAGRAM NUMBER: 106

II. UNIVERSAL SERVICE ORDER CODE (USOC): RJ47X

III. EQUIPMENT DESIGNATION CODE:

IV. TYPE

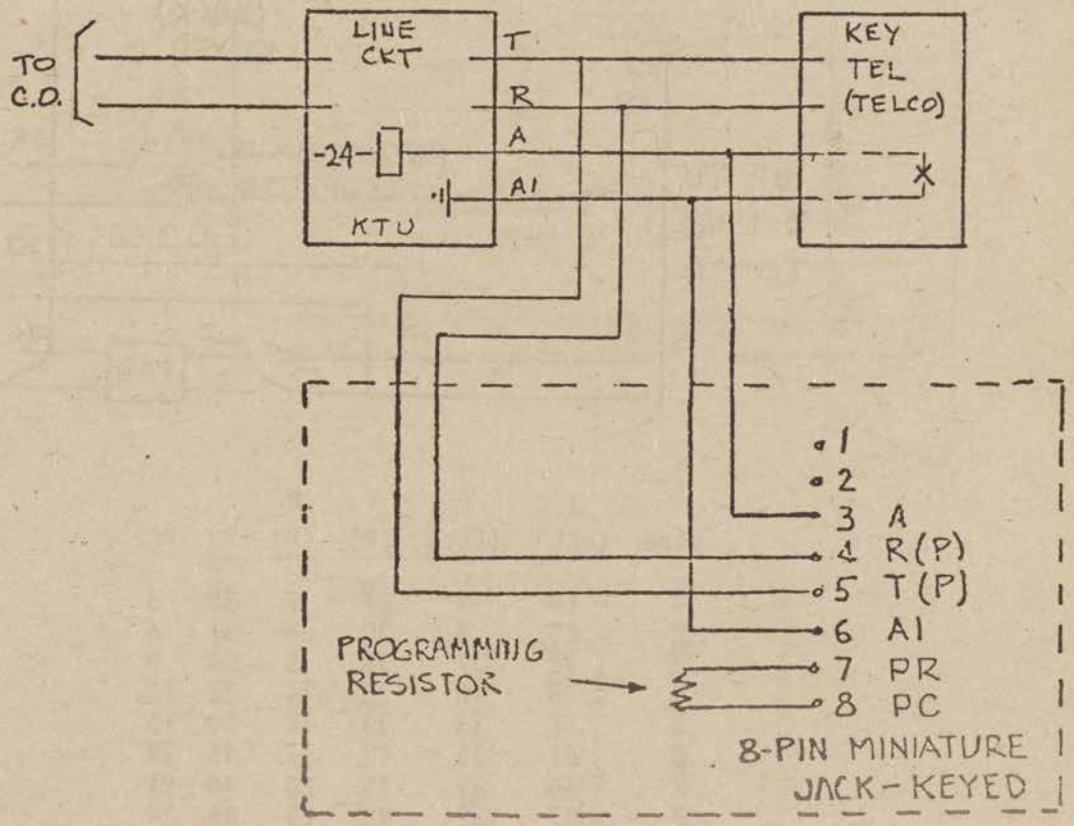
(A) EQUIPMENT STYLE: Miniature 8 Pin Keyed

(B) NETWORK CONNECTION: Single line bridged tip and ring behind line circuit

(C) LEADS PROVIDED: T&R (P), PR&PC, A&AI

(D) TYPICAL USAGE: Provides connection for programmable (P) type of modem

V. WIRING DIAGRAM:



APPENDIX D-39

STANDARD JACK ARRANGEMENT- DATA

I. PROVISIONAL DIAGRAM NUMBER: 107

II. UNIVERSAL SERVICE ORDER CODE (USOC): RJ26X

III. EQUIPMENT DESIGNATION CODE.

IV. TYPE:

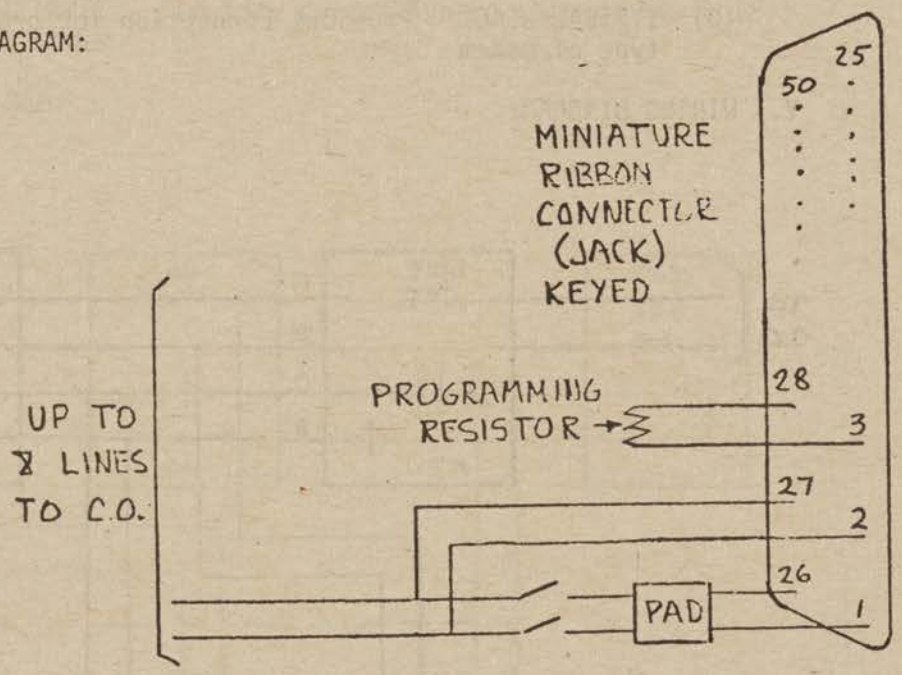
(A) EQUIPMENT STYLE: Miniature ribbon connector (female), keyed

(B) NETWORK CONNECTION: Multiple line bridged tip and ring

(C) LEADS PROVIDED: T&R (FLL), T&R (P), PR&PC

(D) TYPICAL USAGE: Provides Universal connection for fixed loss line (FLL) or programmable (P) types of modems in large installations

