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This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

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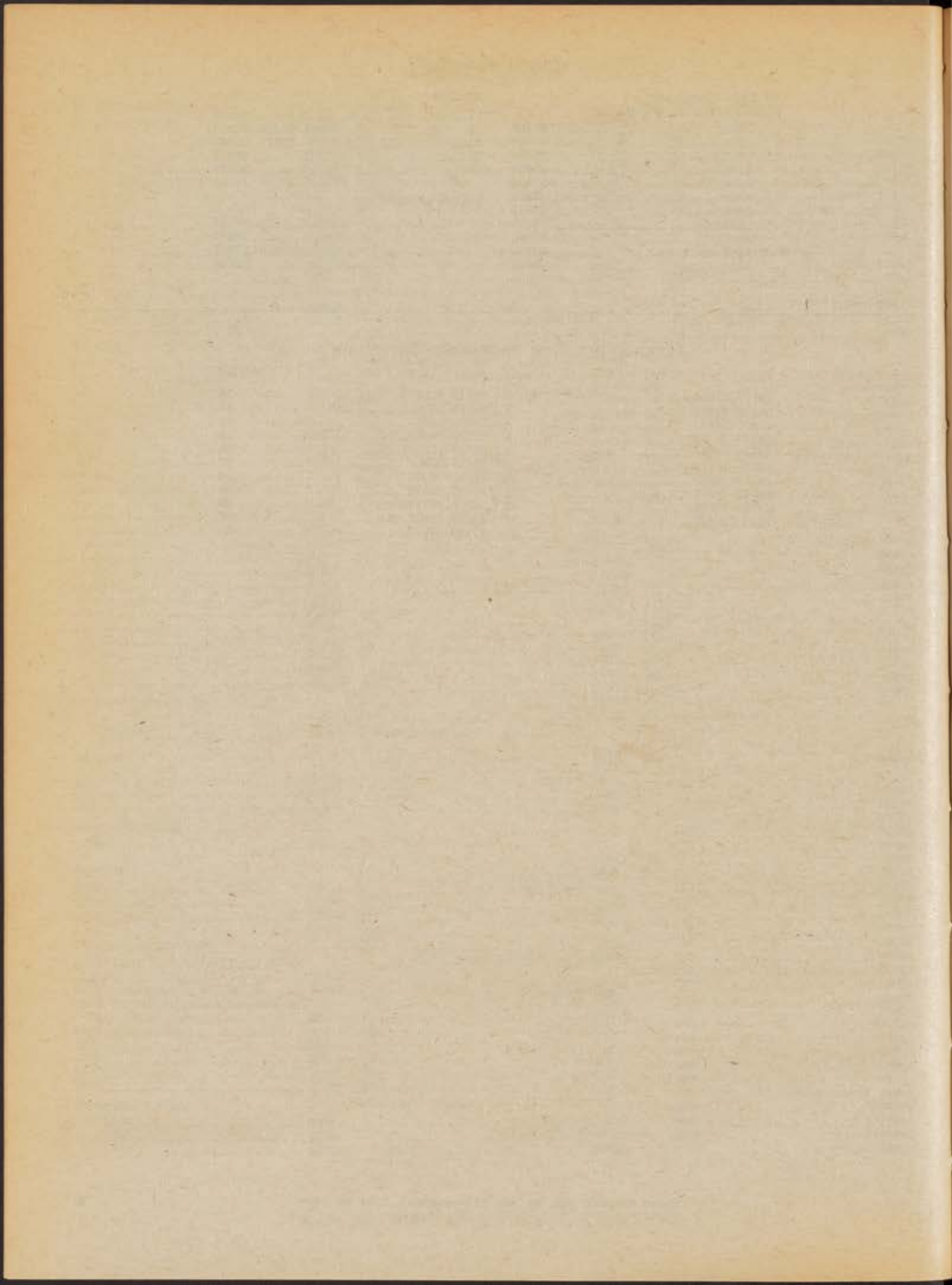

rules and regulations

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 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

SUBCHAPTER B—CIVIL SERVICE REGULATIONS

PART 831—RETIREMENT

Reconsideration of Disability Retirement Appeals

The retirement regulations are herby amended to provide for reconsideration by the Bureau of Retirement, Insurance, and Occupational Health, U.S. Civil Service Commission, of its initial decisions approving or disapproving applications for the disability retirement of employees.

Effective for applications for disability retirement approved or disapproved after June 30, 1975, 5 CFR Part 831 is amended as follows:

1. Section 831.1204 is amended by changing its heading, by revising paragraph (b), and by adding a new paragraph (c) as follows:

§ 831.1204 Bureau action.

* * * * *

(b) *Decision.* After considering the employee's retirement file, the Bureau either approves or disapproves the application. The Bureau's decision shall be in writing and a copy shall be given to the employee and the agency concerned. The decision shall set forth the Bureau's findings and conclusions and shall inform the employee and the agency of the right to request reconsideration by the Bureau Director.

(c) *Reconsideration decision.* On his own initiative or upon request within 15 calendar days after receipt of the decision on the application, the Bureau Director may reconsider the decision of the Bureau and either approve or disapprove the application. The decision shall be in writing and a copy shall be given to the employee and the agency concerned. The decision shall set forth the findings and conclusions of the Bureau Director and shall inform the employee and the agency of the right of appeal and hearing provided by § 831.1205.

2. Section 831.1205 is revised to read as follows:

§ 831.1205 Appeal and hearing.

(a) *Right of appeal and hearing.* An agency or an employee may appeal to the appropriate field office of the Federal Employee Appeals Authority the reconsideration decision of the Bureau Director that involves an application for disability retirement filed by an employee or by an agency. The appeal shall be in writing, set forth the reasons for the appeal, request a hearing if the appellant desires a hearing, and be filed with the appropriate office within 15 calendar days after receipt of the reconsideration decision of the Bureau Director. The field office of the Federal Employee Appeals Authority may extend the time limit for good cause shown.

(b) Subparts A and C of Part 772 of this chapter apply to appeals to the Commission from reconsideration decisions of the Bureau involving applications for disability retirement.

(5 U.S.C. 8347)

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

[FR Doc.75-16855 Filed 6-27-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 75-WE-40-AD; Amdt. 39-2250]

PART 39—AIRWORTHINESS DIRECTIVES

Certain McDonnell Douglas DC-9 Series Airplanes and, Military C-9A, C-9B and VC-9A Series Airplanes

A series of engine thrust reverser driver link failures have occurred on McDonnell Douglas DC-9 airplanes. A failed link may lodge in the reverser assembly during operation and preclude proper stowage of the thrust reverser doors. Air loads acting on the misaligned reverser fairing in flight can cause a deployment of the reverser doors and/or separation from the aircraft.

There have been three cases of separation recorded and at least one incident of inflight deployment associated with aircraft yaw and buffeting. The reverser fairing mismatch resulting from a failed link can be detected by visual inspection on the ground. McDonnell Douglas Teletypewriter Exchange (TWX) to all DC-9 operators issued April 26, 1975, recommends daily inspection to preclude recurrence.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest, a telegraphic airworthiness directive was adopted on June 4, 1975, and distributed to all known United States operators of DC-9 airplanes by individual telegrams dated June 5, 1975, to require a daily inspection/check and corrective action as described in the aircraft manufacturer's Teletypewriter Exchange. This inspection/check, as required by telegraph AD, was, and is intended to be, an interim measure to complete inspection and replacement of defective links and inspection of reverser rigging as described in McDonnell Douglas Service Bulletin 78-36, Revision 1, dated June 19, 1975, or later FAA-approved revisions.

After issuing the telegraphic AD, the agency determined: that the applicability of the AD may be limited to certain DC-9 airplanes; that certain airplanes may be exempted from the AD provided the thrust reverser driver links and/or rigging have not been altered subsequent to delivery from the manufacturer; that an additional inspection on thrust reversers with over 8000 cycles in service must be performed per instructions provided in the manufacturer's service documents, both to ascertain the absence of corrosion or cracks or undercutting and to assure proper rigging, and also to provide for further use of serviceable links. The AD continues the daily inspection/check required by the telegraphic AD, pending accomplishment of the dye penetrant inspections and replacements, if necessary, per the manufacturer's service bulletin. The AD provides for terminating action. This AD supersedes the telegraphic AD. The conditions which required the issuance of the AD still exist and the AD is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of the Federal Aviation Regulations.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MCDONNELL DOUGLAS. Applies to all DC-9-10, -20, -30, -40 Series, and Military C-9A, C-9B, and VC-9C Series airplanes, manufacturer's fuselage numbers 1 through 765. Fuselage numbers subsequent to 765 are exempt, provided the thrust reverser driver links and rigging have not been altered subsequent to delivery by the manufacturer.

Compliance required as indicated.

To prevent unwanted deployment of the engine reverser doors, accomplish the following inspections, checks, repairs and replacements on aircraft whose thrust reversers have in excess of 8000 reverser cycles, on or after the effective date of this AD.

NOTE: Thrust reversers whose cycles cannot be determined must be considered to have in excess of 8000 cycles.

(a) Within 72 hours after the effective date of this AD, inspect or check the upper and lower thrust reverser door fairings on each day on which the airplane is operated, to verify the alignment of the door fairing.

(1) If the upper door extends more than one-quarter inch higher than the fixed fairing, deploy the reverser and visually inspect the driver links for separation. Replace failed upper driver links prior to further flight.

(2) If a driver link is broken on the lower door, it will gap similar to the upper door while hanging on the lock latch and a reverse unlock indication will be present in the cockpit. Inspect the lower door driver link for separation. If the link is failed, replace failed lower link, or deactivate the reverser door per DC-9 Maintenance Manual, Chapter 78, prior to further flight.

NOTE: McDonnell Douglas Telegram DC-9-COM-10-JER, dated April 26, 1975, covers this subject.

(b) Within 1600 additional hours of flight operation or six months after the effective date of this airworthiness directive, whichever occurs first, inspect by dye penetrant all thrust reverser driver links, P/N 5958782-1 and/or 5958782-501, in accordance with the procedures described in McDonnell Douglas Service Bulletin 78-36, Revision 1, dated June 19, 1975, or later FAA-approved revisions. All links found acceptable for proper flange thickness (undercutting) and exhibiting no evidence of corrosion or cracks as described in paragraph 2C of S.B. 78-36, Revision 1, must be checked for proper rigging in accordance with procedures outlined in paragraphs 2D through paragraph 2J of S.B. 78-36, Revision 1, prior to returning the aircraft to service.

(c) Links may be returned to service, if within the limits specified herein, provided that, at intervals not to exceed 800 cycles in service thereafter from the last inspection, a dye penetrant inspection is performed per the procedures of paragraph (b), above. Serviceable links shall include:

(1) Flange thickness of .085-.095 inches, with or without evidence of corrosion, pits or cracks as determined by paragraph 2C(3) and 2C(4) of McDonnell Douglas Service Bulletin, Revision 1, dated June 19, 1975, or later approved revisions.

(2) Flange thickness of .090 inches or more with properly blended out cracks and with or without corrosion pits as described per paragraph 2C(4) and 2C(5) of the above referenced Service Bulletin.

(3) Flange thickness of .095 or more with corrosion pits as described in paragraph 2C (4) of the above referenced Service Bulletin.

(4) Links checked for crown height and found to be over .243 inches deflection per paragraph 2F(1) of the above referenced Service Bulletin.

Links determined to be unserviceable by paragraph 2C(2) must be scrapped.

NOTE: Reverser links determined to be in categories (1) through (4), above, must be permanently identified as described in McDonnell Douglas Service Bulletin 78-36, Revision 1, or later FAA-approved revisions to preclude reinstallation as a normal replacement.

(d) Further action under this AD may be discontinued as to that airplane when the following conditions are met.

(1) All links have been inspected and no evidence of cracks, corrosion pits or undercutting exists and crown height is found to be in limits when properly rigged.

(2) Links have been replaced, if necessary, and rigged in accordance with the procedures outlined in the McDonnell Douglas Service Bulletin 78-36, Revision 1, or later FAA-approved revisions.

(e) Equivalent inspections and installations may be approved by the Chief, Aircraft Engineering Division, FAA Western Region, upon submission of adequate substantiating data.

This supersedes the telegraphic AD adopted June 4, 1975.

This amendment becomes effective July 7, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California on June 20, 1975.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.75-16842 Filed 6-27-75;8:45 am]

[Airspace Docket No. 75-WE-2]

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

Alteration of Transition Area

On March 27, 1975 a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (40 FR 13519) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Oxnard, California Transition Area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. The only objection was submitted by the Aircraft Owners and Pilots Association (AOPA). Their primary concern was a VFR flyway along the Ventura Freeway northeast of NAS Point Mugu and the final approach course for the Rwy 21 TACAN approach procedure. They requested that the approach procedure be reviewed and altered to avoid the VFR flyway airspace.

The VFR flyway along the Ventura Freeway is presently within a 1,200 foot transition area and transits a 700 foot transition area to the southeast and the Ventura County Airport Traffic Area to the northwest. The proposed increase in the 700 foot transition area will not add significant additional controlled airspace along the VFR flyway.

The TACAN procedure to Rwy 21 was developed after air traffic control radar was established at Point Mugu. The procedure provides a straight in capability to coincide with the prevailing wind conditions. The TACAN Rwy 21 instrument approach procedure was reviewed and the arc portion of the procedure was raised to 5000 feet MSL to minimize use of the lower airspace. The VFR flyway is approximately 6½ miles northeast of the touchdown point of Rwy 21 at NAS Point Mugu and it is not possible to adjust the final approach portion of the approach to eliminate crossing the VFR flyway area since the VFR flyway is perpendicular to the final approach course.

The Point Mugu Radar Air Traffic Control Facility offers radar advisory service and traffic information to VFR general aviation aircraft requesting or desiring this service.

In consideration of the foregoing, the proposed amendment is hereby adopted effective 0901 G.m.t., August 14, 1975.

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

Issued in Los Angeles, California on June 18, 1975.

LYNN L. HINK,
Acting Director, Western Region.

In § 71.181 (40 FR 441) the description of the Oxnard, California 700 foot transition area is amended to read as follows:

OXNARD, CALIFORNIA

That airspace extending upward from 700 feet above the surface beginning at latitude 34°01'50" N., longitude 119°03'00" W., to latitude 34°02'30" N., longitude 118°53'30" W., to latitude 34°19'30" N., longitude 118°53'00" W., to latitude 34°19'30" N., longitude 119°29'50" W., thence 3 nautical miles from and parallel to the shoreline to latitude 34°14'50" N., longitude 119°22'00" W., to latitude 34°14'45" N., longitude 119°23'30" W., to latitude 34°06'55" N., longitude 119°22'30" W., to latitude 34°07'45" N., longitude 119°15'00" W., thence via a 7-mile radius of the Point Mugu RBN to point of beginning.

[FR Doc.75-16843 Filed 6-27-75;8:45 am]

[Airspace Docket No. 75-SO-70]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to reduce the size of Restricted Area R-7101A Culebra Island, Puerto Rico.

Due to the cessation of naval gunfire support training on the Northwest Peninsula of Culebra Island, this airspace is no longer required for use by Atlantic Fleet Weapons Training Facility and the U.S. Navy has requestsed that the size of Restricted Area R-7101A be reduced accordingly.

Since this amendment restores airspace for public use and relieves a restriction upon the public, notice and public procedure thereon are deemed unnecessary. Also, as it relieves a burden upon the public, it may become effective without regard to the 30 day period normally required to precede the effective date.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 1, 1975, as hereinafter set forth.

In § 73.71 (40 FR 701) the boundaries of R-7101 Culebra Island, Puerto Rico, Subarea A are amended to read as follows:

R-7101 CULEBRA ISLAND, PUERTO RICO

SUBAREA A

Boundaries: That airspace that overlies the islands/cays that lie west of the Island of Culebra and surrounding waters. Beginning at Lat. 18°24'30" N., Long. 65°20'51" W., to Lat. 18°15'20" N., Long. 65°20'51" W., thence clockwise along the 3-nautical mile limit from the shoreline to point of beginning.

* * * * *

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

Issued in Washington, D.C., on June 25, 1975.

F. L. CUNNINGHAM,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-17010 Filed 6-27-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-11467, IA-465]

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Registration of Brokers or Dealers and of Investment Advisers

The Commission today announced the amendment, effective immediately, of its regulations governing delegation of authority to the Directors of the Office of Registrations and Reports, the Division of Market Regulation, and the Division of Investment Management Regulation to take action with respect to applications for registration as brokers or dealers and as investment advisers [17 CFR 200.30-11 (a), (b), 200.30-3(a), 200.30-5(b)].

Section 15(b)(1) of the Securities Exchange Act of 1934, as amended by the Securities Acts Amendments of 1975, Pub. L. 94-29 (June 4, 1975), now provides that within 45 days of the filing of an application for registration as a broker or dealer (or within such longer period as to which the applicant consents), the Commission shall by order grant registration or institute proceedings to determine whether registration should be denied. Section 203(c)(2) of the Investment Advisers Act of 1940, as amended by the Securities Acts Amendments of 1975, contains similar provisions with respect to applications for registration as an investment adviser.

The recent Securities Acts Amendments alter the procedures whereby broker-dealer and investment adviser registrations become effective. Formerly, such registrations became effective 30 days after receipt by the Commission of the application for registration. The Director of the Office of Registrations and Reports had delegated authority to determine registrations to be effective within any shorter period of time than 30 days after receipt of applications for registration, toauthorize the issuance of orders postponing the effective date of broker-dealer registration, and to accelerate the effectiveness of amendments to investment adviser registrations. The Director of the Division of Market Regulation had similar delegated authority with respect to broker-dealer registrations, and the Director of the Division of Investment Management Regulation had similar delegated authority with respect to investment adviser registrations.

To conform with the new statutory pattern, which requires issuance of an order granting registration, and to expedite the operations of the Commission in this area, the Commission has determined that authority should be delegated to the Directors of the Office of Registrations and Reports, the Division of Market Regulation and the Division of Investment Management Regulation to authorize the issuance of orders granting registration of brokers or dealers and of investment advisers. The authority of the Director of the Division of Market Regulation is limited to registration of brokers or dealers, and the authority of the Director of the Division of Investment Management Regulation is limited to registration of investment advisers. To accomplish this purpose, the Commission hereby amends its rules as follows:

(1) In § 200.30-3 paragraph (a)(3)(ii) is deleted, (a)(3)(iii) is redesignated as (a)(3)(ii) and (a)(3)(i) is revised to read as follows:

§ 200.30-3 Delegation of authority to Director of Division of Market Regulation.

(a) * * *

(3) * * *

(i) To authorize the issuance of orders granting registration of brokers or dealers within forty-five days of the filing of an application for registration as a broker or dealer (or within such longer period as to which the applicant consents);

* * * * *

(2) In § 200.30-11, paragraph (a)(1)(ii) is deleted, (a)(1)(iii) and (iv) are redesignated as (a)(1)(ii) and (iii) respectively, and (a)(1)(i) is revised to read as follows:

§ 200.30-11 Delegation of authority to Director, Office of Registrations and Reports.

(a) * * *

(1) * * *

(i) To authorize the issuance of orders granting registration of brokers or dealers within forty-five days of the filing of an application for registration as a broker or dealer (or within such longer period as to which the applicant consents);

* * * * *

(3) In § 200.30-5:

(a) Paragraph (b)(2) is amended by changing the reference to section 203(i) of the Investment Advisers Act of 1940 to read as section 203(h) to conform with redesignation of subsections effected by the Securities Acts Amendments of 1975; and

(b) Paragraph (b)(1) is revised to read as follows:

§ 200.30-5 Delegation of authority to Director of Division of Investment Management Regulation.

(b) * * *

(1) Pursuant to section 203(c) of the Act (15 U.S.C., 80b-3(c)): to authorize the issuance of orders granting registration of investment advisers within 45 days of the filing of an application for registration as an investment adviser (or within such longer period as to which the applicant consents).

* * * * *

(4) In § 200.30-11:

(a) Paragraph (b)(2) is amended by changing the reference to section 203(i) of the Investment Advisers Act of 1940 to read as section 203(h) to conform with redesignation of subsections effected by the Securities Acts Amendments of 1975; and

(b) Paragraph (b)(1) is revised to read as follows:

§ 200.30-11 Delegation of Authority to Director, Office of Registrations and Reports.

* * * * *

(b) * * *

(1) Pursuant to section 203(c) of the Act (15 U.S.C., 80b-3(c)): to authorize the issuance of orders granting registration of investment advisers within 45 days of the filing of an application for registration as an investment adviser (or within such longer period as to which the applicant consents).

* * * * *

The Commission finds that the foregoing action relates solely to agency organization, procedure or practice and that notice and prior publication under 5 U.S.C. 553 are not necessary. Accordingly the foregoing action, which was taken pursuant to Pub. L. 87-592, 76 Stat. 394 [15 U.S.C. 78d-1, 78d-2], becomes effective immediately.

(Secs. 1, 2, Pub. L. 87-592, 76 Stat. 394, 395 (15 U.S.C. 78d-1, 78d-2)).

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

JUNE 20, 1975.

[FR Doc.75-16887 Filed 6-27-75;8:45 am]

[Release Nos. 33-5590, 34-11470, 35-19039, IC-8819, AS-172]

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS (ACCOUNTING SERIES RELEASES)

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 251—INTERPRETATIVE RELEASES RELATING TO THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 271—INTERPRETATIVE RELEASE RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Accounting Series Release No. 148; Rescission of Guidelines

Accounting Series Release No. 148 (33-5436, 34-10493, 35-18168, IC-8082;

November 13, 1973) [38 FR 32439] set forth guidelines concerning the classification of commercial paper and short-term debt expected to be refinanced, as follows:

Commercial paper and other short-term debt should be classified as a current liability even though the issuer's intention is to roll over such debt at its maturity. The fact that an issuer has both financial strength and a past borrowing record such that sale of new paper appears reasonably assured does not constitute a basis for long-term classification, since the power to terminate the credit remains with the creditor. Only (1) when a borrower has a noncancelable binding agreement from a creditor to refinance the paper (or other short-term debt) and (2) when the refinancing extends the maturity date beyond one year or the current operating cycle of the business (whichever is longer) and (3) when the borrower's intention is to exercise this right, should borrowings under such an agreement be shown as a long-term liability (along with disclosure of the above facts).

These guidelines are rescinded effective December 26, 1975 and financial statements filed with the Commission with balance sheet dated on or after that date shall follow the criteria set forth in the Statement of Financial Accounting Standards No. 6 ("Classification of Short-Term Obligations Expected to be Refinanced—An Amendment of ARB No. 43, Chapter 3A") which was issued by the Financial Accounting Standards Board in June 1975. Earlier application of this new Standard in lieu of ASR No. 148 guidelines is encouraged.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

JUNE 13, 1975.

[FR Doc.75-16886 Filed 7-27-75;8:45 am]

[Release Nos. 33-5591, IC-8824]

PART 230—RULES AND REGULATIONS, SECURITIES ACT OF 1933

Investment Company Advertising

On November 4, 1974, the Commission announced the adoption of amendments to Rule 134 [17 CFR, 230.134] under the Securities Act of 1933 [15 U.S.C. 77(a) et seq.] ("Act") to permit more interesting and informative investment company advertising.[1] Those amendments expanded the scope of material permitted in Rule 134 Communications by adding six new informational categories ("the lettered clauses"). Since that time, it has come to the Commission's attention that the application of the amended rule, among other things, may unnecessarily discriminate between issuers which take the form of unit investment trusts or which do not make a continuous offering. The legend requirement of the present rule may also discourage the use of small advertisements.

Accordingly, on February 6, 1975, the Commission published for comment a proposal[2] further to amend Rule 134 to:

(1) Permit all investment companies issuing redeemable securities and making a continuous offering to take advantage of the lettered clauses in the Rule;

(2) Shorten the required legend and permit more flexibility with respect to type size and style; and

(3) Permit pictorial illustrations that could be contained in the prospectus.

At the same time, the Commission also published for comment a further amendment to Rule 134 which would permit descriptive material relating to economic conditions or to retirement plans or other goals to which an investment in a fund could be directed to be included in Rule 134 Communications so long as such material does not directly or indirectly relate to past performance or imply achievement of investment objectives.

The amendments which the Commission is adopting today:

(1) Eliminate the requirements that only investment companies which are organized as open-end management companies and make a continuous offering may take advantage of the lettered portions of the Rule;

(2) Modify the legend and type size requirements and clarify their applicability to radio and television advertising.

(3) Permit certain descriptive material to be included in Rule 134 Communications; and

(4) Permit pictorial illustrations which are appropriate for inclusion in the company's prospectus and do not include performance figures to be included in Rule 134 Communications.

The Commission is also publishing a staff interpretative letter which takes the position that any investment company may briefly state its investment objectives in a Rule 134 Communication without including a legend. However, to the extent that such an advertisement broadens into more than a simple announcement and contains a discussion of the company's objectives it would fall under clause (A) of the lettered clauses, and the legend would be required.

These amendments are adopted pursuant to sections 2(10)(b) and 19(a) of the Act [15 U.S.C. 77b(10)(b), 77s(a)][3] They are the fourth in a series of Commission efforts designed to allow a wider degree of advertising by investment companies which issue redeemable securities.[4] These steps reflect the fact that the distribution of such investment company securities differs in many ways from the underwriting of other securities and that investment companies are subject to comprehensive regulation under the Investment Company Act of 1940 [15 U.S.C. 80a et seq.]. The adoption of these amendments is not intended, and should not be construed, to indicate any change in the Commission's views with respect to general publicity concerning other offerings subject to the registration requirements of the Securities Act of 1933.

AMENDED RULE 134 AS REVISED

1. *Open-end and continuous offering requirements.* As proposed, amended Rule 134(a)(3)(iii) would have permitted an "investment company issuing redeemable securities * * * and whose securities are the subject of a continuous offering * * *" to take advantage of the lettered clauses of the rule. The proposed amendment would delete the word "open-end" in order to prevent unintended discrimination against variable annuities and other issuers organized as unit investment trusts. Experience has shown that the "continuous offering" requirement, like the "open-end" requirement, may discriminate unnecessarily between unit investment trusts and other investment companies which issue redeemable securities.

The essential distinction which the Commission wished to make is satisfied by limiting those companies which may take advantage of the lettered clauses to investment companies issuing redeemable securities pursuant to an effective registration statement. Therefore, the phrase "an investment company issuing redeemable securities" has been substi-

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[1] Securities Act Rel. No. 5536, Investment Company Act Rel. No. 8568 (Nov. 4, 1974), 39 FR 39868, (Nov. 12, 1974).

[2] Securities Act Rel. No. 5566, Investment Company Act Rel. No. 8662, (Feb. 6, 1974), 40 FR 8110, (Feb. 25, 1975).

[3] Section 2(10) defines "prospectus" as, "any prospectus, notice, circular, advertisement, letter or communication, written or by radio or television, which offers any security for sale or confirms the sale of any security, except that * * *

(b) A notice, circular, advertisement, letter or communication in respect of a security shall not be deemed to be a prospectus if it states from whom a written prospectus meeting the requirements of Section 10 may be obtained and, in addition, does no more than identify the security, state the price thereof, state by whom orders will be executed, and contain such other information as the Commission, by rules or regulations deemed necessary or appropriate in the public interest and for the protection of investors, and subject to such terms and conditions as may be prescribed therein, may permit."

Section 19(a) gives the Commission authority, among other things, to make such rules and regulations as may be necessary to carry out the provisions of the Act.

[4] Rule 134 adopted in 1955 (Securities Act Rel. No. 3568, 20 FR 6524), was amended in 1972 to permit a general description of an investment company (Securities Act. Rel. No. 5248 37 FR 10072). At the same time the Commission adopted Rule 135A [17 CFR 230.135a] expanding investment company generic advertising and Rule 434(a) [17 CFR 230.434a] to permit investment companies to use a summary prospectus (Securities Act Rel. No. 5248). In 1974, Rule 134 was expanded to permit open-end investment companies engaged in a continuous offering pursuant to an effective registration statement to include six lettered clauses relating to the operation of the fund (Securities Act Rel. No. 5536, 39 FR 39868). The Amendments adopted today further expand both the scope of material that may be included in Rule 134 Communications and the class of investment companies that may take advantage of the lettered portion of the Rule.

tuted for "an open-end investment company," and the "continuous offering" requirement between issuers generally and investment companies has also been omitted.

2. *The legend.* The 1974 amendments required that a legend in 12 point boldface type focusing attention on the prospectus be included in investment company advertisements containing any of the material permitted by new clauses (A)-(F) of paragraph (a)(3)(iii) of the Rule. The amendments adopted today (1) substitute a relative type size requirement for the 12 point boldface provision, (2) shorten and consolidate the two legends for printed advertisements into one which should be adaptable to all situations and (3) clarify the legend's applicability to radio and television advertising.

3. *Descriptive material.* New clause (G) will permit a discussion of "descriptive material relating to economic conditions or to retirement plans or other goals to which an investment in the company could be directed, but not directly or indirectly relating to past performance or implying achievement of investment objectives."

The specific examples contained in new clause (G) are added by way of illustration, not limitation. Thus, clause (G) should be read broadly to permit material similar to that permitted by Rule 135A [17 CFR 230.135a] under the Act, the "generic or institutional" advertising rule.[5]

4. *Pictorial illustrations.* The 1974 amendments permitted Rule 134 Communications to include "any pictorial illustration contained in the company's prospectus and not involving performance figures." Since that time, the staff has taken the position that pictorial illustrations that could be contained in an effective prospectus may be included in advertisements which otherwise qualify under Rule 134(a)(3)(iii). The Commission has now amended clause (F) of the rule to conform to this view. As revised, it permits any pictorial illustration which is appropriate for inclusion in the company's prospectus and does not involve performance figures to be included in a Rule 134 Communication.

5. *Staff interpretation.* The Commission has also published a staff interpretative letter to the National Association of Securities Dealers, Inc. ("NASD") (June 16, 1975) clarifying the distinction between the first portion of paragraph (a)(3)(iii) which permits any registered investment company to include in its advertisement "* * * whether in the selection of investments emphasis is placed upon income or growth characteristics." and the second portion of this subdivision, clause (A) of the lettered clauses which permits

"a description of such company's investment objectives."

The latter provision is limited to companies issuing redeemable securities and requires the addition of the legend.

The language in the first portion of the subdivision would permit all investment companies to briefly state their investment objectives. This represents no change in the long standing view that any investment company, including a closed-end company, may include its fundamental investment objectives in a Rule 134 Communication. However, to the extent that such an advertisement broadens into more than a simple announcement and contains a discussion of the company's objectives it would fall under clause (A) of the lettered clauses. The staff letter recognizes that "to some extent this interpretation may have the effect of requiring investment companies issuing redeemable securities to include a legend in advertisements which have been previously published without a legend and may also prevent closed-end and other investment companies from including more than a brief statement or announcement of their investment objectives in Rule 134 Communications."

Commission action. 1. The text of paragraph (a)(3)(iii) of § 230.134 of Chapter II of Title 17 of the Code of Federal Regulations is hereby amended to read as follows (bracketed portions denote optional material):

§ 230.134 Communications not deemed a prospectus.

* * * * *

(a) * * *

(3) * * *

(iii). In the case of an investment company registered under the Investment Company Act of 1940, the company's classification and subclassification under the Act, whether it is a balanced, specialized, bond, preferred stock or common stock fund and whether in the selection of investments emphasis is placed upon income or growth characteristics, and a general description of an investment company including its general attributes, methods of operation and services offered provided that such description is not inconsistent with the operation of the particular investment company for which more specific information is being given, identification of the company's investment adviser, any logo, corporate symbol or trademark of the company or its investment adviser and any graphic design or device or an attention-getting headline, not involving performance figures, designed to direct the reader's attention to textual material included in the communication pursuant to other provisions of this rule; and, with respect to an investment company issuing redeemable securities whose registration statement under this Act is effective, (A) a description of such company's investment objectives and policies, services, and method of operation; (B) identification of the company's principal officers; (C) the year of incorporation or organization or period of existence of the company, its investment adviser, or both; (D) the company's aggregate net asset value as of the most recent practicable date; (E) the aggregate net asset value as of the most recent practicable date of all registered investment companies under the management of the company's investment adviser; (F) any pictorial illustration which is appropriate for inclusion in the company's prospectus and not involving performance figures; and (G) descriptive material relating to economic conditions, or to retirement plans or other goals to which an investment in the company could be directed, but not directly or indirectly relating to past performance or implying achievement of investment objectives; Provided that, (*1*) if any printed material permitted by paragraphs (a)(3)(iii) (A) through (G) is included, such communication shall also contain the following legend set in a size type at least as large as and of a style different from, but at least as prominent as, that used in the major portion of the advertisement:

For more complete information about (Name of Company) including charges and expenses (get) (obtain) (send for) a prospectus (from (Name and Address)) (by sending this coupon). Read it carefully before you invest or (pay) (forward funds) (send money).

Or, (2) if any material permitted by paragraphs (a)(3)(iii) (A) through (G) is used in a radio or television advertisement, such communication shall also contain the following legend given emphasis equal to that used in the major portion of the advertisement:

For more complete information about (Name of Company) including charges and expenses (get) (obtain) (send for) a prospectus (from (Name and Address). Read it carefully before you invest or (pay) (forward funds) (send money).

For purposes of paragraph (a)(3)(iii) (B) of this section, "principal officers" means the president in charge of a principal business function and any other person who performs similar policy making functions for the company on a regular basis. In the case of two or more registered investment companies having the same investment adviser or principal underwriter, the same information described in this paragraph (a)(3)(iii) may be included as to each such company in a joint communication on the same basis as it is permitted in communications dealing with individual companies under this paragraph (a)(3)(iii).

* * * * *

By the Commission.

June 16, 1975.

[SEAL] George A. Fitzsimmons, *Secretary.*

[FR Doc.75-16888 Filed 6-27-75;8:45 am]

[5] Although the material permitted by the two rules may be similar, a Rule 134 Communication may name the specific investment company whereas an advertisement pursuant to Rule 135A may name only the principal underwriter.

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 75-152]

PART 151—EXAMINATION, SAMPLING, AND TESTING OF MERCHANDISE

Use of Request for Information Form

Section 151.11 of the Customs Regulations (19 CFR 151.11) provides, in part, that if the district director requires samples or additional examination packages of merchandise which has been released from Customs custody, he shall send the importer a written request, on Customs Form 5561, or other appropriate form, to submit the necessary samples or packages.

Customs Form 5561, Notice of Action and/or Request for Information, has been abolished, and requests for samples or additional packages are now made on Customs Form 28, Requests for Information. It is therefore necessary to amend § 151.11 to reflect this change.

Accordingly, the first sentence of § 151.11 of the Customs Regulations (19 CFR 151.11) is amended by substituting "Customs Form 28, Request for Information", for "Customs Form 5561".

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

Inasmuch as this amendment merely conforms the Customs Regulations with an existing administrative practice and requires no public initiative, notice and public procedure thereon is found to be unnecessary, and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date. This amendment shall become effective June 30, 1975.

VERNON D. ACREE,
Commissioner of Customs.

Approved: June 17, 1975.

DAVID R. MACDONALD
Assistant Secretary of the Treasury.

[FR Doc.75-16861 Filed 6-27-75;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

SUBCHAPTER F—ENROLLMENT

PART 41—PREPARATION OF ROLLS OF INDIANS

Qualifications for Enrollment and Deadline for Filing Applications—Fort Sill Apache Indians

JUNE 25, 1975.

This notice is published in the exercise of rulemaking authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2. The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and Sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

Beginning on page 22141 of the FEDERAL REGISTER of May 21, 1975 (40 FR 22141), there was published a notice of proposed rulemaking to amend § 41.3, Part 41, Subchapter F, Chapter I of Title 25 of the Code of Federal Regulations by the addition of a new paragraph (u). The regulations were proposed pursuant to the authority contained in the Chiricahua Apache plan for the use and distribution of judgment funds which was prepared pursuant to the Act of October 19, 1973 (87 Stat. 466), and which became effective on March 16, 1975. The regulations govern the preparation of a roll of Fort Sill Apache Indians to be used in the per capita distribution of the award of the Indian Claims Commission in Dockets 30, 30-A, 48 and 48-A.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed amendment. During this period no comments, suggestions or objections were received from interested persons. No revisions, therefore, were made.

The only change made in the text of the regulations is the insertion of statute references in § 41.3(u)(1)(i) after the references to the legislation authorizing allotments of land to the Fort Sill Apache Indians. Accordingly, with those additions, the proposed amendment is hereby adopted and is set forth below.

The 30-day deferred effective date would delay the issuance of applications for enrollment, preparation of the roll and the issuance of per capita shares to the eligible enrollees. Therefore, the 30-day deferred effective date is dispensed with under the exception provided in subsection (d)(3) of 5 U.S.C. 553(1970). Accordingly, these regulations will become effective June 30, 1975.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

§ 41.3 Qualifications for enrollment and the deadline for filing applications.

* * * * *

(u) Fort Sill Apache Tribe: (1) All persons who meet the following requirements shall be entitled to be enrolled to share in the distribution of the Fort Sill Apache Tribe's share of the judgment funds awarded the Chiricahua Apache Indians in Indian Claims Commission Dockets 30, 30-A, 48 and 48-A:

(i) They are persons of Fort Sill Apache blood living on March 16, 1975, who remained in Oklahoma after being released as prisoners of war in 1913 and received land pursuant to the Acts of August 24, 1912 (37 Stat. 534), June 30, 1913 (38 Stat. 94), September 21, 1922 (42 Stat. 991), or January 22, 1923 (42 Stat. 1154); or

(ii) They were born on or prior to and were living on March 16, 1975, possess at least one-eighth (1/8) degree Fort Sill Apache blood and are lineal descendants of persons of Fort Sill Apache blood who remained in Oklahoma after being released as prisoners of war in 1913 and received land pursuant to one of the Acts designated in (i) above), regardless of whether such ancestor is living or deceased.

(2) No person who is entitled to benefit from the share of the judgment funds due the Mescalero Apache Tribe by virtue of their membership in that tribe shall be entitled to share in the portion of the judgment funds that are due the Fort Sill Apache Tribe.

(3) Applications for enrollment must be filed with the Area Director, Bureau of Indian Affairs, Post Office Box 368, Anadarko, Oklahoma 73005, and must be received by the Director no later than close of business on August 29, 1975.

[FR Doc.75-17018 Filed 6-27-75;8:45 am]

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 70—EXAMINATION AND COPYING OF LABOR DEPARTMENT RECORDS

Miscellaneous Revisions

The Department of Labor has recently moved into new quarters and, in addition, many field offices have also moved since publication of § 70.36 of 29 CFR Part 70. A revision of this section to bring these addresses up-to-date is hereby published.

In addition, minor typographical-typed errors and change of addresses are also published herewith.

As these changes merely advise the public of the correct location of the disclosure officers and in as much as documents forwarded to the previously published addresses as well as misdirected to other addresses will be processed as promptly as possible. These regulations are effective June 30, 1975.

Accordingly, Part 70 of Title 29 is amended as follows:

1. Section 70.36 is revised as follows:

§ 70.36 Titles and addresses of the responsible officials of various agencies.

(a) (1) The titles of the responsible officials of the various independent agencies in the Department of Labor are listed below. Unless otherwise specified, the mailing addresses of these officials shall be:

U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20210

Chief, Administrative Law Judge.
Chairperson, Employees Compensation Appeals Board.
Benefits Review Board, Julius Miller, Member.
Executive Assistant to the Secretary.
Executive Assistant to the Under Secretary.
Deputy Under Secretary for International Labor Affairs.
Associate Deputy Under Secretary for International Labor Affairs.
Associate Deputy Under Secretary for Trade and Adjustment Policy.
Director, Office of Information, Publication and Reports.
Executive Assistant to the Assistant Secretary for Policy, Evaluation and Research.
Deputy Solicitor, Office of the Solicitor.
Assistant Secretary for Administration and Management.
Commissioner, Bureau of Labor Statistics.
Assistant Secretary for Labor-Management Relations.
Assistant Administrator for Field Operations, LMSA.
Director, Office of Labor-Management Relations Services.
Director, Office of Labor-Management Policy Development.
Director, Office of Labor-Management Standards Enforcement.

Director, Office of Veterans' Reemployment Rights.
Director, Office of Federal Labor-Management Relations.
Deputy Administrator of Pension and Welfare Benefit Program, Office of Employee Benefits Security.
Director, Office of Administration and Management, LMSA.
Director, Office of Planning, Evaluation and Systems, LMSA.
Assistant Regional Director for Labor-Management Services.
Assistant Secretary for Employment Standards, Employment Standards Administration.
Director, Office of Workers' Compensation Programs.
Associate Director for Federal Employees' Compensation.
Associate Director for Longshore and Harbor Workers' Compensation.
Associate Director for Coal Mine Workers' Compensation.
Administrator, Wage and Hour Division.
Director, Office of Federal Contract Compliance.
Associate Director, OFCC, Teams I–IV.
Associate Director, OFCC, Policies, Plans and Programs.
Associate Director, OFCC, Construction Compliance Division.
Associate Director, OFCC, Training Administrative Support Staff.
Director, Women's Bureau.
Director, Office of Employment Standards for Handicapped Workers.
Director, Office of Administrative Management, ESA.
Director, Office of Program Development and Accountability, ESA.
Director, Office of Information for ESA.
Executive Assistant to the Assistant Secretary, Occupational Safety and Health Administration.
Special Assistant for Public Affairs, OSHA.
Director, Office of Federal Agency Safety Programs, OSHA.
Director, Office of Training and Education, OSHA.
Director, Office of Standards Development, OSHA.
Director, Office of Compliance Programming, OSHA.
Director, Office of State Programs, OSHA.
Director, Office of Field Performance Analysis OSHA.
Director, Office of Employee Self-Inspection and Consultation Programs, OSHA.
Director, Office of Management Data Systems, OSHA.
Director, Office of Planning, Evaluation, and Research, OSHA.
Equal Employment Opportunity Officer, OSHA.
Director, Office of Personnel Management, OSHA.
Director, Office of Administrative Management, OSHA.
Director, Office of Financial Management, OSHA.
Director, Office of Publications and Visual Aids, OSHA.
Committe Management Officer, OSHA.
Associate Assistant Secretary for Regional Programs, OSHA.
Associate Assistant Secretary for National Programs, OSHA.
Associate Assistant Secretary for Administrative Programs, OSHA.

(2) The mailing address for the responsible officials in the Manpower Administration is the Patrick Henry Building, 601 D Street, NW, Washington, D.C. 20213.

Director, Office of Programs and Management Services, U.S.E.S., Rom 8430.
Manpower Development Specialist, Office of Manpower Development Programs, Room 6000.
Deputy Director, Office of Community Manpower Programs, Room 5402.
Program Analyst, Office of Work Incentive Programs, Room 5200.
Chief, Residential Living and Enrollee Support, Job Corps, Room 6122.
Deputy Director, Office of National Programs, Room 6402.
Associate Manpower Administrator for Office of Policy Evaluation and Research, Room 9000.
Special Assistant, Bureau of Apprenticeship and Training, Room 5000.
Chief, Division of Directives Control, Office of Field Direction and Management, Room 10020.
Director, Office of Management Information Systems, Room 4400.
Administrative Assistant to the Director, Unemployment Insurance Service, Room 7000.

(3) The titles of the responsible officials in the field offices of the various independent agencies are listed below. Unless otherwise specified, the mailing addresses for these officials by regions, shall be:

Region I: J. F. K. Building, Government Center, Boston, Massachusetts 02203.
Region II: 1515 Broadway, New York, New York 10036.
Region III: 3535 Market Street, Philadelphia, Pennsylvania 19104.
Region IV: 1371 Peachtree Street, N.E., Atlanta, Georgia 30309.
Region V: 230 South Dearborn Street, Chicago, Illinois 60604.
Region VI: 555 Griffin Square Building, Griffin and Young Streets, Dallas, Texas 75202.
Region VII: Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106.
Region VIII: Federal Office Building, 1961 Stout Street, Denver, Colorado 80202.
Region IX: Federal Building, 450 Golden Gate Avenue, San Francisco, California 94102.
Region X: 909 First Avenue, Seattle, Washington 98174.

Office of the Assistant Secretary for Administration and Management.
Assistant Regional Director for Administration and Management.
Assistant Regional Director for Audit.
(All Regions)

Office of Information, Publications and Reports.
Assistant Regional Director for Regions I–IX.
Region X: Assistant Regional Director for Information, 1321 Second Avenue, Arcade Plaza, Seattle, Washington.
Associate Assistant Regional Director, Federal Building, 300 North Los Angeles Street, Los Angeles, California.

Manpower Administration.
Region I: Acting Assistant Regional Director for Manpower.
Region II: Assistant Regional Director for Manpower.
Region III: Chief, Division of Administrative Support.
Region IV: Chief of Manpower Data Systems and Analysis.
Region V: Assistant Regional Director for Manpower.
Region VI: Assistant Regional Director for Manpower.
Region VII: Supervisory Contract Specialist.
Region VIII: Assistant Regional Director for Manpower.
Region IX: Executive Assistant to the Assistant Regional Director for Administration and Management.
Region X: Executive Assistant to the Assistant Regional Director for Administration and Management.

Labor-Management Services.
Assistant Regional Directors for Labor-Management Services.
Regions II, III, IV, V, VII and IX.