V. WIRING DIAGRAM:



Line	T (FLL)	R (FLL)	T (P)	R (P)	PR	PC
1	26	1	27	2	28	3
2	29	4	30	5	31	6
3	32	7	33	8	34	9
4	35	10	36	11	37	12
5	38	13	39	14	40	15
6	41	16	42	17	43	18
7	44	19	45	20	46	21
8	47	22	48	23	49	24

APPENDIX D-40

STANDARD JACK ARRANGEMENT-DATA

I. PROVISIONAL DIAGRAM NUMBER: 103

II. UNIVERSAL SERVICE ORDER CODE (USOC): RJ27X

III. EQUIPMENT DESIGNATION CODE:

IV. TYPE:

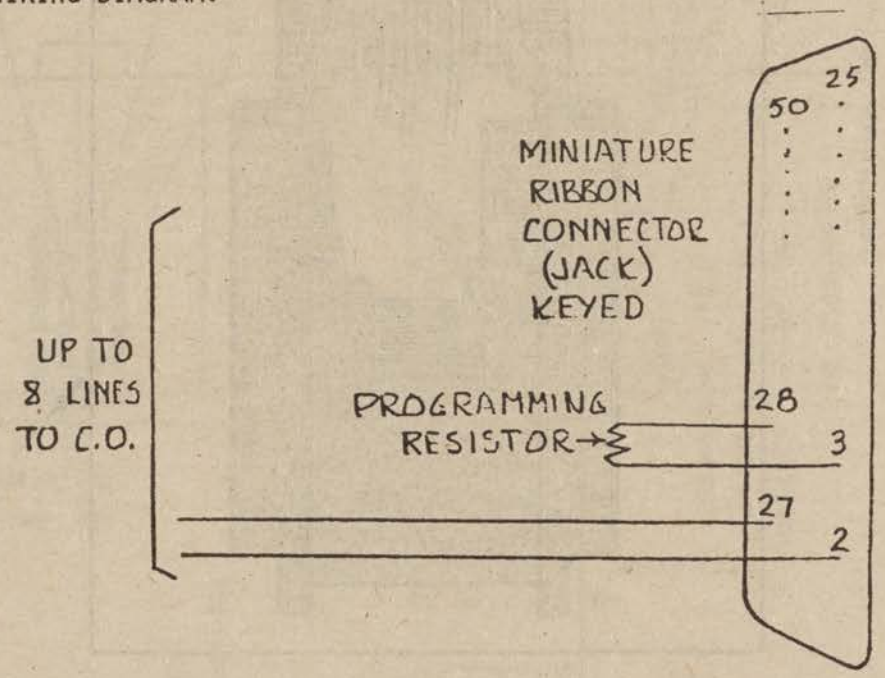
(A) EQUIPMENT STYLE: Miniature ribbon connector (female), keyed

(B) NETWORK CONNECTION: Multiple line bridged tip & ring

(C) LEADS PROVIDED: T&R (P), PR&PC

(D) TYPICAL USAGE: Provides connection for programmable (P) types of modems in large installations.

V. WIRING DIAGRAM:

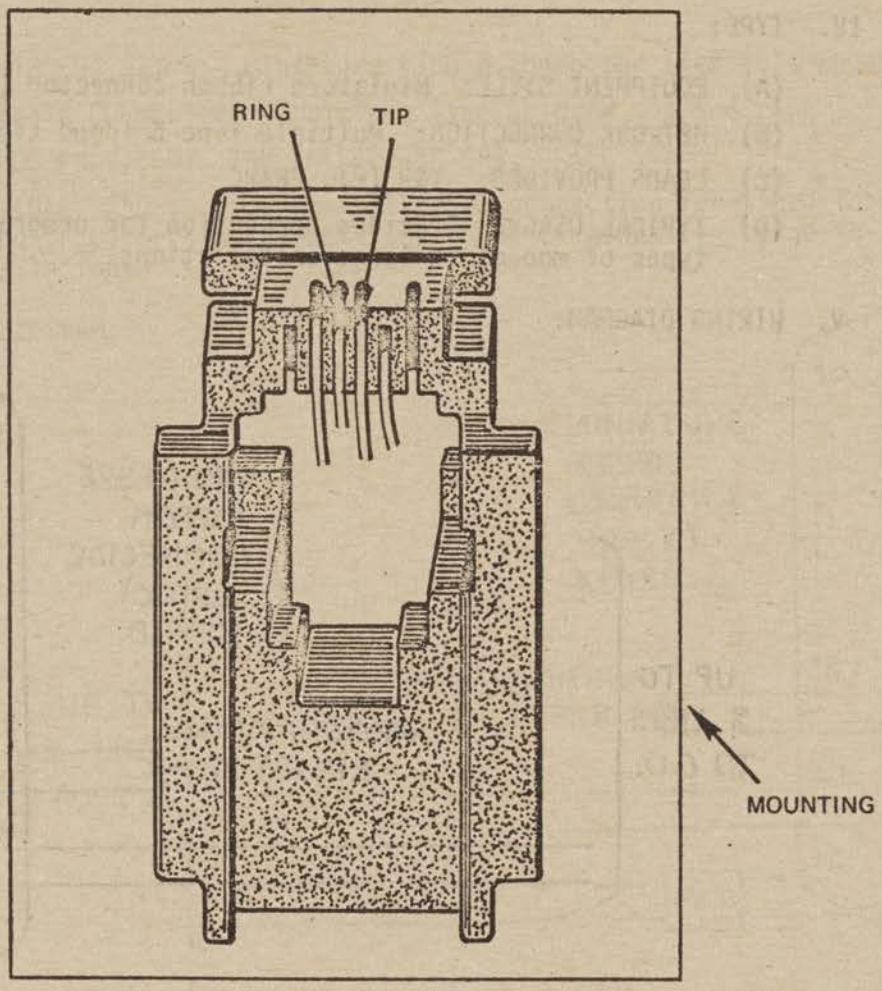


Line	T (P)	R (P)	PR	PC
1	27	2	28	3
2	30	5	31	6
3	33	8	34	9
4	36	11	37	12
5	39	14	40	15
6	42	17	43	18
7	45	20	46	21
8	48	23	49	24

APPENDIX D–41

MECHANICAL CONFIGURATIONS

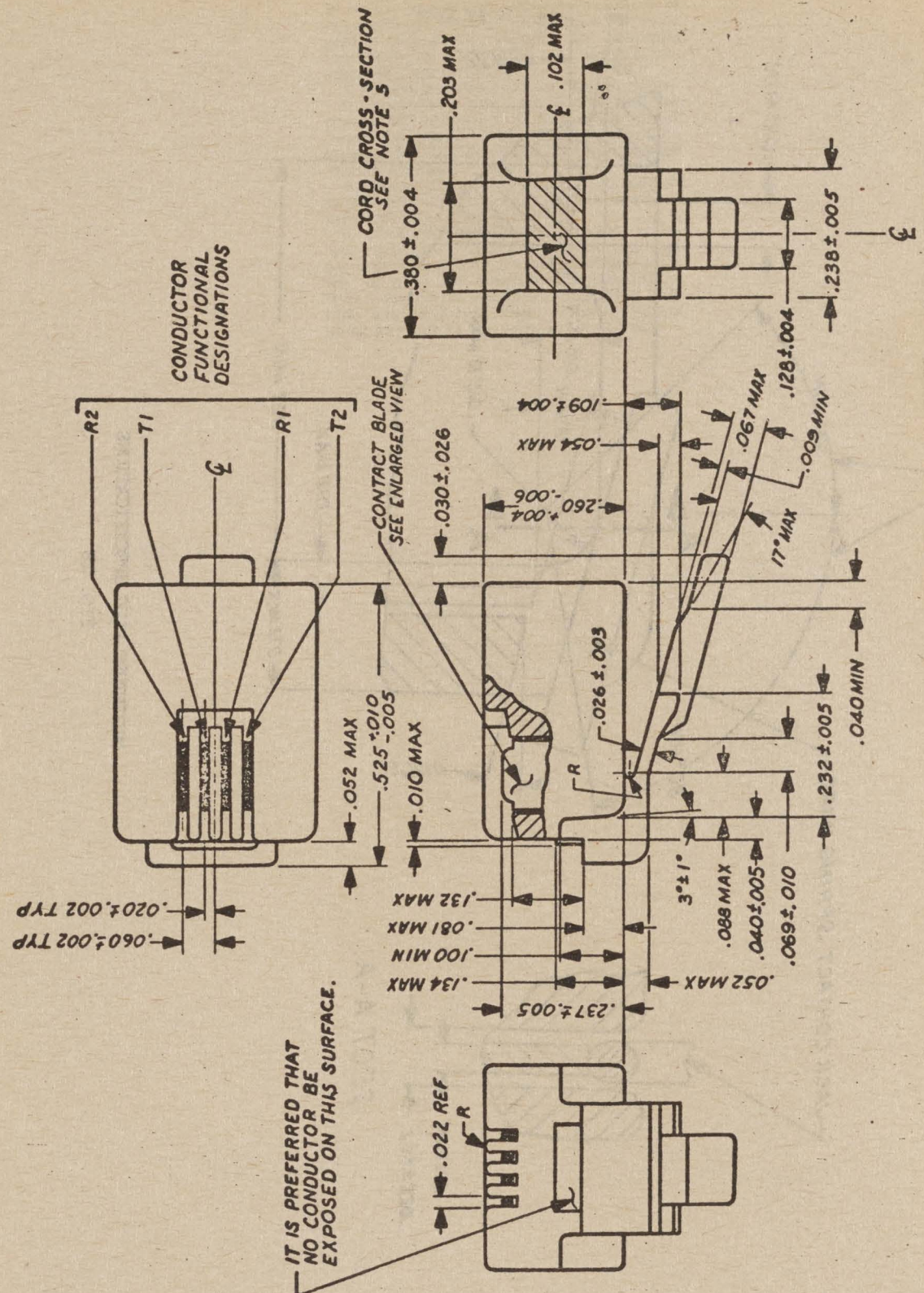
6 PIN JACK



SKETCH – MINIATURE JACK
FIG. 1

The 6 pin jack that is used in the 625 Type Bell System Connecting Block, normally used for desks sets, and the 630 Type Bell System Connecting Block, normally used for mounting wall sets.