Area Directors for Labor-Management Services.
1371 Peachtree Street, NE., Room 303, Atlanta, Georgia 30309.
100 Tremont Street, Room 211 New Studio Building, Boston, Massachusetts 02108.
111 W. Huron Street, Rm. 616 Federal Building, Buffalo, New York 14202.
230 S. Dearborn Street, Room 700 Federal Office Building, Chicago, Illinois 60604.
1240 E. 9th Street, Room 821 Federal Office Building, Cleveland, Ohio 44199.
P.O. Box 239, Bryan and Ervay Streets, Room 301 Post Office Building, Dallas, Texas 75221.
1961 Stout Street, 2320 Federal Office Building, Denver, Colorado 80202.
234 State Street, Room 1906 Washington Boulevard Building, Detroit, Michigan 48226.
1833 Kalakaua Avenue, Room 601, Honolulu, Hawaii 96815.
911 Walnut Street, Room 2200, Federal Office Building, Kansas City, Missouri 64106.
300 N. Los Angeles Street, Room 7731 Federal Building.
18350 Northwest Second Avenue, P.O. Box 3750, Norland Branch, Miami, Florida 33169.
110 S. Fourth Street, Room 110, Federal Courts Building, Minneapolis, Minnesota 55401.
1808 West End Building, Room 825, Nashville, Tennessee 37203.
9 Clinton Street, Room 305, Newark, New Jersey 07102.
600 South Street, Room 940, Federal Office Building, New Orleans, Louisiana 70130.
26 Federal Plaza, Room 1751, New York, New York 10007.
600 Arch Street, Room 4256, Federal Office Building, Philadelphia, Pennsylvania 19106.
1000 Liberty Avenue, Room 1436, Federal Office Building, Pittsburgh, Pennsylvania 15222.
210 N. Twelfth Boulevard, Room 570, St. Louis, Missouri 63101.
100 McAllister Street, Room 1604, San Francisco, California 94102.
605 Condado Avenue, Room 704, Condominio San Alberto, Santurce, Puerto Rico 00907.
506 Second Avenue, Room 3301, Smith Tower Building, Seattle, Washington 98104.
1111 20th Street, NW., P.O. Box 19257, Room 509, Vanguard Building, Washington, D.C. 20036.

The Employment Standards Administration.

Associate Assistant Regional Director for Wage and Hour Division: All Regions.
Associate Assistant Regional Director for Office of Federal Contract Compliance: All Regions.
Associate Assistant Regional Director for Women's Bureau: All Regions.
Associate Assistant Regional Director for Program Development and Accountability: All Regions.

Office of Workers' Compensation Programs. Deputy Commissioner:

147 Milk Street, Boston, Massachusetts 02109.
1515 Broadway, New York, New York 10036.
3535 Market Street, Philadelphia, Pennsylvania 19104.
Charles Center South, 31 Hopkins Plaza, Baltimore, Maryland 21201.
Stanwick Building, 3661 Virginia Beach Boulevard, East, Norfolk 23502.
400 West Bay Street, Box 35049, Jacksonville, Florida 32202.
Federal Office Building, 600 South Street, New Orleans, Louisiana 70130.

2320 LaBranch Street, Houston, Texas 77004.
Room 879, 1240 East Ninth Street, Cleveland, Ohio 44199.
230 South Dearborn Street, Chicago, Illinois 60604.
1910 Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106.
Room 303, 1531 Stout Street, Denver, Colorado 80202.
450 Golden Gate Avenue, Box 36022, San Francisco, California 94102.
Federal Office Building, 909 First Street, Seattle, Washington 98174.
Room 610, 1833 Kalakaua Avenue, Honolulu, Hawaii 96815.
Room 405, McLachlen Building, 666 11th Street, NW., Washington, D.C. 20211 (FECA).
1717 K Street, NW., Washington, D.C. 20211 (DCCA).
Director, Condominio San Alberto Building, 7th Floor, 1200 Ponce de Leon Avenue, Santurce, Puerto Rico 00907.

Occupational Safety and Health Administration.

Director, OSHA Training Institute, 10600 W. Higgins Road, Rosemont, Illinois 60018.

Assistant Regional Directors:

Region I, 18 Oliver Street, Boston, Massachusetts 02110.
Regions II, III, IV, V, VI, VII, VIII, and IX.
Region X, 1808 Smith Tower Building, 506 Second Avenue, Seattle, Washington 98104.
Area Directors:
Custom House Building, Room 703, State Street, Boston, Massachusetts 02109.
Federal Building, Room 426, 55 Pleasant Street, Concord, New Hampshire 03301.
Federal Building, Room 617B, 450 Main Street, Hartford, Connecticut 06103.
U.S. Post Office and Courthouse Building, Room 501, 436 Dwight Street, Springfield, Massachusetts 01103.
370 Old Country Road, Garden City, L.I., New York 11530.
90 Church Street, Room 1405, New York, New York 10007.
970 Broad Street, Room 1435C, Newark, New Jersey 07102.
605 Condado Avenue, Room 328, Santurce, Puerto Rico 00907.
Midtown Plaza, Room 203, 700 E. Water Street, Syracuse, New York 13210.
Room 411, Railway Labor Building, 400 1st Street NW., Washington, D.C. 20210.
Federal Building, Room 1110A, Charles Center, 31 Hopkins Plaza, Baltimore, Maryland 21201.
Charleston National Plaza, Room 1726, 700 Virginia Street, Charleston, West Virginia 25301.
Jonnet Building, Room 802, 4099 William Penn Highway, Monroeville, Pennsylvania 15146.
William J. Green, Jr., Federal Building, Room 4456, 600 Arch Street, Philadelphia, Pennsylvania 19106.
Room 8015, Federal Building, P.O. Box 10186, 400 North 8th Street, Richmond, Virginia 23240.
Todd Mall, 2047 Canyon Road, Birmingham, Alabama 35216.
1710 Gervais Street, Room 205, Columbia, South Carolina 29201.
Bridge Building, Room 204, 3200 E. Oakland Park Blvd., Ft. Lauderdale, Florida 33308.
57601-55 North Frontage Road East, Jackson, Mississippi 39211.
Art Museum Plaza, Suite 4, 2809 Art Museum Drive, Jacksonville, Florida 32207.
600 Federal Place, Suite 554-E, Louisville, Kentucky 40202.
Riverside Plaza Shopping Center, 2720 Riverside Drive, Macon, Georgia 31204.
Commerce Building, Room 600, 118 North Royal Street, Mobile, Alabama 36602.
1600 Hayes Street, Suite 302, Nashville, Tennessee 37203.
Federal Office Building, Room 406, 310 New Bern Avenue, Raleigh, North Carolina 27601.
Enterprise Building, Suite 204, 6605 Abercon Street, Savannah, Georgia 31405.
650 Cleveland Street, Room 44, Clearwater, Florida 33515.
Building 10, Suite 33, La Vista Perimeter Office Park, Tucker, Georgia 30084.
10th Floor, 230 South Dearborn Street, Chicago, Illinois 60604.
Federal Office Building, Room 4028, 550 Main Street, Cincinnati, Ohio 45202.
Federal Office Building, Room 847, 1240 East 9th Street, Cleveland, Ohio 44199.
360 South 3rd Street, Room 109, Columbus, Ohio 43215.
Michigan Theatre Building, Room 626, 220 Bagley Avenue, Detroit, Michigan 48226.
U.S. Post Office and Courthouse, Room 423, 46 East Ohio Street, Indianapolis, Indiana 46202.
Clark Building, Room 400, 633 West Wisconsin Avenue, Milwaukee, Wisconsin 53203.
110 South 4th Street, Room 437, Minneapolis, Minnesota 55401.
Federal Office Building, Room 734, 234 North Summit Street, Toledo, Ohio 43604.
Federal Building, Room 302, 421 Gold Avenue SW., P.O. Box 1428, Albuquerque, New Mexico 37103.
Adolphus Tower, Suite 1820, 1412 Main Street, Dallas, Texas 75202.
2320 La Branch Street, Room 2118, Houston, Texas 77004.
Federal Building, Room 421, 1205 Texas Avenue, Lubbock, Texas 79401.
Donaghey Building, Room 526, 103 E. Seventh St., Little Rock, Arkansas 72201.
546 Carondelet St., Room 202, New Orleans, Louisiana 70130.
Petroleum Building, Room 512, 420 South Boulder, Tulsa, Okla 74103.
1015 Jackson Keller Road, Room 122, San Antonio, Texas 78213.
210 Walnut Street, Room 643, Des Moines, Iowa 50309.
1627 Main Street, Room 1100, Kansas City, Missouri 64108.
113 W. Sixth Street, North Platte, Nebraska 69101.
Harney & 16th St., Room 803, City National Bank Building, Omaha, Nebraska 68102.
210 N. 12th Boulevard, Room 554, St. Louis, Missouri 63101.
Petroleum Building, Suite 312, 221 S. Broadway St., Wichita, Kansas 67202.
Petroleum Building, Suite 525, 2812 First Avenue North, Billings, Montana 59101.
Squire Plaza Building, 8527 West Colfax Avenue, Lakewood, Colorado 80215.
U.S. Post Office Building, Room 452, 350 South Main Street, Salt Lake City, Utah 84101
Courthouse Plaza Building, Room 408, 300 North Dakota Avenue, Sioux Falls, South Dakota 57102.
1100 E. William Street, Carson City, Nevada 89701.
333 Queen Street, Suite 505, Honolulu, Hawaii 96813.
Hartwell Building, Room 401, 19 Pine Avenue, Long Beach, California 90802.
Amerco Towers, Suite 318, 2721 North Central Avenue, Phoenix, Arizona 85004.
100 McAllister Street, Room 1706, San Francisco, California 94102.
Federal Building, Room 227, 605 W. Fourth Avenue, Anchorage, Alaska 99501.
121 107th St. NE. Bellevue, Washington 98004.
228 Idaho Building, 216 North Eighth St., Boise, Idaho 83702.
Pittock Block, Room 526, 921S West Washington St., Portland, Oregon 97205.
District supervisors:
Federal Building, Room 503A, U.S. Courthouse, Providence, Rhode Island 02903.
Stanwick Building, Room 111, 3661 Virginia Beach Boulevard, Norfolk, Virginia 23502.
600 Leopard Street, Suite 1322, Corpus Christi, Texas 78401.

§ 70.75 [Amended]

2. In paragraph (a)(2) § 70.75, the address of the U.S. Department of Labor is revised as follows:

Address. U.S. Department of Labor, Office of Labor-Management Standards Enforcement, Public Documents Room N5626, 200 Constitution Avenue, NW., Washington, D.C. 20210.

3. There is a new paragraph (c) added to § 70.75 which reads as follows:

§ 70.75 Labor-Management Services Administration.

* * * * *

(c) The following documents are in the custody of the Office of Employee Benefits Security at the address indicated below, and the right of inspection and copying provided in this Part 70 may be exercised at such offices:

(1) Copies of the description of welfare or pension benefit plans, amendments or modifications thereto and entire or individual pages of annual financial reports thereon, filed pursuant to section 8(b) of the Welfare and Pension Plans Disclosure Act (72 Stat. 1002, 29 U.S.C. 307).

(2) Copies of plan descriptions, annual reports statements and other documents filed pursuant to the Employment Retirement Income Security Act, Title I, part 1, except that information described in section 105(a) and 105(c) with respect to a participant may be disclosed only to the extent that information respecting that participant's benefits under Title II of the Social Security Act may be disclosed under such Act.

Address. U.S. Department of Labor, Office of Employee Benefits Security, Public Documents Room N4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

Signed this 25th day of June 1975 at Washington, D.C.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-16853 Filed 6-27-75;8:45 am]

Title 32—National Defense

CHAPTER XVIII—DEFENSE CIVIL PREPAREDNESS AGENCY, DEPARTMENT OF DEFENSE

PART 1810—CIVIL DEFENSE IDENTIFICATION FOR FEDERAL EMPLOYEES, RESERVISTS AND NON-FEDERAL SUPPORT PERSONNEL

Federal Agency Listing Changes

This amendment is undertaken in order to accommodate organizational and name changes of Federal agencies listed in 32 CFR 1810.4 as authorized to issue the civil defense emergency identification card described in 32 CFR 1810.3. In view of the amendment being in the nature of an editorial change, neither public comment nor other advanced consultation procedures are appropriate.

§ 1810.4 [Amended]

Section 1810.4(a) of 32 CFR Part 1810 is amended to update the list of Federal

agencies contained therein, as follows:

1. Delete "Atomic Energy Commission" and add in place thereof "Nuclear Regulatory Commission" and "Energy Research and Development Administration";

2. Delete "Bureau of the Budget" and add in place thereof "Office of Management and Budget";

3. Delete "Office of Emergency Preparedness" and add in place thereof "Federal Disaster Assistance Administration";

4. Delete "Post Office Department" and add in place thereof "United States Postal Service."

(50 U.S.C. App. 2251-2297; E.O. 10952, 26 FR 6577; DoD Dir. 5105.43, 37 FR 18636)

Effective date: This amendment is effective on the date shown below.

Dated: June 23, 1975.

JOHN E. DAVIS,
Director,
Defense Civil Preparedness Agency.

[FR Doc.75-16919 Filed 6-27-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 392-8]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Georgia: Approval of Compliance Schedules; Maintenance of National Ambient Air Quality Standards; Corrections

In the FEDERAL REGISTER of Monday, April 28, 1975, on page 18431, under Subpart L—Georgia, action number 1 is corrected to read as follows:

"1. Paragraph (c)(4) is amended by inserting the following dates in proper chronological order: August 2, October 8, and November 7, [1974]."

2. In the FEDERAL REGISTER of Tuesday, April 29, 1975, the following changes should be made on page 18734:

a. Under Subpart L—Georgia, a correction is made by removing action number 4.

b. Under Subpart T—Louisiana, in action number 11, both occurrences of § 52.982 are corrected to read § 52.985.

c. Beginning on page 18734, under Subpart Z—Mississippi, action number 14 is corrected to read as follows:

"14. In § 52.1270, paragraph (c)(2) is revised to read as follows:

§ 52.1270 Identification of plan.

* * * * *

(c) * * *

(2) May 17, 1972, March 6 and August 9, 1973, and March 14, 1974."

3. In the FEDERAL REGISTER of Monday, June 2, 1975, the following corrections should be made:

a. On page 23754, under Subpart W—Massachusetts, action number 9, under the Worcester Air Quality Maintenance Area, Geographical composition of area, in Worcester County, the town, "Boylston," should be added in alphabetical sequence.

b. On page 23756, under Subpart ZZ—Wyoming, in action number 29, both occurrences of "§ 52.2627" are corrected to read "§ 52.2631."

Dated: June 24, 1975.

ROGER STRELAW,
Assistant Administrator for Air and Waste Management.

[FR Doc.75-16833 Filed 6-27-75;8:45 am]

[FRL 382-4]

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

Controls Applicable to Carriers Transporting Unleaded Gasoline

On January 10, 1973, the Environmental Protection Agency promulgated regulations providing for the general availability of unleaded gasoline by July 1, 1974 for use in 1975 and subsequent model year motor vehicles requiring this fuel (40 CFR Part 80). Unleaded fuel is defined in the regulations as gasoline containing not more than 0.05 gram of lead per gallon and not more than 0.005 gram of phosphorus per gallon.

Section 80.21 of the regulations establishes controls applicable to gasoline distributors, who are defined in § 80.2(1) as "any person who transports or stores or causes the transportation or storage of gasoline at any point between any gasoline refinery and any retail outlet." Section 80.21 provides as follows:

After July 1, 1974, no distributor shall sell or transfer to any distributor or retailer any gasoline which he represents as unleaded gasoline unless such gasoline does, in fact, meet the defined requirements for unleaded gasoline in § 80.2(g).

This provision was intended to prohibit all carriers from causing unleaded gasoline tendered to them for shipment to fail to comply with the standards when delivered. EPA was advised that the conditions of § 80.21 as drafted make that section inapplicable to the operations of many carriers. The obligation of many carriers of gasoline is to ship or deliver the product, as tendered by the shipper, to another distributor or retailer. The carrier does not take title to the product and no representation is made by the carrier as to the quality or specifications of the product.

EPA recognizes that most carriers operate under the rule of strict liability when a product is damaged while under the control of the carrier. Consequently, the shipper may have a private remedy if a carrier causes unleaded gasoline tendered for transport to exceed the standards when delivered.

The Agency believes it is necessary, however, to include in the regulations a provision that prohibits a carrier from causing unleaded gasoline in compliance with federal standards when tendered to it to exceed those standards when delivered. The unamended § 80.21 prohibits distributors from selling or transferring contaminated unleaded gasoline which is represented to be unleaded gasoline regardless of whether the distributor actually caused the gasoline to become contaminated. If such a prohibition were strictly applied to all carriers, in some cases a conflict might exist between that EPA prohibition and the Interstate Commerce Commission mandate that carriers transport a product as tendered.

For this reason, EPA proposed an amendment to § 80.21 so that it does not prohibit carriers from transferring preexisting contaminated unleaded gasoline but rather prohibits carriers from causing unleaded gasoline in compliance with standards when tendered to them to exceed those standards when delivered. This amendment was proposed on December 5, 1974 to modify § 80.21 by adding paragraph (b) prohibiting such action. The proposed § 80.21(b) reads as set forth below.

The only comment EPA received regarding this proposed regulation was from the American Petroleum Institute (API). API did not object to the intent of the proposed regulation but suggested that the proposed section may be subject to misinterpretation. It was pointed out that, if strictly read, a violation of proposed § 80.21(b) would occur whenever unleaded gasoline is shipped through a multi-product pipeline since mixing which might occur at the interface of unleaded gasoline with leaded gasoline would cause some unleaded product at the interface to exceed federal standards. This contaminated unleaded product is normally eliminated by cutting a quantity of gasoline at the interface into the leaded batch, thus maintaining the integrity of the unleaded product. The Agency never intended that causing temporary contamination at a pipeline interface be deemed a violation of § 80.21(b). The promulgated version of this Section has been modified to clarify its intended prohibition.

This regulation shall become effective July 30, 1975.

(Secs. 211 and 301(a), Clean Air Act, as amended (42 U.S.C. 1857f-6c and 1857g(a)).)

Dated: June 24, 1975.

JOHN QUARLES,
Acting Administrator.

Part 80 of Chapter I, Title 40 of the Code of Federal Regulations, is amended as follows:

1. The text of § 80.21 is redesignated § 80.21(a) and a new paragraph (b) is added as follows:

§ 80.21 Controls applicable to gasoline distributors.

* * * * *

(b) No carrier or his employee or agent, whether operating under contract or tariff, shall cause unleaded gasoline tendered to the carrier for shipment or transfer to another carrier, distributor, or retailer to fail to comply, at the time of delivery, with the defined requirements for unleaded gasoline in § 80.2(g).

[FR Doc.75-16834 Filed 6-27-75;8:45 am]

[FRL 375-5]

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

Labeling and Importation of Catalyst-Equipped Vehicles

On October 21, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 37396) setting forth the Environmental Protection Agency's proposed regulations with respect to the importation of catalyst-equipped motor vehicles. Comments on the rulemaking were received from several motor vehicle and motor vehicle engine manufacturers, related trade associations, the California Air Resources Board, and the Department of Defense. The proposed regulations, as modified by the Agency to reflect the adopted comments, are promulgated in this issue of the FEDERAL REGISTER. An explanation of the basis for this promulgation is presented below.

The regulations proposed to deny importation, except as a bonded entry, to all motor vehicles certified with catalysts which are driven outside the United States, Canada and Mexico unless the vehicles are part of an internal control program (hereafter, catalyst control program) operated by a vehicle manufacturer, the Department of State, or the Department of Defense and approved by the Administrator. The basis for such action was that unleaded gasoline would not be generally available for use overseas and continued use of leaded gasoline would permanently impair the conversion efficiency of the catalyst. Since, under these conditions, the catalyst-equipped vehicle would be almost certain to exceed applicable Clean Air Act standards, the preamble to the proposed regulations stated that the Environmental Protection Agency woul dautomatically suspend certificates of conformity with regard to such vehicles. The proposed regulations also included amendments to the present labeling provisions which added a second color-coded label in the doorpost to identify catalyst-equipped vehicles in order to differentiate between those vehicles which required a bond as a condition for admission from those admissible without a bond.

When a catalyst-equipped vehicle is driven overseas, the general unavailability of unleaded gasoline gives rise to the presumption that the vehicle has been operated on leaded fuel and that the catalyst has been substantially deactivated. Since the catalyst is a major emission control device on those prototypes tested for conformity, it is the Agency's opinion that a vehicle with a substantially deactivated catalyst cannot be included within the coverage of a certificate issued on the basis of those tests. The certification process is not representative of whether such vehicles will conform to the section 202 emission standards since emission tests were not conducted on vehicles with deactivated catalysts. In fact, EPA has determined that vehicles with substantially impaired catalysts are likely to exceed standards.

In keeping with the intent of the Clean Air Act to prevent the introduction into commerce of any class of vehicles which in the Administrator's judgment emits any pollutant which "causes or contributes to * * * air pollution which endangers the public health or welfare", these regulations set forth procedures for the importation of vehicles with impaired catalysts with the aim of ensuring that such catalysts will be replaced. The replacement of the catalyst will enable the vehicle to be presumed in conformance with standards and remove the prohibition on importation.

Comments were received from General Motors, American Motors, Ford, and the Motor Vehicle Manufacturers Association contesting the authority of EPA to automatically suspend certificates of conformity for catalyst-equipped vehicles driven outside the United States, Canada and Mexico. Three significant points were raised:

(i) The only authority provided by the Clean Air Act to suspend certificates of conformity is contained in section 206; suspension is impermissible under section 203 which governs the admissibility of vehicles offered for importation, (ii) once a vehicle is manufactured in accordance with a certificate of conformity, the acts of an ultimate purchaser cannot cause the certificate of conformity to be revoked or suspended, and (iii) such acts cannot be regulated by EPA.

In response to the first point, EPA acknowledges that section 203 does not provide authority to suspend a certificate of conformity. This was an inappropriate manner of expressing EPA's intentions with regard to importation of catalyst-equipped vehicles operated abroad on leaded fuel. EPA does not now intend to suspend certificates of conformity, and the final regulations have been revised to delete reference to a suspension of certificates.

Instead, beginning with the 1976 model year, such vehicles will be presumed to have been operated on leaded gasoline with resultant deactivated catalysts and, if imported or offered for importation will be considered not to be within the coverage of the certificate as originally issued to the manufacturer. This change underscores the fact that a vehicle may be removed from coverage by a certificate under some circumstances without affecting the validity of the manufacturer's certificate as it applies to other vehicles. The conditions under which a vehicle may be removed from coverage will be denoted by a term of the certificate.

Section 206(a) states that after a vehicle or engine is tested for conformity, "the Administrator shall issue a certificate of conformity upon such terms and for such period (not in excess of one year), as he may prescribe." Pursuant to section 206(a), certificates of conformity issued for 1976 and later model year vehicles certified with catalysts will be subject to the term "Catalyst-equipped vehicles, otherwise covered by this certificate, which are driven outside the United States, Canada, and Mexico will be presumed to have been operated on leaded gasoline resulting in deactivation of the catalysts. If these vehicles are imported or offered for importation without retrofit of the catalyst, they will be considered not to be within the coverage of this certificate unless included in catalyst control program operated by a manufacturer or a United States Government Agency and approved by the Administrator." As described above, the establishment of this term is consistent with the premise that only vehicles whose control characteristics are the same as the certified test vehicles are entitled to certificate coverage; and it excludes from certificate coverage in the import context those vehicles which may be presumed to have changes in those characteristics which would cause them not to meet emission standards.

Sections 85.076-30 and 85.276-30 of Title 40 of the Code of Federal Regulations are added to reflect this additional term. Although many manufacturers have been issued certificates upon completion of certification testing for the 1976 model year, all 1976 certificates will be deemed subject to this term. EPA's decision to promulgate its proposed policy on importation of catalyst-equipped vehicles operated overseas in the form of a term of the certificate does not affect the manufacturers' certification testing or their production of certified motor vehicles either in the past or in the future. The establishment of a new term applicable to the 1976 certificates already issued primarily affects future importers of used 1976 vehicles, and its effect is prospective only. The importers who will be affected by this action have been given fair notice of it by virtue of the October 21, 1974 proposal. Consequently, the new regulations state that the "[c]ertificates for the 1976 model year which have been issued before the effective date of this [regulation] shall be subject to this term."

In response to the second point, section 203(a)(1) of the Act provides EPA with the mandate to determine whether a vehicle is within the coverage of a certificate on specific occasions. One of those occasions is at the time a vehicle is imported or offered for importation. Specifically, section 203(a)(1) prohibits the importation of new motor vehicles unless they are covered by a certificate of conformity issued and in effect. In the import context, the term "new motor vehicle" includes both new and used vehicles manufactured since the 1968 model year when United States emission standards became applicable.

A certificate covering particular vehicles is issued to a manufacturer. The language of section 203(a)(1) encompasses the situations in which a certificate ceases to be in effect through a suspension or revocation of the certificate based upon testing in accordance with section 206(b), or a vehicle ceases to be covered by a certificate because of some

change in the configuration of the vehicle which places the vehicle outside the scope of certificate coverage as defined by a term of the certificate itself. In the case of revocation or suspension, of course, the ultimate purchaser would not acquire a certified vehicle in the first place. However, a vehicle covered by a certificate when sold to an ultimate purchaser may subsequently be removed from coverage. Since a term of the certificate is applicable to the vehicle itself, it follows that an act of an ultimate purchaser may cause the vehicle to cease to be covered by the certificate.

In response to the third point, a determination that a vehicle is or is not covered by a certificate may in some circumstances have an indirect regulatory effect on the acts of an ultimate purchaser. Nevertheless, while the act of an ultimate purchaser (operating the vehicle overseas where unleaded gasoline is generally unavailable) may be responsible for the fact that the vehicle at the time of importation or offering for importation, will not be covered by a certificate under these regulations, it is not that act that is being regulated, but rather the act of importation of the vehicle. Any effect of these regulations on the removing or rendering inoperative of emission control devices by ultimate purchasers applies only to importers and occurs as an incident to the prohibition of section 203(a)(1) of vehicles not covered by the terms of a certificate.

A number of comments were directed to the requirement of a second EPA label on the doorpost and the extra expense it would cause. The second label was proposed for the doorpost to ease the burden on U.S. Customs Inspectors in identifying catalyst-equipped vehicles. The vehicle emission control label presently required to be placed in the compartment was retained in modified form because of the tune-up specifications required to be set forth.

In response, EPA has obtained approval from DOT which would permit manufacturers to place on the present DOT doorpost label the few statements of information required for EPA purposes. The promulgated regulations describe those statements which must be printed on the DOT label or on a separate label and which will aid U.S. Customs in distinguishing between those vehicles which may be imported without bond and vehicles for which a bond must be posted. The doorpost label will not have to be color-coded. In addition, the proposed regulations which revised the requirement for the vehicle emission control label in the engine compartment have been withdrawn from the final promulgation. This label will remain unchanged.

All vehicles will be required to contain the additional information on the DOT label or on the separate EPA label located in proximity to the DOT label. If manufacturers anticipate including a certain vehicle configuration in a catalyst control program while excluding others, each vehicle should be labeled as appropriate. For example, those vehicles known by the manufacturer to be included in the manufacturer's own program at the time of sale should be labeled "CATALYST-APPROVED FOR IMPORT". If it is not known at the time of sale whether a vehicle is subsequently going to be imported to the United States, such a vehicle should be labeled "CATALYST". Vehicles so labeled will be bonded upon importation. Manufacturers will be encouraged to explain these consequences to prospective purchasers, ascertain their intentions at the time of sale, if possible, and advise them of the proper route to follow.

Individuals whose vehicles will be eligible for shipment to the United States by the Department of Defense (DOD) or Department of State (DOS) shipment may purchase vehicles which are not included in a manufacturer's control program and which are labeled, "CATALYST". Such vehicles, by virtue of inclusion in DOD or DOS catalyst control program, will not require bonding upon importation despite the wording of the label. U.S. Customs officials will be informed of the valid DOD and DOS programs and will need only to confirm that the vehicles imported with such shipments are of certified configurations by checking for the label itself. This procedure is currently undertaken for all imported vehicles.

A number of comments were received which voiced objection to the recommended types of manufacturers' catalyst control programs which EPA indicated would be acceptable. As was explained in the preamble to the proposed regulations, the descriptions of the program contents were only intended as examples of programs which EPA would find acceptable. A catalyst control program need only provide a high degree of likelihood that an active catalyst would be installed or replaced immediately before or after importation. As suggested in several comments a program which employs the use of bypass kits for vehicles driven overseas and catalyst installation after delivery to the U.S. would most likely be acceptable. Also as suggested in some manufacturers' comments EPA will not require manufacturers to report on each vehicle sold for overseas shipment. A program will be acceptable if it sets forth various options for purchasers to select (i.e., pre-paid shipment, incentive deposit, etc.) provided that there is sufficient incentive to encourage retrofit with an active catalyst.

Some manufacturers have suggested that labels be placed in the vehicles subsequent to importation after the catalysts have been retrofitted. This procedure is unacceptable since one of the primary purposes of the label is to indicate to U.S. Customs inspectors which vehicles must be denied entry unless bonded. Vehicles without proper labels must be denied entry unless bonded, thus defeating a major purpose which adoption of catalyst control programs would serve. A program which employs the use of temporary tags as suggested by one manufacturer would be cumbersome and unwieldly for Customs inspectors to enforce since there would be no uniform procedures established.

The Agency will accept a program which includes the modification of the restricted filler inlet to comply with EPA regulations (40 CFR 80.24) after the vehicle has entered the United States.

Approval of a manufacturer's catalyst control program may be obtained on a yearly basis by submitting two copies of the program description to the Director, Mobile Source Enforcement Division (EG-340), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Submission should be made at least two months prior to commencement of production for vehicles produced for model year 1977 and thereafter, and as soon as possible for vehicles to be sold in the 1976 model year. In addition to outlining the program, each submission by a manufacturer should include a statement which describes the makes and model of vehicles which will require catalysts and the approximate quantity of each planned for inclusion in the program (if this can be estimated). Approval will be granted by letter upon such conditions as may be appropriate, including the right to inspect any facility at which catalyst retrofit is accomplished.

EPA recognizes that not all catalyst-equipped vehicles produced by a manufacturer will be included in the program. Those vehicles not included should be labeled "CATALYST" to indicate that a bond will be required by Customs.

While no comments were received on this subject, it should be noted that the majority of new vehicles which are imported by foreign and domestic manufacturers for sale will not be included in a catalyst control program and will be labeled accordingly. Such vehicles will be allowed entry without bond despite the fact that they might have been driven outside the United States, Canada, and Mexico, provided the mileage was accumulated under the manufacturers' control and for the purpose of vehicle testing and adjustment, and preparation for shipment to the United States. Preparation for shipment, for instance, would include on or off vessel loading. A provision has been added to the final regulations to reflect this circumstance.

Many comments were received recommending that the regulations become effective for 1976 model year vehicles because of the time required to implement the proposed labeling changes. As finally promulgated, the regulations will apply to only 1976 and later model year vehicles. EPA will undertake an administrative campaign to notify importers of 1975 model year catalyst-equipped vehicles and encourage replacement of deactivated catalysts.

Comments were received recommending the imposition of bonds for a monetary value only slightly in excess of catalyst retrofit costs, rather than for the full value of the vehicle as is presently required. It was suggested that by providing a monetary incentive for all importers, while not unduly burdening

them, such a bonding procedure would replace the need for manufacturers to implement programs to replace catalysts.

EPA does not desire that all imported catalyst-equipped vehicles driven outside the United States, Canada, and Mexico be denied entry except under bond. The implementation of manufacturers' catalyst control programs is designed to prevent the type of administrative complexity which would result from such a policy. Experience with a great number of imported vehicles requiring modifications similar in cost to catalyst retrofit has indicated to this Agency that, even with bonds required at the full value of the vehicle, many importers choose to ignore the modification requirement. A reduced value bond is likely to increase the number of individuals who choose to ignore the modification requirement. A manufacturer's control program will reduce the economic and administrative obligations that the importer would bear if the vehicle were not covered by a control program and consequently, required the posting of bond. The requirement of a full value bond is also a significant factor in encouraging manufacturers to implement control programs in the interest of facilitating the importation of vehicles purchased overseas, since EPA will publicly identify those manufacturers who have instituted an approved catalyst control program in order to aid prospective importers of catalyst-equipped vehicles. Similarly, a full value bond might encourage purchasers to participate in manufacturers' control programs.

International Harvester expressed a concern that the regulations regarding labeling might be applicable to heavy duty engines. Since no heavy duty engines are being certified with catalysts, these regulations only pertain to light duty vehicles and light duty trucks.

The California Air Resources Board has commented that the regulations should be applicable to vehicles driven in Canada and Mexico as well as those driven overseas. This comment is based on the assumption that unleaded gasoline will not be generally available in Canada and Mexico. At the same time, a number of comments have been received from manufacturers contesting the presumption that unleaded gasoline will be unavailable overseas and that catalysts will be significantly impaired by the use of leaded gasoline.

The latest information from the Department of Industry, Trade and Commerce of the Canadian Government indicates that thirty percent of all branded stations in that country presently carry unleaded gasoline. By mid-1975, unleaded gasoline is expected to be available in one out of every two branded stations located in major urban areas. The Mexican Government has reported that 90 percent of Mexico's gasoline stations currently offer unleaded gasoline for sale. EPA does not believe this information can support a presumption of unleaded gasoline being generally unavailable in Canada and Mexico sufficient to justify applying these regulations to vehicles imported from these countries.

Notwithstanding some domestic manufacturers' contentions to the contrary, we have received reports from representatives of other foreign manufacturers that programs to encourage the availability of unleaded gasoline are not being undertaken overseas and unleaded gasoline is not expected to be generally available. Of course, if an importer can document his purchase of only unleaded fuel for his vehicle while it was driven abroad, or if he can document that the vehicle's catalyst was replaced just prior to shipment to the United States, EPA will consider the vehicle to be covered by a certificate. An importer may submit this evidence prior to importation or subsequent to importation. If satisfactory evidence is received prior to importation, EPA will take steps to alert U.S. Customs that the particular vehicle in question should not be bonded. This would save the importer the expense inherent in the posting of a bond.

Because some vehicle manufacturers have indicated that they have already begun to order labels for 1976 model year vehicles, the regulations promulgated below shall be effective ninety days from the date of promulgation. These regulations are promulgated under the authority of sections 203, 206(a), and 301 of the Clean Air Act, as amended [42 U.S.C. 1857f-2, 1857f-5(a)(1), and 1857g].

Dated June 24, 1975.

JOHN QUARLES,
Acting Administrator.

Part 85, Chapter 1 of Title 40 of the Code of Federal Regulations is amended as follows:

1. A new § 85.076-30 is added as follows:

§ 85.076-30 Certification.

(a)(1) If, after a review of the test reports and data submitted by the manufacturer, data derived from any inspection carried out under § 85.006(c), and any other pertinent data or information, the Administrator determines that a test vehicle(s) meets the requirements of the Act and of this subpart, he will issue a certificate of conformity with respect to such vehicle(s) except in cases covered by paragraph (c) of this section.

(2) Such certificate will be issued for such period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle covered by the certificate will meet the requirements of the Act and of this subpart. Each such certificate shall contain the following language:

This certificate covers only those new motor vehicles which conform, in all material respects, to the design specifications that applied to those vehicles described in the application for certification and which are produced during the _____ model year production period of the said manufacturer, as defined in 40 CFR 85.002(a)(3).

It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR 85.006(c) which concern either the vehicle certified, or any production vehicle covered by this certificate, or any production vehicle which when completed will be claimed to be covered by this certificate. Failure to comply with all the requirements of § 85.006(c) with respect to any such vehicle may lead to revocation or suspension of this certificate as specified in 40 CFR 85.076-30(c). It is also a term of this certificate that this certificate may be revoked or suspended for the other reasons stated in 85.076-30(c).

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

(b)(1) The Administrator will determine whether a vehicle covered by the application complies with applicable standards by observing the following relationships:

(i) A test vehicle selected under § 85.076-5(b)(2) and (4), shall represent all vehicles in engine family of the same engine displacement-exhaust emission control system-evaporative emission control system combination.

(ii) A test vehicle selected under § 85.076-5(b)(3) shall represent all vehicles the same in the same engine family of the same engine displacement-exhaust emission control system-transmission type-fuel system combination.

(iii) A test vehicle selected under § 85.076-5(e)(1), shall represent all vehicles of the same engine-system combination.

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

(3) If, after a review of the test reports and data submitted by the manufacturer, data derived from any additional testing conducted pursuant to § 85.075-29, data or information derived from any inspection carried out under § 85.006(c), or any other pertinent data or information, the Administrator determines that one or more test vehicles of the certification test fleet do not meet applicable standards, he will notify the manufacturer in writing, setting forth the basis for his determination. Within 30 days following receipt of the notification, the manufacturer may request a hearing on the Administrator's determination. The request shall be in writing,

signed by an authorized representative of the manufacturer and shall include a statement specifying the manufacturer's objections to the Administrator's determination and data in support of such objections. If, after a review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 85.005 with respect to such issue.

(4) The manufacturer may, at his option, proceed with any of the following alternatives with respect to any engine family represented by a test vehicle(s) determined not in compliance with applicable standards:

(i) Request a hearing under § 85.005, or

(ii) Delete from the application for certification the vehicles represented by the failing test vehicle. (Vehicles so deleted may be included in a later request for certification under § 85.075-32.) The Administrator will then select in place of each failing vehicle an alternate vehicle chosen in accordance with selection criteria employed in selecting the vehicle that failed, or

(iii) Modify the test vehicle and demonstrate by testing that it meets applicable standards. Another vehicle which is in all material respects the same as the first vehicle, as modified, shall then be operated and tested in accordance with applicable test procedures.

(5) If the manufacturer does not request a hearing or present the required data under subparagraph (4) of this paragraph, the Administrator will deny certification.

(c) (1) Notwithstanding the fact that any certification vehicle(s) may comply with other provisions of this subpart, the Administrator may withhold or deny the issuance of a certificate of conformity (or suspend or revoke any such certificate which has been issued with respect to any such vehicle(s) if:

(i) The manufacturer submits false or incomplete information in his application for certification thereof; or

(ii) The manufacturer renders inaccurate or invalid any test data which he submits pertaining thereto or otherwise circumvents the intent of the Act or of this subpart with respect to such vehicle; or

(iii) Any EPA Enforcement Officer is denied access on the terms specified in § 85.006(c) to any facility or portion thereof which contains any of the following:

(A) The vehicle, or

(B) Any components used or considered for use in its modification or build up into a certification vehicle, or

(C) Any production vehicle which is or will be claimed by the manufacturer to be covered by the certificate, or

(D) Any step in the construction of a vehicle described in (C) of this subdivision, or

(E) Any records, documents, reports or histories required by this part to be kept concerning any of the above.

(iv) Any EPA Enforcement Officer is denied "reasonable assistance" (as defined in § 85.006(c)) in examining any of the items listed in paragraph (c) (1) (iii) of this section.

(2) The sanctions of withholding, denying, revoking, or suspending of a certificate may be imposed for the reasons in paragraphs (c) (1) (i), (ii), (iii), or (iv) of this section only when the infraction is substantial.

(3) In any case in which a manufacturer knowingly submits false or inaccurate information or knowingly renders inaccurate or invalid any test data or commits any other fraudulent acts and such acts contribute substantially to the Administration's decision to issue a certificate of conformity, the Administrator may deem such certificate void ab initio.

(4) In any case in which certification of a vehicle is proposed to be withheld, denied, revoked, or suspended under paragraph (c) (1) (iii), or (c) (1) (iv) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 85.006(c) in fact occurred, the manufacturer, if he wishes to contend that, even though the violation occurred, the vehicle in question was not involved in the violation to a degree that would warrant withholding, denial, revocation, or suspension of certification under either paragraph (c) (1) (iii) or (c) (1) (iv) of this section, shall have the burden of establishing that contention to the satisfaction of the Administrator.

(5) Any revocation or suspension of certification under paragraph (c) (1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 85.005 hereof.

(ii) Extend no further than to forbid the introduction into commerce of vehicles previously covered by the certification which are still in the hands of the manufacturer, except in cases of such fraud or other misconduct as makes the certification invalid ab initio.

(6) The manufacturer may request in the form and manner specified in paragraph (b) (3) of this section that any determination made by the Administrator under paragraph (c) (1) of this section to withhold or deny certification be reviewed in a hearing conducted in accordance with § 85.005. If the Administrator finds, after a review of the request and supporting data, that the request raises a substantial factual issue, he will grant the request with respect to such issue.

2. A new § 85.076-35 is added as follows:

§ 85.076-35 Labeling.

(a) (1) The manufacturer of any light duty motor vehicle subject to the standards prescribed in § 85.076-1 shall, at the time of manufacture, affix a permanent, legible label, of the type and in the manner described below, containing the information hereinafter provided, to all production models of such vehicles available for sale to the public and covered by a certificate of conformity under § 85.076-30(a).

(2) A plastic or metal label shall be welded, riveted, or otherwise permanently attached in a readily visible position in the engine compartment.

(3) The label shall be affixed by the vehicle manufacturer, who has been issued the certificate of conformity for such vehicle, in such a manner that it cannot be removed without destroying or defacing the label, and shall not be affixed to any equipment which is easily detached from such vehicle.

(4) The label shall contain the following information lettered in the English language in block letters and numerals, which shall be of a color that contrasts with the background of the label:

(i) The label heading: Vehicle Emission Control Information;

(ii) Full corporate name and trademark of manufacturer;

(iii) Engine displacement (in cubic inches) and engine family identification;

(iv) Engine tuneup specifications and adjustments, as recommended by the manufacturer, including idle speed ignition timing, and the idle air-fuel mixture setting procedure and value (e.g. idle CO, idle air-fuel ratio, idle speed drop). These specifications should indicate the proper transmission position during tuneup and what accessories (e.g., air-conditioner), if any, should be in operation;

(v) The statement: "This Vehicle Conforms to U.S.E.P.A. Regulations Applicable to 1976 Model Year New Motor Vehicles."

(b) The provisions of this section shall not prevent a manufacturer from also reciting on the label that such vehicle or engine conforms to any applicable State emission standards for new motor vehicles or any other information that such manufacturer deems necessary for, or useful to, the proper operation and satisfactory maintenance of the vehicle.

(c) The manufacturer of any light duty motor vehicle subject to the standards prescribed in § 85.076-1 shall, in addition and subsequent to setting forth those statements on the label required by the Department of Transportation (DOT) pursuant to § 49 CFR 567.4, set forth on the DOT label or on an additional label located in proximity to the DOT label and affixed as described in 49 CFR 567.4(b) the following information in the English language, lettered in block letters and numerals not less than three thirty-seconds of an inch high, of a color that contrasts with the background of the label:

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

(2) The Statement: "This vehicle conforms to U.S.E.P.A. Regulations Applicable to 1976 Model Year New Motor Vehicles"

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

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

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

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

§ 85.276-30 **Certification.**

(a)(1) If, after a review of the test reports and data submitted by the manufacturer, data derived from any inspection carrier out under § 85.206(c), and any other pertinent data or information, the Administrator determines that a test vehicle(s) meets the requirements of the Act and of this subpart, he will issue a certificate of conformity with respect to such vehicle(s) except in cases covered by paragraph (c) of this section.

(2) Such certificate will be issued for such period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle covered by the certificate will meet the requirements of the Act and of this subpart. Each such certificate shall contain the following language:

This certificate covers only those new motor vehicles which conform, in all material respects, to the design specifications that applied to those vehicles described in the application for certification and which are produced during the —— model year production period of the said manufacturer, as defined in 40 CFR 85.202(a)(3).

It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR 85.206(c) which concern either the vehicle certified, or any production vehicle covered by this certificate, or any production vehicle which when completed will be claimed to be covered by this certificate. Failure to comply with all the requirements of § 85.206(c) with respect to any such vehicle may lead to revocation or suspension of this certificate as specified in 40 CFR 85.276-30(c). It is also a term of this certificate that this certificate may be revoked or suspended for the other reasons stated in 85.276-30(c).

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

(b)(1) The Administrator will determine whether a vehicle covered by the application complies with applicable standards by observing the following relationships:

(i) A test vehicle selected under § 85.276-5(b) (2) or (4) shall represent all vehicles in the same engine family of the same engine displacement-exhaust emission control system-evaporative emission control system combination.

(ii) A test vehicle selected under § 85.276-5(b)(3) shall represent all vehicles in the same engine family of the same engine displacement-exhaust emission control system-transmission type-fuel system combination.

(iii) A test vehicle selected under § 85.276-5(c)(1) shall represent all vehicles of the same engine-system combination.

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

(3) If, after a review of the test reports and data submitted by the manufacturer, data derived from any additional testing conducted pursuant to § 85.275-29, data or information derived from any inspection carried out under § 85.206(c), or any other pertinent data or information, the Administrator determines that one or more test vehicles of the certification test fleet do not meet applicable standards, he will notify the manufacturer in writing, setting forth the basis for his determination. Within 30 days following receipt of the notification, the manufacturer may request a hearing on the Administrator's determination. The request shall be in writing, signed by an authorized representative of the manufacturer and shall include a statement specifying the manufacturer's objections to the Administrator's determination, and data in support of such objections. If, after a review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 85.205 with respect to such issue.

(4) The manufacturer may, at his option, proceed with any of the following alternatives with respect to any engine family represented by a test vehicle(s) determined not in compliance with applicable standards:

(i) Request a hearing under § 85.205, or

(ii) Delete from the application for certification the vehicles represented by the failing test vehicle. (Vehicles so deleted may be included in a later request for certification under § 85.275-32.) The Administrator will then select in place of each failing vehicle an alternate vehicle chosen in accordance with selection criteria employed in selecting the vehicle that failed, or

(iii) Modify the test vehicle and demonstrate by testing that it meets applicable standards. Another vehicle which is in all material respects the same as the first vehicle, as modified, shall then be operated and tested in accordance with applicable test procedures.

(5) If the manufacturer does not request a hearing or present the required data under subparagraph (4) of this paragraph, the Administrator will deny certification.