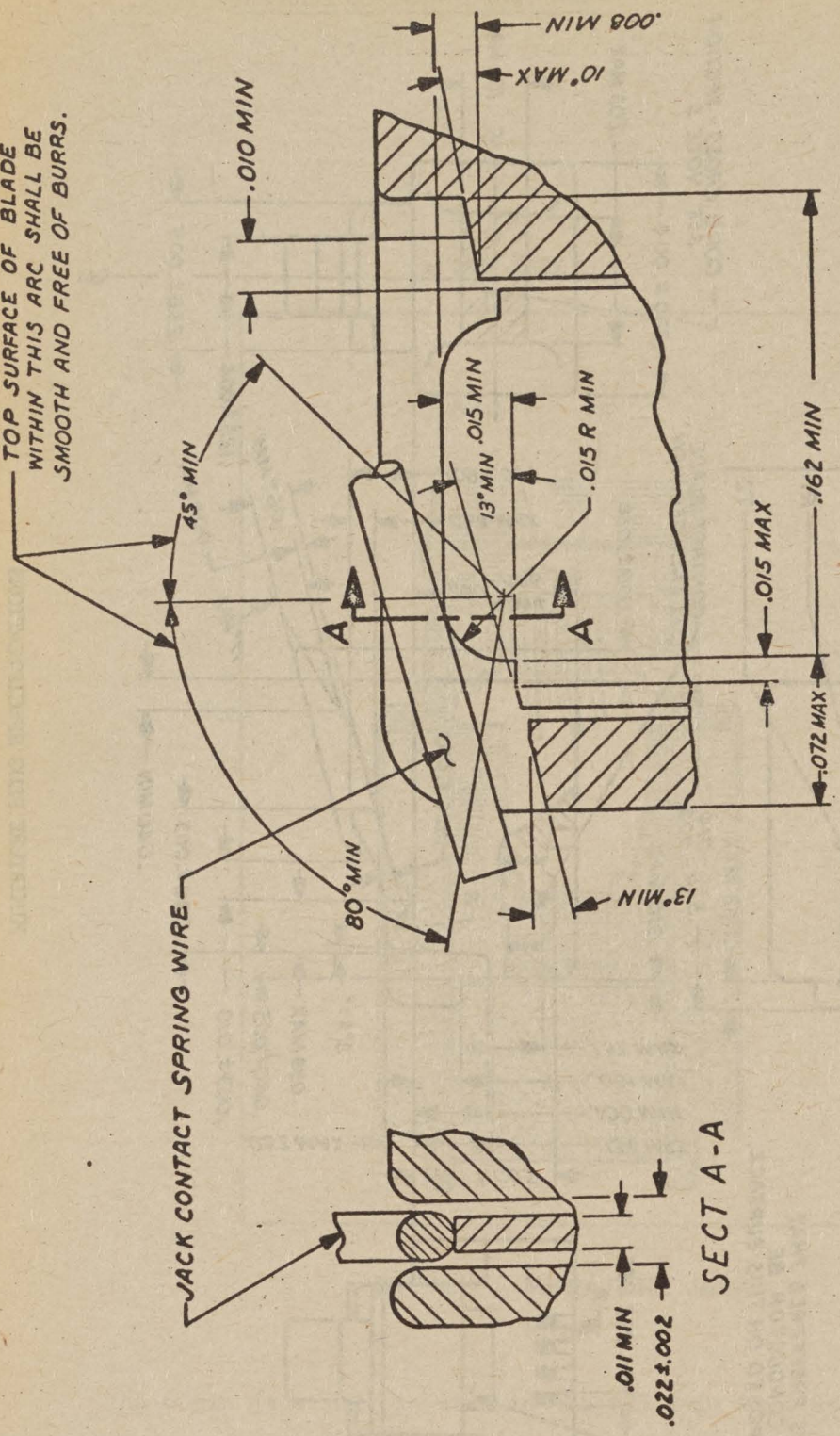
APPENDIX D–42



MINIATURE PLUG SPECIFICATIONS

FIG. 2A

APPENDIX D-43



MINIATURE PLUG SPECIFICATIONS

FIG. 2B

NOTES: 1. Materials: (a) Plug body: Thermoplastic. Suggest polycarbonate (see ASTM D2473).

(b) Contact blade: Conductive base metal; Phosphor Bronze, per ASTM B103 or B159, or approved equivalent. Contact plating; hard gold of 99% purity, 0.000050 inch minimum thickness, per ASTM B488 and meeting porosity test per ASTM B583.

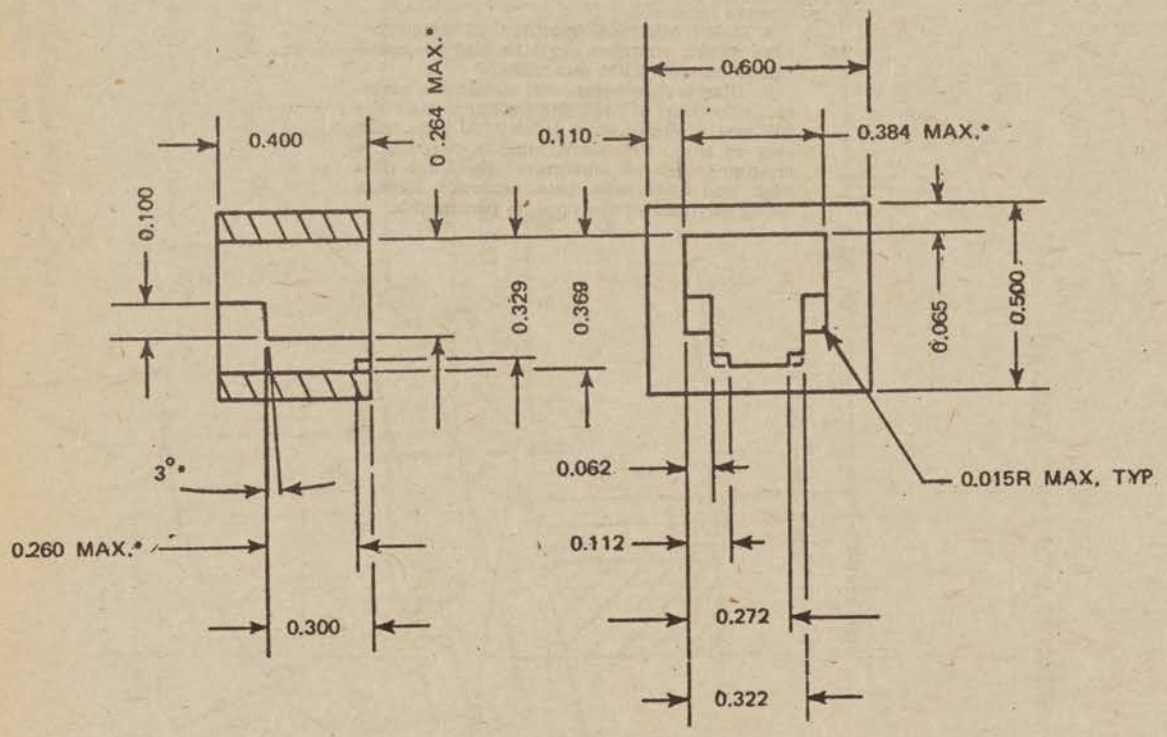
2. All linear dimensions are given in inches.

3. Information contained herein is of the nature of end-point requirements, which cannot be exceeded, as opposed to constructional specifications which should allow some margin for error.

4. Unless otherwise specified, all inside corners shown rounded shall be 0.01 or maximum; outside, 0.015 minimum.

5. Dimensions given for maximum material condition of cord cross-section shall apply over a length of at least 0.500 inch from rear of plug. For identification purposes, a triangular rib of maximum size 0.013 inch high and 0.015 inch base, centrally located along any side of the cord, is permissible.

APPENDIX D-45



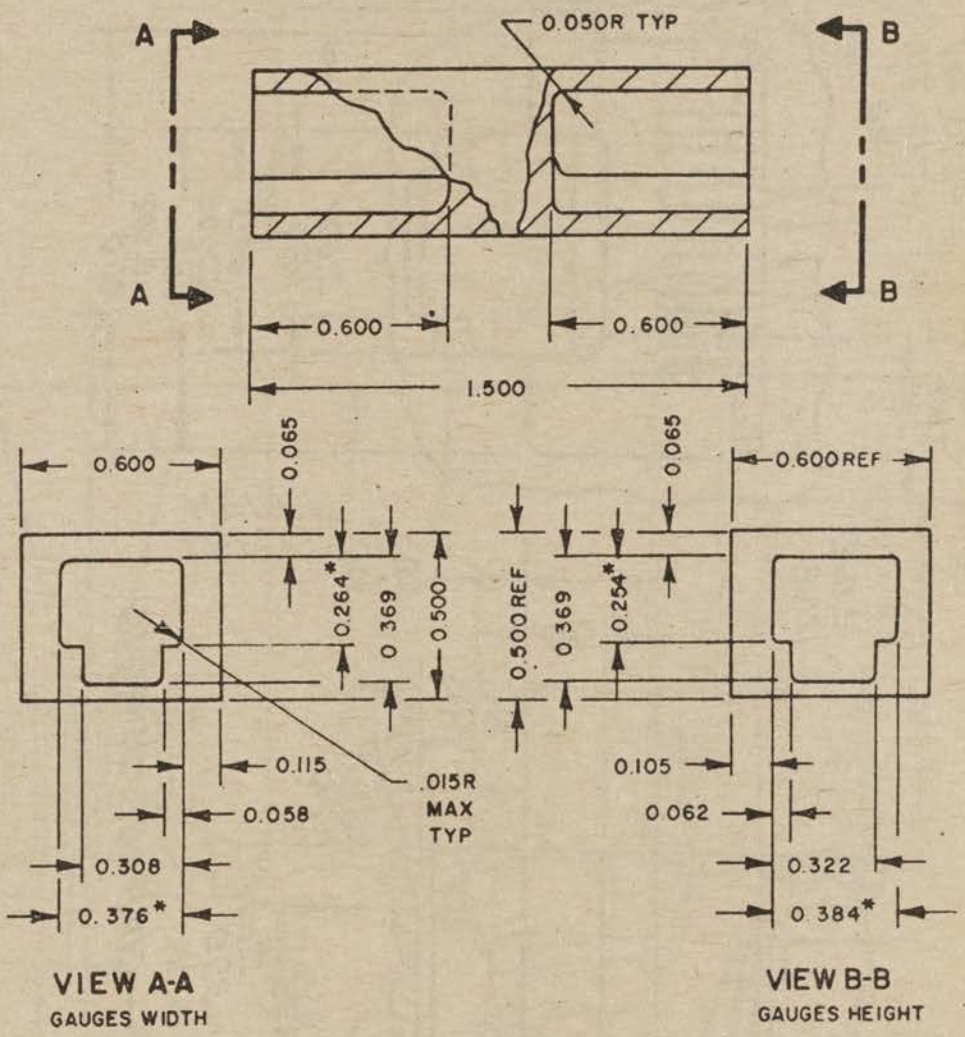
Notes:

1. * These are gauge dimensions and shall be held to ±0.0002 inch.
2. Round all edges 0.015R inch maximum.

MINIATURE PLUG – MAXIMUM CLEARANCE GAUGE

FIG. 3

APPENDIX D–46



NOTES:

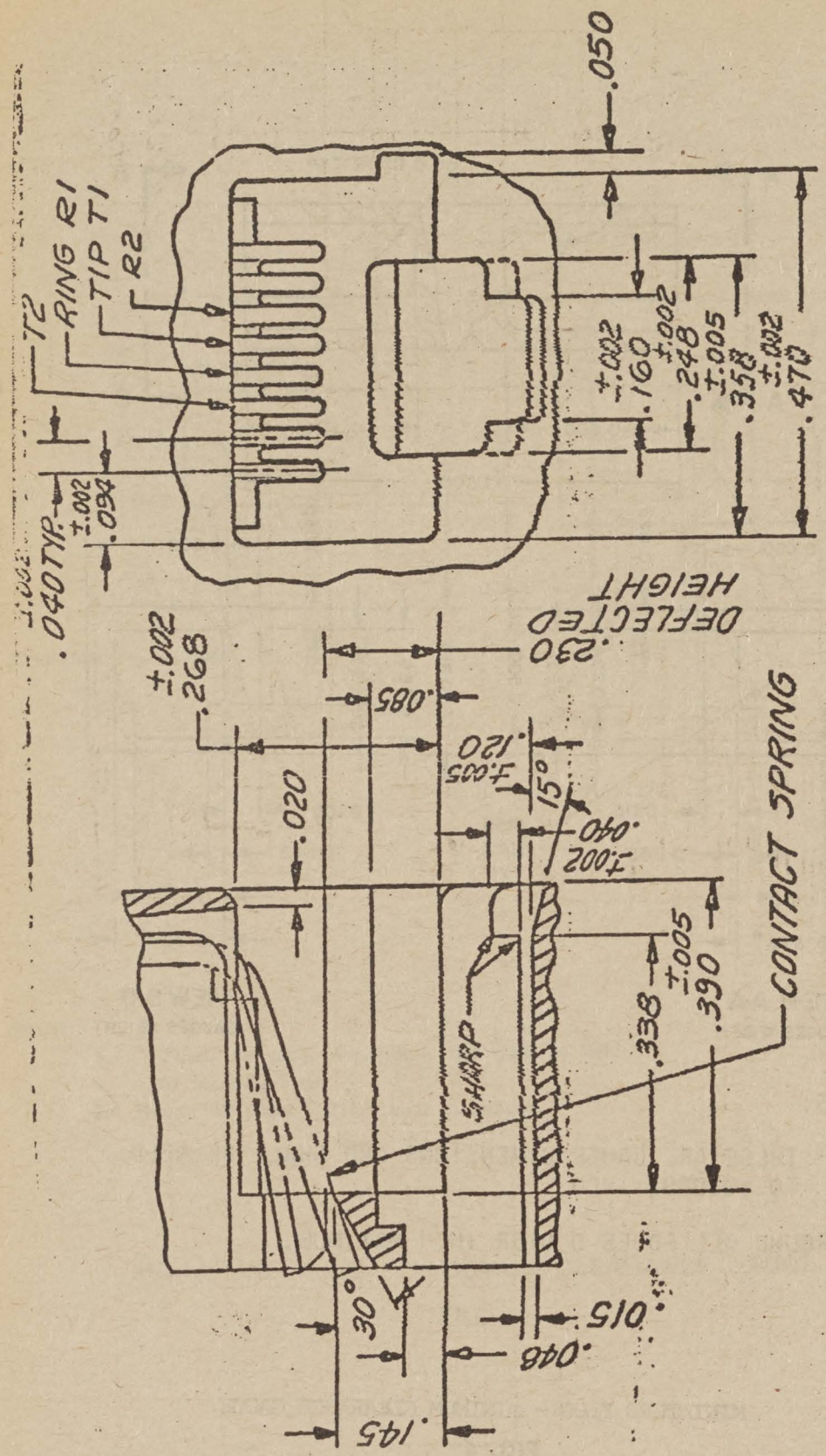
1. * THESE ARE GAUGE DIMENSIONS AND SHALL BE HELD TO ±0.0002 INCH.