(c)(1) Notwithstanding the fact that any certification vehicle(s) may comply with other provisions of this subpart, the Administrator may withhold or deny the issuance of a certificate of conformity (or suspend or revoke any such certificate which has been issued) with respect to any such vehicle(s) if:

(i) The manufacturer submits false or incomplete information in his application for certification thereof; or

(ii) The manufacturer renders inaccurate or invalid any test data which he submits pertaining thereto or otherwise circumvents the intent of the Act or of this subpart with respect to such vehicle; or

(iii) Any EPA Enforcement Officer is denied access on the terms specified in § 85.206(c) to any facility or portion thereof which contains any of the following:

(A) The vehicle, or

(B) Any components used or considered for use in its modification or build up into a certification vehicle, or

(C) Any production vehicle which is or will be claimed by the manufacturer to be covered by the certificate, or

(D) Any step in the construction of a vehicle described in paragraph (c)(1)(iii)(C) of this section, or

(E) Any records, documents, reports or histories required by this part to be kept concerning any of the above.

(iv) Any EPA Enforcement Officer is denied "reasonable assistance" (as defined in § 85.206(c)) in examining any of the items listed in paragraph (c)(1)(iii) of this section.

(2) The sanctions of withholding denying, revoking, or suspending of a certificate may be imposed for the reasons in paragraph (c)(1) (i), (ii), (iii), or (iv) of this section only when the infraction is substantial.

(3) In any case in which a manufacturer knowingly submits false or inaccurate information or knowingly renders inaccurate or invalid any test data or commits any other fraudulent acts and such acts contribute substantially to the Administrator's decision to issue a certificate of conformity, the Administrator may deem such certificate void ab initio.

(4) In any case in which certification of a vehicle is proposed to be withheld, denied, revoked, or suspended under paragraph (c)(1)(iii), or (c)(1)(iv) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 85.206(c) in fact occurred, the manufacturer, if he wishes to contend that, even though the violation occurred, the vehicle in question was not involved in the violation to a degree that would warrant withholding denial, revocation, or suspension of certification under either paragraph (c)(1)(iii) or (c)(1)(iv) of this section, shall

have the burden of establishing that contention to the satisfaction of the Administrator.

(5) Any revocation or suspension of certification under paragraph (c)(1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 85.205 hereof.

(ii) Extend no further than to forbid the introduction into commerce of vehicles previously covered by the certification which are still in the hands of the manufacturer, except in cases of such fraud or other misconduct as makes the cerification invalid ab initio.

(6) The manufacturer may request in the form and manner specified in paragraph (b)(3) of this section that any determination made by the Administrator under paragraph (c)(1) of this section to withhold or deny certification he reviewed in a hearing conducted in accordance with § 85.205. If the Administrator finds, after a review of the request and supporting data, that the request raises a substantial factual issue, he shall grant the request with respect to such issue.

4. A new § 85.276-35 is added as follows:

§ 85.276-35 Labeling.

(a)(1) The manufacturer of any light duty truck subject to the standards prescribed in § 85.275-1 shall, at the time of manufacture, affix a permanent, legible label, of the type and in the manner described below, containing the information hereinafter provided, to all production models of such vehicles available for sale to the public and covered by a certificate of conformity under § 85.276-30(a).

(2) A plastic or metal label shall be welded, riveted, or otherwise permanently attached in a readily visible position in the engine compartment.

(3) The label shall be affixed by the vehicle manufacturer, who has been issued the certificate of conformity for such vehicle, in such a manner that it cannot be removed without destroying or defacing the label, and shall not be affixed to any equipment which is easily detached from such vehicle.

(4) The label shall contain the following information lettered in the English language in block letters and numerals, which shall be of a color that contrasts with the background of the label:

(i) The label heading: Vehicle Emission Control Information;

(ii) Full corporate name and trademark of manufacturer;

(iii) Engine displacement (in cubic inches) and engine family identification;

(iv) Engine tuneup specifications and adjustments, as recommended by the manufacturer, including idle speed, ignition timing, and the idle air-fuel mixture setting procedure and value (e.g., idle CO, idle air-fuel ratio, idle speed drop). These specifications should indicate the proper transmission position during tuneup and what accessories (e.g., air-conditioner), if any, should be in operation;

(v) The statement: "This Vehicle Conforms to U.S.E.P.A. Regulations Applicable to 1976 Model Year New Motor Vehicles."

(b) The provisions of this section shall not prevent a manufacturer from also reciting on the label that such vehicle or engine conforms to any applicable State emission standards for new motor vehicles or any other information that such manufacturer deems necessary for, or useful to, the proper operation and satisfactory maintenance of the vehicle.

(c) The manufacturer of any light duty motor vehicle subject to the standards prescribed in § 85.076-1 shall, in addition and subsequent to setting forth those statements on the label required by the Department of Transportation (DOT) pursuant to § 49 CFR 567.4, set forth on the DOT label or on an additional label located in proximity to the DOT label and affixed as described in 49 CFR 567.4(b) the following information in the English language, lettered in block letters and numerals not less than three thirty-seconds of an inch high, of a color that contrasts with the background of the label:

(1) The Heading: "Vehicle Emission Control Information."

(2) The Statement: "This vehicle conforms to U.S.E.P.A. Regulations Applicable to 1976 Model Year New Motor Vehicles."

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

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

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

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

5. A new § 85.1509 is added:

§ 85.1509 Admission of catalyst-equipped vehicles.

(a) Any vehicle is imported or offered for importation which:

(1) was covered by a certificate of conformity at the time of manufacture;

(2) was certified with a catalytic converter emission control system;

(3) is labeled in accordance with 40 CFR Subpart A or C; and

(4) has been driven outside the United States, Canada and Mexico

must be entered under bond pursuant to 19 CFR 12.73(b)(5)(x) and 40 CFR 85.1504 unless that vehicle is included in a catalyst control program approved by the Administrator upon such terms as may be deemed appropriate. Catalyst control programs conducted by manufacturers will be approved each model year.

(b) For the purpose of this paragraph, "catalyst control program" means a program instituted and maintained by a manufacturer, or any other U.S. Government Agency for the purpose of preservation, replacement, or initial installation of catalytic converters and, if applicable, restricted filler inlets.

(c) For the purpose of this paragraph, "driven outside the United States Canada and Mexico" does not include mileage accumulated on vehicles solely under the control of manufacturers of new motor vehicles for the purpose of vehicle testing and adjustment, and preparation for shipment to the United States.

[FR Doc.75-16984 Filed 6-27-75;8:45 am]

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 392-6; OPP-300004A]

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

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

On May 9, 1975, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (40 FR 20308) a notice of proposed rulemaking to exempt certain additional inert (or occasionally active) ingredients in pesticide formulations from tolerance requirements under the provisions of section 408 of the Federal Food, Drug, and Cosmetic Act. No comments or requests for referral to an advisory committee were received with regard to this notice. Therefore, it has been concluded that the proposed amendment to the regulations (40 CFR 180.-1001) be adopted without change.

Any person adversely affected by this regulation may on or before July 30, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on June 30, 1975, Part 180, Subpart D, § 180.1001, is amended as set forth below.

Dated: June 20, 1975.

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

(Sec. 408(e), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)).)

Part 180, Subpart D, § 180.1001, is amended by alphabetically inserting the

following new items in paragraphs (c), (d), and (e).

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(c) * * *

Inert ingredients	Limits	Uses
* *	*	* *
Almond shells		Solid diluent and carrier.
* *	*	* *
Coconut shells		Solid diluent and carrier.
* *	*	* *
Wood flour	Derived from wood free of chemical preservatives.	Solid diluent and carrier.
* *	*	* *

(d) * * *

Inert ingredients	Limits	Uses
* *	*	* *
Dipotassium hydrogen phosphate.		Buffering agent.
* *	*	* *
Potassium dihydrogen phosphate.		Buffering agent.
* *	*	* *
Sodium molybdate		Plant nutrient.
* *	*	* *

(e) * * *

Inert ingredients	Limits	Uses
* *	*	* *
α-Oleoyl-ω-(oleoyl-oxy)poly (oxyethylene) derived from α-hydro-ω-hydroxypoly (oxyethylene), molecular weight 600.		Emulsifier, defoaming agent.
* *	*	* *

[FR Doc.75-16833 Filed 6-27-75;8:45 am]

[FRL 392-5]

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

PART 417—SOAP AND DETERGENT MANUFACTURING CATEGORY

Pretreatment Standards for New Sources

On February 20, 1975, notice was published in the proposed rules section of the FEDERAL REGISTER (40 FR 7580) that the Environmental Protection Agency (EPA or Agency) was proposing regulations amending pretreatment standards for new sources.

The purpose of this notice is to establish final pretreatment standards for new sources for the manufacture of spray dried detergents (Subpart O); manufacture of liquid detergents (Subpart P); manufacture of detergents by dry blending (Subpart Q); and the manufacture of drum dried detergents (Subpart R) subcategories of the Soap and Detergent point source category (40 CFR 417) which discharge to publicly owned treatment works.

This final rulemaking is promulgated pursuant to section 307(c) of The Federal Water Pollution Control Act, as amended (The Act); 33 U.S.C. 1317(c); 86 Stat. 816 Et seq.; Pub. L. 92-500 This regulation is intended to be complementary to the general regulation for pretreatment standards set forth in 40 CFR 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982).

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories: "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. However, 40 CFR 128.131 (prohibited wastes) may be applicable to compatible pollutants. Additionally, local pretreatment requirements may apply (See 40 CFR 128.110). Incompatible pollutants are subject generally to pretreatment standards as provided in 40 CFR 128.133.

Sections 417.156, 417.166, 417.176, and 417.186 of the regulation below are to implement the intent of 40 CFR 128, by establishing specific numerical limitations as pretreatment standards. The deletion of §§ 128.121, 128.122, 128.132, and 128.133 is necessary to clearly establish that the numerical limitations set forth in the regulation below constitute the pretreatment standards for the appropriate subcategories.

Operators of publicly owned treatment works and other interested persons should refer to the Federal Guidelines: Pretreatment of Pollutants Introduced into Publicly Owned Treatment works, published pursuant to section 304(f) of the Act, for guidance on local pretreatment requirements and information on those aspects of pretreatment not amenable to a Federal standard.

Interested persons were invited to participate in the proposed rulemaking by submitting written comments within 30 days from the date of publication of the notice. Prior public participation in the form of solicited comments and responses from the states, Federal agencies, and other interested parties were described in the preamble to the proposed regulation. EPA has considered carefully all of the comments received and a discussion of these comments with the agencies response thereto follows:

a. *Summary of comments.* The following responded to one or more of the requests for written comments contained in the preamble to the proposed regulation: Chemical Specialties Manufacturers Association, Incorporated; The Soap and Detergent Association; and the Texize Chemicals Company.

Each of the comments received was carefully reviewed and analyzed. The following is a summary of the significant comments and the Agency's response to those comments.

Comments were made to the effect that the pretreatment standards for subparts O, P, Q, and R, should be the COD levels used in the original definitions of incompatibility, rather than the lower levels being proposed.

The Agency intended that the lower levels of pretreatment be an optional alternative for those sources which could not regularly achieve the limitations set forth for compatible pollutants. Since the provision was to be optional and since some ambiguity existed in the wording of the proposed regulation, the wording has been changed. It now clearly indicates the limitations which are to determine compatibility and incompatibility for waste water pollutants discharged to publicly owned treatment works.

b. *Revision of the proposed regulation prior to promulgation.* Provisions have been made to prohibit the discharge of waste water pollutants in which the COD/BOD7 ratio exceeds 10.0 and where the (allowable) COD exceeds certain established levels in each of the affected subcategories.

c. *Final rulemaking.* In consideration of the foregoing, 40 CFR Part 417, soap and detergent point source category, §§ 417.151, 417.161, 417.171, 417.181, 417.156, 417.166, 417.176, and 417.186 are hereby amended to read as set forth below. This final regulation is promulgated as set forth below and shall be effective July 30, 1975.

Dated: June 24, 1975.

JOHN QUARLES,
Acting Administrator.

Part 417 is amended as follows:

Subpart O—Manufacture of Spray Dried Detergents Subcategory

1. Section 417.151 is amended by adding a new paragraph (g) to read as follows:

§ 417.151 Specialized definitions.

* * * * *

(g) The term BOD7 shall mean the biochemical oxygen demand as determined by incubation at 20 degrees C for a period of 7 days using an acclimated seed. Agitation employing a magnetic stirrer set at 200 to 500 rpm may be used.

2. The existing § 417.156 is revised to read as follows:

§ 417.156 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the manufacture of spray dried detergents subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart.

(a) There shall be no discharge of waste water streams in which both the COD/BOD7 ratio exceeds 10.0 and the COD exceeds 2.4 kg/kkg of anhydrous product.

(b) For waste streams having either a ratio of COD to BOD7 of 10.0 or less or having a COD content of 2.40 kg/kkg of anhydrous product or less the pretreatment standard shall be:

(1) For normal operation of spray drying towers above, the following values pertain:

Pollutant or pollutant property:	*Pretreatment standard*
BOD5	No limitation.
COD	Do.
TSS	Do.
Surfactants	Do.
Oil and grease	Do.
pH	Do.

(2) For air quality restricted operation of a spray drying tower, but only when a high rate of wet scrubbing is in operation which produces more waste water than can be recycled to process, the following values pertain:

Pollutant or pollutant property:	*Pretreatment standard*
BOD5	No limitation.
COD	Do.
TSS	Do.
Surfactants	Do.
Oil and grease	Do.
pH	Do.

(3) For fast turnaround operation of a spray tower, the following values pertain: The maximum for any one day when the number of turnarounds exceeds six in any particular thirty consecutive day period shall be the sum of the appropriate value below and that from paragraph (b) (1) or (2) of this section; and the average of daily values for thirty consecutive days shall be the value shown below multiplied by the number of turnarounds in excess of six and prorated to thirty days plus the appropriate value from paragraph (b) (1) or (2) of this section.

Pollutant or pollutant property:	*Pretreatment standard*
BOD5	No limitation.
COD	Do.
TSS	Do.
Surfactants	Do.
Oil and grease	Do.
pH	Do.

Subpart P—Manufacture of Liquid Detergents Subcategory

3. Section 417.161 is amended by adding a new paragraph (f) to read as follows:

§ 417.161 Specialized definitions.

* * * * *

(f) The term BOD7 shall mean the biochemical oxygen demand as determined by incubation at 20 degrees C for a period of 7 days using an acclimated seed. Agitation employing a magnetic stirrer set at 200 to 500 rpm may be used.

4. The existing § 417.166 is revised to read as follows:

§ 417.166 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the manufacture of liquid detergents subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 182, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart.

(a) There shall be no discharge of waste water streams in which both the COD/BOD7 ratio exceeds 10.0 and the COD exceeds 1.10 kg/kkg of anhydrous product.

(b) For waste streams having either a ratio of COD to BOD7 of 10.0 or less or having a COD content of 1.10 kg/kkg of anhydrous product or less the pretreatment standard shall be:

(1) For normal liquid detergent operations the following values pertain:

Pollutant or pollutant property:	*Pretreatment standard*
BOD5	No limitation.
COD	Do.
TSS	Do.
Surfactants	Do.
Oil and grease	Do.
pH	Do.

(2) For fast turnaround operation of automated fill lines, the following values pertain; the maximum for any one day when the number of turnarounds exceeds eight in any thirty consecutive day period shall be the sum of the appropriate value below and that from paragraph (b)(1) of this section; and the average of daily values for thirty consecutive days shall be the value shown below multiplied by the number of turnarounds in excess of eight and prorated to thirty days plus the appropriate value from paragraph (b)(1) of this section:

Pollutant or pollutant property:	*Pretreatment standard*
BOD5	No limitation.
COD	Do.
TSS	Do.
Surfactants	Do.
Oil and grease	Do.
pH	Do.

Subpart Q—Manufacture of Detergents by Dry Blending Subcategory

5. Section 417.171 is amended by adding a new paragraph (d) to read as follows:

§ 417.171 Specialized definitions.

* * * * *

(d) The term BOD7 shall mean the biochemical oxygen demand as determined by incubation at 20 degrees C for a period of 7 days using an acclimated seed. Agitation employing a magnetic stirrer set at 200 to 500 rpm may be used.

6. The existing § 417.176 is revised to read as follows:

§ 417.176 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the manufacture of detergents by dry blending subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart.

(a) There shall be no discharge of waste water streams in which both the COD/BOD7 ratio exceeds 10.0 and the COD exceeds 0.26 kg/kkg of anhydrous product.

(b) For waste streams having either a ratio of COD to BOD7 of 10.0 or less or a COD content of 0.26 kg/kkg of anhydrous product or less the pretreatment standard shall be:

Pollutant or pollutant, property:	*Pretreatment standard*
BOD5	No limitation.
COD	Do.
TSS	Do.
Surfactants	Do.
Oil and grease	Do.
pH	Do.

Subpart R—Manufacture of Drum Dried Detergents Subcategory

7. Section 417.181 is amended by adding a new paragraph (d) to read as follows:

§ 417.181 Specialized definitions.

* * * * *

(d) The term BOD7 shall mean the biochemical oxygen demand as determined by incubation at 20 degrees C for a period of 7 days using an acclimated seed. Agitiation employing a magnetic stirrer set at 200 to 500 r.p.m. may be used.

8. The existing § 417.186 is revised to read as follows:

§ 417.186 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the manufacture of drum dried detergents subcategory which is a user of a publicly owned treatment works and a major contributing indus-

try as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.-133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart.

(a) There shall be no discharge of waste water streams in which both the COD/BOD7 ratio exceeds 10.0 and the COD exceeds 0.20 kg/kkg of anhydrous product.

(b) For waste streams having either a ratio of COD to BOD7 of 10.0 or less or a COD content of 0.20 kg/kkg of anhydrous product or less the pretreatment standard shall be:

Pollutant or pollutant property:	*Pretreatment standard*
BOD5	No limitation
COD	Do.
TSS	Do.
Surfactants	Do.
Oil and grease	Do.
pH	Do.

[FR Doc.75-16837 Filed 6-27-75;8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 52c—MINORITY BIOMEDICAL SUPPORT PROGRAM

In the FEDERAL REGISTER of December 30, 1974 (39 FR 45042) a notice of proposed rulemaking was published in which it was proposed to amend Title 42 of the Code of Federal Regulations by the addition of a new Part 52c, prescribing rules applicable to grants under the Minority Biomedical Support (MBS) Program for the general support of biomedical research, authorized by section 301(c) of the Public Health Service Act, as amended (42 U.S.C. 241(c)). Interested individuals were invited to submit written comments concerning the proposed regulations within a 30-day period, ending January 29, 1975.

Comments were received from 26 organizations and institutions, relating to the following matters:

A. *Authority.* Two comments were concerned with the legislative authority under which the MBS Program is administered. The Minority Biomedical Support Program was initiated in FY 1972 under the General Research Support authority contained in section 301 (c) of the Public Health Service Act (42 U.S.C. 241(c)), utilizing funds earmarked for the Program in the Departments of Labor and Health, Education, and Welfare and Related Agencies Appropriation Act, 1972 (Pub. L. 92-80). In this connection, Senate Report No. 92-316, at p. 68 stated that:

The Committee [on Appropriations] * * * encourages the General Research Support Branch of the Division of Research Resources, National Institutes of Health) to initiate a program for the development of the health sciences at predominantly black colleges which have been unable to provide adequate preparation for definitive training in health research fields and the health professions. Since historically black students have not had equality of opportunity to become investigators in health research fields and to become physicians, dentists, and other health professionals, chiefly due to a lack of adequate research and teaching facilities and the inability of black institutions to compete for sufficient numbers of professionals, it is incumbent upon the Federal Government to rectify these inequalities.

In appropriating funds for subsequent years, the House Committee on Appropriations indicated that the scope of the Program should be broadened to include not only black colleges but institutions with student enrollments from other minorities as well, and institutions with significant (but less than 50 percent) minority enrollment. See: H. Reps. No. 93-305, at p. 46; No. 93-1140, at p. 45. Also, S. Rep. No. 93-1146, at p. 69.

B. *Eligibility.* Comments on § 52c.3 pertained to the broadening of MBS eligibility guidelines to include institutions with significant (but less than 50 percent) minority enrollments. Concern was voiced that newly eligible institutions could attract funds away from the smaller minority colleges and universities unless expanded resources were provided to the MBS Program. One comment included a suggestion that a definite percentage of minority students enrolled in the institution or in the biomedical science areas of an institution be set as an eligibility requirement. However, funding of only minority schools would exclude a significant number of minority students and faculty from consideration for support. Therefore, § 52c.3 was not modified in this regard.

It was also suggested that §§ 52c.3(a) (1) and 52c.3(a)(2) be amended by substituting the phrase "a traditionally high (more than 50 percent) minority student enrollment" for the words "a student enrollment derived primarily from ethnic minorities," in order to emphasize that no traditionally minority institution would be penalized under the MBS Program because of a decrease in its percentage of minority students. This suggestion was adopted.

It was proposed that § 52c.3(a)(4), relating to Indian tribes, be revised somewhat and that a reference to Alaska Native Regional Corporations be added. The provision was revised as suggested.

A proposal was made to remove language giving preference to schools with minority enrollments. It was suggested that such language would serve to cause institutions to discriminate against persons outside the ethnic minorities through admission policies in order to gain eligibility for support. However, this ignores the fact that the MBS Program is designed as a vehicle for aiding biomedical research at institutions at which development of this area has been affected by past discriminatory practices, as well as at institutions which have demonstrated a commitment to the encouragement of and assistance to ethnic minority faculty, students, and investigators. Moreover, the eligibility requirements serve to direct funds to institutions already having significant minority enrollments, and recipient institutions are required to abide by nondiscrimination requirements in the utilization of such funds. Consequently, the suggested change was not adopted.

Further broadening of the eligibility requirements was suggested by one reviewer, to include predominantly minority institutions serving pre-schoolers, dropouts, or the aged. Such an expansion, however, would obscure the primary objective of the MBS Program, i.e., the development of increased ethnic minority participation in biomedical research. Hence, this suggestion was also not adopted.

C. *Application.* One comment was received concerning § 52c.4, to the effect that a maximum support period of five years was not adequate for the achievement of competitive status by minority institutions and proposing an additional five-year eligibility period based on indicators of progress including publications, grant awards, and the number of students going on to graduate school in the biomedical sciences. A new § 52c.4(d) has been added to make it clear that a grantee institution may compete for additional support periods.

D. *Grant Awards.* A suggestion was received recommending a lengthening of the budget period prescribed in § 52c.5 (d) from one to three years in order to better assess the long term accomplishments of the grantee's program. In view of the uniform Department policy favoring 12 month budget periods, this recommendation was not followed.

E. *Expenditure of Grant Funds.* Relating to § 52c.7(a), eleven comments were received objecting to non-payment of indirect costs. The lack of indirect cost support was cited, particularly by minority institutions, as undermining the institution's ability to respond to other Federal initiatives by placing additional strain on limited budgets. The MBS Program is funded out of the General Research Support appropriations which contain language expressly barring payment of indirect costs. Consequently, it is not possible to pay indirect costs under the MBS Program.

Other comments on § 52c.5 concerned the provision of a procedure for budget revision and additional flexibility in the use of funds allocated for equipment. However, these matters are already covered in Department and PHS policies of general applicability to discretionary grant programs.

F. *Grantee Accountability.* It was suggested that § 52c.12 be modified to require each institution to negotiate with the Department an institutional patent agreement as a prerequisite for receipt of a grant. This matter is already covered by Subpart O of 45 CFR Part 74, to which reference is made in § 52c.10, as well as 45 CFR Parts 6 and 8.

Effective Date. This amendment takes effect on June 30, 1975.

Dated: May 30, 1975.

THEODORE COOPER,
Assistant Secretary for Health.

Approved: June 19, 1975.

CASPAR W. WEINBERGER,
Secretary.

Accordingly, Title 42 of the Code of Federal Regulations is amended by adding a new Part 52c, as follows:

Sec.
52c.1 Applicability.
52c.2 Definitions.
52c.3 Eligibility.
52c.4 Application.
52c.5 Grant awards.
52c.6 Payment.
52c.7 Expenditure of grant funds.
52c.8 Nondiscrimination.
52c.9 Human subjects; animal welfare.
52c.10 Applicability of 45 CFR Part 74.
52c.11 Progress and fiscal records and reports.
52c.12 Grantee accountability.
52c.13 Publications and copyright.
52c.14 Additional conditions.

AUTHORITY: Sec. 215, 58 Stat. 690, as amended (42 U.S.C. 216); sec. 301(c), 74 Stat. 1053 (42 U.S.C. 241(c)).

§ 52c.1 **Applicability.**

The regulations in this part apply to grants (under the Minority Biomedical Support Program) awarded pursuant to section 301(c) of the Public Health Service Act (42 U.S.C. 241(c)) to increase the numbers of ethnic minority faculty, students, and investigators engaged in biomedical research and to broaden the opportunities for participation in biomedical research of ethnic minority faculty, students, and investigators, by providing general support for biomedical research programs at eligible institutions.

§ 52c.2 **Definitions.**

(a) "Act" means the Public Health Service Act, as amended.

(b) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(c) "Nonprofit" as applied to any institution means an institution which is a corporation or association no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual.

(d) "Ethnic minorities" includes but is not limited to such groups as blacks, Spanish-speaking Americans, and American Indians.

(e) "Program director" means a single individual, designated in the grant application, who is scientifically trained and has research experience and who is responsible for the overall execution of the program supported under this part at the grantee institution.

§ 52c.3 **Eligibility.**

To be eligible for a grant under this Program, an applicant must be:

(a) One of the following:

(1) A public or private nonprofit university, four year college, or other institution offering undergraduate, graduate, or health professional degrees, with a traditionally high (more than 50 percent minority student enrollment;

(2) A public or private nonprofit two year college with a traditionally high (more than 50 percent) minority student enrollment;

(3) A public or private nonprofit university, four year college, or other institution offering undergraduate, graduate, or health professional degrees, with a student enrollment a significant proportion (but not necessarily more than 50 percent) of which is derived from ethnic minorities, provided the Secretary determines that said institution has a demonstrated commitment to the special encouragement of and assistance to ethnic minority faculty, students, and investigators; or

(4) An Indian tribe which has a recognized governing body and which performs substantial governmental functions, or an Alaska Regional Corporation as defined in the Alaska Native Claims Settlement Act (43 U.S.C. 1601 *et seq.*); and

(b) Located in a State, the District of Columbia, Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, or the Trust Territory of the Pacific Islands.

§ 52c.4 **Application.**

(a) Each institution desiring a grant under this part shall submit an application in such form and manner and on or before such dates as the Secretary may from time to time require.[1] Such application shall be executed by an individual authorized to act for the institution and to assume on behalf of the institution the obligations imposed by the terms and conditions of any award, including the regulations of this part.

(b) In accordance with section 1-00-30 of the Department of Health, Education, and Welfare Grants Administration Manual,[2] each private institution, which does not already have on file with the National Institutes of Health evidence of nonprofit status, must submit with its application acceptable proof of such status.

(c) Each application shall contain a narrative description of the institution's present biomedical research program; the nature and purpose of the proposed biomedical research program; the manner in which the institution intends to conduct said program in conformity with this part; and the value of the program to the overall mission and objectives of the institution. The application shall also set forth the proposed support period (not to exceed five years), a detailed budget, a justification for the amount of grant funds requested, the names and qualifications of the program director and the directors of individual projects within the program, the total facilities and resources that will be available (including where necessary collaborative arrangements with other institutions), and such other pertinent information as the Secretary may require.

(d) An institution seeking continued support under this part at the end of a support period must submit a new application in accordance with this section.

§ 52c.5 **Grant awards.**

(a) Within the limits of funds available, and upon such recommendation as may be required by law, the Secretary shall award grants to those applications with proposed biomedical research programs which will, in his judgment, best promote the purposes of this part, taking into consideration among other pertinent factors:

(1) the benefits that can be expected to accrue to the national effort in biomedical research;

(2) the institution's capability, from a scientific and technical standpoint, to engage in biomedical research;

(3) the benefits that can be expected to accrue to the institution and its students;

(4) the administrative and managerial capability and competence of the applicant;

(5) the availability of the facilities and resources (including where necessary collaborative arrangements with other institutions) to engage in biomedical research;

(6) the applicant's relative need for funding; and

(7) the overall significance of the proposal in terms of numbers of ethnic minority persons benefited thereby.

(b) The amount of any grant award shall be determined by the Secretary on the basis of his estimate of the sum necessary for the cost of the applicant's approved plan.

(c) All grant awards shall be in writing and shall specify the support period, the total recommended amount of funds for the entire support period, the approved budget for the initial budget period, and the amount awarded for the initial budget period.

(d) Neither the approval of any application nor any grant award shall commit or obligate the United States in any way to make any additional, supplemental, continuation or other award with respect to any approved application or portion thereof. For continuation support, grantees must submit separate applications annually, at such times and in such form and manner as the Secretary may direct.

§ 52c.6 **Payment.**

The Secretary from time to time may make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement

[1] Applications and instructions are available from the Minority Biomedical Support Program, General Research Support Branch, Division of Research Resources, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 200014.

[2] The Department of Health, Education, and Welfare Grants Administration Manual is available for public inspection and copying at the Department's and Regional Offices' information centers listed in 45 CFR § 5.31 and may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

for expenses incurred or to be incurred in accordance with its approved application.

§ 52c.7 Expenditure of grant funds.

(a) Any funds granted pursuant to this part shall be expended solely for the purposes for which the funds were granted in accordance with the approved application and budget, the regulations of this part, the terms and conditions of the award, and the applicable cost principles prescribed by subpart Q of 45 CFR Part 74, provided that only direct costs of biomedical research may be charged to a grant under this part.

(b) Any unobligated grant funds remaining in the grant account at the close of a budget period may be carried forward and be available for obligation during the succeeding budget period. The amount of any subsequent award will take into consideration unobligated grant funds remaining in the grant account. At the end of the final budget period any unobligated grant funds remaining in the grant account must be refunded to the Federal Government.

§ 52c.8 Nondiscrimination.

(a) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d et seq.) which provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such Title VI, which is applicable to grants made under this part, has been issued by the Secretary with the approval of the President (45 CFR Part 80).

(b) Attention is also called to the requirements of Title IX of the Education Amendments of 1972 and in particular to section 901 of such Act which provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

(c) Grant funds used for alterations and renovations shall be subject to the condition that the grantee shall comply with the requirements of Executive Order 11246, 30 FR 12319 (Sept. 24, 1965), as amended, and with the applicable rules, regulations, and procedures prescribed pursuant thereto.

§ 52c.9 Human subjects; animal welfare.

No award may be made under this part unless the applicant has complied with:

(a) 45 CFR Part 46 and any other applicable requirements pertaining to the protection of human subjects.

(b) Chapter 1-43 of the Department of Health, Education, and Welfare Grants Administration Manual and any other applicable requirements concerning animal welfare.

§ 52c.10 Applicability of 45 CFR Part 74.

The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants under this part to State and local governments as those terms are defined in Subpart A of Part 74. The relevant provisions of the following subparts of Part 74 shall also apply to grants to all other grantee organizations under this part:

45 CFR Part 74

Subpart
A General.
B Cash Depositories.
C Bonding and Insurance.
D Retention and Custodial Requirements for Records.
F Grant-Related Income.
G Matching and Cost Sharing.
K Grant Payment Requirements.
M Grant Closeout, Suspension, and Termination.
O Property.
Q Cost Principles.

§ 52c.11 Progress and fiscal records and reports.

Each grant award shall require that the grantee maintain such progress and fiscal records and file with the Secretary such progress and fiscal reports relating to the conduct and results of the approved grant and the use of grant funds as the Secretary may find necessary to carry out the purposes of this part.

§ 52c.12 Grantee accountability.

(a) All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other grant funds, including funds derived from other grant awards. With respect to each grant, the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available to the Secretary satisfactory evidence of expenditures for costs meeting the requirements of this part.

(b) *Accounting for royalties.* Royalties received by grantees from copyrights on publications or other works developed under the grant, or from patents or inventions conceived or first actually reduced to practice in the course of or under such grant, shall be accounted for as follows:

(1) *State and local governments.* Where the grantee is a State or local government as those terms are defined in subpart A of 45 CFR Part 74, royalties shall be accounted for as provided in 45 CFR Part 74.

(2) *Grantees other than State and local governments.* Where the grantee is not a State or local government as those terms are defined in subpart A of 45 CFR Part 74, royalties shall be accounted for as follows:

(A) Patent royalties, whether received during or after the grant period, shall be governed by agreements between the Assistant Secretary for Health, Department of Health, Education, and Welfare, and the grantee, pursuant to the Department's patent regulations (45 CFR Parts 6 and 8).

(B) Copyright royalties, whether received during or after the grant period, shall first be used to reduce the Federal share of the grant to cover the costs of publishing or producing the materials, and any royalties in excess of the costs of publishing or producing the materials shall be distributed in accordance with Chapter 1-420 of the Department of Health, Education, and Welfare Grants Administration Manual.

§ 52c.13 Publications and copyright.

(a) *State and local governments.* Where the grantee is a State or local government as those terms are defined in subpart A of 45 CFR Part 74, the Department of Health, Education, and Welfare copyright requirement set forth in 45 CFR 74.140 shall apply with respect to any book or other copyrightable materials developed or resulting from an activity supported by a grant under this part.

(b) *Grantees other than State and local governments.* Where the grantee is not a State or local government as those terms are defined in subpart A of 45 CFR Part 74, except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films, or similar materials developed or resulting from an activity supported by a grant under this part, subject to a royalty-free, non-exclusive, and irrevocable license or right in the Government to reproduce, translate, publish, use, disseminate, and dispose of such materials, and to authorize others to do so.

§ 52c.14 Additional conditions.

The Secretary may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved program, the interests of the public health, or the conservation of grant funds.

[FR Doc.75-16787 Filed 6-27-75;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5505; ES-13912]

TENNESSEE

Enlarging Tennessee National Wildlife Refuge

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

Pursuant to applicable laws and to the agreement of December 13, 1973, between the Tennessee Valley Authority (hereinafter referred to as the TVA) and the Department of the Interior (hereinafter referred to as the Department), designated as Supplement No. 3 to Contract No. TV-91534, providing for the transfer by TVA to the Department under authority of section 4(k) of the Tennessee Valley Authority Act of 1933, as amended (55 Stat. 599), of certain rights with respect to lands therein designated and described in the County of Henry, State of Tennessee, so that such lands might be reserved and used as a part of the Tennessee National Wildlife Refuge heretofore established by Executive Order No. 9670, of December 28, 1945, as

amended, all in accordance with the terms and conditions of that agreement which was approved under applicable delegations of authority by the Commissioner, Public Buildings Service, General Services Administration, on January 10, 1974; the lands which are described in said agreement are hereby set aside and reserved as a part of the Tennessee National Wildlife Refuge, and are described below:

Three parcels of land lying in the Thirteenth Civil District of Henry County, State of Tennessee, on the west bank of the Big Sandy River, approximately 6.5 miles southwest of the Scott Fitzhugh Bridge and more particularly described as:

PARCEL NO. 1

Beginning at US-TVA Monument 86-71 in the boundary of the United States of America's land; thence with the United States of America's boundary N. 3°02' E., 130 feet to a metal marker in the 375-foot contour on the shore of Kentucky Lake; thence leaving the United States of America's boundary and with the 375-foot contour as it meanders in a southeasterly direction and subsequently in a southwesterly direction to a metal marker in the boundary of the United States of America's land; thence leaving the contour and with the United States of America's boundary N. 10°14' W., 320 feet to US-TVA corner marker 86-69; thence N. 10°04' W., 441 feet to a metal marker US-TVA 86-70; thence N. 0°39' W., 356 feet to the point of beginning, and containing 4.8 acres, more or less.

PARCEL NO. 2

Beginning at US-TVA corner marker 80-42 in the boundary of the United States of America's land; thence with the United States of America's boundary S. 76°53' E., 110 feet to a metal marker in the 375-foot contour on the shore, of Kentucky Lake; thence leaving the United States of America's boundary and with the 375-foot contour as it meanders in a southwesterly direction and subsequently in a northwesterly direction to a metal marker in the boundary of the United States of America's land; thence leaving the contour and with the United States of America's boundary S. 67°14' E., 340 feet to the point of beginning, and containing 1.2 acres, more or less.

PARCEL NO. 3

Beginning at US-TVA Monument 80-40 in the boundary of the United States of America's land; thence with the United States of America's boundary S. 66°41' E., 197 feet to US-TVA corner marker 80-39; thence S. 18°26' E., 218 feet to US-TVA corner marker 80-38; thence S. 59°38' E., 200 feet to US-TVA corner marker 80-71; thence S. 15°52' W., 293 feet to US-TVA corner marker 80-72 in the 375-foot contour on the shore of Kentucky Lake; thence leaving the United States of America's boundary and with the 375-foot contour as it meanders in a westerly direction and subsequently in a northerly direction to a metal marker in the boundary of the United States of America's land; thence leaving the contour and with the United States of America's boundary N. 22°51' E., 65 feet to the point of beginning, and containing 5.3 acres, more or less.

The positions of corners and directions of lines are referred to the Tennessee Coordinate System. The contour elevation is based on MSL Datum as established by the USC&GS 1929 General Adjustment. The boundary markers designated as "US-TVA Monuments" are concrete monuments capped by bronze tablets imprinted with the given number.

JACK O. HORTON,
Assistant Secretary of the Interior.

JUNE 23, 1975.

[FR Doc.75-16924 Filed 6-27-75;8:45 am]

Title 45—Public Welfare

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

PART 121a—ASSISTANCE TO STATES FOR EDUCATION OF HANDICAPPED CHILDREN

Special Funding Grants to the Territories

Notice of proposed rule making was published in the FEDERAL REGISTER on April 23, 1975, at 40 FR 17849 setting forth a proposed regulation to govern the award of grants to the jurisdictions of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands for the fiscal year ending June 30, 1975. This new section is necessary in order to implement the special one-year funding provision set forth in section 611(c) of the Education of the Handicapped Act, added by section 614(a) of the Education Amendments of 1974 (Pub. L. 93-380). Under the provision as set forth in section 611 (c), two percent of the aggregate of the amounts to which all States are entitled to receive are to be set aside for making grants to the five participating jurisdictions.

An opportunity was given for public comment on the proposed regulation. No comments were received; therefore, Part 121a of Title 45 of the Code of Federal Regulations is amended by adding a new § 121a.81, to read as set forth below.

Effective date. The notice of proposed rule making was transmitted to Congress on April 15, 1975 pursuant to section 431(d) of the General Education Provisions Act (20 U.S.C. 1232(d)). The time period set forth therein for congressional action has expired without such action having been taken. Therefore, this regulation shall become effective June 30, 1975.

Dated: June 15, 1975.

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

Approved: June 25, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Part 121a is amended by adding a new § 121a.81 to read as follows:

§ 121a.81 Criteria for grants to territories in fiscal year 1975.

Funds appropriated for fiscal year 1975 under section 611(a) of the Act will be allocated proportionately among the several jurisdictions which are subject to such section (the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands) on the basis of the number of children aged three to twenty-one, inclusive, in each such jurisdiction, except that no jurisdiction shall receive less than an amount equal to $150,000, and other allocations will be ratably reduced if necessary to assure that each jurisdiction receives at least such amount.

(20 U.S.C. 1411(c))

[FR Doc.75-16950 Filed 6-27-75;8:45 am]

PART 192—STATE STUDENT INCENTIVE GRANT PROGRAM

Allotment Procedures for FY 1975

On page 11017 of the FEDERAL REGISTER of March 10, 1975 (40 FR 11017), there was published a notice of proposed rule making which set forth procedures for the allotment of funds among the States under the State Student Incentive Grant Program for Fiscal Year 1975. The notice also proposed procedures for applying for such funds. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed procedures. No responses were received, therefore the proposed procedures are adopted without change and are set forth below. Since all applications have already been submitted on the basis of the proposed rule, this publication omits the application procedures and contains only the allotment procedures.

These procedures supersede, for Fiscal Year 1975 only, the amendment to 45 CFR 192.3 which deals with allotment procedures for continuing grants (§ 192.3 (e).) published in the FEDERAL REGISTER on April 23, 1975 (40 FR 17844). Furthermore, these procedures apply only to those States which are eligible, on the basis of having received grants under the SSIG Program for Fiscal Year 1974, to apply for funds under the Fiscal Year 1975 appropriation for both continuation and initial awards. The remaining States (Alabama, Alaska, Arizona, Guam, Hawaii, and Louisiana) may apply for grants for initial awards only, under the allotment formula and application procedures set forth in the currently applicable regulations. The allotment procedures are as follows.

Part 192 is amended by revising § 192.3 (e) to read as follows:

§ 192.3 Allotment and reallotment.

* * * * *

(e) (1) From the sum appropriated for the SSIG Program for Fiscal Year 1975, the Commissioner will allot to each State that applies for such funds an amount which bears the same ratio to such sum as the number of students in attendance as at least half-time students at institutions of higher education in such State bears to the total number of such students in such attendance in all such States. (A table containing a distribution among all States has been appended to the Fiscal Year 1975 State application form as a guide for the States in developing their applications).

(2) The Commissioner will review all State applications for conformity with the program statute and regulations, including the amendments to the regulations published on April 23, 1975 with respect to continuation awards, and will approve all requests for continuation awards where the amount applied for does not exceed the amount of the State's allotment established under paragraph (e) (1) of this section. The difference between the amount of each State's allotment and the amount approved for continuation awards by that State may be used by the State for making initial awards.

Effective date. The notice of proposed rule making was transmitted to Congress on March 5, 1975, pursuant to section 431 (d) of the General Education Provisions Act (20 U.S.C. 1232(d)). The time period set forth therein for Congressional action has expired without such action having taken place. Therefore, the procedures set forth above shall become effective June 30, 1975.

(20 U.S.C. 1070c-1)

(Catalog of Federal Domestic Assistance No. 13.548: State Student Incentive Grant Program)

Dated: June 23, 1975.

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

Approved: June 25, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

[FR Doc.75-16960 Filed 6-27-75;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74-102]

PART 57—WELDING AND BRAZING

The purpose of these amendments to the Coast Guard regulations is to adopt the 1974 Edition of Section IX of the ASME (American Society of Mechanical Engineers) Boiler and Pressure Vessel Code as limited, modified or replaced by specific requirements of Part 57 of Chapter I of Title 46 of the Code of Federal Regulations.

Section IX of the ASME Boiler and Pressure Vessel Code, Welding Qualifications, has been adopted and is part of the current Coast Guard Marine Engineering Regulations appearing in Part 57. The 1974 edition of the ASME Code became effective 1 July 1974 and entails several major revisions.

On September 26, 1974 a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 34565). A correction was published on November 1, 1974 in the FEDERAL REGISTER (39 FR 38667). Interested persons were given 47 days in which to submit written comments. Two (2) written comments were received. The two comments received questioned the deletion of position of the test piece as an essential variable in welding procedure qualification.

This point was well considered during the rewrite of the Code. The committee doing the rewrite established that mechanical properties of test bars taken from test plates welded at various positions were not adversely affected by the change in positions. The heat input, however, can affect the microstructure and thus the notch toughness of the weldment as measured by an impact test. For this reason, position becomes an essential variable where notch toughness is a factor. To clarify this point, paragraph 57.03-1(b) (5) is added to require that heat input be limited in production to the maximum heat applied to the test piece used in procedure qualification.

The Coast Guard points out that the deletion of test position as an essential variable applies to pressure vessels and Class II piping systems. Pressure vessels must still have production tests performed on them to insure weld quality is maintained. For Class I and low temperature piping systems, the weld procedures must still be qualified in each position to be employed in fabrication. Further, the welders themselves must pass performance tests in each position that will be used in production. In addition, the Main Committee of the Boiler and Pressure Vessel Committee passed on March 7, 1975 an amendment to QW-203. This amendment would insure that welding rods, electrodes, and filler metals are suitable for their use in specific positions.

After consideration of all such relevant matter as was presented by interested persons the amendment as so proposed is hereby adopted, with the addition of a new § 57.03-1(b) (5) as set forth below.

Effective date. These amendments are effective July 29, 1975.

Dated: June 10, 1975.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

In consideration of the foregoing, Part 57 of Title 46 of the Code of Federal Regulations is amended as follows:

§ 57.01-1 [Amended]

1. By striking from § 57.01-1 the words "(Replaces Q-1(a), QN-1(a), QB-1(a))" and inserting in place thereof the words "(Replaces QW 101 and QB 101)".

2. By striking from § 57.01-1 the "(Modifies Q-21(b), QN-21(b), QB-21 (b))" and inserting in place thereof the words "(Modifies QW 305 and QB 305)".

3. In § 57.02-1 paragraph (a) is amended by deleting the second sentence and revising table 57.02-1(a) and paragraph (b) is revised as follows:

§ 57.02-1 Adoption of section IX of the ASME Code.

* * * * *

Table 57.02-1(a)—Limitations and Modifications to the Adoption of Section IX of the ASME Code

Paragraphs in section IX ASME code, and Disposition	*Unit of this part*
QW-101 replaced by	57.01-1(a)
QW-103 replaced by	57.02-3(a)
QW-201 modified by	57.03-1(a)
QW-202 modified by	57.04-1
QW-202.1 modified by	57.03-1(b)
QW-210 modified by	57.04-1
QW-211 modified by	57.02-4
QW-253 modified by	57.03-1(g)
QW-254 modified by	57.03-1(g)
QW-255 modified by	57.03-1(g)
QW-305 modified by	57.01-1(b)
QW-451 modified by	57.03-1(b) and 57.04-1
QB-101 replaced by	57.01-1(a)
QB-103 replaced by	57.02-3(a)
QB-201 modified by	57.03-1(a)
QB-202 modified by	57.04-1
QB-305 modified by	57.01-1(b)

* * * * *

(b) References to the ASME Code, like paragraph QW-131.1 indicate:

Q = Section IX, Welding and Brazing Qualifications, ASME Code.
W = Part containing requirements for welding procedure, welder, and welding operator qualifications.
131... = Major division within the part.
131.1 = Specific subparagraph within the part.

* * * * *

4. By revising § 57.02-3(a) to read as follows:

§ 57.02-3 Fabricator's responsibility.

(a) (Replaces QW 103 and QB 103). Each manufacturer or contractor is responsible for the welding and brazing done by his organization and shall conduct tests required in this part to qualify the welding and brazing procedures used and the performance of welders and brazers who apply these procedures. The manufacturer shall bear the expense of conducting the tests. Each manufacturer shall maintain a record of the test results obtained in welding and brazing procedure and welder and brazer performance qualifications. These required records, together with identification data, shall be maintained by the manufacturer or contractor on the recommended forms illustrated in QW 480 and QB 480 of Section IX, ASME Code, or on any other form acceptable to the Officer in Charge, Marine Inspection. Upon request, duplicate forms shall be furnished by the manufacturer or contractor to the marine inspector.

* * * * *

5. By revising § 57.02-4 to read as follows:

§ 57.02-4 Filler metals.

(a) Except as provided for in paragraph (b) of this section, when filler metal is used in a welded fabrication that is required to meet the requirements of this Part the filler metal must be one that has been approved by the American Bureau of Shipping.

(b) In instances where a fabricator desires to use a filler metal which has not been approved by the American Bureau of Shipping the approval of the filler metal can be made by the Officer in Charge, Marine Inspection on the

basis of the fabricator passing the weld procedure qualification tests as outlined in this Part. This alternate means of approval applies to wire-gas and wire-flux combinations as well as to stick electrodes. Filler metal approvals given in this manner will extend only to the specific fabricator to whom they are granted.

6. By revising § 57.03-1 to read as follows:

§ 57.03-1 General requirements.

(a) (Modifies QW 201 and QB 201). In order to obtain Coast Guard approval of a weld procedure to be used on welded fabrication that is required to meet the requirements of this Part each manufacturer or contractor must do the following:

(1) Each manufacturer or contractor must submit to the cognizant Officer in Charge, Marine Inspection, for approval, a welding or brazing procedure specification for the particular welding or brazing process to be used. The welding or brazing procedure specification must include a sketch showing joint preparation. Suggested forms showing the information which is required in the welding or brazing procedure specification are in QW 480 and QB 480 of Section IX of the ASME Code.

(2) Each manufacturer or contractor must submit to the cognizant Officer in Charge, Marine Inspection, for approval, the results of the physical tests required by section IX of the ASME Code.

(b) (Modifies QW 202.1 and QW 451). To obtain approval of the welding procedure, fabricators desiring to use any welding process for applications involving temperatures below −18° C (approx. 0° F) must conduct a procedure qualification test in accordance with the requirements of paragraph (a) of this section and the following additional requirements:

(1) The test piece must be large enough so that sufficient material is available for the tests prescribed in QW 451 of the ASME Code, plus toughness tests and a macro-etch specimen.

(2) To obtain approval the fabricator must conduct toughness tests and qualify in accordance with § 54.05 of the subchapter. Results of toughness tests must be submitted for approval to the cognizant Officer in Charge, Marine Inspection.

(3) The macro-etch specimen must be submitted with the test results required by paragraph (a) of this section. Macro-etch specimens must not be obtained by flame or arc cutting from the test piece. Weld reinforcement must remain in place unless the production welds are to be machined or ground. Backing rings must also be left in place unless they are to be removed in production.

(4) Low temperature procedure qualification thickness ranges are as indicated in Table 57.03-1(b).

TABLE 57.03-1(b).—*Low temperature weld procedure qualification thickness ranges*

Thickness, "t" of test plate or pipe as welded (inches)	Range of thickness of materials qualified by test plate or pipe (inches)	
	Minimum	Maximum
1/16 to 3/8, inclusive	1/16	3/8
Over 3/8 but less than 3/4	* 3/8	3/4
3/4 to 3, inclusive	3/4	** t

* For thicknesses less than 5/8 inch, the thickness of the test plate or pipe is the minimum thickness qualified.

** Where "t" is the thickest material over 3/4 inch to be used in production.

(5) The limits for heat input production, as measured in Joules/inch, must be at or below the maximum heat input applied to the procedure test plate. The word "maximum" must not be interpreted as either nominal or average.

(c) [Reserved]

(d) For quenched and tempered steels, the Commandant may prescribe special testing to assure that the welding procedure produces weldments which are not prone to low energy fracture through the heat affected zone.

(e) Welding procedures that utilize type E 6012, E 6013, E 6014, E 6024, E 7014, or E 7024 electrode will be approved only for the specific type, size, and brand electrode used. If a different type, size, or brand of electrode is used, a new procedure qualification test must be conducted.

(f) Welding or brazing procedure approvals cannot be transferred from one plant to another plant of the same company or from one company to another.

(g) (Modifies QW 253, QW 254, and QW 255). Item QW 402.4 is an essential variable for all procedure specifications.

7. By revising § 57.04-1 to read as follows:

§ 57.04-1 Test specimen requirements and definition of ranges (modifies QW 202, QW 210, QW 451, and QB 202).

The type and number of specimens that must be tested to qualify an automatic, semiautomatic, or manual procedure specification shall be in accordance with QW 202, QW 210, or QB 202 of the ASME Code as applicable, except as supplemented by paragraph 57.03-1 (b) and 57.03-1(d).

§ 57.05-30 [Amended]

8. By adding a new test position, 6G, to Figure 57.05-3(a) in § 57.05-3 indicating a position such that the axis of the piece is inclined 45 degrees to the horizontal.

§ 57.06-1 [Amended]

9. By striking the words "Table Q 11.1" from § 57.06-1(c) and inserting in place thereof the words "QW 422".

§ 57.06-4 [Amended]

10. By striking the words "Figure Q-8, QN-8, Q-8.1 or QN-8.1" from § 57.06-4 (h) and inserting in place thereof the words "QW 466.1, QW 466.2, or QW 466.3.

11. By revising the authority citation for Part 57 to read as follows:

(14 U.S.C. 633; 46 U.S.C. 375, 390(b), 391a, 392, 406, 409, 411, 416, 520p, 49 U.S.C. 1655 (b)) E.O. 11239 (30 FR 9671); unless otherwise noted.

[FR Doc.75-15834 Filed 6-27-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20358; RM-2266; FCC 75-720]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations, Tennessee; Table of Assignments

1. The Commission has before it the Notice of Proposed Rule Making, adopted February 12, 1975, 40 FR 8230, inviting comments on a proposal to assign Channel 232A to Germantown, Tennessee, as its first FM channel assignment. The only commenting party is petitioner, Sam C. Phillips.

2. Germantown, with a population of 3,474,[1] is located in Shelby County (pop. 722,014), east of the city limits of Memphis, Tennessee, and is part of the Memphis Urbanized Area and SMSA. At the present time, Germantown has no local broadcast operations. The assignment of Channel 232A to Germantown complies with the Commission's minimum mileage separation rules.

3. In supporting comments, petitioner submitted a letter from the Local Planning Division of the Tennessee State Planning Office, which states that as of July 1, 1974, the official population of Germantown is 8,903 persons and that projected increases in population are as follows: 11,710 in 1975; 18,584 in 1978; 20,000 in 1980; and 38,000 in 1990. These projections are based upon planned residential development on land in and adjacent to Germantown, according to petitioner. Other facts regarding Germantown's economic viability and community interests have been submitted to us by petitioner and appear to support the assignment of the proposed channel to that community.

4. As stated in the Notice, assignment of Channel 232A to Germantown would cause preclusion only on the co-channel, affecting an area around Memphis, Tennessee. The Notice indicated that West Memphis, Arkansas (pop. 25,892), which has no FM channels assigned to it, is located within the precluded area of Channel 232A. Petitioner was requested to show whether any other channels could be assigned to West Memphis. In response thereto, he determined that Channel 296A is available should an interest for that channel be expressed in the future. In view of the rapid growth of Ger-

[1] All population data are from the 1970 U.S. Census, unless otherwise indicated.

mantown, the support for a local broadcast facility, and the availability of an alternate channel for West Memphis, Arkansas, we believe that the public interest would be served by the assignment of Channel 232A to Germantown, Tennessee. The assignment of this channel here would result in the efficient use of FM spectrum since the channel may only be used in this general area.

5. Authority for the action taken herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

6. *Accordingly, it is ordered*, That effective August 1, 1975, the FM Table of Assignments, § 73.202(b) of the Commission's rules, is amended, insofar as the city listed below is concerned, to read as follows:

City	Channel No.
Germantown, Tenn	232A

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

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

Adopted: June 17, 1975.

Released: June 24, 1975.

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

[FR Doc.75-16892 Filed 6-27-75;8:45 am]

[Docket No. 20423; FCC 75-715]

PART 76—CABLE TELEVISION SERVICES

Cross-Ownership Interests

In the matter of Amendment of Part 76, Subpart J, of the Commission's rules and regulations relative to cable television systems; and postponement of divestiture requirement of § 76.501 relative to prohibited cross-ownership in existence on or before July 1, 1970. (40 FR 16684).

1. On April 2, 1975, the Commission adopted its notice of proposed rulemaking in Docket 20423, FCC 75-405, ---- FCC 2d ----, which proposed amending the Commission's rules concerning cross-ownership interests between television broadcast stations and cable television systems within the predicted Grade B contour of the station. At present, § 76.501 of the rules requires that divestiture of the prohibited interests be accomplished by August 10, 1975, less than two months away. We stated in that Notice that in order to avoid confusion and financial hardship to persons with cross-ownership interests subject to the divestiture requirement, we would consider postponing the divestiture date pending the termination of this rule making proceeding.[1]

[1] Because we do not contemplate any change in § 76.501(a)(1) (cable television-national television network) or § 76.501 (a)(3) (cable television-television translator station licensed to the community of such system), the action we take today will not apply to those situations.

2. To facilitate an orderly consideration and disposition of this proceeding and in order to avoid mooting one of the principal issues in it, we have decided to suspend so much of § 76.501 of the rules as would otherwise require that interests in co-located television stations and cable television system in existence on or before July 1, 1970, be divested by August 10, 1975. If, at such time as this suspension is wholly or partially removed, divestiture of cross-interests is still required, a reasonable time to implement the required divestitures will be provided. We have reviewed the comments submitted in this proceeding as they pertain to the divestiture date issue and find no argument which persuades us that this suspension, pending completion of our deliberation in this proceeding, should not be undertaken.

3. Those who argue against any change in the rules and thus against any suspension of the divestiture date, urge that ample time has already been provided affected parties to prepare for divestitures and that any further time extension would merely cause additional delay. Further, they argue that those parties who waited until the 11th hour should not have the benefit of any additional time since this would be unfair to other parties that divested in contemplation that the August 10 date would be enforced. We do not agree that the fact that some parties have already complied with § 76.501 by divesting and may as a result have been economically injured is a reason to cause others to be similarly adversely affected. If it is determined that the rule changes proposed should be adopted, then some of the remaining parties will no longer be required to divest. It seem appropriate, therefore, to maintain the status quo during the pendency of this proceeding, for to do otherwise could result in additional unnecessary dislocations and injury. We hope to rapidly resolve all of the issues in this proceeding so that the suspension ordered herein should not be of long duration.

4. Since this suspension relieves a restriction where time is of the essence, the 30-day advance publication provision of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, does not apply.

Authority for this action taken herein is contained in sections 2, 4(i) and (j), 303, 307, 308, and 309 of the Communications Act of 1934 as amended.

Accordingly, it is ordered, That effective July 3, 1975, the divestiture date contained in § 76.501 of the Commission's rules, as it applies to local television station, cable television system cross-ownership (§ 76.501(a)(2)) is suspended pending further order.

(Secs. 2, 4, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1066, 1082, 1083, 1084, 1085 (47 U.S.C. 152, 154, 303, 307, 308, 309))

Adopted: June 17, 1975.

Released: June 24, 1975.

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

[FR Doc.75-16893 Filed 6-27-75;8:45 am]

[Docket No. 19662; RM 1762, 1892]

PART 89—PUBLIC SAFETY RADIO SERVICES

Report and Order; Correction

In the matter of amendment of Part 89 of the Commission's rules to permit expanded use of tone and impulse signalling in the Public Safety Radio Services.

The appendix to the Commission's Report and Order, FCC 75-532 (40 FR 21733) released May 14, 1975, is corrected as follows:

1. In Appendix B, § 89.126 paragraphs (b), (c) and (l) are corrected as follows:

§ 89.126 Secondary alarm and signalling operations.

* * * * *

(b) For systems authorized after June 20, 1975, to be used for the purposes outlined in paragraph (a) of this section, the maximum duration of any one voice alarm may not exceed six seconds and shall not be transmitted more than three times. For systems authorized prior to this date, any one alarm or warning may be transmitted a maximum of five times.

(c) For systems authorized after June 20, 1975, to be used for the purposes outlined in paragraph (a) of this section, the maximum duration of any one non-voice signal may not exceed two seconds and shall not be transmitted more than three times. For systems authorized prior to this date, any one alarm or warning may be transmitted a maximum of five times and each transmission may not exceed six seconds.

* * * * *

(l) Base, mobile relay or mobile stations licensed in these services on frequencies above 25 MHz may transmit secondary tone or impulse signals to receivers subject to the conditions set forth in this section.

Released: June 24, 1975.

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

[FR Doc.75-16895 Filed 6-27-75;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 277 (Sub-No. 1)]

PART 1124—REGULATIONS GOVERNING ADEQUACY OF INTERCITY RAIL PASSENGER SERVICE

Revocation of Section

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 18th day of June 1975.

It appearing, That in November 1973, the Amtrak Improvement Act of 1973 (Pub. L. 93-146) was enacted which, pursuant to section 14 of that Act, amended section 801 of the Rail Passenger Service Act of 1970 to read, in part, as follows:

(a) The Commission shall promulgate, within 60 days from the date of enactment of the Amtrak Improvement Act of 1973, and

from time to time shall revise, such regulations as it considers as necessary to provide adequate service, equipment, tracks, and other facilities for quality intercity rail passenger service.

And it further appearing, That one of the purposes of this amendment was to remove the word "safe" from section 801, which previously provided as here pertinent; as follows:

The Commission is authorized to prescribe such regulations as it considers necessary to provide safe and adequate service, equipment, and facilities for intercity rail passenger service.

And it further appearing, That pursuant to the enactment of the Rail Passenger Service Act of 1970 that this Commission promulgated certain rules including 49 CFR 1124.27, which provides as follows:

The regulation in Chapter II of this title, parts 225, 228, 230-234, and 236, prescribed by the Federal Railroad Administration, Departmen of Transportation, under rail safety statutes, are hereby adopted, confirmed, and continued in effect until modification or superseded by appropriate authority as to intercity rail passenger service. (Note: this regulation was formerly cited as section 1124.1 CFR).

And it further appearing, That the Commission in an Order served May 13, 1975, and published in the FEDERAL REGISTER on May 16, 1975, tentatively concluded that 49 CFR § 1124.27 should be repealed;

And it further appearing, That as of May 27, 1975, the Commission has not received any statement or brief in opposition to the tentative conclusion of May 9, 1975:

It is ordered, That 49 CFR 1124.27, for good cause shown, is hereby repealed.

And it is further ordered, That a copy of this order be served upon all parties, each public utility commission or board or similar regulatory body of each state and the Secretary of the Department of Transportation; that a copy be posted in the Office of the Secretary of this Commission and in each field office; and that a copy of this order be delivered to the Director, Division of Federal Register, for publication in the FEDERAL REGISTER.

By the Commission.

JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-17008 Filed 6-27-75;8:45 am]

Title 7—Agriculture

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

[Cherry Regulation 14]

PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Limitation of Shipments

This regulation, issued pursuant to the marketing agreement and Order No. 923 (7 CFR Part 923), specifies certain grade, size, and container requirements which will, during the period July 1, 1975, through June 30, 1976, limit the handling of sweet cherries grown in designated counties in Washington.

Notice was published in the June 2, 1975, issue of the FEDERAL REGISTER (40 FR 23763) that consideration was being given to a regulation proposed by the Washington Cherry Marketing Committee, established under said marketing agreement and order which regulate the handling of fresh sweet cherries grown in designated counties in Washington. This is a regulatory program effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The published proposal reflected the committee's appraisal of the 1975 crop and the current and prospective market conditions. The notice allowed interested persons to submit, through June 16, 1975, written data, views, or arguments pertaining to the proposed regulation.

This regulation is basically the same as the current Cherry Regulation 13 (§ 923.313; 39 FR 21119) expiring on June 30, 1975. It reflects the Department's appraisal of the need for continued regulation of the crop and current and prospective market conditions. Seasonal shipments of sweet cherries from the production area will be in progress when this regulation becomes effective and the continuation of grade and size requirements as hereinafter provided is designed to prevent the handling, on and after July 1, 1975, of any cherries of a lower grade or a smaller applicable size than hereinafter specified, so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while improving returns to the producers pursuant to the declared policy of the act. The requirements hereinafter specified that pertain to containers and to the packaging of cherries in faced packs and any packs of 20 pounds, net weight, or larger, are designed to prevent deceptive packaging practices, promote buyer confidence, and maintain the integrity of the Washington sweet cherry industry. The regulation would also permit handlers to ship cherries in experimental containers approved by the committee. Individual shipments, not exceeding 100 pounds, of cherries sold for home use and not for resale, subject to necessary safeguards, are excepted from these requirements because the quantity of cherries so handled is relatively inconsequential when compared with the total quantity handled and because it would be administratively impracticable to regulate the handling of such shipments due to the proximity of their source and destination.

During the period provided for the submission of written data, views, or arguments on the proposal the committee submitted, through its program manager, a recommendation to include certain additional language that would clarify the size requirements for cherries in faced-packs or in any 20-pound packs or larger, and in experimental containers. As published in the notice, part of the regulation would require that at least 90 percent, by count, of the cherries in each lot of such containers or pack be not less than 54/64 inch in diameter. The recommended additional language specifies that not more than 5 percent of such cherries (one-half of the remaining 10 percent) may be less than 48/64 inch in diameter. Accordingly, the proposed language of § 923.314 (a) (3) and (b) (2) (ii), as published in the notice, is hereby modified to reflect the changes submitted by the committee.

After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Washington Cherry Marketing Committee, and other available information, it is hereby found and determined that the regulation hereinafter set forth is in accordance with the provisions of said marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (7 U.S.C. 553) in that (1) seasonal shipments of sweet cherries are currently regulated by Cherry Regulation 13 and this Cherry Regulation 14 would continue regulation on and after July 1, 1975; (2) this regulation is basically the same as the current regulation and the regulation proposed in the notice and it includes certain modifications submitted by the committee during the period provided therefor by the notice; (3) compliance with the regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective date thereof; and (4) this regulation was unanimously recommended by Washington Cherry Marketing Committee members in an open meeting at which all interested persons were afforded an opportunity to submit their views.

Section 923.314 is added as follows:

§ 923.314 Cherry Regulation 14.

(a) *Order.—Minimum grade and sizes.* During the period July 1, 1975, through June 30, 1976, no handler shall handle, except as otherwise provided in paragraphs (b) and (c) of this section, any lot of cherries unless such cherries meet each of the following applicable requirements:

(1) U.S. No. 1 grade except that the following tolerances, by count, of the cherries in the lot shall apply in lieu of the tolerances for defects provided in the United States Standards for Grades of Sweet Cherries:

(i) A total of 10 percent for defects including in this amount not more than 5 percent, by count, of the cherries in the lot, for serious damage, and including in this latter amount not more than one percent, by count, of the cherries in the lot, for cherries affected by decay: *Provided,* That the contents of individual packages in the lot are not limited as to

the percentage of defects but the total of the defects of the entire lot shall be within the tolerances specified.

(2) Except as hereinafter provided in paragraph (b) (2) (ii) and paragraph (a) (3) of this section, at least 95 percent, by count, of the cherries in the lot shall measure not less than 48/64-inch in diameter.

(3) At least 90 percent, by count, of the cherries in any lot of face-packed containers or any containers of 20 pounds, net weight, or more shall measure not less than 54/64-inch in diameter and not more than 5 percent, by count, of such cherries may be less than 48/64-inch in diameter.

(b) *Containers.* During the period July 1, 1975, through June 30, 1976, no handler shall handle any lot of cherries, unless such cherries are in containers which meet each of the following applicable requirements:

(1) The net weight of the cherries in any container having a capacity greater than that of a container with inside dimensions of 15 1/8 by 10 1/2 by 4 inches shall not be less than 20 pounds; and all containers of cherries shall contain at least 12 pounds, net weight, of cherries.

(2) Subject to the provisions of paragraphs (b) (2) (i) and (ii) of this section, shipments of cherries may be handled in such experimental containers as have been approved by the Washington Cherry Marketing Committee.

(i) All shipments handled in such containers shall be under the supervision of the committee; and

(ii) At least 90 percent, by count, of the cherries in any lot of such containers shall measure not less than 54/64-inch in diameter, and not more than 5 percent, by count, of such cherries may be less than 48/64-inch in diameter.

(c) *Exceptions.* Notwithstanding any other provisions of this section, any individual shipment of cherries which meets each of the following requirements may be handled without regard to the provisions of paragraph (a) and (b) of this section, and of §§ 923.41 and 923.55 of this part:

(1) The shipment consists of cherries sold for home use and not for resale;

(2) The shipment does not, in the aggregate, exceed 100 pounds, net weight, of cherries; and

(3) Each container is stamped or marked with the words "not for resale" in letters at least one-half inch in height.

(d) *Definitions.* Terms used in the marketing agreement and order shall, when used herein, have the same meaning as given to the respective term in said marketing agreement and order; "U.S. No. 1" and "diameter" shall have the same meaning as when used in the United States Standards for Grades of Sweet Cherries (7 CFR 51.2646–51.2660); and "face-packed" means that the cherries in the top layer in any container are so placed that the stem ends are pointing downward toward the bottom of the container.

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

Dated: June 25, 1975.

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

[FR Doc.75–16976 Filed 6–27–75;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 33; Docket No. AO–166–A46]

PART 1033—MILK IN THE OHIO VALLEY MARKETING AREA

Order Amending Order

FINDINGS AND DETERMINATIONS

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Ohio Valley marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

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

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at lease two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Ohio Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

GENERAL PROVISIONS AND DEFINITIONS

Sec.
1033.1 General provisions.
1033.5 Cooperative association.
1033.6 Ohio Valley marketing area.
1033.7 Fluid milk product.
1033.8 Route disposition.
1033.9 Plant.
1033.10 Distributing plant.
1033.11 Supply plant.
1033.12 Pool plant.
1033.13 Nonpool plant.
1033.14 Producer.
1033.15 Producer milk.
1033.16 Handler.
1033.17 Producer-handler.
1033.18 Other source milk.
1033.19 Chicago butter price.
1033.20 Filled milk.
1033.1 General provisions.
1033.5 Cooperative association.
1033.6 Ohio Valley marketing area.
1033.7 Fluid milk product.
1033.8 Route disposition.
1033.9 Plant.
1033.10 Distributing plant.
1033.11 Supply plant.
1033.12 Pool plant.
1033.13 Nonpool plant.
1033.14 Producer.
1033.15 Producer milk.
1033.16 Handler.
1033.17 Producer-handler.
1033.18 Other source milk.
1033.19 Chicago butter price.
1033.20 Filled milk.

MARKET ADMINISTRATOR

Sec.
1033.27 Additional duties of the market administrator.

REPORTS

1033.30 Reports of receipts and utilization.
1033.31 Other reports.

CLASSIFICATION

1033.40 Skim milk and butterfat to be classified.
1033.41 Classes of utilization.
1033.42 Shrinkage.
1033.43 Interplant movements.
1033.45 Computation of skim milk and butterfat in each class.

Sec.
1033.46 Allocation of skim milk and butterfat classified.

MINIMUM PRICES

1033.50 Basic formula price.
1033.51 Class prices.
1033.52 [Reserved]
1033.53 Location differentials.
1033.54 Use of equivalent prices.

APPLICATION OF PROVISIONS

1033.56 Plants subject to other Federal orders.
1033.57 Obligation of handler operating a partially regulated distributing plant.

COMPUTATION OF UNIFORM PRICE

1033.60 Computation of the net pool obligation of each handler.
1033.61 Computation of the uniform price.

PAYMENTS FOR MILK

1033.70 Producer-settlement fund.
1033.71 Payments to the producer-settlement fund.
1033.72 Payments from the producer-settlement fund.
1033.73 Butterfat differential to producers.
1033.74 Location differentials to producers and on nonpool milk.
1033.75 Marketing services.
1033.76 Expense of administration.
1033.77 Correction of errors.

AUTHORITY: The provisions of this Part 1033 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

GENERAL PROVISIONS AND DEFINITIONS

§ 1033.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

§ 1033.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) Is qualified under the provisions of the Act of Congress of February 18, 1922, known as the "Capper-Volstead Act" (7 U.S.C. 291, 292);

(b) Has full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or milk products for its members; and

(c) Has its entire organization and all of its activities under the control of its members.

§ 1033.6 Ohio Valley marketing area.

The "Ohio Valley marketing area" hereinafter called the "marketing area", means all the territory, by designated zones, within the boundaries of the following geographical units, including all waterfront facilities connected therewith and all territory occupied by government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments if any part thereof is within the listed geographical units:

(a) The "Northwestern Zone" shall include the following territory:

OHIO COUNTIES

Allen.	Morrow.
Auglaize.	Putnam.
Crawford.	Richland.
Fulton.	Sandusky (Woodville and Madison Townships only).
Hancock.	Seneca.
Hardin.	Van Wert (city of Delphos only).
Henry.	Wood.
Logan.	Wyandot.
Lucas.	
Marion.	
Mercer.	

MICHIGAN COUNTIES

Lenawee (Blissfield, Deerfield, Ogden, Palmyra, and Riga Townships only).
Monroe (except Ash, Berlin, Dundee, Exeter, London, and Milan Townships).

(b) The "Central Zone" shall include the following territory:

OHIO COUNTIES

Adams.	Delaware.
Brown.	Fairfield.
Butler.	Fayette.
Champaign.	Franklin.
Clark.	Gallia.
Clermont.	Greene.
Clinton.	Hamilton.
Darke.	Highland.

OHIO COUNTIES—Continued

Hocking.	Pike.
Jackson.	Preble.
Knox.	Ross.
Lawrence.	Scioto.
Licking.	Shelby.
Madison.	Union.
Miami.	Vinton.
Montgomery.	Warren.
Pickaway.	

KENTUCKY COUNTIES

Boone.	Harrison.
Boyd.	Kenton.
Bracken.	Lewis.
Campbell.	Mason.
Grant.	Pendleton.
Greenup.	Robertson.

INDIANA COUNTIES

Dearborn.	Ohio.

(c) The "Southeastern Zone" shall include the following territory:

OHIO COUNTIES

Athens.	Meigs.
Coshocton (except Adams Township).	Morgan.
Guernsey (except Oxford, Londonderry, and Millwood Townships).	Muskingum.
	Noble.
	Perry.
	Washington.

KENTUCKY COUNTIES

Floyd.	Magoffin.
Johnson.	Martin.
Lawrence.	Pike.

WEST VIRGINIA COUNTIES

Boone.	Mingo.
Cabell.	Pleasants.
Calhoun.	Putnam.
Fayette.	Raleigh.
Gilmer.	Ritchie.
Jackson.	Roane.
Kanawha.	Wayne.
Lincoln.	Wirt.
Logan.	Wood.
Mason.	Wyoming.

§ 1033.7 Fluid milk product.

"Fluid milk product" means the following products or mixtures in either fluid or frozen form, including such products or mixtures that are flavored, cultured, modified (with added nonfat milk solids), concentrated, or reconstituted: Milk, skim milk, lowfat milk, milk drinks, eggnog, buttermilk, filled milk, milk shake mixes containing less than 15 percent total milk solids, and mixtures of cream and milk or skim milk containing less than 10.5 percent butterfat. The term "fluid milk product" shall not include yogurt, frozen desserts, frozen dessert mixes, dietary products and infant formulas in hermetically sealed metal or glass containers, evaporated or condensed milk or skim milk in plain or sweetened form, and any product containing 6 percent or more nonmilk fat (or oil).

§ 1033.8 Route disposition.

"Route disposition" means a delivery, either directly or through any distribution facility (including disposition from a plant store or by a vendor or vending machine), of a fluid milk product classified as Class I pursuant to § 1033.41(a), except a delivery in bulk form to a plant. However, for the single purpose of determining the qualification of a distributing plant as a pool plant pursuant to § 1033.12(a), packaged fluid milk products transferred as Class I milk from the distributing plant to another plant shall be considered as route disposition of the transferor plant and shall be considered as route disposition in the marketing area to the extent of in-area route disposition of the transferee plant.

§ 1033.9 Plant.

(a) Except as provided in paragraph (b) of this section, "plant" means the land and buildings, together with their surroundings, facilities, and equipment, constituting a single operating unit or establishment which contains stationary holding facilities and which is operated for the bulk handling or processing of milk or milk products (including filled milk).

(b) The term "plant" shall not include distribution points (separate facilities used primarily for the transfer to vehicles of packaged fluid milk products moved there from processing and packaging plants) or bulk reload points (separate facilities at which milk moved from a farm in a tank truck is transferred to another tank truck and commingled with other milk before entering a plant). If a distribution point or bulk reload point is on the premises of a plant, it shall be considered a part of the plant operation.

§ 1033.10 Distributing plant.

"Distributing plant" means a plant in which fluid milk products approved by a duly constituted health authority for fluid consumption, or filled milk, are processed or packaged and from which there is route disposition in the marketing area during the month.

§ 1033.11 Supply plant.

"Supply plant" means a plant from which a fluid milk product approved by

a duly constituted health authority for fluid consumption, or filled milk, is transferred to a pool plant during the month.

§ 1033.12 Pool plant.

"Pool plant" means a plant specified in paragraph (a), (b), or (c) of this section that is not an other order plant or a producer-handler plant.

(a) A distributing plant with:

(1) Route disposition in the marketing area during the month of not less than 15 percent of its total route disposition, such route disposition in both cases to be exclusive of packaged fluid milk products received from other plants if priced as Class I milk under this or any other Federal order and of route disposition of filled milk; and

(2) Route disposition during the month of not less than 50 percent for each of the months of September through February, and 45 percent for each of the months of March through August, of its total receipts of fluid milk products (including milk diverted from such plant by the plant operator or a cooperative association but excluding bulk fluid milk products received by transfer or diversion from other plants as Class II or Class III milk) that are approved by a duly constituted health authority for fluid consumption, subject to the following further conditions:

(i) Both such route disposition and receipts shall be exclusive of filled milk and of packaged fluid milk products received from other plants if priced as Class I milk under this or any other Federal order;

(ii) A distributing plant that does not meet such percentage requirement in the current month shall not be disqualified under this subparagraph as a pool plant if such percentage was met in each of the three immediately preceding months.

(b) A supply plant that receives milk approved for fluid consumption by a duly constituted health authority and from which during the month 50 percent or more of the receipts at such plant from dairy farmers (including producer milk diverted from the plant but excluding milk received as diverted milk) and from handlers described in § 1033.16(c) is transferred as fluid milk products, except filled milk, to a pool distributing plant(s) meeting the percentage disposition requirements specified in paragraph (a)(2) of this section with respect to such distributing plant's total receipts of fluid milk products that are approved by a duly constituted health authority for fluid consumption (including milk diverted from such distributing plant by the plant operator or a cooperative association but excluding bulk fluid milk products received by transfer or diversion from pool distributing plants as Class II or Class III milk) or is disposed of from the supply plant as route disposition in the marketing area, subject to the following conditions:

(1) A plant that qualified as a pool plant under this paragraph in each of the immediately preceding three months shall not lose such status for the month if the pool distributing plant(s) to which it transferred fluid milk products during the month failed to meet the percentage disposition requirements specified in paragraph (a)(2) of this section with respect to such distributing plant's total receipts of fluid milk products that are approved by a duly constituted health authority for fluid consumption (including milk diverted from such distributing plant by the plant operator or a cooperative association but excluding bulk fluid milk products received by transfer or diversion from pool distributing plants as Class II or Class III milk); and

(2) A plant that qualified as a pool plant under this paragraph during each of the preceding months of September through February on the basis of its transfers of fluid milk products to pool distributing plants shall continue to be a pool plant for each of the months of March through August, unless:

(i) The milk received at the plant is not approved by a duly constituted health authority for fluid consumption; or

(ii) The plant operator files with the market administrator prior to any such month a written request that the plant be designated a nonpool plant. Such nonpool status shall be effective, beginning with the first month following such notice, until the plant qualifies as a pool plant under this paragraph on the basis of its transfers to a pool distributing plant(s).

(c) A dairy product manufacturing plant operated by a cooperative association at which fluid milk products approved by a duly constituted health authority for fluid consumption are used to produce a manufactured dairy product(s), subject to the following conditions:

(1) During the month 50 percent or more of the producer milk of members of the cooperative association is delivered directly from their farms to pool distributing plants or is transferred to such plants as bulk fluid milk products from the plant of the cooperative association;

(2) The quantity of fluid milk products used to produce a manufactured dairy product in such plant during the month is one percent or more of the producer milk of members of the cooperative association; and

(3) If the cooperative association files with the market administrator prior to any month a written request for nonpool status for such plant, it shall be a nonpool plant for such month and for each of the following 11 months in which it does not qualify as a pool plant under paragraph (b) of this section on the basis of its transfers to a pool distributing plant(s).

§ 1033.13 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of such plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a distributing plant that is not an other order plant or a producer-handler plant.

(d) "Unregulated supply plant" means a supply plant that is not an other order plant or a producer-handler plant.

§ 1033.14 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk approved, by farm permit or other approval, by a duly constituted health authority for fluid consumption, which milk is received at a pool plant or diverted within the limitations of § 1033.15 from a pool distributing plant to another pool plant or to a nonpool plant that is not a producer-handler plant. The term "producer" shall not include any such person with respect to milk that is received at a pool plant by diversion from an other order plant if a Class II or Class III classification is designated under this order for such milk, and such milk is subject to the pricing and pooling provisions of another order issued pursuant to the Act.

§ 1033.15 Producer milk.

"Producer milk" means the skim milk and butterfat contained in milk of a producer which is:

(a) With respect to a handler described in § 1033.16(a):

(1) Received at the handler's pool plant directly from the producer, excluding any such milk received by diversion from another pool plant. If milk is delivered in the same tank truck to more than one plant, the entire load shall be deemed to have been received at the first pool plant where milk is withdrawn from the tank truck;

(2) Received at the handler's pool plant under the conditions described in § 1033.16(c); and

(3) Diverted for the handler's account from a pool distributing plant to another pool plant or a nonpool plant that is not a producer-handler plant, subject to the further conditions set forth in paragraph (d) of this section;

(b) With respect to a handler described in § 1033.16(b), diverted for such handler's account from the pool distributing plant of another handler to a pool plant or a nonpool plant that is not a producer-handler plant, subject to the further conditions set forth in paragraph (d) of this section; and

(c) With respect to a handler described in § 1033.16(c), received by the handler from the producer's farm in excess of the producer's milk that is received at pool plants pursuant to paragraph (a)(2) of this section. Such producer milk of the handler shall be deemed to have been received by the handler at the location of the pool plant to which the greatest quantity of the milk on the tank truck or trailer load was delivered.

(d) The following conditions shall apply to milk of a producer diverted from

a distributing pool plant to another pool plant, or from a pool distributing plant or a pool supply plant to a nonpool plant that is not a producer-handler plant:

(1) Not less than two days' production of the producer must be physically received during the month at such pool plant;

(2) In any month of September through February, the quantity of milk diverted to a nonpool plant shall be limited to the amounts specified in paragraph (d) (2) (i) and (ii) of this section:

(i) The operator of a pool plant may divert the milk of any producer (except a producer for whom a cooperative association is diverting milk under the percentage limit of paragraph (d) (2) (ii) of this section) for not more days of production than it was physically received at the diverting pool plant from such producer or he may divert an aggregate quantity of milk not exceeding 40 percent of the milk of all such producers that was physically received at the diverting pool plant during the month; and

(ii) A cooperative association may divert the milk of any producer (that it caused to be delivered to pool plants during the month) for not more days of production than it was physically received at pool plants or it may divert an aggregate quantity not exceeding 40 percent of the milk of all such producers that it caused to be delivered to pool plants during the month:

(3) When milk is diverted in excess of the limit by a handler who elects to divert on the basis of days-of-production, only that milk which was received at a pool plant or which was diverted to a nonpool plant for not more days of production than it was physically received at a pool plant shall be producer milk;

(4) When milk is diverted in excess of the percentage limit by a handler who elects to divert on a percentage basis, eligibility as producer milk would be forfeited on a quantity of milk equal to such excess. If the handler fails to designate such dairy farmers whose milk is ineligible, producer milk status shall be forfeited with respect to all milk diverted to nonpool plants by such handler;

(5) Diverted milk shall be priced at the location of the plant to which the milk is diverted; and

(6) Milk diverted to another order plant would be producer milk only if a Class II or Class III classification is designated for such milk pursuant to the provisions of another order issued pursuant to the Act, and such milk is not subject to the pricing and pooling provisions of the other order.

§ 1033.16 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) Any cooperative association with respect to producer milk which it causes to be diverted for its account from a pool distributing plant of another person to a pool plant or a nonpool plant that is not a producer-handler plant;

(c) Any cooperative association with respect to producer milk which is delivered for its account from the farm to the pool plant of another person in a tank truck or trailer owned or operated by, or under contract to, such cooperative association;

(d) Any person in his capacity as the operator of a partially regulated distributing plant;

(e) Any person defined in § 1033.17; and

(f) Any person in his capacity as the operator of an other order plant described in § 1033.56.

§ 1033.17 Producer-handler.

"Producer-handler" means any person who:

(a) Operates a dairy farm and a distributing plant;

(b) Receives no fluid milk products from sources other than his own farm production, pool plants, and other order plants;

(c) Uses no milk products other than fluid milk products for reconstitution into fluid milk products; and

(d) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary for his own farm production and the operation of the processing, packaging, and distribution business are the personal enterprise and risk of such person.

§ 1033.18 Other source milk.

"Other source milk" means the skim milk and butterfat contained in or represented by:

(a) Fluid milk products and bulk cream from any source except producer milk, fluid milk products and bulk cream from pool plants, and fluid milk products and bulk cream in inventory at the beginning of the month;

(b) Products, other than fluid milk products and Class II products listed in § 1033.41(b) (1) and (3), from any source (including those produced at the plant) which are reprocessed, converted into, or combined with another product in the plant during the month; and

(c) Any disappearance of nonfluid products in a form in which they may be converted into a Class I product and which are not otherwise accounted for.

§ 1033.19 Chicago butter price.

"Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported for the month by the Department.

§ 1033.20 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted, or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

MARKET ADMINISTRATOR

§ 1033.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

(a)—(j) [Reserved]

(k) Publicly announce on or before:

(1) The fifth day of each month:

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and

(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

(l) On or before the 12th day after the end of each month:

(1) [Reserved]

(2) Report to each cooperative association the class utilization of milk received at each pool plant during the month from producers who have authorized such association to receive payments for them under § 1033.72(c). For the purpose of this report, the milk so received shall be prorated to each class in the proportions that the total receipts of producer milk at such plant were used in each class, adjusted to eliminate transfers of fluid milk products to other pool plants;

(m) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1033.46(a) (12) and the corresponding step of § 1033.46(b), estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(n) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1033.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in the verification of such report; and

(o) Furnish to each handler operating a pool plant who has shipped fluid milk products and bulk cream to an other order plant the classification to which the skim milk and butterfat in such fluid milk products and bulk cream were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

REPORTS

§ 1033.30 Reports of receipts and utilization.

On or before the sixth day after the end of each month, reports of receipts and utilization for such month shall be made to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

(a) Each handler operating a pool plant shall report for each of his pool plants:

(1) Receipts of skim milk and butterfat contained in or represented by:

(i) Producer milk, showing in the case of milk received directly from each producer the pounds and butterfat test and the number of days of production involved for each producer;

(ii) Fluid milk products and bulk cream from other pool plants;

(iii) Other source milk, with the identity of each source; and

(iv) Products listed in § 1033.41(b)(1) from other plants;

(2) Inventories of fluid milk products and products listed in § 1033.41(b)(1) at the beginning and the end of the month, showing separately such inventories in bulk form and in packaged form;

(3) The utilization or disposition of all skim milk and butterfat required to be reported pursuant to this paragraph, showing separately:

(i) Total route disposition and route disposition in the marketing area, showing separately such disposition of filled milk inside and outside the marketing area; and

(ii) Transfers and diversions to other plants; and

(4) Such other information with respect to the receipts and utilization of skim milk and butterfat as the market administrator may prescribe;

(b) Each cooperative association shall report:

(1) The quantities of skim milk and butterfat contained in milk from producers for which it is the handler pursuant to § 1033.16 (b) or (c), showing:

(i) The quantity of milk delivered to each plant; and

(ii) For each producer the pounds and butterfat test of the milk and the number of days of production involved;

(2) The utilization of all skim milk and butterfat required to be reported pursuant to subparagraph (1) of this paragraph, except that contained in producer milk described in § 1033.15(a)(2); and

(3) Such other information with respect to its receipts and utilization of skim milk and butterfat as the market administrator may prescribe; and

(c) Each handler operating a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of bottling grade milk from dairy farmers shall be reported in lieu of receipts of producer milk. Such report shall include a separate statement showing the amount of reconstituted skim milk in route disposition in the marketing area.

§ 1033.31 Other reports.

(a) Each producer-handler shall report to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who operates an other order plant shall report total receipts and utilization or disposition of skim milk and butterfat at the plant at such time and in such manner as the market administrator may require and shall allow verification of such reports by the market administrator.

(c) On or before the 25th day of the month, each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, his receipts of producer milk during the first 15 days of the month.

(d) On or before the 20th day after the end of the month, each handler operating a partially regulated distributing plant who elects to make payments pursuant to § 1033.57(a) shall report to the market administrator, in the detail and on forms prescribed by the market administrator, his payroll for such month for dairy farmers from whom he received bottling grade milk. Such payroll shall show for each dairy farmer the total pounds of milk received from him, the average butterfat content thereof, and the rate and net amount of the payment made to such dairy farmer, together with the amount and nature of any deductions involved.

(e) On or before the 22d day after the end of each month, each cooperative association with respect to milk of each member producer shall submit to the market administrator the association's completed producer payroll which shall list the pounds of milk received, the average butterfat content thereof, and the rate and net amount of payment, together with the amount and nature of any deductions involved.

CLASSIFICATION

§ 1033.40 Skim milk and butterfat to be classified.

The skim milk and butterfat required to be reported pursuant to § 1033.30 shall be classified each month in accordance with §§ 1033.41 through 1033.46.

§ 1033.41 Classes of utilization.

Subject to §§ 1033.43 and 1033.44, skim milk and butterfat shall be classified in the following classes:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as provided in paragraphs (b) and (c) of this section. Any fluid milk product that is modified by the addition of nonfat milk solids shall be Class I milk in an amount equal only to the weight of an equal volume of an unmodified product of the same nature and butterfat content;

(2) In inventory of packaged fluid milk products at the end of the month; and

(3) Not accounted for as Class II or Class III milk.

(b) *Class II milk.* Except as provided in paragraph (c) of this section, Class II milk shall be all skim milk and butterfat:

(1) Disposed of as fluid cream (including aerated cream and sterilized cream) or as mixtures of cream and milk or skim milk containing 10.5 percent or more butterfat;

(2) In packaged inventory at the end of the month of the products listed in subparagraph (1) of this paragraph;

(3) Used to produce yogurt, sour cream, sour mixtures (such as dips and dressings), cottage cheese, cottage cheese curd, pancake mixes, and puddings; and

(4) Disposed of in bulk as milk, skim milk, or cream to any commercial food processing establishment (other than a milk or filled milk plant) for the manufacture of packaged food products (other than milk products and filled milk) for consumption off the premises.

(c) *Class III milk.* Class III milk shall be:

(1) Skim milk and butterfat used to produce butter, nonfat dry milk, dry whole milk, dry whey, dry buttermilk, casein, cheese (except cottage cheese and cottage cheese curd), frozen cream, milk shake mixes containing 15 percent or more total milk solids, frozen desserts, frozen dessert mixes, dietary products and infant formulas in hermetically sealed metal or glass containers, evaporated or condensed milk or skim milk in plain or sweetened form, and any product containing six percent or more nonmilk fat (or oil);

(2) Skim milk and butterfat in fluid milk products and products listed in paragraph (b)(1) and (3) of this section that are dumped, spilled, or disposed of for animal feed;

(3) Skim milk and butterfat in inventory of bulk fluid milk products and bulk cream at the end of the month;

(4) Skim milk in any modified fluid milk product that is in excess of the pounds of skim milk in such product that were classified as Class I milk pursuant to paragraph (a)(1) of this section;

(5) Skim milk and butterfat, respectively, in each pool plant's shrinkage, but not in excess of:

(i) Two percent of producer milk physically received at the plant (except that received from a handler described in § 1033.16(c));

(ii) Plus 1.5 percent of producer milk received from a handler described in § 1033.16(c) and of milk diverted to such plant from another pool plant, except that if the plant operator receiving such milk files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage shall be 2 percent;

(iii) Plus 0.5 percent of producer milk diverted from such plant by the plant operator to another plant, except that if the operator of the other plant purchases such milk on the basis of farm weights, no percentage shall apply;

(iv) Plus 1.5 percent of bulk fluid milk products received by transfer from other pool plants;

(v) Plus 1.5 percent of bulk fluid milk products received from other order plants exclusive of the quantity for which Class II or Class III classification is requested by the operators of both plants;

(vi) Plus 1.5 percent of bulk fluid milk products received from unregulated supply plants exclusive of the quantity for which Class II or Class III classification is requested by the handler; and

(vii) Less 1.5 percent of bulk fluid milk products transferred to other plants;

(6) Skim milk and butterfat, respectively, in shrinkage of other source milk assigned pursuant to § 1033.42(b)(2); and

(7) Skim milk and butterfat, respectively, in shrinkage of milk from producers that is diverted from a pool plant to a nonpool plant by a cooperative association acting as a handler pursuant to § 1033.16(b) or in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1033.16(c), but not in excess of 0.5 percent of the receipts of milk from producers, exclusive of such receipts for which farm weights are used as the basis of receipt at the plant to which delivered.