2. ROUND ALL EDGES 0.015R INCH MAXIMUM.

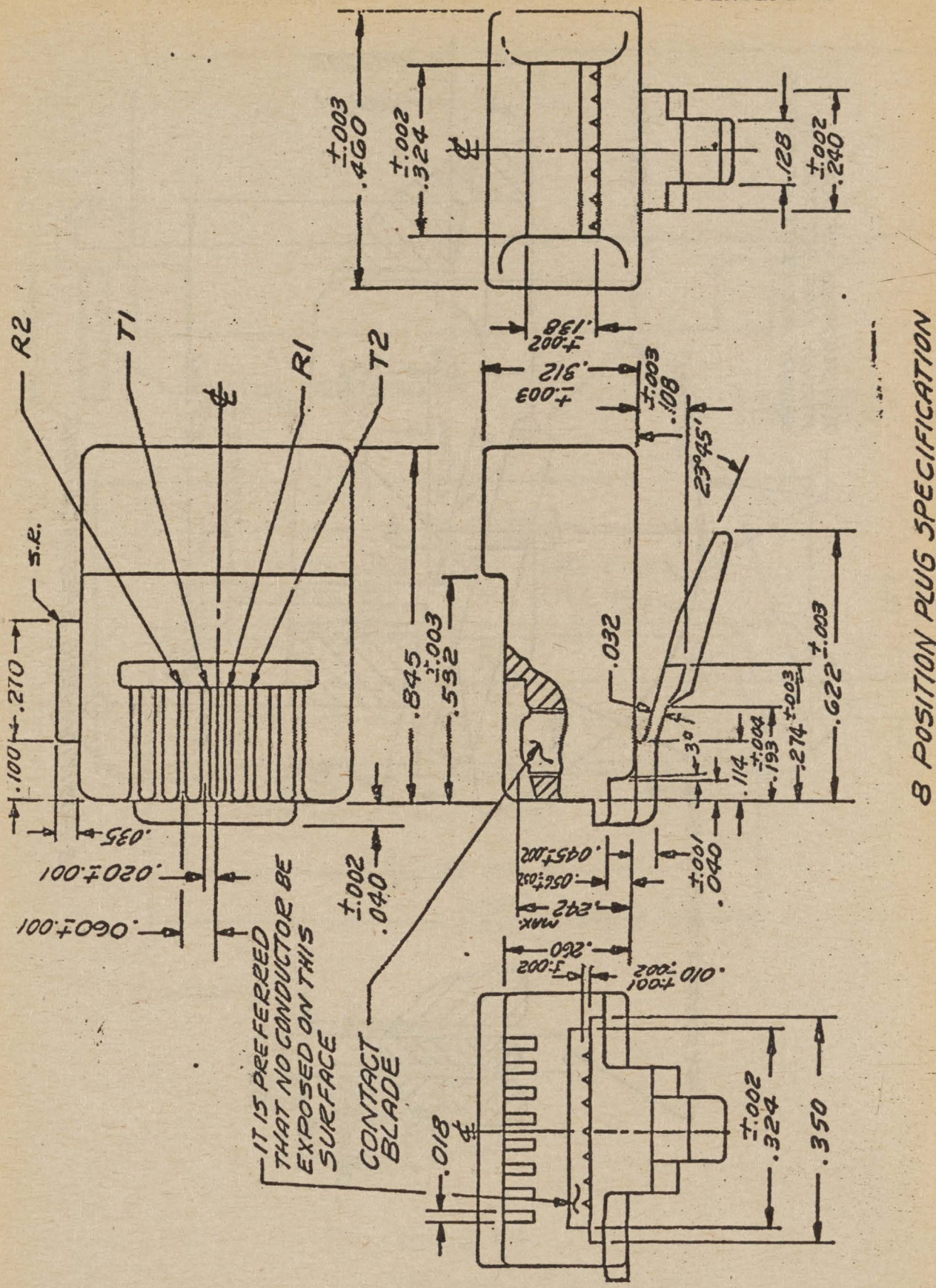
MINIATURE PLUG – MINIMUM CLEARANCE GAUGE