§ 1033.42 Shrinkage.

The market administrator shall:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, at each pool plant; and

(b) If other source milk is received at the pool plant, shrinkage at such plant shall be prorated between:

(1) Skim milk and butterfat, respectively, in the receipts used in the computations pursuant to § 1033.41(c)(5); and

(2) Skim milk and butterfat, respectively, in other source milk in bulk fluid form, exclusive of that specified in § 1033.41(c)(5).

§ 1033.43 Interplant movements.

Skim milk or butterfat in the form of a fluid milk product or bulk cream shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred or diverted from a pool plant to another pool plant, subject to the following conditions:

(1) The skim milk or butterfat so assigned to each class shall be limited to the amount thereof remaining in such class in the transferee plant after the computations pursuant to § 1033.46(a)(12) and the corresponding step of § 1033.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1033.46(a)(6) and the corresponding step of § 1033.46(b), the skim milk and butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1033.46(a) (11) or (12) and the corresponding steps of § 1033.46(b), the skim milk and butterfat so transferred or diverted up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant; and

(4) Skim milk and butterfat transferred or diverted in bulk to a pool supply plant from another pool plant shall be assigned in sequence beginning with Class III to the milk remaining in each class at the transferee plant after the computations pursuant to § 1033.46(a)(12) and the corresponding step of § 1033.46(b);

(b) As Class I milk, if transferred from a pool plant to a producer-handler plant;

(c) As Class I milk, if transferred as packaged fluid milk products to a nonpool plant that is not an other order plant or a producer-handler plant;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1033.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred or diverted shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any route disposition in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to such receipts from other order plants, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of bottling grade milk for such nonpool plant;

(ii) Any route disposition in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts of fluid milk products from plants fully regulated by such order, next pro rata to such receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of bottling grade milk for such nonpool plant;

(iii) Class I utilization (exclusive of that resulting from transfers of milk to pool plants and other order plants) in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute regular sources of supply of bottling grade milk for such nonpool plant, and any remaining Class I utilization (including that resulting from transfers of milk to pool plants and other order plants) shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool plants and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred or diverted shall be classified as Class II milk to the extent that Class II utilization is available and the remainder as Class III milk; and

(e) As follows, if transferred or diverted to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred or diverted in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class III milk to the extent of the Class III utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for only two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk and butterfat allocated to the other class shall be classified as Class III milk; and

(6) If the form in which any fluid milk product transferred to another order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1033.41.

§ 1033.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and

other obvious errors all reports submitted pursuant to § 1033.30 and shall compute for each handler the pounds of skim milk and butterfat in each class, subject to the following conditions:

(a) The skim milk contained in any product utilized, produced, or disposed of by a handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids;

(b) If a handler with two or more pool plants has no fluid milk products to be assigned under § 1033.46(a) (11) or (12) and the corresponding steps of § 1033.46 (b), allocations under § 1033.46 shall be determined separately for each of his pool plants. Otherwise, the market administrator shall combine the receipts and utilization in each of the respective classes at all pool plants of such handler for purposes of § 1033.46; and

(c) The classification, allocation, and pool obligation with respect to producer milk for which a cooperative association is the handler pursuant to § 1033.16 (b) and (c) shall be determined separately from the operations of any pool plant operated by such cooperative association.

§ 1033.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1033.45, the market administrator shall determine the classification of producer milk for each handler (or each pool plant, if applicable) as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III milk pursuant to § 1033.41(c) (5);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order;

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (6) (v) of this paragraph, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in packaged products listed in § 1033.41(b) (1) that are received from other plants or in inventory at the beginning of the month;

(5) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk, (except that received in the form of a fluid milk product or a product described in § 1033.41(b) (1)) that is used to produce, or added to, any product specified in § 1033.41(b), but not in excess of the pounds of skim milk remaining in Class II;

(6) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product or bulk cream;

(ii) Receipts of fluid milk products (except filled milk) and bulk cream for which bottling grade certification is not established and receipts of fluid milk products and bulk cream from unidentified sources;

(iii) Receipts of fluid milk products and bulk cream from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants that were not subtracted pursuant to subparagraph (2) of this paragraph; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(7) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in bulk cream received from nonpool plants that were not subtracted pursuant to subparagraph (6) (iii) of this paragraph;

(8) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II and Class III (beginning with Class III) but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraphs (2) and (6) (iv) of this paragraph:

(*a*) For which the handler requests Class III classification; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts of fluid milk products from other pool handlers, and receipts of fluid milk products in bulk from other order plants that were not subtracted pursuant to subparagraph (6) (v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph (6) (v) of this paragraph, in excess of similar transfers to such plant, if Class III classification was requested by the operator of such plant and the handler;

(9) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in inventory of fluid milk products and bulk cream at the beginning of the month that were not subtracted pursuant to subparagraph (4) of this paragraph;

(10) Add to the remaining pounds of skim milk in Class III the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(11) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (2), (6) (iv), and (8) (i) of this paragraph;

(12) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant that are in excess of similar transfers to the same plant and that were not subtracted pursuant to subparagraphs (6) (v) and (8) (ii) of this paragraph:

(i) In series beginning with Class III, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1033.27(m) or the percentage that the Class II and Class III utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remainder of such receipts;

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products and bulk cream received from other pool plants according to the classification of such products pursuant to § 1033.43(a); and

(14) If the pounds of skim milk remaining exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

MINIMUM PRICES

§ 1033.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per

pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

§ 1033.51 Class prices.

Subject to the provisions of §§ 1033.52 and 1033.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.70.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus 10 cents.

(c) *Class III price.* The Class III price shall be the basic formula price for the month.

§ 1033.52 Butterfat differentials to handlers.

§ 1033.53 Location differentials.

(a) For producer milk at a plant located outside the Central Zone that is classified as Class I milk, subject to the limitation set forth in paragraph (b) of this section, and for other source milk to which a location adjustment applies, the Class I price specified in § 1033.51(a) shall be adjusted as follows:

(1) At a plant in the Southeastern Zone, the Class I price shall be increased 5 cents;

(2) At a plant in the Northwestern Zone, the Class I price shall be decreased 5 cents;

(3) At a plant outside the marketing area and 60 miles or less from the city hall of the city listed below that is nearest such plant, the Class I price shall be the Class I price applicable at the location of such nearest city hall:

OHIO

Cincinnati.	Lima.
Coshocton.	Marietta.
Dayton.	Toledo.

KENTUCKY

Ashland.	Maysville.

WEST VIRGINIA

Beckley.	Charleston.

(4) At a plant outside the marketing area and more than 60 miles from the city hall of each of the cities listed in subparagraph (3) of this paragraph, the Class I price shall be the Class I price applicable at the location of the nearest city hall of such cities, less 11 cents and less an additional 1.5 cents for each 10 miles or fraction thereof in excess of 70 miles that such plant is located from such nearest city hall; and

(5) For the purpose of this paragraph, distances shall be measured by the shortest hard-surfaced highway distance as determined by the market administrator.

(b) For the purpose of determining the quantity of Class I producer milk on which a location adjustment shall apply under paragraph (a) of this section, the quantity of fluid milk products transferred as Class I milk from pool plants to a pool distributing plant at which the Class I price is greater than the Class I price at the transferor plant shall be assigned pro rata with the receipts of producer milk at the transferee plant to the Class I milk remaining at such transferee plant after the assignments pursuant to § 1033.46(a) (1) through (12) and the corresponding steps of § 1033.46(b). The Class I utilization so assigned to the transferred fluid milk products then shall be allocated first to receipts from plants at which the Class I price is not less than the Class I price at the transferee plant, and then to receipts from plants with lower Class I prices, in sequence beginning with the plant having the highest Class I price.

§ 1033.54 Use of equivalent prices.

If for any reason a price quotation or factor required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price or factor determined by the Secretary to be equivalent to the price or factor that is required.

APPLICATION OF PROVISIONS

§ 1033.56 Plants subject to other Federal orders.

(a) Except as specified in § 1033.31 and in paragraph (b) of this section, the provisions of this part shall not apply to a distributing plant or a supply plant during any month in which the milk at such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless the following conditions are met:

(1) The plant is qualified as a pool plant pursuant to § 1033.12 during the current month and the preceding month; and

(2) A greater volume of fluid milk products, except filled milk, is disposed of from such plant as route disposition in the Ohio Valley marketing area and to pool plants qualified on the basis of route disposition in the Ohio Valley marketing area than is disposed of from such plant as route disposition in the marketing area regulated pursuant to the other order and to plants qualified as fully regulated plants under such other order on the basis of route disposition in its marketing area.

(b) Each handler operating a distributing plant described in paragraph (a) of this section that is regulated under an order providing for individual handler pooling shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of as route disposition in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant as route disposition in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to the route disposition in each marketing area; and

(2) Compute the value of the quantity of reconstituted skim milk assigned in subparagraph (1) of this paragraph to route disposition in this marketing area at the Class I price under this part applicable at the location of the other order plant (not to be less than the Class III price) and subtract its value at the Class III price.

§ 1033.57 Obligation of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1033.30(c) and 1033.31(d) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1)(i) The obligation that would have been computed pursuant to § 1033.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class III price. No obligation shall apply to Class I milk transferred to a pool plant or an other order plant if such Class I utilization is assigned to receipts at the partially regulated distributing plant from pool plants and other order plants at which such milk was classified and priced as Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1033.60(g) and a credit in the amount specified in § 1033.71(b) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified below in subdivision (ii) of this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1033.30(c) and 1033.31(d) similar reports for each nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1033.12(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes

of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation deduct the sum of:

(i) The gross payments made by such handler for bottling grade milk (adjusted to a 3.5 percent butterfat basis pursuant to § 1033.73) received during the month from dairy farmers at such plant and like payments made by the operators of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph; and

(ii) Payments to the producer-settlement fund of another order issued pursuant to the Act under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat in the plant's route disposition in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received at the plant:

(i) As Class I milk from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act; and

(ii) From a nonpool plant that is not an other order plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such nonpool plant by handlers under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of as route disposition in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant (not to be less than the Class III price) subtract its value at the weighted average price applicable at such location (not to be less than the Class III price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant (not to be less than the Class III price) less the value of such skim milk at the Class III price.

COMPUTATION OF UNIFORM PRICE

§ 1033.60 Computation of the net pool obligation of each handler.

The net pool obligation of each handler described in § 1033.16 (a), (b), and (c) for each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of producer milk in each class as computed pursuant to § 1033.46(c) by the applicable class price and add the resulting amounts;

(b) Add the amounts obtained from multiplying the pounds of overage deducted from each class pursuant to § 1033.46(a)(14) and the corresponding step of § 1033.46(b) by the applicable class price, as adjusted by the butterfat differential specified in § 1033.73;

(c) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I or Class II price for the current month, as the case may be, by the hundredweight of skim milk and butterfat subtracted from Class I and Class II pursuant to § 1033.46(a)(9) and the corresponding step of § 1033.46(b);

(d) [Reserved]

(e) For the first month that this paragraph is effective subtract the amount obtained from multiplying the difference between the applicable Class I and Class III prices for the preceding month by the hundredweight of skim milk and butterfat in any fluid milk product that was in the plant's inventory at the end of the preceding month and classified as Class I milk.

(f) Add the amount obtained from multiplying the difference between the Class I price at the pool plant and the Class III price, both for the current month, by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1033.46(a) (6) and (7) and the corresponding steps of § 1033.46 (b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1033.46(a)(6) (iv) and (v) and the corresponding steps of § 1033.46(b)(6) the Class I price shall be adjusted to the location of the transferor plant (but not to be less than the Class III price); and

(g) Add the amount obtained from multiplying the Class I price adjusted for the location of the nearest nonpool plants from which an equivalent volume was received, but not to be less than the Class III price, by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1033.46(a)(11) and the corresponding step of § 1033.46(b), excluding such skim milk or butterfat in bulk receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order.

§ 1033.61 Computation of the uniform price.

For each month the market administrator shall compute the uniform price per hundredweight as follows:

(a) Combine into one total the values computed pursuant to § 1033.60 for all handlers who filed the reports prescribed by § 1033.30 for the month and who made the payments required pursuant to § 1033.71 for the preceding month;

(b) [Reserved]

(c) Add an amount equal to the total value of the minus location differentials computed pursuant to § 1033.74(a);

(d) Subtract an amount equal to the total value of the plus location differentials computed pursuant to § 1033.74(a);

(e) Add an amount representing not less than one-half of the unobligated balance in the producer-settlement fund;

(f) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1033.60(g);

(g) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "weighted average price", and, except for the months specified below, shall be the "uniform price" for milk received from producers at plants located in the Central Zone;

(h) For the months specified in paragraphs (i) and (j) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (e) of this section the amount obtained by multiplying the hundredweight of milk specified in paragraph (f)(2) of this section by the weighted average price;

(i) Subtract for each of the months of April, May, June, and July the amount obtained by multiplying the hundredweight of producer milk specified in paragraph (f)(1) of this section by a rate that is equal to 6 percent of the average basic formula price (computed to the nearest cent) for the preceding calendar year but not to exceed 25 cents;

(j) Add for each of the months of September, October, and November one-fourth of the total amount subtracted pursuant to paragraph (i) of this section for the preceding period of April through July, and add for the month of December the remainder of such total amount plus any interest earned on such total amount;

(k) Divide the amount resulting from the computations pursuant to paragraphs (h), (i), and (j) of this section by the hundredweight of producer milk specified in paragraph (f)(1) of this section; and

(l) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers at plants located in the Central Zone.

PAYMENTS FOR MILK

§ 1033.70 Producer-settlement fund.

The market administrator shall maintain a separate fund, known as the "producer-settlement fund", which shall function as follows:

(a) All payments made by handlers pursuant to §§ 1033.56(b), 1033.57, 1033.71, and 1033.77 shall be deposited in this fund, and all payments made pursuant to §§ 1033.72 and 1033.77 shall be made out of this fund;

(b) All amounts subtracted pursuant to § 1033.61(i) shall be deposited in this fund and shall remain therein as an obligated balance until withdrawn for the purpose of effectuating § 1033.61(j); and

(c) The difference between the amount added pursuant to § 1033.61(e) and the amount resulting from the subtraction pursuant to § 1033.61 (g) or (l) shall be deposited in, or withdrawn from, this fund, as the case may be.

§ 1033.71 Payments to the producer-settlement fund.

(a) On or before the 25th day of the month, each handler shall pay to the market administrator an amount determined by multiplying the hundredweight of producer milk received by him during the first 15 days of the month by the basic formula price for the preceding month, less proper deductions and charges authorized in writing by producers from whom he received milk.

(b) On or before the 14th day after the end of the month, each handler shall pay to the market administrator an amount equal to his net pool obligation computed pursuant to § 1033.60 less:

(1) The amount obtained from multiplying the weighted average price applicable at the location of the plants from which the other source milk is received (not to be less than the Class III price) by the hundredweight of other source milk for which a value is computed pursuant to § 1033.60(g);

(2) Payments made pursuant to paragraph (a) of this section for such month; and

(3) Proper deductions and charges authorized in writing by producers from whom he received milk, except that the total deductions and charges made under this section for the month for each producer shall not be greater than the total value of the milk received from such producer during the month.

§ 1033.72 Payments from the producer-settlement fund.

(a) On or before the 28th day of the month, the market administrator shall make payment, subject to paragraph (c) of this section, to each producer for milk received from such producer during the first 15 days of the month by handlers from whom the appropriate payments have been received pursuant to § 1033.71 (a) at a rate per hundredweight equal to the basic formula price for the preceding month, less the authorized deductions and charges made by the handlers with respect to such milk;

(b) On or before the 17th day after the end of the month, the market administrator shall make payment, subject to paragraph (c) of this section, to each producer for milk received from such producer during the month by handlers from whom the appropriate payments have been received pursuant to § 1033.71 (b) at the uniform price per hundredweight as adjusted pursuant to §§ 1033.73, 1033.74, and 1033.75, less:

(1) Payments made pursuant to paragraph (a) of this section for such month; and

(2) Authorized deductions and charges made by the handlers with respect to such milk;

(c) In making payments to producers pursuant to paragraphs (a) and (b) of this section, the market administrator shall pay, on or before the day prior to the dates specified in such paragraphs, to each cooperative association for all producers who market their milk through the association and who are certified to the market admistrator by the association as having authorized the association to receive such payment an amount equal to the sum of the individual payments otherwise payable to such producers pursuant to paragraphs (a) and (b) of this section;

(d) If the market administrator does not receive the full payment required of a handler pursuant to § 1033.71, he shall reduce uniformly per hundredweight his payments to producers for milk received by such handler by a total amount not in excess of the amount due from such handler. The market administrator shall complete the payments to producers on or before the next date for making payments pursuant to this section following the date on which the remaining payment is received from such handler; and

(e) If the unobligated balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, except those payments due producers as described in paragraph (d) of this section, the market administrator shall reduce uniformly per hundredweight his payments to producers and shall complete such payments on or before the next date for making payments pursuant to this section following the date on which the funds become available.

§ 1033.73 Butterfat differential to producers.

The uniform price for producer milk shall be increased or decreased for each one-tenth percent that the butterfat content of the milk is above or below 3.5 percent, respectively, at the rate determined as follows:

§ 1033.74 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk at a plant outside the Central Zone shall be the Central Zone uniform price adjusted according to the location of the plant at the rates set forth in § 1033.53(a); and

(b) For the purpose of computations pursuant to § 1033.71(b)(1), the weighted average price shall be adjusted at the rate set forth in § 1033.53(a) that is applicable at the location of the nonpool plant from which other source milk was received.

§ 1033.75 Marketing services.

(a) The market administrator, in making payments to each producer pursuant to § 1033.72, shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to the milk (except a handler's own farm production) of such producer for whom the marketing services set forth in paragraph (b) of this section are not being performed by a cooperative association as determined by the Secretary.

(b) The moneys deducted pursuant to paragraph (a) of this section shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed by the market administrator or by an agent engaged by and responsible to him.

§ 1033.76 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 14th day after the end of the month 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) His producer milk (including such handler's own farm production);

(b) Other source milk allocated to Class I pursuant to § 1033.46(a) (6), (7), and (11) and the corresponding steps of § 1033.46(b), except such other source milk on which no handler obligation applies pursuant to § 1033.60(g); and

(c) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the Class I milk:

(1) Received during the month at such plant from pool plants and other order plants that is not used as an offset under a similar provision of another order issued pursuant to the Act; and

(2) Specified in § 1033.57(b)(2)(ii).

§ 1033.77 Correction of errors.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in monies due the market administrator from such handler, the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred following the fifth day after such notice. Any monies found to be due a handler from the market administrator shall be paid promptly to such handler except that the market administrator shall offset any monies due a handler against monies due from such handler.

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

Effective date: August 1, 1975.

Signed at Washington, D.C., on: June 25, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-16977 Filed 6-27-75;8:45 am]

[Milk Order No. 60]

PART 1060—MILK IN THE MINNESOTA-NORTH DAKOTA MARKETING AREA

Order Suspending Certain Provisions

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937,

as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Minnesota-North Dakota marketing area.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 24738) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the months of July and August 1975 the following provisions of the order do not tend to effectuate the declared policy of the Act:

§ 1060.13 [Amended]

The provisions suspended are as follows:

1. The parts of paragraph (c)(1) that read, "During March through June" and "During the months of July through February such handler may divert an aggregate quantity not exceeding 50 percent of the milk of all such producers whose milk has been received at a pool plant(s) for at least 3 days during the month."

2. The parts of paragraph (c)(2) that read, "During March through June" and "During the months of July through February such handler may divert an aggregate quantity not exceeding 50 percent of the milk of all such producers whose milk has been received at his pool plant(s) for at least 3 days during the month."

3. Paragraph (c)(3) in its entirety.

STATEMENT OF CONSIDERATION

This suspension action will permit unlimited diversion of producer milk under the Minnesota-North Dakota order during the months of July and August 1975.

The order provides that during any month of July through February a cooperative association may divert for its account a total quantity of milk not in excess of 50 percent of the milk of all member producers whose milk has been received at a pool plant(s) for at least 3 days during the month. Similarly, a handler in his capacity as the operator of a pool plant, may divert for his account the milk of producers (other than a member of a cooperative association that is a diverting handler during the same month) in a total quantity not exceeding 50 percent of the milk of all such producers whose milk has been received at his pool plant(s) for at least 3 days during the month. Provision is made for unlimited diversion during the months of March through June.

The purpose of the diversion provisions is to facilitate the orderly and efficient disposition of the market's reserves. The direct movement of milk from a producer's farm to a nonpool plant for disposition in manufacturing avoids the unnecessary expense of handling involved if the milk were required to be delivered first to the pool plant where normally received and then transferred to the nonpool plant.

This suspension action is requested by Land O'Lakes, Inc., and is supported by Mid-America Dairymen, Inc., and the Blue Ox Cooperative. The three cooperatives together represent a very large share of producer milk on the market and handle much of the reserve milk ordinarily moved to nonpool plants for processing.

This temporary suspension will extend for 2 additional months the period in which unlimited diversion is permitted. This action is needed under the circumstances applicable in the months of July and August 1975. Heavy milk supplies on the market will necessitate movements to nonpool plants for manufacturing during these months in excess of the diversion limitations presently provided in the order.

If no suspension action is taken, inefficient handling would be necessary to assure producer milk status for a large quantity of the reserve milk handled under the order. Much of the milk that could be diverted directly from farms to nonpool plants for manufacture would need to move instead through pool supply plants to qualify as producer milk and then to nonpool plants. This would involve hauling to and from supply plants instead of single hauls from farms to nonpool plants. Also, it would involve the cost of handling the milk through supply plants.

A hearing has been held to consider modifications and/or merging of this order and certain other orders (39 FR 37164). This temporary suspension action is taken as an interim modification of the order pending the outcome of the hearing proceeding.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that under the circumstances described herein, the most efficient method of handling the market's reserve milk supply is movement directly from producers' farms to milk manufacturing plants. This suspension will allow such handling on an unlimited basis during July and August 1975, while the dairy farmers involved retain producer status.

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension. No views were received in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective with respect to producer milk deliveries during July and August 1975.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of July and August 1975.

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

Effective date: June 30, 1975.

Signed at Washington, D.C., on: June 25, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-16978 Filed 6-27-75;8:45 am]

[Milk Order No. 137]

PART 1137—MILK IN THE EASTERN COLORADO MARKETING AREA

Order Suspending a Provision

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Eastern Colorado marketing area.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 24908) concerning a proposed suspension of a certain provision of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon. None were filed in opposition.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the months of June, July and August 1975, the following provision of the order does not tend to effectuate the declared policy of the Act:

In the first sentence of paragraph (a) of § 1137.10, the provision, "from whom at least three deliveries of milk are received during the month at a distributing pool plant".

STATEMENT OF CONSIDERATION

This action suspends the provision requiring that three deliveries of a producer's milk be received at a pool distributing plant during the month to qualify his milk for diversion.

The suspension was requested by a cooperative association supplying the market. The basis for the request is that current marketing conditions require the association to handle an increasing quantity of reserve supply milk during the coming months of relatively heavy production.

On the basis of the data, views, and arguments filed, it is found that without the suspension, the association would be forced to make uneconomic shipments of producer milk that was associated with the market during the period of tight supply conditions in order to qualify it for pooling during the coming period of relatively heavy milk production. The suspension will facilitate the diversion of such milk to plants for processing into cheese, nonfat dry milk and butter.

All limits on the amount of milk that may be diverted remain in force, and as

a condition for diversion the milk of a producer must have been delivered to a pool plant.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, that the aforesaid provision of the order is hereby suspended for the months of June, July and August 1975.

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

Effective date: June 30, 1975.

Signed at Washington, D.C., on: June 25, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-16979 Filed 6-27-75;8:45 am]

SUBCHAPTER A—GENERAL REGULATIONS

[FmHA Instruction 104.1]

PART 1813—PUBLIC INFORMATION, AVAILABILITY OF MATERIALS AND RECORDS

Correction

FR Doc. 75-13036 appearing at pages 21696-21700 in the issue for Monday, May 19, 1975, is corrected by the following editorial changes: Page 21698, in § 1813.7(c)(2)(iv)(C), by deleting the comma following the word "Confidential"; Page 21699 (two changes), in § 1813.9(d), by deleting the period at the end of paragraph and adding "to withdraw the demand."; in § 1813.10, by deleting subparagraphs (6) and (7) under paragraph (b) of this section, the documents referred to therein being obsolete; and redesignating subparagraphs (8) through (12) to (6) through (10).

(7 U.S.C. 1989; 42 U.S.C. 1480; 40 U.S.C. 442; 42 U.S.C. 2942; 5 U.S.C. 301; sec. 10 of Pub. L. 93-357, 88 Stat. 392; delegation of authority by the Secretary of Agriculture, 7 CFR 2.70; delegations of authority by Director, OEO, 20 FR 14764, 33 FR 9850.)

Date: June 17, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-16881 Filed 6-27-75;8:45 am]

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 442.13]

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Subpart P—Development Grants for Community Domestic Water and Waste Disposal Systems

MISCELLANEOUS AMENDMENTS

On February 20, 1975, there was published in the FEDERAL REGISTER (40 FR 7454) a notice of proposed rulemaking to amend § 1823.472 of Subpart P of Part 1823, Title 7, Code of Federal Regulations (39 FR 20475) by amending paragraph (d)(3) to further explain participation with other Federal agencies; by amending paragraph (e)(1) and (2) to further explain the disbursal of grant funds; by adding a new paragraph (e)(2)(ii) to provide additional information pertaining to audit reports and by redesignating paragraph (e)(2)(ii) and (iii) as paragraph (e-(2)(iii) and (iv) without change. Interested persons were invited to submit written comments, suggestions or objections regarding the proposed amendment. All comments submitted with respect to the proposed amendment were given due consideration.

As a result of the comments received, certain proposed changes published in the FEDERAL REGISTER notice of proposed rulemaking of February 20, 1975, (40 FR 7454) are being adopted and additional changes are also being made to the sections published on that date.

1. Paragraph (d)(3) of § 1823.472 is amended to change procedures when FmHA grants are used on projects involving other assistance.

2. Paragraph (e)(1) of § 1823.472 is amended to change the manner of disbursal of grant funds.

3. Paragraph (e)(2)(ii) of § 1823.472 is adopted as propose except that the date for the licensing of an independent public accountant is removed.

4. Redesignation of paragraph (e)(2)(ii) and (iii) of § 1823.472 as paragraph (e)(2)(iii) and (iv) without change.

Accordingly, with these changes the proposed amendments are adopted as set forth below:

§ 1823.472 Application processing.

* * * * *

(d) * * *

(3) FmHA grants may be used on projects where other types of financial assistance are available on all or part of the project: Provided, such other assistance is on reasonable rates and terms. In such cases, the maximum percentages allowed under other agencies' authorities will apply to their participation in the project. However, the FmHA grant may not exceed fifty percent (50%) of the eligible project development costs. The need for FmHA grant funds must meet the requirements of paragraph (b) of § 1823.472 after considering all project financing. When determining the grant limitations, waste treatment and waste collection facilities will be recognized as separate projects.

* * * * *

(e) *Grant closing and delivery of funds.* (1) Grants will be closed in accordance with instructions received from the Office of the General Counsel. The policy of FmHA is not to disburse grant funds from the Treasury until they are actually needed by the applicant. Borrower funds and loan funds will be disbursed before the disbursal of any grant funds. If grant funds are available from other agencies and they are transferred to the Finance Office for disbursement by FmHA, these grant funds shall be disbursed proportionately in accordance with the agreement governing such agencies' participation in the grant.

(2) When FmHA is not making a loan and all or a portion of the grant is for construction, the grant will not be closed and funds will not be delivered before construction is completed; except, where State statutes preclude the use of interim financing, the applicant will provide FmHA with an opinion from the State Attorney General to that effect and a statement by the applicant certifying that it has no other resources to pay for the completion of the construction. In such exceptional cases the State Director will forward his recommendations for fund disbursal and a copy of the State Attorney General's opinion to the National Office for concurrence prior to closing the grant or issuing funds.

* * * * *

(ii) Grantees will be required to submit an audit report prepared in sufficient detail to allow FmHA to determine that grant funds have been used in compliance with the proposal, any applicable laws and regulations, and the grant agreement when grants are closed and funds delivered in accordance with paragraph (e)(2) of this section. Such audit reports should ordinarily be available for review prior to grant closing; however, FmHA may, upon receipt of the grantee's request accompanied by supporting factual data, permit the grantee a period of time up to 90 days from grant closing to submit the audit report. Audit reports shall be prepared preferably by the State Auditor or at his direction. If this is not practical, audit report will be prepared by an independent public accountant. An independent public accountant, is an independent certified public accoutant or an independent licensed public accountant, certified or licensed by a regulator authority of a State or other political subdivision of the United States.

* * * * *

(7 U.S.C. 1989; delegation of authority by the Sec. of Agr., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Effective date. These amendments are effective June 30, 1975.

Date: June 13, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-16882 Filed 6-27-75;8:45 am]

SUBCHAPTER D—GUARANTEED LOANS

[FmHA Instructions 449.1 and 449.2]

PART 1842—BUSINESS AND INDUSTRIAL LOANS

Pollution Abatement and Control Facilities

Section 1842.14(e) of Part 1842, Title 7, Code of Federal Regulations (39 FR 34263) is amended to provide guaranteed loan funds for pollution abatement and control facilities for installations producing agricultural products. Since pending applications would be delayed, notice and public procedure thereon is impracticable and would be contrary to the public interest in accordance with 5 U.S.C. 553. Interested persons are invited, however, to submit written comments, suggestions, or objections regarding this amendment to the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6315, South Building, Washington, D.C. 20250, on or before July 30, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Chief, Directives Management Branch during regular business hours (8:15 a.m. to 4:45 p.m.).

As amended, § 1842.14(e) will read as follows:

§ 1842.14 Ineligible loan purposes.

* * * * *

(e) For projects for the production of agricultural products. This does not preclude loans for processing or marketing facilities, hatcheries, commercial nurseries or integrated poultry operations. Further, this does not preclude loans for pollution abatement and control facilities for farms, ranches or other installations involved in the production of agricultural products.

((7 U.S.C. 1989); delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Effective date. This amendment is effective June 30, 1975.

Date: June 13, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-16883 Filed 6-27-75;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 201—EXTENSIONS OF CREDIT BY FEDERAL RESERVE BANKS

Changes in Rates

Pursuant to section 14(d) of the Federal Reserve Act (12 U.S.C. 357), and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 201 is amended as set forth below:

Section 201.52(b) is revised to read as follows:

§ 201.52 Advances to member banks under section 10(b).

* * * * *

(b) The rates for advances to member banks for prolonged periods and significant amounts under section 10(b) of the Federal Reserve Act and § 201.2(e)(2) of Regulation A are:

Federal Reserve Bank of—	Rate	Effective
Boston	7½	May 16, 1975
New York	7	June 24, 1975
Philadelphia	7	June 9, 1975
Cleveland	7	Do.
Richmond	7	Do.
Atlanta	7	June 3, 1975
Chicago	7	June 9, 1975
St. Louis	7½	May 16, 1975
Minneapolis	7	June 9, 1975
Kansas City	7½	May 16, 1975
Dallas	7	June 9, 1975
San Francisco	7	June 24, 1975

(12 U.S.C. 248(i)). Interprets or applies (12 U.S.C. 357).

By order of the Board of Governors, June 24, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-16851 Filed 6-27-75;8:45 am]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 75-456]

DELEGATIONS OF AUTHORITY

Miscellaneous Amendments

MAY 19, 1975.

The following summary of the amendments adopted by this Resolution is provided for the reader's convenience and is subject to the full description in the preamble and the provisions in the amended regulations set forth below.

I. *Amended regulations.* The Board adopts delegations of authority to its Office of the Federal Home Loan Banks relating to approval of forms for Accounting, Surety Bonds, Advances, and the Housing Opportunity Allowance Program.

II. *Reason for amendments.* To provide the Office of the Federal Home Loan Banks with approval authority for forms related to its area of operational authority.

The Federal Home Loan Bank Board considers it desirable to amend §§ 524.7, 524.13, 525.19, 525.36, 527.3(b), 528.6(b)(3), 528.6(c)(3) and 528.6(d)(3) of the regulations for the Federal Home Loan Bank System (12 CFR 524.7, 524.13, 525.19, 525.36, 527.3(b), 528.6(b)(3), 528.6(c)(3), and 528.6(d)(3)) for the purpose of delegating authority to the Office of the Federal Home Loan Banks to approve forms under said sections.

Under § 524.7, each Federal Home Loan Bank is required to maintain adequate surety bonds covering all offices, employees, attorneys, or agents having control over or access to monies or securities owned by the Bank. Previously, § 524.7 stated that the form and amount of such surety bonds were subject to approval of the Board. New § 524.7 authorizes the Director of the Office of the Federal Home Loan Banks to approve the form and amount of such bonds.

Similar delegations to the Director of the Office of the Federal Home Loan Banks are adopted for forms subject to approval under §§ 524.13 (Accounting), 525.19 (Reports on Mortgage Collateral), 525.36 (Application for Advances), 527.3(b) (Housing Opportunity Allowance—Application), and 528.6 (b)(3), (c)(3), and (d)(3) (Data on Loan Applicants—Forms A, B and C, respectively).

Accordingly, the Board hereby amends §§ 524.7, 524.13, 525.19, 525.36, 527.3(b), 528.6(b)(3), 528.6(c)(3), and 528.6(d)(3), to read as set forth below, effective June 30, 1975. Because the above-described amendments relate to rules of Board procedure and practice, the Board hereby finds that notice and public procedure as to such amendments are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and because publication of said amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date would, in the opinion of the Board, be unnecessary for the same reason, the Board hereby provides that said amendments shall become effective as hereinbefore set forth.

PART 524—OPERATIONS

1. Section 524.7 is revised to read as follows:

§ 524.7 Surety bonds.

Each Bank shall maintain in companies approved by the Board adequate surety bonds covering all officers, employees, attorneys, or agents having control over, or access to, monies or securities owned by the Bank or in its possession. The form and amounts of such bonds shall be approved by the Director of the Office of the Federal Home Loan Banks. Each bond shall contain a provision requiring the insurer to notify the Board in the event of cancellation or any reduction in the amount of coverage of the bond. A duplicate original of each bond, or a copy certified by the insurer or its authorized agent, and evidence of continuation of the bond shall be submitted to the Board.

2. Section 524.13 is revised to read as follows:

§ 524.13 Accounting.

The accounting system for each of the Banks shall be subject to approval of the Board, and all accounting forms used by the Banks must be approved by the Director of the Office of the Federal Home Loan Banks.

PART 525—ADVANCES

3. Section 525.19 is revised to read as follows:

§ 525.19 Reports on mortgage collateral.

At least annually, each borrowing member shall be required to furnish its Bank with a report of the current status

of each home mortgage pledged to said Bank as collateral. The form of the report shall be subject to approval by the Director of the Office of the Federal Home Loan Banks.

4. Section 525.36 is revised to read as follows:

§ 525.36 Application for advances.

Applications shall be made in writing on forms approved by the Director of the Office of the Federal Home Loan Banks. A Bank may at its discretion deny an application, or may grant it on terms and conditions no more liberal than those applicable to advances to members.

PART 527—HOUSING OPPORTUNITY ALLOWANCE PROGRAM

5. Section 527.3(b)(1) is revised to read as follows:

§ 527.3 Housing opportunity allowance.

* * * * *

(b) *Application*. (1) *Form*. The application for an allowance shall be on a form approved by the Director of the Office of the Federal Home Loan Banks. Copies of such form shall be furnished upon request by the Banks. Such application shall be made in triplicate: One copy is to be furnished to the borrower, one copy is to be retained by the member institution, and one copy is to be submitted to the member institution's Bank as provided in paragraph (b) of § 527.6. Such application, together with the loan application, shall provide all information necessary to enable the member institution to determine whether the applicant is an eligible borrower and whether the loan applied for will be a qualifying loan. Each copy of such application shall be signed by each applicant who is to be a borrower.

* * * * *

PART 528—NONDISCRIMINATION REQUIREMENTS

6. Paragraphs (b)(3), (c)(3), and (d)(3) and the heading of § 528.6 are revised to read as follows:

§ 528.6 Data on loan applicants (temporary).

* * * * *

(b) * * *

(3) *Reporting*. Each member institution subject to this paragraph shall report, in such manner and on such forms as are prescribed by the Director of the Office of the Federal Home Loan Banks, the data contained in "Fair Housing Information Statements" and in other materials relating to applicants subject to this part. Such reports shall be filed within 30 business days of the close of the reporting period. Such information shall be available to the public in such manner as will further the purpose of this part without resulting in injury to a private interest intended to be protected by law.

(c) * * *

(3) *Reporting*. Each member institution subject to this paragraph shall report, in such manner and on such forms as are prescribed by the Director of the Office of the Federal Home Loan Banks, the data contained in "Fair Housing Information Statements" and in other materials relating to applicants subject to this part. Such reports shall be filed within 30 business days of the close of the reporting period. Such information shall be available to the public in such manner as will further the purpose of this part without resulting in injury to a public or private interest intended to be protected by law.

(d) * * *

(3) *Reporting*. Each member institution subject to this paragraph shall report, in such manner and on such forms as are prescribed by the Director of the Office of the Federal Home Loan Banks, the data contained in "Fair Housing Information Statements" and in other materials relating to applicants subject to this part. Such reports shall be filed within 30 business days of the close of the reporting period and such reports shall include all completed Statements. Such information shall be available to the public in such manner as will further the purpose of this part without resulting in injury to a public or private interest intended to be protected by law.

* * * * *

(Secs. 10, 17, 47 Stat. 731, 736, or amended; 12 U.S.C. 1430, 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1943-48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

[SEAL] A. CATHERINE POORE,
Assistant Secretary.

[FR Doc.75-16900 Filed 6-27-75;8:45 am]

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 75-555]

PART 545—OPERATIONS

Electronic Funds Transfer Through Remote Service Units

Date: JUNE 25, 1975.

I. Existing regulation: Expires by its terms on July 31, 1975.

II. New regulation: Makes two changes to the existing regulation:

a. Extends the term of the temporary regulation to July 31, 1976.

b. Permits additional applications to be made through February 29, 1976.

III. Reason for Amendment: To permit continued experimentation by Federal associations in the use of remote service units.

The Federal Home Loan Bank Board by Resolution No. 75-459, dated May 28, 1975 proposed an amendment to Part 545 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Part 545), which would amend paragraphs (g) and (k) of § 545.4-2 to extend the term of this existing temporary regulation from July 31, 1975 to July 31, 1976 and permit additional applications to be filed through February 29, 1976. Notice of such proposed rulemaking was published in the FEDERAL REGISTER on June 3, 1975 (40 FR 23896) with an invitation for interested persons to submit written comments by June 19, 1975. On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board considers it desirable to adopt the amendments to § 545.4-2 as proposed.

The Board by Resolution No. 74-573, dated June 26, 1974 (39 FR 23991), permitted Federal associations, upon application therefor, to establish, maintain or use, or to participate in the establishment, maintenance or use of, remote service units. At the time of the promulgation of the existing regulation the Board expressed its opinion that reports from, and observations of, the actual operation of electronic funds transfer systems would furnish valuable experience and information to the Board, the savings and loan industry, and the public relating to the substance of any permanent regulations which the Board may promulgate regarding such systems. The Board continues to be of this opinion.

After adoption of the regulation, Pub. L. 93-495 (October 28, 1974; 88 Stat. 1500), created the National Commission on Electronic Fund Transfers to "conduct a thorough study and investigation and recommend appropriate administrative action and legislation necessary in connection with the possible development of public or private electronic fund transfer systems". The Board believes that the operation of a variety of experimental electronic funds transfer systems by savings and loan associations will contribute significantly to the aforesaid study and investigation. The Board has received and acted under its existing regulation upon several applications which appear to provide substantial consumer benefits in terms of increased financial services performed for Federal association accountholders. However, some associations have experienced equipment and operational problems which have delayed or hindered implementation of approved remote service unit projects. In addition, in light of the Board's experience to date, it expects that extension of its temporary regulations may result in the filing of a limited number of new applications for permission to engage in experimental electronic funds transfer systems projects by Federal associations, which may employ innovative technologies or offer improved public services, and thus enlarge the informational base for the development of permanent regulations. In view of the foregoing, the Board has determined that it is appropriate to extend its current temporary regulation for an additional year and to re-open the application process for approximately an additional seven months.

Extension of the termination date of remote service unit applications approved under existing § 545.4-2 will be considered on an individual basis, without the need for further application. Any material alteration of applications approved under the existing regulation will require prior written approval of the Board.

Accordingly, the Board hereby amends paragraphs (g)(1) and (k) of § 545.4-2

to read as set forth below, effective July 31, 1975.

§ 545.4–2 **Remote service units (temporary provision).**

* * * * *

(g) Application. (1) A Federal association may not establish, maintain or use of a remote service unit, or participate in the establishment, maintenance, or use of a remote service unit, without prior written approval by the Board. Applications for Board approval shall be filed on or before February 29, 1976. One original and one copy of any application made pursuant to this section shall be filed with the Supervisory Agent and two copies of such application shall be sent to the Director, Office of Industry Development, Federal Home Loan Bank Board, Washington, D.C. 20552. An applicant may file additional information in support of its application and may amend the application. The Director or the Supervisory Agent may request an applicant to furnish additional information.

* * * * *

(k) *Termination*. This section and any approval granted under this section shall automatically terminate at the close of July 31, 1976.

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); sec. 2, Pub. L. 93-100, 87 Stat. 342. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071).

By the Federal Home Loan Bank Board.

A. CATHERINE POORE,
Assistant Secretary.

[FR Doc.75-16901 Filed 6-27-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER VIII—LOW INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-311]

PART 888—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—FAIR MARKET RENTS AND CONTRACT RENT AUTOMATIC ANNUAL ADJUSTMENT FACTORS

The Department of Housing and Urban Development, on March 31, 1975, amended Title 24 of the Code of Federal Regulations by adding to Chapter VIII a new Part 888—Section 8 Housing Assistance Payments Program—Fair Market Rents and Contract Rent Automatic Annual Adjustment Factors. Subpart A—Fair Market Rents included a Schedule A for each market area except for a number of market areas which the publication stated would be published later.

This amendment incorporates in Part 888, Subpart A, the Schedules A for the market areas served by the Albany, New York HUD Insuring Office and the Philadelphia, Pennsylvania HUD Area Office. It also corrects a mistake in the previously published Schedule A for the Indianapolis, Indiana HUD Area Office as this relates to the Indianapolis market area.

Because these Schedules represent tables of Fair Market Rents which change periodically and are republished annually, data and public comments with respect thereto are timely and relevant whenever interested persons wish to submit them, and such information will therefore be considered at any time. Comments and public procedure prior to adoption of these Schedules are unnecessary and good cause exists for making this amendment effective upon publication.

Any materials which persons wish to submit should be filed with the Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. A copy of each comment will be available for public inspection at the above address during regular business hours.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the above address.

Accordingly Subpart A of Part 888 is amended by inserting the following amended Schedules A for the Indianapolis, Indiana HUD Area Office, the Philadelphia, Pennsylvania HUD Area Office, and the Albany, New York HUD Insuring Office in the respective appropriate places in the documents published at 40 FR 14530, 14515, 14510, and 14511.

Effective date. These amendments are effective on June 30, 1975.

DAVID M. DEWILDE,
Acting Assistant Secretary-Commissioner.

U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Section 8 Housing Assistance Payments Program

Schedule A - Fair Market Rents for New Construction and Substantial Rehabilitation (Including Housing Finance and Development Agencies Program)

Effective Date June 30, 1975. These Fair Market Rents include projection for construction time through Dec. 31, 1976.

NOTE: The Fair Market Rents for (1) dwelling units designed for the elderly or handicapped are those for the appropriate size unit, not to exceed 2-Bedroom, multiplied by 1.05 rounded to the next higher whole dollar, (2) congregate housing dwelling units are the same as for non-congregate units, and (3) single-room occupancy dwelling units are those for 0 - Bedroom units of the same type.

INSURING OFFICE ALBANY, NEW YORK REGION II - NEW YORK

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
ALBANY	DETACHED	-	-	371	453	496
	SEMI-DETACHED/ROW	-	276	331	403	447
	WALKUP	210	259	310	377	414
	ELEVATOR	288	311	388	-	-
GLEN FALLS	DETACHED	-	-	329	413	474
	SEMI-DETACHED/ROW	-	236	318	369	423
	WALKUP	177	200	274	345	395
	ELEVATOR	224	250	344	-	-
MASSENA	DETACHED	-	-	277	335	396
	SEMI-DETACHED/ROW	-	180	246	298	354
	WALKUP	155	168	230	279	331
	ELEVATOR	194	210	289	-	-
PLATTSBURGH	DETACHED	-	-	277	335	396
	SEMI-DETACHED/ROW	-	180	246	298	354
	WALKUP	155	168	230	279	331
	ELEVATOR	194	210	289	-	-
SYRACUSE	DETACHED	-	-	362	396	478
	SEMI-DETACHED/ROW	-	250	323	353	426
	WALKUP	216	234	302	331	399
	ELEVATOR	280	305	392	-	-
POUGHKEEPSIE	DETACHED	-	-	402	476	508
	SEMI-DETACHED/ROW	-	280	359	426	454
	WALKUP	220	263	336	398	424
	ELEVATOR	298	344	399	-	-

INSURING OFFICE ALBANY, NEW YORK REGION II - NEW YORK

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
WATERTOWN	DETACHED	-	-	293	367	431
	SEMI-DETACHED/ROW	-	235	262	328	384
	WALKUP	196	221	245	307	359
	ELEVATOR	253	285	318	-	-
SCHENECTADY	DETACHED	-	-	371	451	496
	SEMI-DETACHED/ROW	-	277	332	402	443
	WALKUP	210	259	310	377	414
	ELEVATOR	288	311	388	-	-
BINGHAMTON	DETACHED	-	-	352	431	479
	SEMI-DETACHED/ROW	-	275	314	384	427
	WALKUP	218	257	294	360	400
	ELEVATOR	290	326	390	-	-
ITHACA	DETACHED	-	-	337	422	472
	SEMI-DETACHED/ROW	-	248	299	376	421
	WALKUP	196	232	280	353	393
	ELEVATOR	266	312	346	-	-
UTICA-ROME	DETACHED	-	-	337	433	489
	SEMI-DETACHED/ROW	-	244	301	386	436
	WALKUP	210	228	281	362	408
	ELEVATOR	273	297	365	-	-

U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Section 8 Housing Assistance Payments Program

Schedule A - Fair Market Rents for New Construction and Substantial Rehabilitation (Including Housing Finance and Development Agencies Program)

Effective Date June 30, 1975. These Fair Market Rents include projection for construction time through Dec. 31, 1976.

NOTE: The Fair Market Rents for (1) dwelling units designed for the elderly or handicapped are those for the appropriate size unit, not to exceed 2-Bedroom, multiplied by 1.05 and rounded to the next higher whole dollar, (2) congregate housing dwelling units are the same as for non-congregate units, and (3) single-room occupancy dwelling units are those for 0 - Bedroom units of the same type.

AREA OFFICE PHILADELPHIA REGION III - PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
PHILADELPHIA	DETACHED	-	-	380	433	473
	SEMI-DETACHED/ROW	-	257	322	378	430
	WALKUP	-	254	298	373	425
	ELEVATOR	268	313	355	410	-
ALLENTOWN	DETACHED	-	-	346	414	471
	SEMI-DETACHED/ROW	-	-	301	360	425
	WALKUP	200	254	287	356	403
	ELEVATOR	260	300	345	385	-
BELLEFONTE	DETACHED	-	-	384	439	480
	SEMI-DETACHED/ROW	-	280	320	360	463
	WALKUP	189	242	304	351	390
	ELEVATOR	208	259	318	397	-
HARRISBURG	DETACHED	-	-	357	407	444
	SEMI-DETACHED/ROW	-	-	291	365	404
	WALKUP	190	256	280	361	400
	ELEVATOR	252	294	333	385	-
LANCASTER	DETACHED	-	-	325	381	426
	SEMI-DETACHED/ROW	-	246	281	355	403
	WALKUP	182	242	269	336	381
	ELEVATOR	213	265	308	375	-
YORK	DETACHED	-	-	290	374	415
	SEMI-DETACHED/ROW	-	220	263	317	382
	WALKUP	184	216	240	300	340
	ELEVATOR	206	242	277	320	-

AREA OFFICE PHILADELPHIA REGION III - PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
POTTSTOWN	DETACHED	-	-	338	385	420
	SEMI-DETACHED/ROW	-	231	285	335	382
	WALKUP	182	231	250	334	378
	ELEVATOR	238	278	330	375	-
READING	DETACHED	-	-	338	385	420
	SEMI-DETACHED/ROW	-	231	285	335	382
	WALKUP	182	231	250	334	378
	ELEVATOR	238	278	330	375	-
SCRANTON	DETACHED	-	-	329	383	451
	SEMI-DETACHED/ROW	200	248	290	345	425
	WALKUP	200	242	284	336	385
	ELEVATOR	230	290	330	369	-
BETHLEHEM	DETACHED	-	-	346	414	471
	SEMI-DETACHED/ROW	-	-	301	360	425
	WALKUP	200	254	287	356	403
	ELEVATOR	260	300	345	385	-
TIOGA COUNTY	DETACHED	-	-	246	273	296
	SEMI-DETACHED/ROW	170	195	232	257	277
	WALKUP	170	195	221	255	277
	ELEVATOR	-	-	-	-	-

[FR Doc.75-16870 Filed 6-27-75;8:45 am]

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

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

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

Until July 1, 1975, the statutory requirement for the purchase of flood insurance does not apply until and unless the community enters the program and the special flood hazards have been identified. However, on July 1, 1975, or one year after the identification of the community as flood prone, whichever is later, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and flood insurance has been purchased.

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

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

§ 1914.4 List of eligible communities.

* * * * *

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Alabama	St. Clair	Ragland, town of	June 26, 1975, emergency	May 24, 1974		
Do	Jefferson	Trussville, city of	do	June 28, 1974		
Arkansas	Johnson	Clarksville, city of	do	Nov. 30, 1973		
Do	Woodruff	McCrory, city of	do	Mar. 29, 1974		
Do	Jefferson	Wabbaseka, city of	do	May 10, 1974		
Do	Cross	Wynne, city of	do	Mar. 22, 1974		
California	Alameda	Alameda, city of	do	May 24, 1974		
Do	Kern	Delano, city of	do	do		
Do	Tulare	Dinuba, city of	do	June 28, 1974		
Do	Fresno	Kingsburg, city of	do	May 24, 1974		
Do	Riverside	Rancho Mirage, city of	do	June 14, 1974		
Do	Los Angeles	Torrance, city of	do	Aug. 2, 1974		
Colorado	Bent	Unincorporated areas	do			
Do	Hinsdale	do	do			
Connecticut	Windham	Eastford, town of	do	Mar. 15, 1974		
Do	New Haven	Naugatucks, borough of	do	June 28, 1974		
Do	Windham	Thompson, town of	do	May 17, 1974		
Do	Hartford	Windsor Locks, town of	do	June 28, 1974		
Florida	Dixie	Cross City, town of	do	Sept. 13, 1974		
Do	Polk	Lakeland, city of	do	Mar. 1, 1974		
Georgia	Appling	Baxley, city of	do	Sept. 6, 1974		
Do	Liberty	Riceboro, city of	do	May 10, 1974		
Idaho	Camas	Fairfield, city of	do			
Illinois	Monroe	Fults, village of	do	Dec. 17, 1973		
Do	Macoupin	Gillespie, city of	do	June 7, 1974		
Do	Washington	Nashville, city of	do	May 17, 1974		
Iowa	Clay	Spencer, city of	do	Feb. 1, 1974		
Kansas	Nemaha	Centralia, city of	do	May 24, 1974		
Do	Brown	Hiawatha, city of	do	Feb. 8, 1974		
Do	Riley	Ogden, city of	do	June 7, 1974		
Kentucky	Todd	Guthrie, city of	do	do		
Do	Hopkins	Nortonville, city of	do	May 17, 1974		
Louisiana	Livingston Parish	Walker, town of	do	May 24, 1974		
Massachusetts	Middlesex	Woburn, city of	do			
Mississippi	Lauderdale	Marion, town of	do	Jan. 16, 1974		
Do	Carroll	Vaiden, town of	do	June 7, 1974		
Missouri	Iron	Arcadia, city of	do	Dec. 28, 1973		
Do	Scott	Illmo, city of	do	May 3, 1974		
Nevada	Lander	Unincorporated areas	do	July 26, 1974		
New York	Wyoming	Bennington, town of	do	do		
Do	Oswego	Constantia, town of	do	Apr. 5, 1974		
Do	Delaware	Hancock, town of	do	June 28, 1974		
Do	Cortland	Harford, town of	do	do		
Do	Saratoga	Milton, town of	do	June 14, 1974		
North Carolina	Yadkin	Jonesville, town of	do	Mar. 4, 1974		
South Carolina	Richland	Eastover, town of	do	May 31, 1974		
Tennessee	Gibson	Trenton, town of	do	May 3, 1974		
Texas	Blanco	Blanco, city of	do	do		
Do	Hidalgo	La Joya, city of	do	Jan. 23, 1974		
Do	do	La Villa, city of	do	do		
Washington	Stevens	Chewelah, city of	do	June 7, 1974		
West Virginia	Kanawha	Cedar Grove, town of	do	Mar. 8, 1974		
Do	Lincoln	West Hamlin, town of	do	May 31, 1974		
Wisconsin	St. Croix	Baldwin, village of	do	May 10, 1974		
Do	Juneau	Elroy, city of	do	June 7, 1974		
Do	Green Lake	Princeton, city of	do	Dec. 28, 1973		
Do	Dodge	Reeseville, village of	do	Nov. 15, 1974		
Do	Marquette	Westfield, village of	do	May 24, 1974		

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	
Alabama	Calhoun	Weaver, city of	June 27, 1975, emergency	Nov. 30, 1973		
Arkansas	Boone	Bergman, town of	do			
California	Orange	Anaheim, city of	do	July 26, 1974		
Do	Los Angeles	Huntington Park, city of	do	June 28, 1974		
Do	San Bernardino	Ontario, city of	do	Aug. 9, 1974		
Colorado	La Plata	Bayfield, town of	do	Oct. 18, 1974		
Connecticut	New Haven	Beacon Falls, town of	do	May 3, 1974		
Florida	Bradford	Starke, city of	do	July 19, 1974		
Illinois	Kankakee and Iroquois.	Chebanse, village of	do	June 28, 1974		
Do	Kane	Sugar Grove, village of	do	Mar. 8, 1974		
Do	McHenry	Sunnyside, village of	do	Aug. 30, 1974		
Do	Iroquois	Woodland, village of	do			
Kansas	Coffey	Waverly, city of	do	Feb. 15, 1974		
Louisiana	Natchitoches	Provencal, village of	do	May 24, 1974		
Minnesota	Lincoln	Ivanhoe, city of	do	Mar. 29, 1974		
Mississippi	Bolivar	Beulah, town of	do	June 7, 1974		
Missouri	Gasconade	Gasconade, city of	do	Oct. 25, 1974		
Nebraska	Dawes	Crawford, city of	do	June 28, 1974		
Do	Nemaha	Auburn, city of	do	Dec. 17, 1973		
Do	Clay	Harvard, city of	do	Mar. 22, 1974		
Do	Dawson	Sumner, village of	do	Nov. 8, 1974		
Nevada	Clark	Unincorporated areas	do	Aug. 30, 1974		
New Hampshire	Merrimack	Hopkinton, town of	do	Aug. 23, 1974		
New Jersey	Burlington	Delanco, township of	do	June 21, 1974		
Do	Morris	Jefferson, township of	do	Oct. 25, 1974		
Do	do	Morristown, town of	do	Feb. 1, 1974		
Do	Ocean	South Toms River, borough of.	do	July 26, 1974		
New York	Westchester	Elmsford, village of	do	Apr. 12, 1974		
Do	Wyoming	Gainesville, village of	do	Nov. 22, 1974		
Do	Nassau	Lawrence, village of	do	June 12, 1974		
Do	Steuben	West Union, town of	do	Jan. 17, 1975		
Do	Onondaga	Tully, village of	do	Oct. 18, 1974		
North Carolina	Tyrrell	Columbia, town of	do	Feb. 8, 1974		
Do	Bladen	Elizabethtown, town of	do	Dec. 28, 1973		
North Dakota	Walsh	Minto, city of	do			
Ohio	Portage	Aurora, city of	do	May 10, 1974		
Do	Knox	Centerburg, village of	do	May 17, 1974		
Do	Jefferson	Stratton, village of	do			
Oklahoma	Logan	Guthrie, city of	do	Dec. 28, 1973		
Do	Blaine	Watonga, city of	do	May 24, 1974		
Pennsylvania	Juniata	Susquehanna, township of	do	Jan. 24, 1975		
Do	Crawford	Summit, township of	do	Jan. 10, 1975		
Do	Lawrence	Wayne, township of	do	Jan. 17, 1975		
South Carolina	Orangeburg	Bowman, town of	do	May 31, 1974		
Do	Lexington	Irmo, town of	do	May 17, 1974		
Do	Jasper	Ridgeland, town of	do	June 21, 1974		
South Dakota	Hutchinson	Parkston, city of	do	June 14, 1974		
Tennessee	Gibson	Dyer, city of	do	May 31, 1974		
Texas	Chambers	Anahuac, city of	do	June 28, 1974		
Do	Lynn	Tahoka, city of	do	May 10, 1974		
Vermont	Addison	Whiting, town of	do	Sept. 20, 1974		
Washington	Benton	Benton City, town of	do	Jan. 9, 1974		
Wisconsin	La Crosse	Holmen, village of	do	May 17, 1974		

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

Issued: June 19, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-16782 Filed 6-27-75;8:45 am]

proposed rules

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

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part I]

DOMESTIC INTERNATIONAL SALES CORPORATION REQUIREMENTS

Notice of Proposed Rule Making

Rules relating to a domestic international sales corporation (DISC) with respect to the separate bank account requirement, manner of election, and computation under § 1.995-5(b)(5) of earnings and profits offset.

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by July 31, 1975. Pursuant to 26 CFR 601.-601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, a person submitting written comments should not include therein material that he considers to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by July 31, 1975. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) in order to amend the regulations under sections 992 and 995 of the Internal Revenue Code of 1954, relating to a domestic international sales corporation (hereinafter referred to as a "DISC") with respect to the time by which a corporation must satisfy the separate bank account requirement, the manner of electing to be treated as a DISC, and the computation under § 1.995-5(b)(5) of an earnings and profits offset.

The proposed amendments would add a new paragraph (i) to § 1.992-1 which generally lengthens the grace period allowed for satisfying the separate bank account requirement as presently set forth in the first two sentences of the flush material following paragraph (a)(8) of § 1.992-1. In accordance with the effective date provision of § 1.991-1(c), new paragraph (i) would be effective for taxable years ending after December 31, 1971, except that a corporation may not be a DISC for any taxable year beginning before January 1, 1972.

Pursuant to existing § 1.992-1(a), appearing as T.D. 7323 in the FEDERAL REGISTER for Wednesday, September 25, 1974 (39 FR 34400), a separate bank account is required to be maintained by a DISC on each day of the taxable year. The existing grace period allowed for satisfying this requirement provides, in effect, that a corporation which elects DISC status for its taxable year need not establish a separate bank account until the last day of the period during which it can elect to be treated as a DISC, and that no corporation seeking to qualify as a DISC is required to have a separate bank account prior to April 30, 1972.

Section 1.992-1(i)(1)(i), as proposed, replaces with increased clarity the rule now found in the second sentence of the flush material following paragraph (a)(8) of § 1.992-1. The new language makes clear that, in the case of a corporation which elects to be treated as a DISC for its first taxable year, such corporation need not establish a separate bank account until 90 days after the beginning of such taxable year. This period conforms to the period within which such corporation can make the election to be treated as a DISC (as prescribed in § 1.992-2(a)(2)(i)). Alternatively, if § 1.992-1(i)(2), as proposed, applies to such corporation, that corporation, in certain cases, may have a longer period than 90 days to satisfy the separate bank account requirement.

Section 1.992-1(i)(2), as proposed, generally incorporates with a minor wording change the rules now found in the first sentence of the flush material following paragraph (a)(8) of § 1.992-1, but is added to allow a longer grace period than now provided in such sentence for satisfying the daily separate bank account requirement of § 1.992-1(a)(6). Thus, October 31, 1974, is substituted for April 30, 1972, as the date after which a separate bank account must be maintained on a daily basis in order for a corporation to qualify as a DISC. For a corporation whose taxable year ends before October 31, 1974, the separate bank account is required by the close of such taxable year, and for a corporation whose taxable year ends with or includes October 31, 1974, the separate bank account is required for each day beginning with October 31, 1974.

The manner in which a corporation elects to be treated as a DISC has been changed in § 1.992-2(a)(1)(i), as proposed. A copy of the completed Form 4876 is no longer required to be filed with the Commissioner of Internal Revenue in Washington, D.C. Thus, in the future, only one copy of such form need be filed. Because this change would constitute a liberalization of policy with respect to rules of departmental practice and procedure, it will be effective retroactively as of June 30, 1975.

The first sentence of § 1.995-5(b)(5)(i) has been changed for purposes of clarification by inserting the words "by a foreign corporation to a domestic corporation" in the parenthetical following the word "computed." In accordance with the effective date provision of § 1.991-1(c) as set forth above, this proposed amendment is effective generally for taxable years ending after December 31, 1971.

Under section 995(b)(1)(E), a shareholder of a DISC includes in his gross income as a dividend certain amounts including his pro rata share of the amount of foreign investment attributable to producer's loans of the DISC. Section 995(d)(1)(A) provides that such amount is the smallest of three items, one of which is the net increase in foreign assets of the controlled group which includes the DISC. Section 995(d)(2)(B)(iii) provides that such net increase is the investment by the group in section 1231 assets located outside the United States reduced by certain offsets, including one-half of the earnings and profits of foreign members of the group and foreign branches of domestic members of the group.

Paragraph (b)(5)(i) of § 1.995-5 (relating to foreign investment attributable to producer's loans) provides, in effect, that the computation of earnings and profits for purposes of determining the amount of an offset allowed by § 1.995-5(b)(5) is determined without regard to any distributions. The question was raised whether the offset would be reduced by a distribution from earnings

and profits by a foreign corporation to another foreign corporation. For example, in the case of a distribution from a second tier foreign subsidiary to a first tier foreign subsidiary, the failure to reduce earnings and profits by the amount of the distribution would operate to give a double offset because the earnings and profits of the recipient would be increased without reducing the earnings and profits of the distributor foreign corporation. This proposed amendment would preclude this double offset.

Proposed amendments to the regulations. In order to revise the rules relating to a DISC with respect to the separate bank account requirement, the manner of election to be treated as a DISC, and the computation under § 1.995-5(b)(5) of an earnings and profits offset, the following proposed amendments are made to the Income Tax Regulations (26 CFR Part 1).

These amendments will be effective generally for taxable years ending after December 31, 1971, except that the amendment proposed in paragraph 2 of this document will be effective June 30, 1975.

PARAGRAPH 1. Section 1.992-1 is amended by recising paragraph (a)(6), deleting the first two sentences of the flush material following paragraph (a)(8), and adding paragraph (a)(8)(i). These revised and added provisions read as follows:

§ 1.992-1 Requirements of a DISC.

(a) * * *

(6) Has its bank account on each day of the taxable year, except as provided in paragraph (a)(8)(i) of this section.

* * * * *

(8) * * *

(i) *Time for satisfying the separate bank account requirement.* The separate bank account requirement referred to in paragraph (a)(6) of this section shall be satisfied for a taxable year by a corporation if—

(1) In the case of a corporation which elects to be treated as a DISC for its first taxable year, such corporation has a separate bank account either—

(i) Within 90 days after the beginning of such taxable year and on each succeeding day of such taxable year or

(ii) Within the period prescribed in subparagraph (2) of this paragraph, if applicable.

(2) For any taxable year which—

(i) Ends before October 31, 1974, such corporation has a separate bank account at any time during that taxable year or

(ii) Ends with or includes October 31, 1974, such corporation has a separate bank account on October 31, 1974, and on each succeeding day of that taxable year.

* * * * *

PAR. 2. Section 1.992-2 is amended by deleting the phrase ", and a copy of the completed Form 4876 with the Commissioner of Internal Revenue (Attention: ACTS:A:AO), Washington, D.C. 20224" from the second sentence of paragraph (a)(1)(i). As amended, such second sentence reads as follows:

§ 1.992-2 Election to be treated as a DISC.

(a) *Manner and time of election*—(1) *Manner*—(i) *In general.* * * * Except as provided in paragraph (a)(ii) of this section, the election is made by the corporation filing Form 4876 with the service center with which it would file its income tax return if it were subject for such taxable year to all the taxes imposed by subtitle A of the Internal Revenue Code of 1954. * * *

* * * * *

PAR. 3. Section 1.995-5 is amended by revising the first sentence of paragraph (b)(5)(i) to read as follows:

§ 1.995-5 Foreign investment attributable to producer's loans.

* * * * *

(b) * * *

(5) *Earnings and profits.* (i) An offset allowed by this subparagraph is one-half the aggregate of the earnings and profits accumulated for all taxable years beginning after December 31, 1971, computed (without regard to any distributions from earnings and profits by a foreign corporation to a domestic corporation) in accordance with § 1.964-1 (relating to a controlled foreign corporation's earnings and profits), of each foreign member of the group which is controlled directly or indirectly (as determined under the principles of section 958 and the regulations thereunder) by a domestic member of the group and each foreign branch of a domestic member of the group (computed as if the branch were a foreign corporation). * * *

* * * * *

[FR Doc.75-16846 Filed 6-27-75;8:45 am]

[26 CFR Part I]

DOMESTIC INTERNATIONAL SALES CORPORATION REQUIREMENTS

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by July 31, 1975. Pursuant to 25 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, a person submitting written comments should not include therein material that he considers to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by July 31, 1975. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

By a Treasury decision appearing in the FEDERAL REGISTER for Wednesday, September 25, 1974 (39 FR 34400), regulations were published under certain provisions of section 992 of the Internal Revenue Code of 1954, relating to requirements of a domestic international sales corporation (DISC). In such document, § 1.992-3(a)(4) was reserved. This document sets forth new proposed regulations under § 1.992-3(a)(4).

Regulations as proposed in the FEDERAL REGISTER for Tuesday, September 12, 1972 (37 FR 18475) allowed a corporation which elected to be treated as a DISC for a taxable year to make a deficiency distribution at any time (subject to certain restrictions) to meet the 95 percent gross receipts test or the 95 percent assets test for that year as set out in § 1.992-1. Under this rule, if such a corporation foresees that it would have, for example, a large amount of gross receipts which would not be qualified export receipts, it could estimate the amount by which it would fail to meet the qualification requirements and distribute such amount before the end of the taxable year with respect to which the distribution is made. Under the regulations as newly proposed, such corporation will be required to wait until the end of such taxable year to make a deficiency distribution. A transitional rule incorporating the rule originally proposed has been retained for corporations making deficiency distributions on or before September 29, 1975.

Proposed amendments to the regulations. In order to conform the Income Tax Regulations (26 CFR Part 1) to the provisions of section 501 of the Revenue Act of 1971, § 1.992-3(a)(4) of such regulations is revised to read as follows:

§ 1.992-3 Deficiency distributions to meet qualification requirements.

(a) * * *

(4) The corporation designates the distribution, at the time of the distribution, as a deficiency distribution, pursuant to section 992(c), to meet the qualification

requirements to be a DISC. Such designation shall be in the form of a communication sent at the time of such distribution to each shareholder and to the service center with which the corporation has filed or will file its return for the taxable year to which the distribution relates. A corporation may not retroactively designate a prior distribution as a deficiency distribution to meet qualification requirements. Subject to the limitation described in paragraph (c)(3) of this section, a corporation may make a deficiency distribution with respect to a taxable year at any time after the close of such taxable year or, in the case of a deficiency distribution made on or before September 29, 1975, at any time during or after such taxable year.

* * * * *

[SEAL]

[FR Doc.75-16487 Filed 6-27-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 924]

FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREGON

Proposed Limitation of Handling

This notice contains a proposal which would require fresh Washington-Oregon prunes during the period August 1, 1975, through August 31, 1976, to grade U.S. No. 1, except for off-color and an additional tolerance for defects, and be at least 1¼ inches in diameter.

Consideration is being given to the following proposal, which would limit the handling of fresh prunes by establishing minimum grades and sizes recommended by the Washington-Oregon Fresh Prune Marketing Committee, established pursuant to the marketing agreement and Order No. 924, as amended (7 CFR Part 924; 39 FR 33305; 34644), regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oregon. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than July 11, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The recommendations of the Washington-Oregon Fresh Prune Marketing Committee reflect its appraisal of the crop and current and prospective market conditions. Fresh shipments of Washington-Oregon prunes are expected to start on or about August 1, 1975, and to total 19,500 tons compared with 21,429 tons last season. Hence, supplies of fresh prunes meeting the proposed requirements should be adequate to fill fresh market needs. The proposed regulation is designed to prevent the handling of lower quality and smaller size prunes which do not provide consumer satisfaction and to promote orderly marketing in the interest of producers and consumers, consistent with the objectives of the act.

The provision which would exempt the Brooks variety of prunes from the regulation would recognize that prunes of this variety are primarily consumed locally, and that the total production of this variety is insignificant compared to the total supply. Also, the provision which would exempt individual shipments, not exceeding 500 pounds, of the Stanley or Merton varieties, would recognize that the production of these varieties is relatively small, and for the most part are consumed locally or are sold for home use and not for resale. The exemption of individual shipments, not exceeding 150 pounds, of any variety other than Stanley or Merton, if sold for home use and not for resale, would recognize that the quantity of prunes likely to be so handled is relatively inconsequential in relation to the total, and it is not practical administratively to regulate the handling of such shipments due to the nearness of the source of supply.

Such proposal reads as follows:

§ 924.313 Prune Regulation 13.

Order. (a) Prune Regulation 12, (39 FR 26138) is hereby terminated on August 1, 1975.

(b) During the period August 1, 1975, through August 31, 1976, no handler shall handle any lot of prunes, except prunes of the Brooks variety, unless:

(1) Such prunes grade at least U.S. No. 1, except that only two-thirds of the surface of the prune is required to be purplish color, and such prunes measure not less than 1¼ inches in diameter as measured by a rigid ring: *Provided*, That the following tolerances, by count, of the prunes in any lot shall apply in lieu of the tolerances for defects provided in the United States Standards for Grades of Fresh Plums and Prunes: A total of not more than 15 percent for defects, including therein not more than the following percentage for the defect listed:

(i) 10 percent for prunes which fail to meet the color requirement;

(ii) 10 percent for prunes which fail to meet the minimum diameter requirement;

(iii) 10 percent for prunes which fail to meet the remaining requirements of the grade: *Provided*, That not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, including in the latter amount not more than 1 percent for decay, or

(2) Such prunes are handled in accordance with paragraph (c) of this section.

(c) Notwithstanding any other provision of this regulation, any individual shipment which, in the aggregate, does not exceed 500 pounds net weight, of prunes of the Stanley or Merton varieties of prunes, or 150 pounds net weight, of prunes of any variety other than Stanley or Merton varieties of prunes, which meets each of the following requirements may be handled without regard to the provision of paragraph (b) of this section, and of §§ 924.41 and 924.55:

(1) The shipment consists of prunes sold for home use and not for resale, and

(2) Each container is stamped or marked with the handler's name and address and with the words "not for resale" in letters at least one-half inch in height.

(d) The term "U.S. No. 1" shall have the same meaning as when used in the United States Standards for Fresh Plums and Prunes (7 CFR 51.1520–51.1538); the term "purplish color" shall have the same meaning as when used in the Washington State Department of Agriculture Standards for Italian Prunes (June 5, 1972) and in the Oregon State Department of Agriculture Standards for Italian Prunes (July 15, 1972); the term "diameter" means the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit; and, except as otherwise specified, all other terms shall have the same meaning as when used in the marketing agreement and order.

Dated: June 24, 1975.

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

[FR Doc.75-16880 Filed 6-27-75;8:45 am]

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Proposed Change in Payment Rate for Box Rental

A notice of proposed rulemaking to increase the payment rate of rental on boxes containing reserve tonnage raisins held beyond the crop year of acquisition was published in the FEDERAL REGISTER on June 23, 1975, at page 26276. A proposed rate for bins (i.e., containers of 1,000 pounds capacity, or more) of 13 and one-third cents per day, not to exceed a total payment of $4.00 per year, should have been included in that notice as a part of the proposal recommended by the Raisin Administrative Committee. The notice provided that any written data, views, or arguments should be received by July 11, 1975, by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. To allow interested persons sufficient time to submit written comments on this proposal and the proposal published June 23, the time prescribed in that notice is hereby extended to July 18, 1975.

Dated: June 25, 1975.

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

[FR Doc.75-16980 Filed 6-27-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 160g]

ARTS EDUCATION

Proposed Program Criteria

Pursuant to the authority contained in section 409 of Pub. L. 93-380 (20 U.S.C. 1867), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Title 45 of the Code of Federal Regulations by adding a new Part 160g to read as set forth below.

The proposed regulation would set forth rules and criteria governing grant awards by the Commissioner of Education to State and local educational agencies to encourage and assist in the establishment, conduct and improvement of programs by such agencies in which the arts (including but not limited to dance, drama, music and the visual arts) are integrated into the total, regular educational program serving all students in elementary and secondary schools.

The proposed regulation would apply to all grant awards made with funds appropriated pursuant to section 409 of Pub. L. 93-380, or with funds made available for expenditure to assist and encourage elementary and secondary school programs, as provided in section 409 of Pub. L. 93-380, pursuant to the Special Projects Act, as enacted by section 402 of Pub. L. 93-380.

A. *A Summary of the proposed regulation.* 1. *Organization.* The proposed regulation is divided into three subparts: Subpart A contains general provisions applicable to all grants funded under this part; Subpart B contains provisions applicable to awards to local educational agencies; and Subpart C contains provisions applicable to awards to State educational agencies.

2. *Subpart A—General.* (a) Section 160g.3 sets forth the minimum elements of an arts education program in elementary and secondary schools which projects funded under this part will seek to establish, conduct or improve as an integral part of the regular educational program. An arts education program must:

(1) Be designed to encourage the development in students of aesthetic awareness in the arts and to foster self-actualization and the development of communicatve skills through movement, sound, visual images, and verbal usage;

(2) Be designed to involve all of the students in the school or schools served. The program may serve one or more schools in a single school district or (in the case of a joint application) in several school districts;

(3) Be designed to involve each student in appreciation, enjoyment, understanding, creation, participation, and evaluation with respect to the arts;

(4) Be designed to involve students in all grade levels in the school or schools to be served;

(5) Address the spectrum of major art forms, including dance, music, drama, and the visual arts;

(6) Be designed to infuse the arts into all aspects of the school curriculum as a means of enhancing and improving the quality and quantity of aesthetic education offered in the school and as a means of expanding the base for cognitive and affective learning experiences in the total school curriculum; and

(7) Integrate all the major art forms into the regular educational program of the school or schools, as distinguished from treating them on an extracurricular or peripheral basis.

(b) Section 160g.4 provides that awards will be made for projects up to one year in duration. If a recipient seeks assistance for an additional period, it must compete for a new award each year with other applicants. There are no noncompetitive continuation awards.

(c) Section 160g.5 provides that one-third of the funds available for the program will be initially reserved for activities described in Subpart B, and two-thirds will be reserved for activities described in Subpart C.

(d) Section 160g.6 provides that the Kennedy Center will provide assistance such as technical and staff assistance, and training to award recipients under this part and assist in the review of applications for assistance from State and local educational agencies and make recommendations to the Commissioner regarding such applications.

3. *Subpart B—Local educational agency.* (a) Section 160g.16 sets forth the nature of the arts projects assisted. Projects may focus on the establishment, conduct, or improvement of arts education programs in one or more schools in the school district of the applicant local educational agency or, in case of a joint application by several such agencies, in several schools in the school districts of such applicant agencies, or in a single pilot school in one of the school districts. With respect to projects which relate to an arts education program which does not involve all schools within the school district or districts, the arts education program to which the project relates must be designed to serve as a pilot program which the applicant ultimately proposes to replicate in other elementary and secondary schools throughout the district or districts.

(b) Sections 160g.20 and 160g.22 set forth application requirements and selection criteria, respectively. Applicants must have a plan for the achievement of integrating all of the major arts into the regular educational program in its elementary and secondary schools through the establishment, conduct, or improvement of an arts education program described in § 160g.3.

4. *Subpart C—State educational agency.* (a) Section 160g.30 sets forth the nature of the project to be assisted. Assistance will be provided for projects involving State-wide activities such as developmental and technical assistance to assist throughout the State in the establishment, conduct, and improvement of arts education programs in local educational agencies.

(b) Sections 160g.33 and 160g.34 set forth application requirements and selection criteria, respectively. An applicant must describe steps to be taken to initiate, develop, or implement a comprehensive State plan to assist local educational agencies throughout the State to establish, conduct, and improve arts education programs meeting the elements in § 160g.3. An applicant must also provide for the establishment of an advisory committee, following receipt of assistance, which is broadly representative of the arts resources throughout the State. Such committee will provide advice in the planning and carrying out the project. Applicants are encouraged to designate, for this purpose, any State Alliance for Arts Education Committee which has been established under the Alliance for Arts Education program.

B. *Citations of legal authority.* As required by section 431(a) of the General Education Provisions Act, a citation of statutory or other legal authority for each section of the regulation has been placed in parentheses on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In that case, the citation applies to all that appears in that section between the citation and the immediately preceding citation. When the citation appears only at the end of the section, it applies to the entire section.

C. *Other applicable regulations.* The proposed regulation does not contain provisions relating to general fiscal and administrative matters. Requirements of this nature are covered by the Office of Education General Provisions Regulations (45 CFR Part 100a), which include rules on direct and indirect costs.

In addition, a number of rules common to all of the programs, including the Arts Education program, funded pursuant to the Special Projects Act are being prepared for publication as Part 160 of Title 45 of the Code of Federal Regulations. These would include definitions of terms used in this proposed regulation and in other regulations related to the Special Projects Act.

D. *Notice to prospective applicants.* This first publication is not the final regulation. It is followed by a thirty-day period which allows interested members of the public to submit comments and recommendations. Each comment will be given careful consideration, and will be responded to in substance in the preamble to the final regulation.

Following this review, the regulation will be published in final form, with any appropriate changes, in the FEDERAL REGISTER.

As more fully explained below, no money is available at the present time for awards under the program and no proposals are being accepted. Application forms are not available.

The publication of proposed regulations is only a beginning step in a series

of formal procedures and actions required before funds can begin to flow to grantees. For the present Fiscal Year 1975, no funds were appropriated for grants authorized under the program. Following an enactment of an appropriation for the program for fiscal year 1976, further administrative steps would have to take place before the award of grants.

These steps would include the preparation for distribution of appropriate application forms, the publication in the FEDERAL REGISTER of a notice of closing date informing applicants of the period within which applications must be filed and where application forms may be obtained, and allowing the applicants sufficient time for the preparation of applications, and the receipt, processing, evaluation, and selection of proposals for funding. Finally the terms of the actual award documents must be negotiated with those applicants whose applications have been selected.

In the meantime, in addition to providing comments on the proposed regulation, prospective applicants may wish at this early stage to reflect upon the scope and nature of the projects they may later propose in the light of the criteria set forth in this notice.

All interested parties are invited to submit written comments and recommendations concerning the proposed rule to the Director, Arts and Humanities Staff, Room 4021, U.S. Office of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202. Such comments and recommendations will be available for public inspection on Mondays through Fridays between 8:30 a.m. and 4:00 p.m. All relevant material received on or before July 30, 1975 will be considered.

(Catalog of Federal Domestic Assistance No. 13.566 Arts in Education)

Dated: June 2, 1975.

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

Approved: June 20, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

PART 160g—ARTS EDUCATION PROGRAMS

Subpart A—General

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AUTHORITY: Section 409 of Pub. L. 93-380 (20 U.S.C. 1867), unless otherwise noted.

Subpart A—General

§ 160g.1 Scope and purpose.

(a) *Scope.* This part applies to projects assisted with funds appropriated pursuant to section 409 of Pub. L. 93-380, or with funds made available for expenditure to assist and encourage elementary and secondary school programs as provided in section 409 of Pub. L. 93-380, pursuant to the Special Projects Act, as enacted by section 402 of Pub. L. 93-380.

(b) *Purpose.* The purpose of this part is (through grants to State educational agencies and local educational agencies) to encourage and assist in the establishment, conduct or improvement of programs in which the arts are integrated into the total educational program in elementary and secondary schools.

(c) *Other pertinent regulations.* Assistance provided under this part is subject to applicable provisions contained in subchapter A of this chapter relating to fiscal, administrative, property management, and other matters (45 CFR Parts 100, 100a) and Part 160 of this chapter, relating to the Special Projects Act.

(20 U.S.C. 1867)

§ 160g.2 Definitions.

As used in this part:

"Act" means section 409 of Pub. L. 93-380, 20 U.S.C. 1867.

(20 U.S.C. 1867)

"Alliance for Arts Education" means the joint program carried out by the John F. Kennedy Center for the Performing Arts and the U.S. Office of Education under the authority of Pub. L. 85-374, as amended, to develop programs in the arts for children and youth which are designed specifically for their participation, education, and recreation.

(20 U.S.C. 1867; Pub. L. 85-874)

"Arts" includes, but is not limited to, dance, drama, music (instrumental and vocal) and the visual arts such as painting, sculpture, photography and graphics.

(20 U.S.C. 1867)

"Kennedy Center" means the John F. Kennedy Center for the Performing Arts.

(20 U.S.C. 1867)

"Arts Education program" means a program in which arts are an integral part of elementary and secondary school programs which meet the requirements of § 160g.3(c).

(20 U.S.C. 1867)

"Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as administrative agencies for the State's public elementary or secondary schools. The term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(20 U.S.C. 1867)

"State Alliance for Arts Education Committee" means a committee at the State level, established under the Alliance for Arts Education program, consisting of members broadly representative of the fields of education and the arts, including but not limited to organizations in the arts (such as State Arts Councils) and arts education (such as the National Art Education Association, Music Educators National Conference, American Theatre Association, and National Dance Association), artists, teachers and administrators in the arts.

(20 U.S.C. 1867)

"State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such agency, an officer or agency designated by the Governor or by State law.

(20 U.S.C. 1867)

§ 160g.3 Elements of an arts education program.

(a) *General assistance.* Assistance will be provided under this part to encourage and aid State and local educational agencies to establish, conduct and improve, or provide developmental and technical assistance for arts education programs in elementary and secondary schools as described in paragraph (c) of this section.

(b) *Significance of elements.* (1) The elements set forth in paragraph (c) of this section relate to specific arts education programs assisted under a proposed project for which application is made under this part.

(2) An arts education program with respect to which a State or local educational agency proposes a project must meet (or be designed to meet) the elements set forth in paragraph (c) of this section. However, such agency need not already have put in place and be operating such program before it may apply for or receive assistance under this part. As set forth in § 160g.16 and § 160g.30,

assistance is available for projects related to the establishment of such programs, as well as projects related to the conduct or improvement of such programs.

(3) A project proposed for assistance under this part to provide developmental or technical assistance in connection with the establishment of, or planning for the establishment of, an arts education program must have as a purpose the achievement of these elements with respect to such programs.

(c) *Program elements*. For purposes of this part, the elements of an arts education program in an elementary or secondary school include the following:

(1) The program must be designed to encourage the development in students of aesthetic awareness in the arts and to foster self-actualization and the development of communicative skills through movement, sound, visual images, and verbal usage.

(2) The program must be designed to involve all of the students in the school or schools served. (The program may serve one or more schools in a single school district or (in case of joint applications) in several school districts. See § 160g.16(b).)

(3) The program must be designed to involve each student in appreciation, enjoyment, understanding, creation, participation, and evaluation with respect to the arts;

(4) The program must be designed to involve students at all grade levels in the school or schools to be served;

(5) The program must address the spectrum of major art forms including dance, music, drama, and the visual arts;

(6) The program must be designed to infuse the arts into all aspects of the school curriculum as a means of enhancing and improving the quality and quantity of aesthetic education offered in the school and of expanding the use of the arts for cognitive and affective learning experiences in the total school curriculum; and

(7) The program must integrate all the major art forms into the regular educational program of the school or schools served, as distinguished from treating them on an extra-curricular or peripheral basis.

(20 U.S.C. 1867)

§ 160g.4 Project duration.

Awards made pursuant to this part will be for a project period of up to one year. If an award recipient seeks to receive assistance pursuant to this part for an additional period beyond such project period, the recipient must submit a new application. The new application will be evaluated in competition with applications from other former award recipients as well as from applicants which have not previously received assistance under this part.

(20 U.S.C. 1221e-3(a)(1), 1867)

§ 160g.5 Eligibility.

(a) *General*. State educational agencies and local educational agencies are eligible to receive assistance under this part.

(b) *Initial reservation*. It is anticipated that one-third of the funds available for the program will be initially reserved for activities as described in Subpart B, and two-thirds will be reserved for activities as described in Subpart C.

(20 U.S.C. 1867)

§ 160g.6 Role of Kennedy Center.

(a) *Arts resources*. Resources of the Kennedy Center such as technical and staff assistance (including assistance with respect to project evaluation activities), training, and information on the arts may be provided to recipients of assistance under this part at the State and local sites, as well as at the Kennedy Center.

(b) *Review of application*. The Kennedy Center, through the Alliance for Arts Education National Committee, will assist in the review of applications (and preapplications, if any) from State and local educational agencies for assistance under this part and make recommendations to the Commissioner regarding such applications (or preapplications).

(20 U.S.C. 1867)

Subpart B—Local Educational Agency Applications

§ 160g.16 Nature of arts projects assisted.

(a) *General*. Assistance will be provided under this subpart to local educational agencies for projects to establish, conduct or improve arts education programs as described in § 160g.3 pursuant to a plan submitted under § 160g.20.

(b) *Service area*. Projects may relate to an arts education program described in § 160g.3 to be conducted in one or more elementary or secondary schools in the school district of the applicant local educational agency. A number of local educational agencies may apply jointly with respect to a project relating to a program carried out in a number of schools in the school districts of such applicant local agencies, or in a single pilot school in one of the school districts of such agencies.

(45 CFR 100a.19)

(c) *Pilot programs*. With respect to projects described in paragraph (b) which relate to an arts education program not involving all schools in the school district (or districts) of the applicant local educational agency (or agencies), the arts education program to which the federally assisted project relates must be designed to serve as a pilot program which the grantee or grantees ultimately propose to replicate in other schools of the applicant local educational agency (or agencies).

(20 U.S.C. 1867)

§ 160g.17 Activities to be supported.

(a) *Illustrative activities*. The following types of activities are illustrative of the types of project activities which may be supported (in whole or in part) under this subpart when specifically related to the establishment, conduct, or improvement of an arts education program.

(1) Inservice training for such program for administrators, regular classroom teachers and specialized teachers in the arts;

(2) The use of arts resource personnel in target schools for the conduct of an arts education program;

(3) The use of visiting artists and consultants as part of an arts education program;

(20 U.S.C. 1867)

(4) Special arrangements for the continuing use of arts institutions and other community resources including museums, performing arts organizations, and arts centers as a part of an arts education program;

(Pub. L. 93-380, Sec. 803, 20 U.S.C. 1221-2)

(5) Employment of a director, administrator or coordinator for an arts education program;

(6) Festivals of the arts or demonstrations of the arts in education including both performing arts and exhibits of the visual arts related to an arts education program; and

(7) Curriculum development to infuse the arts into the total school environment.

(20 U.S.C. 1867)

(b) *Developmental and technical assistance*. Project activities may also include the provision of developmental and technical assistance to local elementary and secondary schools in establishing, conducting and improving arts education programs. Such developmental and technical assistance may include, but is not limited to, the provision of consultants, assessment of needs for arts education programs, surveys of arts resources which might be available for such programs, planning, training of administrators, staff, and community representatives with responsibility for planning and organizing arts education programs, evaluation, and provision of information on arts education.

(20 U.S.C. 1867)

§ 160g.18 Costs.

(a) *Cost principles*. Allowable costs under awards pursuant to this subpart shall be determined in accordance with cost principles set forth in Appendix B to Subchapter A of this chapter, subject to the restrictions set forth in paragraphs (b) and (c) of this section.

(b) *Anticipated range*. Because of the limited amount of Federal funds available for assistance under this subpart for Fiscal Year 1976, it is anticipated that, for such fiscal year, grants will each range from $5,000 to $10,000. Nothing in this paragraph shall be construed as a limitation on the amount of funds which may be made available to a particular grantee.

(c) *Nonallowable costs*. Costs, such as salaries for regular instructional services, equipment, and other expenses incidental thereto, as well as construction of facilities, shall be nonallowable under awards pursuant to this part.

(20 U.S.C. 1867)

§ 160g.19 Preapplications.

(a) *General.* The Commissioner may require local educational agencies applying for assistance pursuant to this part to submit preapplications to the Commissioner in accordance with § 100a.41 of this chapter.

(b) *Requirements.* In the event that the Commissioner does require preapplications from local educational agencies:

(1) As part of the project narrative statement required in preapplication forms provided for by § 100a.41 of this chapter which may not exceed ten double-spaced, typewritten pages, local educational agency applicants must provide a description of:

(i) The objectives of the project and its relationship to an arts education program as described in § 160g.3;

(ii) Procedures and strategies to achieve project objectives;

(iii) Art resources in the area to be served which are available for use in the project and any plans for such use; and

(iv) Such other information as the applicant deems relevant to the standards in this part.

(2) Local educational agencies submitting the most highly rated preapplications will be invited to submit applications for review.

(3) Preapplications will be evaluated by the Commissioner, in consultation with the Kennedy Center, on the basis of the applicant's and proposed project's prospects for meeting the application requirements described in § 160g.20 and for competing successfully with similar applications from other applicants in terms of the funding criteria set forth in § 160g.22.