FIG. 4

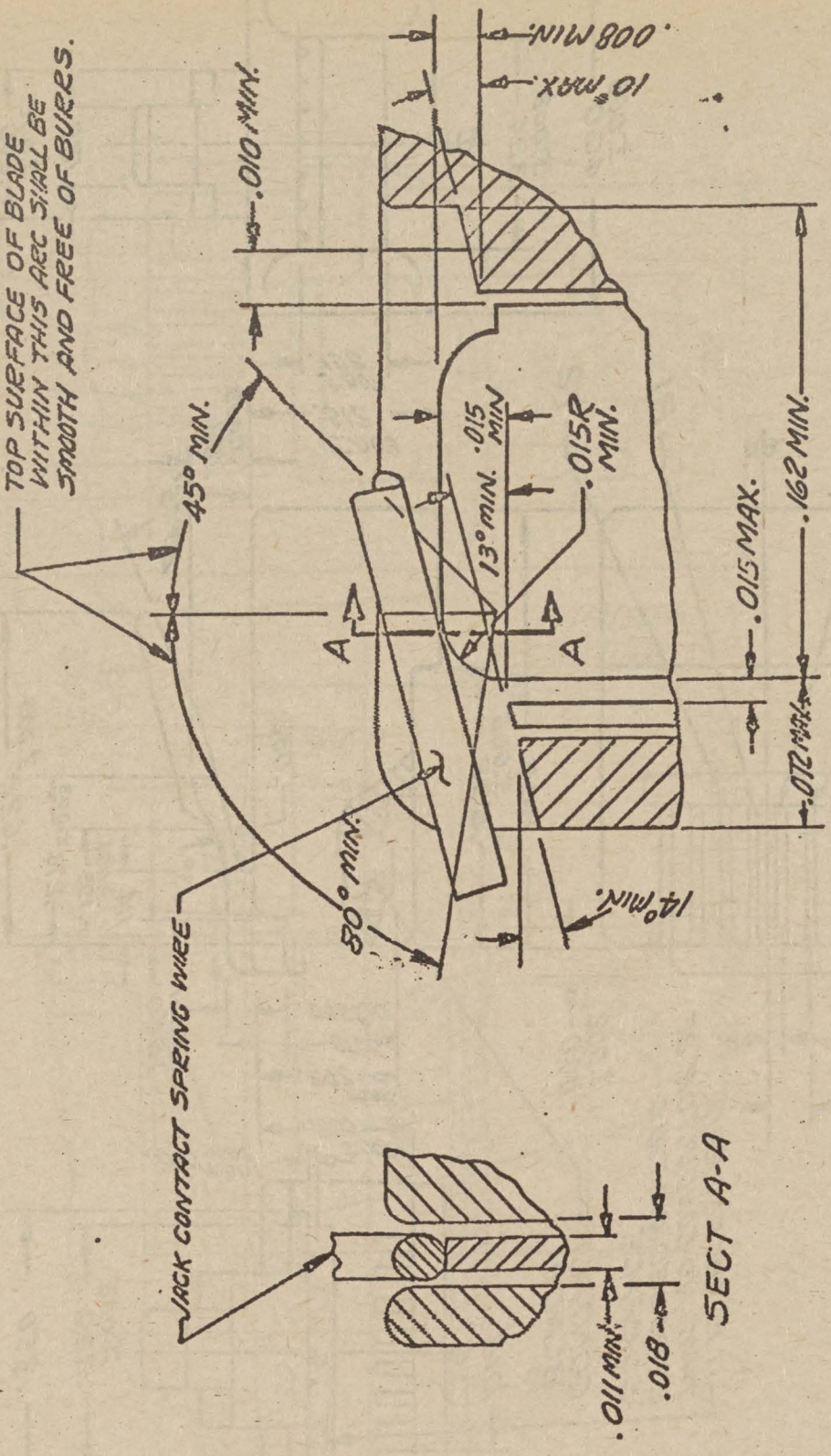
8 PIN PLUG APPENDIX D-47



APPENDIX D-48

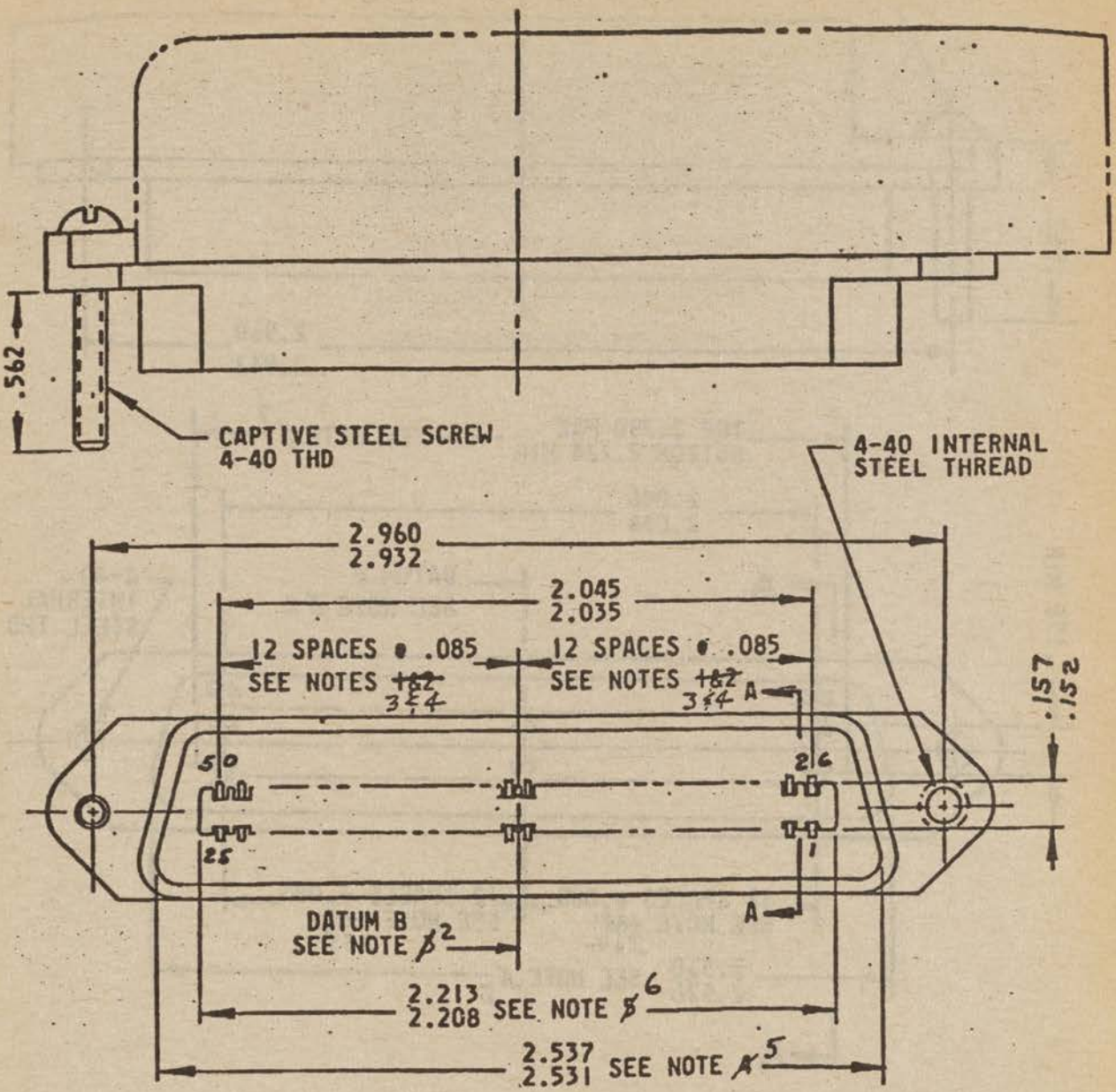


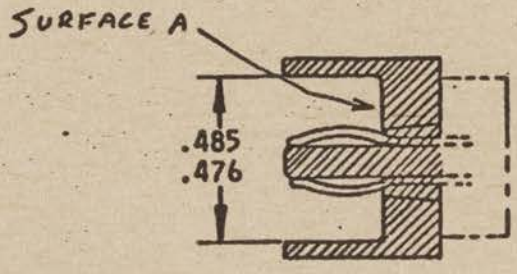
APPENDIX D-49



8 POSITION PLUG SPECIFICATIONS

50 PIN PLUG APPENDIX D-50

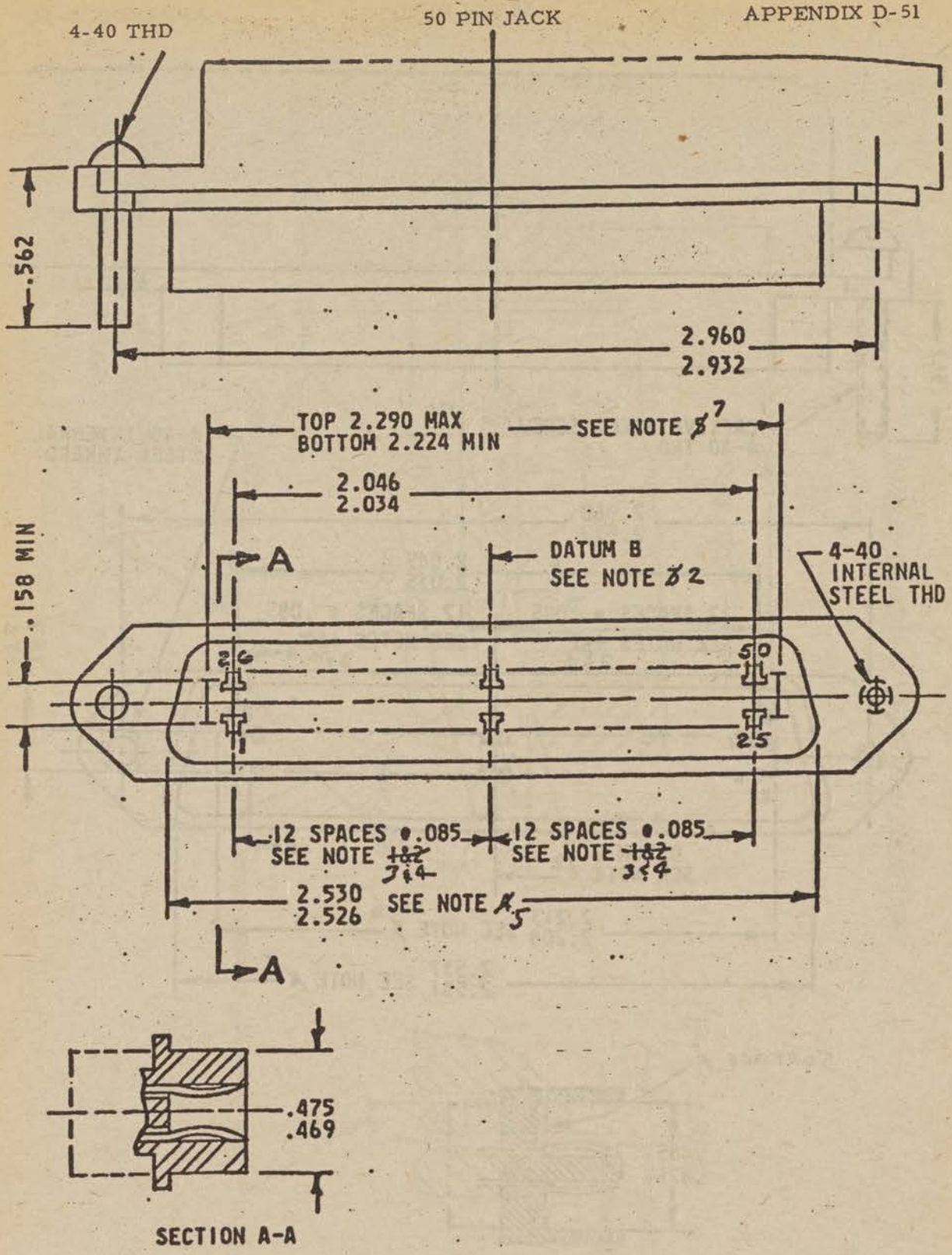




SECTION A-A

(See Notes 1, 2, 3, 4, 5, 6)

APPENDIX D-51



(See Notes 1, 2, 3, 4, 5, 7)

NOTES: 1. Contact finish in the region of contact shall be gold, .000030 inch minimum thickness, electrodeposited hard gold preferred. (Fig. 1, 4)

2. Datum B is center line of contact cavities 13 and 38. (Fig. 1, 4)

3. The center line of each contact shall be located within .006 inch of true position with respect to datum B. (Fig. 1, 4)

4. Contact width at region of contact shall be .045 ± .002 inch. (Fig. 1, 4)

5. Center line of shell dimension indicated shall be within .006 of datum B. (Fig. 1, 4)

6. Center line of barrier dimension indicated shall be within ____ of datum B. (Fig. 1)

7. Centerline of cavity dimension indicated shall be within ____ of datum B. (Fig. 4)

8. Surface X shall have a 4 finish or better. Finishing shall be done in direction of arrow. (Fig. 2, 3, 5, 6)

[FR Doc.76-11532 Filed 4-22-76;8:45 am]



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