(4) (i) A copy of the preapplication must be submitted by the local educational agency to the State educational agency of the State in which the local educational agency is located, concurrently with the submission of the preapplication to the Commissioner, to provide the State educational agency an opportunity to review, in consultation with the State Alliance for Arts Education Committee (if one has been established in such State), and make comments on the preapplication.

(ii) The Commissioner may establish a cut-off date for submission of comments by State educational agencies on local educational agency preapplications; if the Commissioner does so, the failure of the State agency to submit comments to the Commissioner within the period specified by the Commissioner for a preapplication shall be deemed a waiver of its opportunity to comment on that preapplication.

(20 U.S.C. 1221c(b) (1), 1867)

§ 160g.20 Application requirements.

The Commissioner will make awards of Federal funds to local educational agencies under this subpart only upon submission of an application to the Commissioner pursuant to §§ 100a.15 and 100a.16 of this chapter which application contains:

(a) A description of the school or schools in which the arts education program to be assisted under the proposed project will be carried out, including the educational program and any arts activities which are a part of that program, and a description of the school system of which such school or schools are a part;

(b) A plan to achieve the integration of all the major arts into the regular overall educational program in the elementary and secondary schools assisted under this subpart through the establishment of an arts education program as described in § 160g.3;

(c) A description of how the activities proposed to be carried out under the proposed project relate to the plan set forth pursuant to paragraph (b) and can be expected to lead to or further such integration of all the arts as will result in an arts education program which substantially meets the requirements in § 160g.3;

(d) If the State has a plan for arts education throughout the State, a description of how the local plan relates to such State plan;

(e) An explanation of the applicant's need for Federal assistance to carry out the proposed project;

(f) A description of:

(1) Project objectives which state specific and measureable outcomes for the project;

(2) A proposed time schedule for accomplishing such objectives;

(3) An explanation of proposed procedures, strategies, and activities for accomplishing such objectives; and

(4) An evaluation component to measure the extent to which such objectives are accomplished by the project;

(g) Documentation of involvement in the preparation of the application on an advisory basis of arts resources in the area to be served by the project, including, but not limited to, any recognized arts committees such as those established under the Alliance for Arts Education program and other arts education organizations;

(h) Provisions for the establishment of an advisory committee, if assistance is made available, which:

(1) Is composed of persons broadly representative of arts resources in the area to be served, including persons such as representatives of the State department of education (arts specialist or administrator), the local educational agency (administrator or teacher), the State Arts Agency (executive director or chairman), the local arts agency (executive director, president, or artistic director), professional arts educational associations such as the Music Educators National Conference, the National Art Education Association, the American Theatre Association, the National Dance Association, artists (professional or in training), parents of children who will be served by the proposed project, and students who will be served, and

(2) Will be involved on an advisory basis in the planning and carrying out of the project;

(i) A description of existing and planned arts and arts education resources in the area to be served (including the surrounding community) and plans of the applicant to utilize such resources in carrying out the proposed project; and

(j) Documentation that the project is designed so as not to supplant or duplicate other activities and services in the area to be served.

(20 U.S.C. 1231d, 1867)

§ 160g.21 State review of local educational agency applications.

(a) *Review and comment.* The Commissioner will not approve an application submitted by a local educational agency in accordance with § 160g.20 unless the State educational agency of the State in which that local educational agency is located, in consultation with the State Alliance for Arts Education Committee (if one exists in the State), has been given an opportunity to review and make comment on such application.

(b) *Concurrent submission of application.* A local educational agency must provide a copy of its application to the appropriate State educational agency concurrently with its submission of the application to the Commissioner.

(c) *Thirty-day review period.* The State educational agency and State Alliance for Arts Education Committee shall have 30 days to review and make comments on the local educational agency's application. The failure of such agency to submit comments to the Commissioner within such 30 day period shall be deemed a waiver of its opportunity to comment on that application.

(20 U.S.C. 1867)

§ 160g.22 Criteria for selection of applications.

The Commissioner, in determining whether to approve an application for assistance under this subpart, and the amount of assistance, in consultation with the Kennedy Center, will consider, in addition to the criteria set forth in § 100a.26(b) of this chapter (25 points), the following factors:

(a) (15 points) The degree to which the arts education program to be assisted under the proposed project meets (or will meet as a result of assistance under this subpart) each of the program elements in § 160g.3;

(b) (10 points) The degree to which the proposed project shows promise of enhancing substantially the quality and scope of arts education programs in elementary and secondary schools to be assisted under the project;

(c) (10 points) The applicant's need for Federal assistance to carry out the proposed project;

(d) (15 points) The likelihood that activities to be carried out under the arts education program will be sustained by the applicant and expanded to other schools following the expiration of Federal assistance, as measured by:

(1) evidence of financial and other commitment of the applicant (including its policy-making board); and

(2) the extent of involvement in the program (including its planning and implementation in the schools) of all school personnel including regular classroom teachers;

(e) (10 points) The extent to which the project is designed to build the capacity of the applicant to plan and carry out the arts education program to be assisted thereunder so that arts education is made an integral part of the elementary and secondary school curriculum;

(f) (10 points) The extent to which the proposed project will utilize and complement existing and planned arts resources in the area to be served such as performing arts groups, museums, theatres, the expertise of artists and members of arts councils or organizations;

(g) (5 points) The extent to which the proposed project is coordinated with other programs supported under the Special Projects Act (Section 402 of Pub. L. 93-380) which may exist in the area to be served including programs for gifted and talented children, community education, career education, consumers' education and women's educational equity;

(h) (10 points) The extent to which the proposed project involves innovative and exemplary approaches or activities in arts education which would be worthy of replication in other schools; and

(i) (10 points) The extent to which approval of the application will promote the equitable geographic distribution of arts education programs and diversity in the types of participating school systems (with respect to such characteristics as urban, rural, and relative educational disadvantage of the school population).

(20 U.S.C. 1867)

Subpart C—State Educational Agency Applications

§ 160g.30 State educational agency projects assisted.

Assistance will be provided under this subpart to State educational agencies for projects involving statewide activities to encourage and assist in the establishment, conduct, and improvement of arts education programs in local educational agencies throughout the State, as described in § 160g.3, such as the provision of developmental and technical assistance to such local educational agencies for such programs.

(20 U.S.C. 1867)

§ 160g.31 Activities.

The following list is illustrative of the types of project activities which may be supported under this subpart.

(a) The establishment and operation of a State mechanism or organization such as the State Alliance for Arts Education Committee to assess, coordinate, and utilize arts resources in the State for the purpose of strengthening or helping to establish specific arts education programs conducted by local educational agencies in the State;

(b) A survey of arts programs which currently exist in elementary and secondary schools in local educational agencies in the State and an analysis of such arts programs in terms of meeting each of the elements of an arts education program set forth in § 160g.3;

(c) Determination of the need for arts education programs in specific local educational agencies based upon the survey and analysis conducted under (b) of this section;

(d) Development of a comprehensive State plan for the establishment of arts education programs in local educational agencies which meet the elements set forth in § 160g.3;

(e) Activities to carry out the State plan such as the provision of developmental and technical assistance to particular local educational agencies to establish, conduct and improve programs which meet each element in § 160g.3, the provision of arts consultants or arts resource personnel to such agencies, planning and evaluation activities, training of administrators, coordinators, and staff with responsibility for planning and organizing arts education programs, inservice training of regular classroom, as well as special arts teachers, and dissemination of information on arts education programs in local educational agencies throughout the State; and

(f) Training of administrators and coordinators at the State level for planning and carrying out arts activities on a State-wide basis.

(20 U.S.C. 1867)

§ 160g.32 Limitation on number of applications.

A State educational agency may submit only one application in a given fiscal year for assistance pursuant to this subpart.

(20 U.S.C. 1221e-3(a)(1), 1867)

§ 160g.33 Application requirements.

The Commissioner will make awards of Federal funds to State educational agencies only upon submission of an application to the Commissioner pursuant to §§ 100a.15 and 100a.16 of this chapter. The appplication shall contain:

(a) A description of the steps to be taken to initiate, develop, or implement a comprehensive State plan to assist local educational agencies throughout the State in establishing, conducting and improving arts education programs meeting the elements of § 160g.3;

(b) Information sufficient to satisfy the Commissioner that the proposed project conforms to the applicable provisions of this part;

(c) An explanation of the applicant's need for Federal assistance to carry out the proposed project;

(d) A description of:

(1) Project objectives which show specific and measurable outcomes for the project;

(2) A proposed time schedule for accomplishing these objectives;

(3) An explanation of proposed procedures, strategies, and activities for accomplishing such objectives; and

(4) An evaluation component to measure the extent to which such objectives are accomplished by the project;

(e) Documentation of involvement in the preparation of the application on an advisory basis of arts resources in the State including, but not limited to, any State Alliance for Arts Education Committee which may have been established under the Alliance for Arts Education program;

(f) Provisions for the establishment of an advisory committee, following receipt of assistance, which:

(1) Is made up of persons broadly representative of arts resources throughout the State including, but not limited to, representatives of professional arts education associations (such as the Music Educators National Conference, the National Art Education Association, the American Theatre Association, and the National Dance Association), the State arts agency, and the State department of education (arts specialist or administrator), as well as artists (performing or in training), teachers and administrators, and

(2) Will be involved on an advisory basis in the planning and carrying out of the project. If there is a State Alliance for Arts Education Committee established under the Alliance for Arts Education program, the applicant State educational agency may designate this committee as the advisory committee under this paragraph;

(g) A description of the proposed project and its relation to the establishment, conduct, and improvement of arts education programs throughout the State; and

is designed so as not to supplant or duplicate other State activities or services in arts education.

(20 U.S.C. 1867)

§ 160g.34 Criteria for selection of applications.

The Commissioner, in determining whether to approve an application for assistance under this subpart and the amount of assistance, will consult with the Kennedy Center and will consider, in addition to the criteria set forth in § 100a.26(b) of this chapter (10 points), the following factors:

(a) (15 points) The degree to which the proposed project shows promise of enhancing substantially the quality and scope of existing arts education programs in elementary and secondary schools as described in § 160g.3 in local educational agencies throughout the State;

(b) (15 points) The extent to which support of the proposed project will lead to the establishment of arts education programs (as described in § 160g.3), in elementary and secondary schools throughout the State where such programs currently do not exist;

(c) (20 points) The likelihood that activities to be carried out under the project will be sustained by the applicant following the expiration of Federal assistance as measured by:

(1) Evidence of financial and other commitment of the applicant to the project; and

(2) The extent to which the project is designed to build the capacity of the applicant to plan and assist local educational agencies to carry out programs in which arts education is made an integral part of the elementary and secondary school curriculum;

(d) (10 points) The extent to which any local educational agency program which a project under this subpart might assist can be replicated in a variety of settings throughout the State;

(e) (15 points) The evidence of commitment by the applicant to furthering arts education in all elementary and secondary schools in the State as reflected by the existing or planned organizational status within the State educational agency of personnel with administrative responsibilities related to arts education activities; and

(f) (15 points) The extent to which existing and planned arts resources throughout the State will be utilized in carrying out the proposed project.

(20 U.S.C. 1867)

§ 160g.35 **Costs.**

(a) Allowable costs under awards pursuant to this subpart will be determined in accordance with cost principles set forth in Appendix B to Subchapter A of this chapter, subject to the restrictions set forth in paragraph (b) of this section.

(b) Because of the limited amount of Federal funds available for assistance under this subpart for fiscal year 1976, it is anticipated that, for such fiscal year, grants will each range from $5,000 to $10,000. Nothing in this paragraph shall be construed as a limitation on the amount of funds which may be made available to a particular grantee.

(20 U.S.C. 1867)

[FR Doc.75-16864 Filed 6-27-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 68]

[Docket No. 19528; 51576]

INTERSTATE AND FOREIGN MESSAGE TOLL TELEPHONE SERVICE (MTS) AND WIDE AREA TELEPHONE SERVICE (WATS)

Proposed New or Revised Classes; Order Extending Time

1. We have before us for consideration Motions for Extension of Time to file comments concerning the Federal-State Joint Board's Recommended First Report and Order in Docket No. 19528 and Motions and letters in support thereof filed by Electronic Industries Association, the American Telephone and Telegraph Company, GTE Service Corporation, The North American Telephone Association, and International Business Machines Corporation. Basically, the motions contend that the Recommended First Report and Order involves not only significant issues of law but complex technical and engineering matters which require extensive analysis and review and thus require more time for the submission of meaningful comments. In addition, the associations allege that additional time is necessary to convene a meeting of their members to gather views of the Recommended First Report and Order. The requested extensions range in duration from 15 to 30 days.

2. The parties to Docket No. 19528 have had ample opportunity in the past to address the basic issues of law concerning a registration program and the technical considerations previously set forth in this matter, which the Joint Board considered in reaching its Recommended First Report and Order. It is expected that the comments filed in response to the Commission's Memorandum Opinion and Order, FCC 75-584, released May 27, 1975 (40 FR 23879) will be addressed specifically to the Recommended First Report and Order and the California Registration Program. However, to ensure the filing of meaningful comments in this matter, we deem an extension of time for filing comments of 15 days warranted and will grant an extension for that duration.

3. Accordingly, in view of the foregoing, it is Ordered that the motions for extension of time for filing comments in Docket No. 19528 are Granted to the extent noted and otherwise Denied; and that the time for filing comments is Extended to and including July 8, 1975. This action is taken pursuant to the authority delegated in § 0.303 of the Commission's rules.

Adopted: June 16, 1975.

Released: June 17, 1975.

[SEAL] WALTER R. HINCHMAN,
Chief,
Common Carrier Bureau.

[FR Doc.75-16894 Filed 6-27-75;8:45 am]

[47 CFR Part 89]

[Docket 20264; RM-2325; 51864]

LOCAL GOVERNMENT RADIO SERVICE

Radio Call Box Systems; Order Extending Time for Filing Comments

1. In a Notice of Proposed Rulemaking (49 FCC 2d 1145) adopted November 27, 1974 (39 FR 43230), the Commission proposed to delete the 250 units per system limitation (§ 89.102(a)(1)(x)) on call box operations in the 72-76 MHz band.

2. Comments received in response to the Notice suggested the Commission conduct a field test to determine the actual degree of interference from call box transmissions to television reception on Channels 4 and 5. The Capital Beltway call box system was suggested since it is one of the larger call box systems in operation and both Channels 4 and 5 are operating in the Washington area.

3. In response to this request the Commission conducted an investigation of television interference potential from radio call boxes located around the Capital Beltway. Attached is a summary of the report. In order to afford interested persons an opportunity to review and comment upon this report before the Commission takes final action in this proceeding, an additional period for the submission of comments will be afforded.

4. Accordingly, *it is ordered*, pursuant to the authority contained in section 4(i) of the Communications Act of 1934, as amended, and § 0.331 of the Commission's rules, That comments on the report attached hereto may be filed by July 3, 1975. There will be no time allotted for reply comments.

Adopted: June 23, 1975.

Released: June 24, 1975.

[SEAL] CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.

CALL BOX INTERFERENCE REPORT

REFERENCE DOCKET NO. 20264

On April 30 and May 1, 1975, the Commission conducted a field test to determine the television interference potential from radio call box systems located on the Capital Beltway. Two call boxes located in populated areas were picked to conduct the tests. Measurements made on the call boxes indicated both were operating within their authorized parameters.

The first call box tested was located at the intersection of the Capital Beltway and U.S. Route 1. Both a good quality and mediocre TV set became overloaded when placed within a few feet of the call box. At 50 feet no interference was received on the good quality television set to Channels 4 or 5. The mediocre TV set received no interference on Channel 5 but Channel 4 was completely overloaded. The following field strength measurements were made:

Call box: 85 mv
Channel 4 (video): 2mv

At 80 feet the interference was still present but could be eliminated by adjusting the fine tuning or rabbit ears without affecting the quality of the TV signal.

Call box: 40 mv
Channel 4 (video): 2mv

At 150 feet no interference was noted on the TV Channel 4

Call box: 25 mv
Channel 4 (video): 2mv

An on-off test was conducted at a private residence located approximately 100 feet from the call box. The tests proved negative on both TV Channels 4 and 5.

The second call box tested was located at the intersection of the Capital Beltway and Suitland Parkway. This point provided a minimum field strength of TV Channels 4 and 5. Again, both TV sets became overloaded when placed within a few feet of the call box. At 30 feet the good quality set received no interference on TV Channels 4 or 5. The mediocre set received no interference of TV Channel 5 but did receive high level interference on TV Channel 4.

Call box: 100 mv
Channel 4 (video): 100uv

At 100 feet the interference was still present on TV Channel 4 but could be eliminated

by adjusting the fine tuning or rabbit ears without affecting the quality of the TV signal.

Call box: 15mv
Channel 4 (video): 100uv

A low level of interference remained on TV Channel 4 up to a distance of 250 feet.

Call box: 15mv
Channel 4 (video): 100uv

The antenna height of the second call box was approximately 40 feet where as the first one tested was 20 feet. (The rules require the antenna and its supporting structure must not exceed 20 feet.)

Several neighborhoods around the beltway were canvassed to determine the amount of interference complaints. No complaints of TV interference were found which were related to the call boxes.

[FR Doc.75-16896 Filed 6-27-75;7:45 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 101, 104, 141, 201, 204, 260]

[Docket No. RM75-27]

UNIFORM SYSTEMS OF ACCOUNTS; CONSTRUCTION FUNDS AND OTHER REVISIONS

Notice of Extension of Time

JUNE 20, 1975.

Amendments to Uniform Systems of Accounts for Public Utilities and Licensees and for Natural Gas Companies (Classes A, B, C and D) to Provide for the extension of Date for Computing the Allowance for Funds Used During Construction and Revisions of Certain Schedule Pages of FPC Reports.

On June 5, 1975, The American Gas Association and on June 11, 1975, the Edison Electric Institute filed motions to extend the date for filing comments as fixed by notice issued May 20, 1975 (May 29, 1975, 40 FR 23322), in the above-designated matter.

Upon consideration, notice is hereby given that the date for filing data, views, comments or suggestions in the above matter is extended to and including September 5, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-16954 Filed 6-27-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 230 and 240]

[Release Nos. 33-5589, 34-11464, IC-8816; File No. S7-568]

STANDARDIZATION OF MONEY MARKET FUND YIELD QUOTATIONS

Notice of Proposed Guidelines

The Commission is considering issuing guidelines with respect to the standardization of procedures for calculating and publishing quotations of yield by "money market" funds.[1] The proposed guidelines would provide that it would be considered materially misleading for a money market fund, its principal underwriter, or any broker-dealer:

(1) To report a current rate of return on investment in such a fund by telephone, newspaper or otherwise, unless such report includes a statement of rate of return on a "yield to average life" ("YAL") basis;

(2) To provide a YAL quotation unless it is accompanied by the dollar-weighted average portfolio maturity of such fund; and

(3) To represent or imply, directly or indirectly, that any YAL quotation is a current quotation if it is based on market values as of a date more than one business day prior to the close of business on the date on which such quotation is disseminated.

The proposed guidelines would permit YAL quotations to be accompanied by a statement of percentage return as presently permitted by the Commission's Statement of Policy [17 CFR Parts 231 and 271] on sales literature provided that such statement of percentage return is calculated on the basis of actual experience for an entire fiscal or calendar year, and not on the basis of a lesser period annualized.[2]

There has been some uncertainty as to whether annualized rates of return are permitted under Paragraph (a)(1) or (2) of the Statement of Policy. Proposed paragraph (2) of the proposed guidelines, if adopted, would make clear that henceforth a quotation of an historical rate of return would have to be based upon actual annual experience and not upon the annualization of experience over a lesser period. But see, "Whether to Require Historical Rates of Return."

The Commission is also considering whether it would be appropriate to require that an historical rate of return figure be furnished to investors along with the fund's YAL. Before any guidelines are published in definitive form, however, the Commission believes it would be desirable to receive the benefit of comments and suggestions of interested persons.

Background. On April 15, 1975, the Commission published for comment a proposed interpretation of Rule 2a-4 [17 CFR 270.2a-4] under the Investment Company Act of 1940 [15 U.S.C. 80a et seq.] which would require all registered investment companies, including money market funds, to discontinue the use of an amortized cost valuation for the short-term debt securities in their portfolios.[3] In that release, the Commission indicated that a lack of uniformity with respect to calculation of money market fund yields may prevent investors from comparing accurately the yield of one such fund with that of another.

The Commission at that time suggested that the use of YAL in calculating money market yields for quotation purposes might alleviate this difficulty, and it indicated its intention at an early date to publish for comment a release providing for such calculations. This release sets forth such a proposal.

If the proposed guidelines were adopted, failure to comply with them would be viewed as likely to mislead investors and therefore could constitute a violation of Section 10(b) [15 U.S.C. 77j] of the Securities Exchange Act of 1934 [15 U.S.C. 78a et seq.] and Rule 10(b)-5 thereunder [17 CFR 240.10b-5][4] and Section 17(a) [15 U.S.C. 77q] of the Securities Act of 1933 [15 U.S.C. 77a et seq.].[5]

Yield to average life. YAL may be simply described as the rate of return which would be received by shareholders in the registered investment company if all of the securities currently in the

[1] Money market funds are investment companies whose investment policy is to invest primarily in short term debt securities.

[2] As here pertinent, the Statement of Policy reads:

It will be considered materially misleading hereafter for sales literature—

(a) To represent or imply a percentage return on an investment in the shares of an investment company unless based upon—

(1) Dividends from net investment income paid during a fiscal year related to the average monthly offering price for such fiscal year, provided that if any year prior to the most recent fiscal year is selected for this purpose, the rate of return for all subsequent fiscal years, similarly calculated, shall also be stated; or

(2) Dividends paid from net investment income during the twelve months ending not earlier than the close of the calendar month immediately preceding the date of publication related to an offering price current at said date of publication.

[3] Investment Company Act of 1940 Release No. 8757 [40 FR 18467, April 28, 1975]. The period for comment on that release has been extended until June 23, 1975, Investment Company Act Release No. 8804, May 30, 1975 [40 FR 24756, June 10, 1975].

[4] Rule 10b-5 states,

It shall be unlawful for any person, directly or indirectly, by the use of any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange

(a) to employ any device, scheme, or artifice to defraud,

(b) to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, or

(c) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person, in connection with the purchase or sale of any security.

[5] Section 17(a) states,

It shall be unlawful for any person in the offer or sale of any securities by the use of any means or instrumentality of transportation or communication in interstate commerce or by the use of the mails, directly or indirectly—

(1) to employ any device, scheme, or artifice to defraud, or

(2) to obtain money or property by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, or

(3) to engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon the purchaser.

company's portfolio, valued at market, were held to maturity, redeemed at par value, and the proceeds distributed to such shareholders.* Although this method has not been used heretofore by mutual funds, a variation of it has long been used in pricing and quoting long term debt instruments.

The advantages of computing yield on the basis of YAL would appear to be twofold: First, money market funds would report their rate of return on a uniform basis. Second, and perhaps more importantly, YAL would reflect the rate at which a shareholder's money would be invested. Therefore, YAL would permit an investor not only to compare accurately the rates of return reported by different money market funds, but also to compare such rates with those available in the open market for various money market instruments themselves and, to some degree, with the rates available from other institutions, such as savings banks.

It is important to note that, unlike other published yields, YAL is an estimated rate of return, rather than an established fact, and that its reliability as an estimate will vary depending upon, among other things, interest rate movement and the average life of the portfolio. Nevertheless, the Commission is of the tentative view that YAL can provide a valuable means by which an investor may meaningfully compare rates of return offered by different money market funds and other investments.

YAL quotations are intended to be used primarily for pricing purposes, and should, therefore, be based upon current calculations. Nevertheless, there may be times and contexts in which it would not be inappropriate to report historical, non-current YAL quotations, so long as they are not presented in a misleading manner. Paragraph (1)(c) of the proposed guidelines defines a current YAL quotation as,

> based on market values as of a date [not] more than one business day prior to the close of business on the date on which such quotation is disseminated.

It does not prohibit the publication of historical YAL quotations. If such historical YAL quotations are published, it should be made clear that they are not current, and investors should be invited to obtain a current quotation and informed how to do so.

The Commission is also of the tentative view that quotations on the basis of YAL should be accompanied by disclosure of the dollar-weighted average portfolio maturity. This would serve to make the YAL quotation more meaningful, and alert investors to the degree to which portfolio securities are exposed to changes in market value due to interest rate fluctuations.

The guidelines would read as follows:

(1) It will be considered materially misleading for any registered investment company, the investment policy of which is to invest primarily in short term debt securities, or any principal underwriter of such company or any broker-dealer—

(a) to report a current rate of return on investment in such company by telephone, newspaper or otherwise, unless such report includes a statement of such rate of return on a yield to average life basis ("YAL"), as defined in paragraph (3) below;

(b) to provide a YAL quotation unless it is accompanied by a statement of the dollar-weighted average portfolio maturity of such company;* and

(c) to represent or imply, directly or indirectly, that any YAL quotation is a current quotation if it is based on market values as of a date more than one business day prior to the close of business on the date on which such quotation is disseminated.

(2) Notwithstanding paragraph (1) it shall not be considered materially misleading for a YAL quotation to be accompanied by a statement of percentage return as permitted by Paragraph a (1) or (2) of the Commission's Statement of Policy on sales literature as amended; *Provided*, That such statement of percentage return is calculated on the basis of actual experience for an entire fiscal or calendar year, and not on the basis of a lesser period annualized.

(3) As used herein, "yield to average life" means the rate of return which would be received by shareholders in the registered investment company if all of the securities currently in the company's portfolio, valued at market, were held to maturity, redeemed at par value, and the proceeds distributed to such shareholders.*

Whether to require historical rates of return. The Commission is also considering whether it would be appropriate to require than an historical rate of return figure as permitted in paragraph (2) of the proposed guidelines or on some other basis be furnished to investors along with the fund's YAL. Such an historical rate of return could provide a basis for comparing actual results achieved by different funds as well as emphasizing the distinction between a fund's YAL and its actual results. The Commission would appreciate it if, in addressing this issue, commentators would discuss separately the deseirability of requiring such an historical rate of return to be given with the YAL quotation and the appropriate basis for calculating it.[7]

Any comments or suggestions should be designated "Proposal to Standardize Money Market Fund Yield Quotations," File No. S7-568, and should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549 no later than July 31, 1975.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 12, 1975.

TECHNICAL APPENDIX

I. BASIC FORMULA FOR COMPUTING YIELD TO AVERAGE LIFE FOR MONEY MARKET FUND YIELD QUOTATION PURPOSES

$$P=\sum_{t=0}^{T}\frac{CF_t}{\left(1+\frac{YAL}{2}\right)^{t/180}}$$

YAL (Yield to Average Life) is the solution value to the formula. All other values (P, CF_t, t) are known:

P=Value of portfolio securities at market including any accrued interest prior to addition (subtraction) of today's net cash flow. Note that this is an asset value rather than an equity value determined by subtracting liabilities from assets.

CF_t=Net cash flow to assets on day t. Today (t=0) net cash flow is equal to value of maturing securities plus any interest received less the purchase price of new securities plus share sales less redemptions less expenses. On other days (t≧1), net cash flow is equal to value of maturing securities plus any interest received.

t=Days to receipt of cash flow, counted on basis of 30 day month, 360 day year. T is the length in days of the portfolio security with the longest maturity.

II. BASIC FORMULA FOR COMPUTING DOLLAR WEIGHTED AVERAGE PORTFOLIO MATURITY

$$\overline{M}=\frac{\sum_{i=1}^{N}(V_i)(M_i)}{\sum_{i=1}^{N}V_i}$$

where:

i=1, . . ., N instruments in portfolio.
V_i=Market value of ith security.
M_i=Maturity (in days) of ith security.
$\overline{M}$=Dollar-weighted average portfolio maturity.

[FR Doc.75-16890 Filed 6-27-75;8:45 am]

[17 CFR, Part 270]

[Release Nos. IA-464, IC-8827, File No. S7-554]

VARIABLE LIFE INSURANCE

Extension of Comment Period

The Securities and Exchange Commission ("Commission") has received a request for an extension of the comment period on its Notice of Intention to propose a rule under section 6(e) [15 U.S.C. 80a-6(e)] of the Investment Company Act of 1940 [15 U.S.C. 80a-1 et seq.] ("Investment Company Act"). An exemptive rule under section 6(e) would exempt issuers of certain variable life insurance contracts, and affiliated persons thereof, from certain provisions of the Investment Company Act.

In view of the request that the comment period be extended, the Commission has authorized an extension until August 29, 1975 of the due date for submitting comments. The Commission desires a prompt determination with respect to its Notice of Intention to propose

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*A precise formula for calculating YAL is set forth in the Technical Appendix to the guidelines.

*Specific formulas for computing YAL and dollar-weighted average portfolio maturity are contained in the Technical Appendix to these guidelines.

[7] An historical return might be expressed as a total return or in some other manner. It might be calculated over the past year or the life of the fund, whichever is shorter, or it may be an annualization of some period such as the past week, day, month or year.

a rule under section 6(e), but believes that this extension is appropriate and will not result in undue delay. The Notice of Intention to propose a rule under section 6(e) was published on February 27, 1975, in Investment Company Act Release No. 8691 (Investment Advisers Act Release No. 440), published in the FEDERAL REGISTER on March 12, 1975 (40 FR 11614), and provided for a comment period until April 18, 1975. In Investment Company Act Release No. 8760 (Investment Advisers Act Release No. 452) (April 16, 1975), published in the FEDERAL REGISTER on April 24, 1975 (40 FR 18007), this comment period was extended to June 2, 1975.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 18, 1975.

[FR Doc.75-16889 Filed 6-27-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210]

[No. 36162]

UNIFORM SYSTEM OF ACCOUNTS; DISCLOSURE OF COMPENSATING BALANCES AND SHORT-TERM BORROWING ARRANGEMENTS

Notice of Proposed Rulemaking

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C. on the 9th day of June, 1975.

This proceeding is being instituted on our own motion to consider revisions to the uniform systems of accounts for all Class I and II or Class A, if applicable, carriers regulated by this Commission. These revisions contemplate disclosure in financial statements filed with this Commission of compensating balance arrangements and certain short-term borrowing arrangements between carriers and financial institutions.

Under the present regulations, we have no requirements prescribing disclosure of compensating balances or short-term borrowing arrangements. Except for the phrase, "deposits with banks and trust companies available for use on demand" in the text of the account for "Cash", there are no references indicating segregation of such items in the various uniform systems of accounts or reporting instructions.

The intent of this proposal is to adopt guidelines and interpretations regarding disclosure of compensating balances and short-term financing arrangements similar to those prescribed by the S.E.C. Accounting Series Release No. 148. All companies filing reports with the S.E.C. must make the prescribed disclosures. Such disclosures are also included in financial statements to stockholders.

ICC regulated carriers are not subject to S.E.C.'s jurisdiction and are not required to make the disclosures required by the S.E.C. in annual reports to this Commission. However, we believe that many of the disclosures required by the S.E.C. should be applicable to regulated carriers particularly where the information would be valuable in assessing a carrier's liquidity and short-term borrowing capacity. Compensating balances affect liquidity and the effective cost of borrowing. The effect of the compensating balance requirement is to raise the effective cost of borrowing if the carriers are required to maintain balances above the amount they would maintain ordinarily. Therefore, by knowing the true cost of debt, we will be in better position to make analyses in rate making cases.

We are proposing that compensating balances be segregated on the balance sheet whenever such balances are maintained under an agreement which legally restricts the use of funds. In other cases, where such balances are of determinable amounts although not legally restricted as to withdrawal, footnote disclosure will be appropriate.

Unused lines of credit and short-term borrowings should be separately disclosed on the balance sheet.

To implement this proposal, the following revisions to the accounting systems are necessary:

1. A definition relating to compensating balances should be added.

2. A note should be added to the existing "Cash" accounts to segregate compensating balances maintained under an agreement which legally restricts the use of such funds.

3. The text of the balance sheet account "Special cash deposits" should be modified to include compensating balances under an agreement which legally restricts the use of funds.

In addition, certain schedules in the annual reports would be revised. Draft sample schedules as revised are attached. (See Appendix A)

Our intent is that the proposed revisions to the accounting and reporting regulations become effective immediately upon adoption by the Commission and should be reflected in the books of accounts for the year 1975.

Upon consideration of the above described matters and good cause appearing therefor:

It is ordered, That a proceeding be, and it is hereby, instituted under the authority of Sections 20, 204, 220, 313 and 412 of the Interstate Commerce Act and pursuant to Sections 553 and 559 of the Administrative Procedure Act with a view to adopting the proposed regulations set forth below, and for the purpose of taking such other and further action as the facts and circumstances may justify and require.

It is further ordered, That all Class I and II or Class A, if applicable, carriers subject to the Interstate Commerce Act, are hereby, made respondents in this proceeding.

It is further ordered, That no oral hearing be scheduled for the receiving of testimony in this proceeding unless a need therefor should later appear, but that respondents or any other interested parties may participate in this proceeding by submitting for consideration written statements of fact, views, and arguments on the subjects mentioned above, or any other subjects pertaining to this proceeding.

It is further ordered, That any interested persons wishing to submit written statements of fact, views, or arguments shall file an original (and, if possible, 15 copies) of such representations with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, by July 30, 1975, and that all statements will be considered as evidence and as a part of the record in this proceeding.

It is further ordered, That written material or suggestions submitted shall be made available for public inspection at the office of the Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, D.C., during regular business hours.

And it is further ordered, That service of this notice shall be made on all respondents, and to the Governor of every State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation; and that notice of this proceeding shall be given to the general public by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and by delivering a copy thereof to the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

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

PART 1201—RAILROAD COMPANIES

REGULATIONS PRESCRIBED

Under "(ii) Definitions" add definition 24 as follows:

24 "Compensating balance" means the portion of any demand deposit (or any time deposit or certificate of deposit) maintained by a carrier (or by any person on behalf of the carrier) which constitutes support for existing borrowing arrangements of the carrier with a lending institution. Such arrangements include both outstanding borrowings and the assurance of future credit availability. (Compensating balances should be adjusted by the amount of the float for the period in order to state the balance in terms of book cash balance.)

GENERAL BALANCE SHEET ACCOUNTS

The text of account 701 "Cash" is revised by adding the following Note after paragraph (b):

701 Cash.

* * * * *

NOTE: Compensating balances under an agreement which legally restricts the use of

such funds shall not be included in this account. Such balances shall be included in account 703 "Special Deposits".

The text of account 703 "Special Deposits" is revised to read:

703 Special Deposits.

This account shall include cash deposits, either placed in the hand of trustees or under the direct control of the reporting company, which are restricted for specific purposes. Examples are those deposits made for the payment of dividends and interest due within one year, the liquidation of other current liabilities, to guarantee fulfillment of current contract obligations, to meet specific operating requirements, or compensating balances (See Definition 24) under an agreement which legally restricts the use of such funds. Sub-accounts may be set up, if necessary, to account for special deposits for specific purposes.

NOTE: Deposits available for general company purposes shall be included in account 701, "Cash."

AMEND PART 1202—ELECTRIC RAILWAYS

DEFINITIONS

Section 00-2 "Definitions" is amended by adding the following definitions:

00–2 Definitions.

* * * * *

"Compensating balance" means the portion of any demand deposit (or any time deposit or certificate of deposit) maintained by a carrier (or by any person on behalf of the carrier) which constitutes support for existing borrowing arrangements of the carrier with a lending institution. Such arrangements include both outstanding borrowings and the assurance of future credit availability. (Compensating balances should be adjusted by the float for the period in order to state the balance in terms of book cash balance.)

GENERAL BALANCE SHEET ACCOUNTS

The text of the note under account 407 "Cash" is revised to read:

407 Cash.

* * * * *

NOTE: This account shall not include funds deposited for the purpose of paying declared dividends, bond interest coupons or compensating balances (See Definition) under an agreement which legally restricts the use of such funds; all such amounts shall be shown in account 408 "Special deposits."

The text of account 408 "Special deposits" is revised, the existing Note following the text is designated as Note A, and a new Note B is added, to read as follows:

408 Special deposits.

This account shall include cash deposits, either placed in hands of trustees or under the direct control of the reporting company, which are restricted for specific purposes. Examples are those deposits made for the payment of dividends and interest due within one year, the liquidation of other current liabilities, to guarantee fulfillment of current contract obligations to meet specific operating requirements, or compensating balances (See Definition) under an agreement which legally restricts the use of such funds. Sub-accounts may be set up, if necessary, to account for special deposits for specific purposes.

* * * * *

NOTE B: Deposits available for general company purposes shall be included in account 407 "Cash."

PART 1203—EXPRESS COMPANIES

DEFINITIONS

In part (i) "Definitions", the following new definition is added:

(i) *Definitions.* * * *

* * * * *

44 "Compensating balance" means the portion of any demand deposit (or any time deposit or certificate of deposit) maintained by a carrier (or by any person on behalf of the carrier) which constitutes support for existing borrowing arrangements of the carrier with a lending institution. Such arrangements include both outstanding borrowings and the assurance of future credit availability. (Compensating balances should be adjusted by the float for the period in order to state the balance in terms of book cash balance.)

BALANCE SHEET ACCOUNT CLASSIFICATIONS

The text of account 111 "Cash," paragraph (b), is revised to read:

111 Cash.

* * * * *

(b) This account by secondary account number shall include cash deposits either placed in hands of trustsees or under the direct control of the reporting company, which are restricted for specific purposes. Examples are those deposits made for the payment of dividends and interest due within one year, the liquidation of other current liabilities, to guarantee fulfillment of current contract obligations to meet specific operating requirements, or compensating balances (see definition 44) under an agreement which legally restricts the use of such funds.

* * * * *

PART 1204—PIPELINE COMPANIES

LIST OF INSTRUCTION AND ACCOUNTS

DEFINITIONS

Under Definitions, the following new definition is added:

33. "Compensating balance" means the portion of any demand deposit (or any time deposit or certificate of deposit) maintained by a carrier (or by any person on behalf of the carrier) which constitutes support for existing borrowing arrangements of the carrier with a lending institution. Such arrangements include both outstanding borrowings and the assurance of future credit availability. (Compensating balances should be adjusted by the float for the period in order to state the balance in terms of book cash balance.)

BALANCE SHEET ACCOUNTS

After the text of account 10 "Cash" a new note is added to read:

10 Cash.

* * * * *

NOTE: Compensating balances (see Definition 33) under an agreement which legally restricts the use of such funds shall not be included in this account. Such balances shall be included in account 10–5 "Special deposits."

After the text of account 10 "Cash" the following new account number, title and text are added:

10–5 Special deposits.

This account shall include cash deposits, either placed in hands of trustees or under the direct control of the reporting company, which are restricted for specific purposes. Examples are those deposits made for the payment of dividends and interest due within one year, the liquidation of other current liabilities, to guarantee fulfillment of current contract obligations to meet specific operating requirements, or compensating balances (See Definition 33) under an agreement which legally restricts the use of such funds. Sub-accounts may be set up, if necessary to account for special deposits for specific purposes.

NOTE: Deposits available for general company purposes shall be included in account 10 "Cash".

FORM OF BALANCE SHEET STATEMENT

Section 797 Form of Balance Sheet Statement is revised by adding line item 10–5 "Special deposits" immediately after line item 10 "Cash."

PART 1205 REFRIGERATOR CARLINES

GENERAL INSTRUCTIONS

Instruction 2 "Definitions" is amended by adding the following new definition:

2. Definitions.

* * * * *

(cc) "Compensating balance" means the portion of any demand deposit (or any time deposit or certificate of deposit) maintained by a carrier (or by any person on behalf of the carrier) which constitutes support for existing borrowing arrangements of the carrier with a lending institution. Such arrangements include both outstanding borrowings and the assurance of future credit availability. (Compensating balances should be adjusted by the float for the period in order to state the balance in terms of book cash balance.)

GENERAL BALANCE SHEET ACCOUNTS

Account 701 is revised by designating the existing Note as Note A and adding new Note B to read:

701 Cash.

* * * * *

NOTE B: Compensating balances (See Definition (cc)) under an agreement which legally restricts the use of such funds shall

not be included in this account. Such balances shall be included in account 703 "Special deposits."

The text of account 703 "Special deposits" is revised to read:

703 Special deposits.

This account shall include cash deposits, either placed in hands of trustees or under the direct control of the reporting company, which are restricted for specific purposes. Examples are those deposits made for the payment of dividends and interest due within one year, the liquidation of other current liabilities, to guarantee fulfillment of current contract obligations to meet specific operating requirements, or compensating balances (See Definition (cc)) under an agreement which legally restricts the use of such funds. Sub-accounts may be set up, if necessary, to account for special deposits for specific purposes.

NOTE: Deposits available for general company purposes shall be included in account 701 "Cash".

PART 1206—COMMON AND CONTRACT MOTOR CARRIERS OF PASSENGERS

DEFINITIONS

The following new definition is added:

1-44 Compensating balances.

Compensating balance means the portion of any demand deposit (or any time deposit or certificate of deposit) maintained by a carrier (or by any person on behalf of the carrier) which constitutes support for existing borrowing arrangements of the carrier with a lending institution. Such arrangements include both outstanding borrowings and the assurance of future credit availability. (Compensating balances should be adjusted by the float for the period in order to state the balance in terms of book cash balance.)

BALANCE SHEET ACCOUNTS

The text of account 1000 "Cash" is amended by adding the following Note C:

1000 Cash.

* * * * *

NOTE C: Compensating balances (See Definition 1-44) under an agreement which legally restricts the use of such funds shall not be included in this account. Such balances shall be included in account 1043, "Miscellaneous special deposits".

The text of account 1043, "Miscellaneous special deposits" is revised to read:

1043 Miscellaneous special deposits.

This account shall include compensating balances (See Definition 1-44) under an agreement which legally restricts the use of such funds, moneys and bank credits in the hands of fiscal agents or others for special purposes other than the payment of interest or dividends. This includes cash or securities deposited with Federal, State, or municipal authorities, public utilities, or others, as a guaranty for the fulfillment of obligations. Entries to this account shall specify the purpose for which the deposit is made. When such purposes are satisfied and the deposit is released, this account shall be credited with the amount deposited.

NOTE.—Deposits available for general company purposes shall be included in account 1000, Cash.

PART 1207—CLASS I AND CLASS II COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

DEFINITIONS

The following new definition is added:

43. "Compensating balance" means the portion of any demand deposit (or any time deposit or certificate of deposit) maintained by a carrier (or by any person on behalf of the carrier) which constitutes support for existing borrowing arrangements of the carrier with a lending institution. Such arrangements include both outstanding borrowings and the assurance of future credit availability. (Compensating balances should be adjusted by the float for the period in order to state the balance in terms of book cash balance.)

CLASS I AND CLASS II MOTOR CARRIERS BALANCE SHEET ACCOUNTS EXPLANATIONS

Account 1011—Cash (class I) is revised by adding the following Note D:

1011 Cash (class I).

* * * * *

NOTE D: Compensating balances (See Definition 43) under an agreement which legally restricts the use of such funds shall not be included in this account. Such balances shall be included in account 1020—Special Deposits, for Class II Carriers, and account 1023—Miscellaneous Special Deposits, for Class I carriers.

The text of account 1023—Miscellaneous Special Deposits (class I) is revised to read:

1023 Miscellaneous Special Deposits (class I).

This account shall include bank deposits subject to withdrawal for specific purposes only, compensating balances (See Definition 43) under an agreement which legally restricts the use of such funds, and cash and bank credits placed in the hands of fiscal agents or others for special purposes (other than the payment of interest or dividends) such as deposits with Federal, State, or municipal authorities, public utilities, insurance companies, or others, as a guaranty for the fulfillment of current obligations. Entries to this account shall specify the purpose for which the deposit is made.

NOTE A: * * *

PART 1208—MARITIME CARRIERS

GENERAL INSTRUCTIONS

Under "(A) Definitions" the following new definition is added:

(37) "Compensating balance" means the portion of any demand deposit (or any time deposit or certificate of deposit) maintained by a carrier (or by any person on behalf of the carrier) which constitutes support for existing borrowing arrangements include both outstanding borrowings and the assurance of future credit availability. (Compensating balances should be adjusted by the float for the period in order to state the balance in terms of book cash balance.)

BALANCE SHEET ACCOUNTS

After the text of account 100 "Cash" a new note is added:

100 Cash.

* * * * *

NOTE: Compensating balances (See Definition 37) under an agreement which legally restricts the use of such funds shall not be included in this account. Such balances shall be included in account 115 "Special cash deposits."

The text of paragraphs (c) and (d) of account 115 "Special cash deposits" is revised to read:

115 Special cash deposits.

* * * * *

(c) Compensating balances (See Definition 37) under an agreement which legally restricts the use of such funds shall be included in this account.

(d) Cash on deposit in special bank accounts where the funds are available for current requirements shall be included in account 100, "Cash".

PART 1209—INLAND AND COASTAL WATERWAYS CARRIERS

GENERAL INSTRUCTIONS

Instruction 2, "Definitions" is amended by adding the following new definition:

(aaa) "Compensating balance" means the portion of any demand deposit (or any time deposit or certificate of deposit) maintained by a carrier (or by any person on behalf of the carrier) which consttiutes support for existing borrowing arrangements of the carrier with a lending institution. Such arrangements include both outstanding borrowings and the assurance of future credit availability. (Compensating balances should be adjusted by the float for the period in order to state the balance in terms of book cash balance.)

BALANCE SHEET ACCOUNTS

The text of account 100 "Cash" is revised by designating the existing Note as Note A and adding new Note B to read:

100 Cash.

* * * * *

NOTE B: Compensating balances (See Definition (aaa)) under an agreement which legally restricts the use of such funds shall not be included in this account. Such balances shall be included in account 102 "Special cash deposits."

The text of account 102 "Special cash deposits" is revised to read:

102 Special cash deposits.

(a) This account shall include the amount of cash on special deposit (other than in special funds or deposits as else-

where provided) for the payment of dividends, interest, and other debts, of a current nature, when such payments are due one year or less from the date of deposit; also the amount of cash deposited to insure the performance of contracts to be performed within one year from the date of deposits; compensating balances (See Definition (aaa)) under an agreement which legally restricts the use of such funds; and other cash deposits of special nature not provided for elsewhere.

NOTE A: * * *

* * * * *

PART 1210—FREIGHT FORWARDERS

GENERAL INSTRUCTIONS

Instruction 2, "Definitions" is amended by adding the following new definition:

2 Definitions.

* * * * *

(ii) "Compensating balance" means the portion of any demand deposit (or any time deposit or certificate of deposit) maintained by a carrier (or by any person on behalf of the carrier) which constitutes support for existing borrowing arrangements of the carrier with a lending institution. Such arrangements include both outstanding borrowings and the assurance of future credit availability. (Compensating balances should be adjusted by the float for the period in order to state the balance in terms of book cash balance.)

GENERAL BALANCE SHEET ACCOUNTS

Account 100 "Cash" is revised by designating the existing Note as Note A and adding new Note B to read:

100 Cash.

* * * * *

NOTE B: Compensating balances (See Definition (ii)) under an agreement which legally restricts the use of such funds shall not be included in this account. Such balances shall be included in account 101 "Special cash deposits."

The text of account 101 "Special cash deposits" is revised to read:

101 Special cash deposits.

This account shall include cash deposits, either placed in hands of trustees or under the direct control of the reporting company, which are restricted for specific purposes. Examples are those deposits made for the payment of dividends and interest due within one year, the liquidation of other current liabilities, to guarantee fulfillment of current contract obligation to meet specific operating requirements, or compensating balances (See Definition (ii)) under an agreement which legally restricts the use of such funds. Sub-accounts may be set up, if necessary, to account for special deposits for specific purposes.

NOTE A: * * *

* * * * *

APPENDIX A

SCHEDULE ----- COMPENSATING BALANCES AND SHORT-TERM BORROWING ARRANGEMENTS

The notes listed below are for the purpose of disclosing requirements of compensating balances and short-term borrowing arrangements. Footnote disclosure is required even though the arrangement is not reduced to writing.

1. Disclose compensating balances not legally restricted, lines of credit used and unused, average interest rate of short-term borrowings outstanding at balance sheet date, maximum amount of outstanding borrowings during the period and the weighted average rate of those borrowings.

2. Time deposits and certificates of deposit where not included elsewhere as part of compensating balances should be disclosed.

3. Compensating balance arrangements need only be disclosed for the latest fiscal year.

4. Compensating balances under an agreement which legally restricts the use of such funds should be included in schedule No. -- account ------ "Special deposits."

5. Compensating balance arrangements are sufficiently material to require disclosure or segregation when the aggregate of written and oral agreement balances amounts to 15 percent or more of liquid assets (current cash balances, restricted and unrestricted plus marketable securities).

6. When a carrier is not in compliance with a compensating balance requirement that fact should be disclosed along with stated and possible sanctions whenever such possible sanctions may be immediate (not vague or unpredictable) and material.

SCHEDULE—SPECIAL DEPOSITS

State separately each item of $10,000 or more reflected on the books at close of the year. Items of less than $10,000 may be combined in a single entry and described as "Minor items less than $10,000".

Line No.	Account No.	Purpose of deposit (a)	Balance at close of year
	(__)	Interest special deposits:	$
1			
2			
3			
4			
5		Total	
	(__)	Dividend special deposits:	
6			
7			
8			
9			
10		Total	
	(__)	Miscellaneous special deposits:	
11			
12			
13			
14			
15		Total	
	(__)	Compensating balances legally restricted:	
16			
17			
18			
19			
20		Total	

[FR Doc.75-17009 Filed 6-27-75;8:45 am]

notices

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

DEPARTMENT OF THE TREASURY

Customs Service

CANNED HAMS AND SHOULDERS, FROM DENMARK, BELGIUM, FRANCE, ITALY, IRELAND, LUXEMBOURG, THE NETHERLANDS, THE UNITED KINGDOM, AND WEST GERMANY

Preliminary Countervailing Duty Determination

On January 15, 1975, a "Notice of Receipt of Countervailing Duty Petitions" was published in the FEDERAL REGISTER (40 FR 2718). The notice stated that petitions had been received, including, among others, a petition alleging that payments, bestowals, rebates or refunds, granted by the member states of the European Economic Communities (France, the United Kingdom, West Germany, Luxembourg, Ireland, the Netherlands, Denmark, Italy and Belgium), upon the manufacture, production, or exportation of canned hams constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303). Subsequent to the publication of the above notice, information was received that the payments, bestowals, rebates or refunds apply to canned shoulders.

It has been determined tentatively that payments are being made, directly or indirectly, by the Governments of France, the United Kingdom, West Germany, Luxembourg, Ireland, the Netherlands, Denmark, Italy and Belgium, upon the manufacture, production, or exportation of canned hams and canned shoulders 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) in the form of export restitution payments under the Common Agricultural Policy of the European Economic Community.

Interested persons are invited to submit any relevant data, views, or arguments with respect to this preliminary determination in writing to the Commissioner of Customs, 2100 K Street, NW., Washington, D.C. 20229, in time to be received in his office not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

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

Approved: June 17, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-16994 Filed 6-27-75;8:45 am]

CHEESE FROM NORWAY

Receipt of Countervailing Duty Petition and Initiation of Investigation

A petition in satisfactory form was received on May 21, 1975, alleging that payments or bestowals conferred by the Government of Norway upon the manufacture, production, or exportation of cheese constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303) (herein referred to as the Countervailing Duty Law).

Pursuant to section 303(a)(4) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(4)), the Department of the Treasury is required to issue a preliminary determination as to whether or not any bounty or grant is being paid or bestowed within the meaning of the Countervailing Duty Law within 6 months of the receipt, in satisfactory form, of a petition alleging the payment or bestowal of a bounty or grant. A final decision must be issued within 12 months of the receipt of such petition.

Therefore, a preliminary determination on this petition will be made no later than November 21, 1975, as to whether the alleged payments or bestowals conferred by the Government of Norway upon the manufacture, production, or exportation of cheese constitute the payment or bestowal of a bounty or grant within the meaning of the Countervailing Duty Law. A final determination will be issued no later than May 21, 1976.

This notice is published pursuant to section 303(a)(3) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(3)), and § 159.47(c) of the Customs Regulations (19 CFR 159.47(c)).

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

Approved: June 24, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-16996 Filed 6-27-75;8:45 am]

FERROCHROME FROM THE REPUBLIC OF SOUTH AFRICA

Preliminary Countervailing Duty Determination

On January 15, 1975, a "Notice of Receipt of Countervailing Duty Petitions" was published in the FEDERAL REGISTER (40 FR 2718). The notice states that petitions had been received, including, among others, a petition alleging that payments, bestowals, rebates or refunds, granted by the Republic of South Africa upon the manufacture, production or exportation of ferrochrome constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

On the basis of an investigation conducted pursuant to § 159.47(c), Customs Regulations (19 CFR 159.47(c)), it tentatively has been determined that benefits have been received by the South African manufacturers/exporters of ferrochrome which may constitute bounties or grants within the meaning of the Act. These programs include the granting to manufacturers/exporters concessionary rail rates, reduced electricity rates, preferential financing, and a deduction of overseas promotion expenses for income tax purposes. Allegations contained in the petition regarding reduced harbor dues, and financing for the creation of production capacity for exports based on available evidence tentatively are found not to be applicable to the manufacturers/exporters of ferrochrome from South Africa. All other allegations tentatively are found not to constitute bounties or grants. A final decision in this case is required on or before January 4, 1976.

Before a final determination is made, consideration will be given to any relevant data, views or arguments, submitted in writing with respect to the preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by his office on or before July 30, 1975.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

VERNON D. ACREE,
Commissioner of Customs.

Approved: June 24, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-16990 Filed 6-27-75;8:45 am]

FLOAT GLASS FROM FRANCE

Preliminary Countervailing Duty Determination

On January 15, 1975, a "Notice of Receipt of Countervailing Duty Petitions" was published in the FEDERAL REGISTER (40 FR 2718). The notice stated that petitions had been received, including, among others, a petition alleging that payments, bestowals, rebates or refunds, granted by the Government of France upon the manufacture, production, or exportation of flat glass constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of the Tariff Act of 1930, as amended (19 U.S.C. 1303).

On the basis of an investigation conducted pursuant to § 159.47(c) Customs Regulations (19 CFR 159.47(c)), it has been tentatively determined that none of the exporters involved have met the criteria for, or benefitted from, incentives granted under the various regional development programs administered by the Delegation for Regional Planning and Action (DATAR). It is tentatively determined that no bounty or grant is being paid or bestowed upon the manufacture, production, or exportation of float glass from France, by reason of the aforementioned programs.

Before a final determination is made, consideration will be given to any relevant data, views or arguments submitted in writing with respect to the preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue Washington, D.C. 20229, in time to be received by his office on or before July 30, 1975.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

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

Approved: June 17, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-16992 Filed 6-27-75;8:45 am]

FLOAT GLASS FROM THE UNITED KINGDOM

Preliminary Countervailing Duty Determination

On January 15, 1975, a "Notice of Receipt of Countervailing Duty Petitions" was published in the FEDERAL REGISTER (40 FR 2718). The notice states that petitions had been received, including among others, a petition alleging that payments, bestowals, rebates or refunds, granted by the Government of the United Kingdom upon the manufacture, production, or exportation of float glass constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of the Tariff Act of 1930, as amended (19 U.S.C. 1303).

On the basis of an investigation conducted pursuant to § 159.47(c) Customs Regulations (19 CFR 159.47(c)), it has been determined that benefits have been received under various regional development programs of the British Government. Government aid to these regional areas consists of cash payments to manufacturers for expenditures within the regional area on plant, machinery and equipment, and other capital items, and selective assistance in the form of regional employment premiums.

British Government officials have advised the Treasury Department that the regional development programs have the effect of offsetting disadvantages which would discourage industry from moving to and expanding in less prosperous regions. They have produced evidence that assistance given is available to all industries within the regional development areas and is in no way conditioned upon exports. Based on 1974 production figures for U.K. float glass, 26 percent of all such production was exported, and a small percentage of this amount was exported to the United States. The amount of assistance provided by the regional incentive programs was less than 1 percent of the value of the float glass sold.

In the light of the foregoing facts, and as limited to the foregoing facts, it has been preliminarily determined that no bounty or grant is being paid or bestowed by means of regional incentive programs upon the manufacture, production, or exportation of float glass from the United Kingdom within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303).

Before a final determination is made, consideration will be given to any relevant data, views or arguments submitted in writing with respect to this preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW, Washington, D.C. 20229, in time to be received by his office on or before July 30, 1975.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

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

Approved: June 24, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-16993 Filed 6-27-75;8:45 am]

FLOAT GLASS FROM WEST GERMANY

Notice of Preliminary Countervailing Duty Determination

On January 15, 1975, a "Notice of Receipt of Countervailing Duty Petitions" was published in the FEDERAL REGISTER (40 FR 2718). The notice stated that petitions had been received, including, among others, a petition alleging that payments, bestowals, rebates or refunds, granted upon the manufacture, production, or exportation of float glass from West Germany constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of the Tariff Act of 1930, as amended (19 U.S.C. 1303).

On the basis of an investigation conducted pursuant to § 159.47(c) Customs Regulations (19 CFR 159.47(c)), it has tentatively been determined that benefits have been received under various West German Federal and State Government regional development programs. Government aid to these regional areas consists of investment grant subsidies and bonuses for capital expenditures relating to construction or expansion of plants, low interest loans, and special railway tariff rates.

Benefits derived from programs such as those which are the subject of this investigation can, in some circumstances, constitute bounties or grants within the meaning of the law. Since the information thus far made available concerning these programs has not been sufficient to permit a thorough analysis of their nature and effect, it has been determined preliminarily that imports of float glass from West Germany benefit from the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of the section 303 of the Tariff Act of 1930, as amended, by reason of the regional incentive payments mentioned above.

Before a final determination is made, consideration will be given to any relevant data, views or arguments submitted in writing with respect to this preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW, Washington, D.C. 20229, in time to be received by his office on or before July 30, 1975.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

VERNON D. ACREE,
Commissioner of Customs.

Approved: June 24, 1975.

DAVID R. MACDONALD,
Assistant Secretary Treasury.

[FR Doc.75-16989 Filed 6-27-75;8:45 am]

LEATHER HANDBAGS FROM BRAZIL

Preliminary Countervailing Duty Determination

On January 15, 1975, a "Notice of Receipt of Countervailing Duty Petitions" was published in the FEDERAL REGISTER (40 FR 2718). The notice stated that petitions had been received, including, among others, a petition alleging that payments, bestowals, rebates or refunds, granted by the Brazilian government upon the manufacture, production, or exportation of leather handbags constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

On the basis of an investigation conducted pursuant to § 159.47(c), Customs

Regulations (19 CFR 159.47(c)), it tentatively has been determined that benefits have been received by the Brazilian manufacturers/exporters of leather handbags which may constitute bounties or grants within the meaning of the Act. These programs include the granting to manufacturers/exporters of tax credits upon export, income tax reductions, preferential financing, and exemptions for certain imports from import duties. Programs tentatively determined not to be bounties or grants within the meaning of the Act include exemptions of certain indirect taxes on a portion of imports used in the manufacture of leather handbags and similar exemptions upon exportation of the leather handbags. All other allegations contained in the petition tentatively are found not to be applicable to the manufacturers/exporters of leather handbags from Brazil. A final decision in this case is required on or before January 5, 1976.

Before a final determination is made, consideration will be given to any relevant data, views or arguments, submitted in writing with respect to the preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1303 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by his office on or before July 30, 1975.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

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

Approved: June 24, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-16995 Filed 6-27-75;8:45 am]

OXYGEN SENSING PROBES FROM CANADA

Tentative Termination of Countervailing Duty Investigation

On January 15, 1975, a "Notice of Receipt of Countervailing Duty Petitions" was published in the FEDERAL REGISTER (40 FR 2718). The notice stated that petitions have been received, including a petition alleging that payments, bestowals, rebates or refunds, granted upon the manufacture, production, or exportation of oxygen sensing probes from Canada constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of Section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303).

The investigation conducted by the Treasury Department has revealed that imports of Canadian oxygen sensing probes totaled slightly more than $14,000 from 1972 through 1974. The investigation also revealed that there have been no importations into the United States of such oxygen sensing probes since December 1973. The company which manufactured and exported the probes under a license from the Canadian Patent Corporation has decided to discontinue manufacture of them and is preparing to formally terminate its agreement with the Canadian Patent Corporation for such manufacture. Based on these developments, there is no likelihood that production in Canada of the oxygen sensing probes will be resumed.

Accordingly, the investigation with respect to imports of oxygen sensing probes from Canada is proposed to be terminated on the bases that there have been no imports of such productions during the recent past and that production of this item will be discontinued. Should imports of oxygen sensing probes from Canada resume at any time, the Treasury Department will re-open its investigation as to the existence of bounties or grants under section 303 of the Tariff Act of 1930, as amended.

Interested persons are invited to submit any relevant data, views, or arguments with respect to this tentative notice in writing to the Commissioner of Customs, 1301 Constitution Avenue, Washington, D.C. 20029, in time to be received by his office on or before July 14, 1975.

This notice is published pursuant to section 303(a) of the Tariff Act of 1930, as amended, 19 U.S.C. 1303(a).

[SEAL] G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: June 25, 1975.

DAVID R. MACDONALD,
Assistant Secretary.

[FR Doc.75-16991 Filed 6-27-75;8:45 am]

Fiscal Service

[Dept. Circ. 570, 1974 Rev., Supp. No. 19]

EQUITABLE GENERAL INSURANCE COMPANY

Change of Name

Houston General Insurance Company, a Texas corporation, has formally changed its name to Equitable General Insurance Company, effective June 1, 1975. Documents evidencing the change of name are on file in the Treasury.

A new Certificate of Authority as an acceptable surety on Federal bonds, dated June 1, 1975, has been issued by the Secretary of the Treasury to Equitable General Insurance Company, Fort Worth, Texas, under Sections 6 to 13 of Title 6 of the United States Code, to replace the certificate issued July 1, 1974 (39 FR 26366, July 18, 1974) to the company under its former name, Houston General Insurance Company. The underwriting limitation of $779,000 previously established for the company remains unchanged.

The change in name of Houston General Insurance Company does not affect its status or liability with respect to any obligation in favor of the United States or in which the United States has an interest, which it may have undertaken pursuant to the Certificate of Authority issued by the Secretary of the Treasury.

Certificates of Authority expire on June 30 each year, unless sooner revoked and new certificates are issued on July 1, so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1, in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Copies of the Circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: June 23, 1975.

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.75-16857 Filed 6-27-75;8:45 am]

[Dept. Circ. 570, 1974 Rev., Supp. No. 18]

HOUSTON GENERAL INSURANCE COMPANY

Change of Name

Traders & General Insurance Company, a Texas corporation, has formally changed its name to Houston General Insurance Company, effective June 1, 1975. Documents evidencing the change of name are on file in the Treasury.

A new Certificate of Authority as an acceptable surety on Federal bonds, dated June 1, 1975, has been issued by the Secretary of the Treasury to Houston General Insurance Company, Fort Worth, Texas, under Sections 6 to 13 of Title 6 of the United States Code, to replace the certificate issued July 1, 1974 (39 FR 26369, July 18, 1974) to the company under its former name, Traders & General Insurance Company. The underwriting limitation of $541,000 previously established for the company remains unchanged.

The change in name of Traders & General Insurance Company does not affect its status or liability with respect to any obligation in favor of the United States or in which the United States has an interest, which it may have undertaken pursuant to the Certificate of Authority issued by the Secretary of the Treasury.

Certificates of Authority expire on June 30 each year, unless sooner revoked and new certificates are issued on July 1, so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1, in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Copies of the Circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: June 23, 1975.

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.75-16856 Filed 6-27-75;8:45 am]

Office of the Secretary

DEBT MANAGEMENT ADVISORY COMMITTEES

Meetings and Determination Under Public Law 92-463

Notice is hereby given, pursuant to section 10 of Pub. L. 92-463, that meetings will be held in Washington on July 22 and 23, 1975, of the following debt management advisory committees:

American Bankers Association, Government Borrowing Committee
Securities Industry Association, Government Securities and Federal Agencies Committee

The agenda for the meetings will include a briefing for the advisory committees by Treasury staff on current debt management problems, deliberations by the two committees, and reports to the Secretary of the Treasury and Treasury staff.

Pursuant to the authority placed in Heads of Departments by section 10(d) of Pub. L. 92-463, and vested in me by Treasury Department Order 190, revised, I hereby determine that these meetings are concerned with information exempt from disclosure under section 552(b)(4) of Title 5 of the United States Code, and that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community, which committees are utilized by this Department at meetings called by representatives of this office. When so utilized they are recognized to be advisory committees under Pub. L. 92-463. The advice provided consists of commercial and financial information given and received in confidence in order to avoid adverse effects of premature disclosure on the financial markets and the economy. As such these debt management advisory committee activities concern matters which fall within the exemption covered by section 552(b)(4) of Title 5 of the United States Code for matters which are "trade secrets and commercial or financial information obtained from a person and privileged or confidential".

The Special Assistant to the Secretary (Debt Management) shall be responsible for maintaining records of the meetings of these committees and for providing annual reports setting forth a summary of their activities and such other matters as may be informative to the public consistent with the provisions of 5 U.S.C. 552(b)(4).

Dated: June 24, 1975.

[SEAL] STEPHEN S. GARDNER,
Deputy Secretary.

[FR Doc.75-16863 Filed 6-27-75;8:45 am]

[T.D. Order No. 234-2]

GOLD

Directive To Sell

By virtue of the authority vested in me as Secretary of the Treasury by Section 9 of the Gold Reserve Act of 1934 (31 U.S.C. 733) and Reorganization Plan No. 26 of 1950, I hereby authorize and direct the Assistant Secretary for International Affairs to take all necessary and proper measures, including direction of other officials of the Department and utilization of the services of other government agencies, for the public sale of approximately 500,000 fine troy ounces of gold from the United States' gold stocks on June 30, 1975. Any actions heretofore taken by the Assistant Secretary for International Affairs in connection with such sale are hereby ratified and confirmed as the actions of the Secretary.

Dated: June 21, 1975.

[SEAL] WILLIAM E. SIMON,
Secretary of the Treasury.

[FR Doc.75-16862 Filed 6-27-75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

JUNE 17, 1975.

The USAF Scientific Advisory Board Committee on Gas Turbine Technology will hold a meeting on July 30, 1975 from 8:30 a.m. to 5:00 p.m. and on July 31, 1975 from 8:30 a.m. to 3:30 p.m. at the Aero Propulsion Laboratory, Wright-Patterson Air Force Base, Ohio.

The meeting will be closed to the public in accordance with Title 5, U.S.C. 552 (b)(1), (4) and (5). The Committee will receive classified and proprietary briefings on contractors' gas turbine technology programs.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-8845.

JAMES J. SHEPARD,
Colonel, USAF,
Director of Administration.

[FR Doc.75-16918 Filed 6-27-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

CERTAIN INDIAN RESERVATIONS IN NEVADA

Acceptance of Offer To Retrocede Jurisdiction

JUNE 24, 1975.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The Governor of Nevada, acting pursuant to Senate Bill 491, Chapter 601, Statutes of Nevada, offered, by letter of June 5, 1974, to retrocede to the United States of America all civil and criminal jurisdiction acquired by the State of Nevada under Pub. L. 83-280, 67 Stat. 588, over the following Indian reservations and colonies:

Battle Mountain Colony
Carson Colony
Dresslerville Colony
Elko Colony
Goshute Reservation
Lovelock Colony
Odger's Ranch
Reno-Sparks Colony
Ruby Valley Allotment
South Fork Reservation
Washoe Tribal Farms
Washoe Pinenut Allotment
Winnemucca Colony
Yomba Reservation

On May 17, 1975 an Act of the Nevada State Legislature Senate Bill 578 Statutes of Nevada 1975 Chapter 474 was approved and includes the Duckwater Indian Reservation in the State's offer of retrocession of all criminal and civil jurisdiction exercised by the State of Nevada under the provisions of Pub. L. 83-280.

Duckwater Reservation

Pursuant to section 403 of the Act of April 11, 1968 (82 Stat. 79, 25 U.S.C. § 1423(a)) and authority vested in the Secretary of the Interior by Executive Order No. 11435 (33 FR 17339) and redelegated to the Commissioner of Indian Affairs by 230 DM 1, I hereby accept the offer to retrocede criminal and civil jurisdiction to the United States of America with respect to the above-named reservations and colonies. Retrocession of jurisdiction over reservations and colonies above described shall be effective on July 1, 1975 at 12:01 a.m., e.s.t.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.75-16969 Filed 6-27-75;8:45 am]

Fish and Wildlife Service

THREATENED OR ENDANGERED FAUNA OR FLORA

Emergency Determination of Critical Habitat for the Mississippi Sandhill Crane

Background. Under authority of section 4(f), 16 U.S.C. 1533(f), of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the Director, United States Fish and Wildlife Service, hereby issues an emergency regulation, effective June 30, 1975, which determines critical habitat for the Mississippi sandhill crane (*Grus canadensis pulla*), an endangered species (published in the FEDERAL REGISTER 4 June 1973, Vol. 38 (106): 14678).

Conservation of habitat is an important factor in the survival of all Endangered and Threatened species, section 7, 16 U.S.C. 1536, of the Endangered Species Act of 1973 recognizes this principle by requiring all Federal agencies and departments to do what is necessary

to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of habitat of an endangered or threatened species which is determined to be critical.

In the FEDERAL REGISTER of April 22, 1975, 40 FR 17764–17765, the Fish and Wildlife Service and the National Marine Fisheries Service published the following interpretation:

The term "habitat" could be considered to consist of a spatial environment in which a species lives and all elements of that environment including, but not limited to, land and water area, physical structure and topography, flora, fauna, climate, human activity, and the quality and chemical content of soil, water and air.

"Critical habitat" for any Endangered or Threatened species could be the entire habitat or any portion thereof, if, and only if, any constituent element is necessary to the normal needs or survival of that species.

Also, in the FEDERAL REGISTER of April 22, 1975, the Fish and Wildlife Service and the National Marine Fisheries Service published the following statement:

Actions by a Federal agency which result in the destruction or modification of a habitat considered "critical habitat" for a given Endangered or Threatened species would not conform with Section 7 of the Endangered Species Act of 1973, if such action might be expected to result in a reduction in the numbers or distribution of that species of sufficient magnitude to place the species in further jeopardy, or restrict the potential and reasonable expansion or recovery of that species. It must be emphasized that because of the primary intention of the Fish and Wildlife Service and the National Marine Fisheries Service under that Act is to protect, maintain, and restore presently Endangered and Threatened species, application of the term "critical habitat" may not be restricted to the habitat necessary for a minimum viable population.

Emergency determination. The Director has determined based upon the information given below that the following spatial area is critical habitat for the Mississippi sandhill crane (*Grus canadensis pulla*):

A five-sided area of land, water and airspace in Jackson County, Mississippi, between the West Pascagoula River and the Jackson-Harrison County line, and bounded by the following coordinates—30°33'N 88°37'W, 30°25'N 88°37'W, 30°22'N 88°44'W, 30°29'N 88°51'W, 30°33'N 88°51'W.

Findings. This critical habitat is the last remaining area containing the only known population of the Mississippi sandhill crane. This bird is non-migratory and confines its movements largely within the boundaries indicated, though there may be some wandering outside of the area. The population probably survived here because the land occupied was long considered unmanageable for agriculture, timber, or residential purposes, and consequently received little development or disturbance. The area in recent years has been increasingly subjected to various competing land uses, including silvicutlure, residential development and highways, thus resulting in reduction of its habitat and further jeopardy to the sandhill crane. Nesting occurs in seven known places which together comprise approximately ten percent of the total area delineated. The nesting grounds are mostly in the vicinity of the right-of-way of Interstate Highway 10, portions of which are nearing completion and other segments on which construction is expected to begin in the near future. It is the wet, open character of the land, plus the relative lack of disturbance, that makes the area suitable for the crane. In addition to the nesting grounds, there is a large winter roosting site in Pascagoula Marsh in the eastern part of the delineated area. Also, during winter, the cranes utilize farmland in the northern part of the area for feeding. At other times of the year, the birds may feed and roost in the vicinity of the breeding grounds. There is, of course, regular movement between the various nesting, roosting, and feeding sites.

Reasons for emergency determination. Under the authority conferred by Section 4(f) of the Endangered Species Act this determination of critical habitat for the Mississippi sandhill crane shall take effect immediately June 30, 1975. An emergency exists which poses a significant risk to the well-being of the Mississippi sandhill crane. Current estimates indicate that only 38–40 Mississippi sandhill cranes remain in the wild and that they survive only in this critical habitat. The maintenance of significant portions of this habitat and the well-being of the crane are threatened by construction of a new segment of Interstate Highway I–10 between Mississippi State Highway 57 and the Pascagoula River.

This project is a joint undertaking of the Federal Highway Administration and the Mississippi State Highway Department. Contracts have been let by the Mississippi State Highway Department for construction of this portion of I–10 through the critical habitat. Such construction will begin upon approval by the Federal Highway Administration of the contracts already let by the State. The construction activities, destruction of habitat, incidental intrusions, and subsequent related commercial and residential development of the area all constitute a significant risk to the well-being of the crane. The final environmental impact statement on I–10 issued by the Federal Highway Administration on March 10, 1975, states on page 28: "At the present time, the greatest threats to the existence of the Mississippi Sandhill Crane are private development and the construction of Interstate Route No. 10." Because some of these activities are likely to take place before this habitat could be assessed and determined to be critical under the regular rule-making procedures set out in section 4, the emergency rule-making authority of the Act is invoked.

Regulations promulgated under the emergency provisions of the Endangered Species Act remain effective for only 120 days following publication in the FEDERAL REGISTER. Therefore, the Director is issuing in the FEDERAL REGISTER a notice of proposed rulemaking to determine critical habitat for the Mississippi sandhill crane. Comments will be requested on the proposed rule-making from the public and other concerned Federal and State agencies and private interests, as more fully set out in that notice.

KEITH M. SCHREINER,
Acting Director,
U.S. Fish and Wildlife Service.

JUNE 25, 1975.

[FR Doc.75-16964 Filed 6-27-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FLUE-CURED TOBACCO ADVISORY COMMITTEE

Notice of Meeting

The Flue-Cured Tobacco Advisory Committee will meet in the Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, laboratory, Room 223, Flue-Cured Tobacco Cooperative Stabilization Corporation, 1306 Annapolis Drive, Raleigh, North Carolina 27605, at 1 p.m., on Thursday, July 10, 1975.

Marketing areas are established by dividing the production of flue-cured tobacco into geographical boundaries. This is done to facilitate the development of marketing schedules and the setting of opening dates for each marketing area based on when the tobacco will be ready for market. For the 1975 season the following geographical areas and opening dates were recommended by the Committee and approved by the Secretary at previous meetings of the Flue-Cured Tobacco Advisory Committee:

Area A—includes all Georgia-Florida markets and the opening date is July 8.

Area B—includes all South Carolina-Border North Carolina markets, and the opening date is July 9.

Area C—includes Eastern North Carolina and Southern Middle Belt markets, and the opening date is July 15.

The purpose of the July 10 meeting is to discuss Marketing Area D, which includes Northern Middle Belt and North Carolina-Virginia Old Belt markets, and recommend an opening date. Selling schedules for the flue-cured tobacco to be sold in all marketing areas will be discussed. Also, matters as specified in 7 CFR Part 29, Subpart G, § 29.9404 will be discussed.

The meeting is open to the public but space and facilities are limited. Public participation will be limited to written statements submitted before or at the meeting unless their participation is otherwise requested by the Committee Chairman. Persons, other than members, who wish to address the Committee at the meeting should contact Mr. J. W. York, Director, Tobacco Division, Agricultural Marketing Service, 300—12th Street SW., United States Department of Agricul-

ture, Washington, D.C. 20250 (202) 447-2567.

Dated: June 26, 1975.

WILLIAM H. WALKER, III,
Deputy Administrator, Program Operations, Agricultural Marketing Service.

[FR Doc.75-17078 Filed 6-27-75;8:45 am]

Forest Service

THE SKAGIT WILD AND SCENIC RIVER STUDY

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a Draft Environmental Statement for a Proposal for River Classification of the Skagit River Under the Wild and Scenic Rivers Act, USDA-FS-DES(Leg) 75-06.

The environmental statement concerns a proposed amendment to the Wild and Scenic Rivers Act (P.L. 90-542) to include segments of the Skagit, Cascade, Sauk and Suiattle Rivers in the National Wild and Scenic Rivers System.

This Draft Environmental Statement was transmitted to CEQ on June 16, 1975.

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

USDA, Forest Service
So. Agriculture Bldg., Rm. 3028
12th St. & Independence Ave., SW
Washington, DC 20250

USDA, Forest Service
Pacific Northwest Region
319 SW Pine Street
Portland, Oregon 97204

Mt. Baker-Snoqualmie National Forest, 1601 Second Avenue Building, Seattle, Washington 98101

A limited number of single copies are available upon request to the same offices listed above.

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

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

Comments concerning the proposed action and requests for additional information should be addressed to the Regional Forester, Multomah Building, 319 SW Pine Street, P.O. Box 3623, Portland, OR 97208. Comments must be received by September 26, 1975, in order to be considered in the preparation of the final environmental statement.

WILLIAM CAMPBELL,
Acting Deputy Chief, Forest Service.

JUNE 24, 1975.

[FR Doc.75-16884 Filed 6-27-75;8:45 am]

TRIANGLE RANCH WETLANDS LAND EXCHANGE, MODOC NATIONAL FOREST

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 Triangle Ranch Wetlands Land Exchange, Modoc National Forest, California (USDA-FS-FES (Adm) 75-03).

The environmental statement concerns a proposed land exchange of approximately 1,800 acres of National Forest timberlands for 17,800 acres of privately owned rangeland all in Modoc County. The exchange will consolidate public land ownership and resolve problems of management, protection, and use of lands and resources arising from intermingled public and private land ownership patterns. The range land to be acquired will be managed primarily for production of wildlife habitat, livestock grazing, and recreation use.

This final environmental statement was transmitted to the Council on Environmental Quality on June 24, 1975.

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

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave. SW.
Washington, D.C.

Regional Forester
U.S. Forest Service, Rm. 529
630 Sansome St.
San Francisco, California

Forest Supervisor's Office
Modoc National Forest
441 N. Main
Alturas, California 96101

Forest Service
District Ranger
Canby, California

A limited number of single copies are available, upon request, from Forest Supervisor Kenneth C. Scoggin, Modoc National Forest, 441 N. Main, Alturas, California 96101.

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

WILLIAM CAMPBELL,
Acting Deputy Chief, Forest Service.

JUNE 24, 1975.

[FR Doc.75-16885 Filed 6-27-75;8:45 am]

Office of Equal Opportunity

ORGANIZATION, FUNCTIONS, AND AVAILABILITY OF INFORMATION

Pursuant to the authority of the Director, Office of Equal Opportunity (OEO), appearing at 7 CFR 2.80, the following statement of Organization, Functions, and Availability of Information is made.

PART I—INTRODUCTION

SECTION 1. *Policy.* It is the policy of the Office of Equal Opportunity that information about its operations, organization, procedures and records be freely available to the public in accordance with the provisions of the Freedom of Information Act. In compliance with the Act, the Office of Equal Opportunity will make the fullest possible disclosure of its information and records consistent with the provisions of the Act and Departmental Regulations, 7 CFR 1.1-1.16.

PART II—ORGANIZATION AND FUNCTIONS

SEC. 2. *General.* OEO was created by the Secretary on November 16, 1971 through the issuance of Secretary's Memorandum No. 1756.

SEC. 3. *Organization.* The central and only office of OEO is located in the Administration Building of the Department of Agriculture, 14th Street and Independence Avenue, Washington, D.C. 20250, and consists of the Office of the Director, and four Divisions as follows:

Compliance and Enforcement Division
Contract Compliance Division
Program Planning and Evaluation Division
Rural Minority Business Assistance Division

SEC. 4. *Office of the Director.* This Office provides leadership and coordination for the Department's program of equal opportunity, contract compliance, civil rights, rural minority business assistance, and the Indian Desk.

SEC. 5. *Compliance and Enforcement Division.* This Division coordinates and monitors the civil rights compliance activities for over 40 Title VI programs among 12 USDA agencies, and for all the direct assistance and regulatory programs within the Department. Major responsibilities include: conducting compliance reviews; evaluating agency implementation of civil rights rules, regulations and policies; assisting agencies in developing and revising compliance review procedures; providing research data for enforcement action; handling and resolving complaints of discrimination; and evaluating civil rights audits conducted by the Office of Audit.

SEC. 6. *Contract Compliance Division.* This Division conducts the Department's contract compliance program in accordance with Executive Order 11246 which obligates companies that have been awarded contracts or subcontracts by the Federal Government to avoid employment discrimination based on race, color, religion, sex, or national origin. The Department of Labor (DOL) and the Office of Federal Contract Compliance (OFCC) have assigned compliance responsibility for specific industries to USDA. Administering and enforcing the order, and securing adherence to certain regulations, are the responsibilities of the Contract Compliance Division. To accomplish its mission the Division conducts extensive onsite contract compliance reviews at Government contractor facilities, and reviews and monitors construction projects financed in whole or in part with USDA funds.

SEC. 7. *Program Planning and Evaluation Division.* This Division (1) analyzes problems constituting barriers to the nondiscriminatory operation of the Department's programs and activities; and develops and recommends basic policy and program approaches for more effec-

tively implementing the Department's responsibility in equal opportunity; (2) coordinates and evaluates statistical reporting systems in the Department that are designed to measure the extent to which services are being delivered on an equal basis.

SEC. 8. *Rural Minority Business Assistance Division.* This Division provides assistance to and monitors USDA line authorities who have program responsibility for contracts, grants and related funding activities that have an impact on rural minority enterprises. The division acts as the USDA liaison with the Office of Minority Business Enterprise and the Small Business Administration on matters relating to the Minority Business Enterprise Program. It interacts with minority enterprises and associations to promote procurement and other business opportunities with agencies of the Department.

PART III—DELEGATION OF AUTHORITY

SEC. 9. *Deputy Director.* The Deputy Director is hereby delegated the authority to perform all the duties, and exercise all the functions and powers, which are now, or which may be in the future, vested in the Director. He is also authorized to act for the Director in his absence, or when he is temporarily unavailable.

PART IV—AVAILABILITY OF INFORMATION

SEC. 10. *General.* This part is issued in accordance with the regulations of the Secretary of Agriculture in Part I, Subpart A, of Subtitle A of 7 CFR 1.1–1.16, and Appendix A thereto, implementing the Freedom of Information Act (5 U.S.C. 552). The Secretary's regulations, as implemented by the regulation, in this part, govern the availability of records of the Office of Equal Opportunity (OEO) to the public.

SEC. 11. *Public inspection and copying.* 5 U.S.C. (a)(2) requires that certain materials be made available for public inspection and copying, and that a current index of these materials be published quarterly or otherwise made available. OEO doese not maintain any materials within the scope of these requirements.

SEC. 12. *Requests for records.* All requests for the Office of Equal Opportunity records pursuant to 5 U.S.C. 552(a)(3) shall be made in accordance with 7 CFR 1.3(a) and addressed to the Administrative Officer, Office of the Director (at the address set forth in section 3), who shall immediately refer the request to the appropriate Division Head whose records are being sought for inspection and copying. All requests for records of the Department of Labor generated by that agency will be referred thereto.

SEC. 13. *Appeals.* Any person whose request under section 11 above has been denied may, pursuant to 7 CFR 1.3(e), appeal the denial to the Director, Office of Equal Opportunity, U.S. Department of Agriculture, Rm. 247-E, 14th Street and Independence Avenue, Washington, D.C. 20250, within 45 days of the date of denial. An appeal should be in writing and shall include a copy of the original request, the denial and any written argument the requester wishes to make.

Effective date: This notice shall be effective upon June 30, 1975.

Issued at Washington, D.C., this 25th day of June 1975.

MILES S. WASHINGTON, Jr.,
Acting Director,
Office of Equal Opportunity.

[FR Doc.75-16981 Filed 6-27-75;8:45 am]

Soil Conservation Service

BACHELOR RUN WATERSHED, INDIANA

Availability of the Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.-8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Bachelor Run Watershed, Carroll and Howard Counties, Indiana.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Cletus J. Gillman, State Conservationist, Soil Conservation Service, USDA, 5610 Crawfordsville Road, Suite 2200, Indianapolis, Indiana 46224, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement as described in the negative declaration include conservation land treatment and structural measures in the form of 7.7 miles of channel work on man-made, intermittent streams.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, Suite 300, 5610 Crawfordsville Road, Indianapolis, Indiana 46224.

Requests for single copies of the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken until July 14, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: June 20, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-16916 Filed 6-27-75;8:45 am]

SEDGWICK-SAND DRAWS WATERSHED PROJECT, COLORADO-NEBRASKA

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Sedgwick-Sand Draws Watershed Project, Sedgwick County, Colorado, and Cheyenne and Deuel Counties, Nebraska, USDA-SCS-EIS-WS-(ADM) 75-1-(D)-CO.

The environmental impact statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment, supplemented by ten water control structures, three grade stabilization structures, three floodways, and canal inlet structures.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 2490 West 26th Avenue, Denver, Colorado 80211.

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to M. D. Burdick, State Conservationist, Soil Conservation Service, P.O. Box 17107, Denver, Colorado 80217.

Comments must be received on or before August 18, 1975, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: June 18, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-16917 Filed 6-27-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

LISTER HILL NATIONAL CENTER FOR BIOMEDICAL COMMUNICATIONS

Program Announcement on Communications Technology Satellite

The governments of Canada and the United States are currently collaborating in a plan to launch a Communications Technology Satellite (CTS) in December 1975. After several months of testing and adjustment, this satellite will be available three days a week to each country for experimental applications to a variety

of communications problems. Acting as technical coordinator and facilitator on behalf of the health community, the Lister Hill National Center for Biomedical Communications of the National Library of Medicine has tentatively requested nine hours per week for health related applications of this unique communications system.

Briefly described, the satellite will be capable of blanketing the entire continental United States from its stationary position over the equator. The satellite will permit bidirectional audiovisual connections between ground terminals.

The Lister Hill Center plans to install several stationary ground stations at hospitals and other appropriate facilities, and to install at least one mobile station in a motor van. From these ground stations it will be possible to interconnect with surface communications systems, thus expanding the potential audience.

The possible applications to health are many, and include public and professional education, communication of research results, teleconferencing, remote professional consultation, etc., in any of the health disciplines. In all cases, uses of the system will be experimental. Evaluation of effectiveness, efficiency and cost-effectiveness compared to alternative systems will be an important objective.

Planning for utilization of the system is now in progress. The choice and development of program content will be the responsibility of each of the Federal health agencies in consultation with their corresponding health disciplines in the private sector. Voluntary health agencies and health associations are invited to submit suggestions for program content by July 31, 1975, directly to the Federal health agency most closely aligned with their health disciplines.

More detailed information may be obtained from Mr. Earl Henderson, Chief, Communications Engineering Branch, Lister Hill National Center for Biomedical Communications, National Library of Medicine, Bethesda, Maryland 20014 (301) 496-1306.

Dated: June 13, 1975.

R. W. LAMONT-HAVERS, M.D.,
Acting Director,
National Institutes of Health.

[FR Doc.75-16852 Filed 6-27-75;8:45 am]

National Institute of Education

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

Meeting

Notice is hereby given that the next meeting of the National Council on Educational Research will be held on July 18, 1975, at the National Institute of Education, 1200-19th Street NW., Washington, D.C., in Room 823. The meeting will convene at 9:30 a.m. and adjourn at 3:30 p.m.

The National Council on Educational Research is established under section 405 (b) of the General Education Provisions Act (20 U.S.C. 1221e(b)). Its statutory duties include:

(a) Establishing general policies for, and reviewing the conduct of the Institute;

(b) Advising the Assistant Secretary for Education and the Director of the Institute on development of programs to be carried out by the Institute;

(c) Recommending to the Assistant Secretary and the Director ways to strengthen educational research, to improve the collection and dissemination of research findings, and to insure the implementation of educational renewal and reform based upon the findings of educational research.

This entire meeting will be open to the public. There will be no closed session. The tentative agenda includes:

Open Session

9:30	Convene.
9:30-10:00	Approval of May 28 Minutes and Director's Remarks.
10:00-12:00	Report of Consultants Headed by Roald Campbell.
12:00-1:00	Luncheon.
1:00-2:30	Discussion of Options for Adjusting Fiscal Year 1976 Program and Budget in Light of Congressional Appropriations Situation.
2:30-3:30	Council Review of Fiscal Year 1977 Program Planning and Budget.
3:30	Adjourn.

Members of the public are invited to attend the meeting. Written statements relevant to an agenda item (or to any other item considered of interest to the Institute) may be submitted at any time and should be sent to the Chairman and the Executive Secretary of the Council at the address shown below. Requests to address the Council meeting should be submitted in writing to the Chairman and the Executive Secretary at least five days in advance of the meeting. The Chairman will determine whether a presentation should be scheduled.

In accordance with Council policy (NCER Resolution No. 013074-8) copies of Council resolutions and minutes of Council meetings can be obtained by contacting the Executive Secretary. Resolutions are available shortly after the particular meeting at which adopted. Because minutes require approval by the Council at a subsequent meeting, they are usually available approximately four to six weeks after the date of the meeting to which they refer.

In order to verify the tentative agenda, assure adequate seating arrangements, or to obtain summaries of this meeting and copies of any resolutions adopted by the Council at this meeting, interested persons are requested to contact Caroline Phillips, Executive Secretary, National Council on Educational Research, whose address and telephone number are listed below:

National Council on Educational Research, National Institute of Education, Washington, D.C. 20208, 202-254-7900.

Dated: June 25, 1975.

EMERSON J. ELLIOTT,
Acting Director,
National Institute of Education.

[FR Doc.75-16915 Filed 6-27-75;8:45 am]

Office of the Assistant Secretary for Health

PRESIDENT'S BIOMEDICAL RESEARCH PANEL

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the President's Biomedical Research Panel on September 29 and 30, 1975, in Building 31, Conference Room 6, National Institutes of Health.

The meeting will be open to the public from 9 a.m. to 5 p.m. on September 29 and from 9 a.m. to 5 p.m. on September 30. Attendance by the public will be limited to space available. The agenda will address issues pertaining to the studies previously identified by the Panel as being germane to its Congressional mandate.

The meeting on September 30 will be open for presentation by members of the public who wish to address issues relating to the programs of the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration. Notice of intent to participate should be sent to the Panel by July 28, 1975. A detailed summary of the proposed presentation must be submitted before September 1, 1975. Oral presentation will be limited to 10 minutes for each participant. Supplementary written testimony is not limited with respect to length. The Panel reserves the right to limit the number of presentations to the time available.

Requests to participate should be directed to Dr. Richard T. Louttit, Staff Director, President's Biomedical Research Panel, Suite 3100, 2401 E Street, NW., Washington, D.C. 20506. All requests for information should be directed to Ms. Susan Haught, at the above address.

Dated: June 23, 1975.

CHARLES U. LOWE, M.D.,
Executive Director.

[FR Doc.75-16961 Filed 6-27-75;8:45 am]

Public Health Service

HEALTH SERVICES ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 3, Health Services Administration, of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, is hereby amended to reflect the establishment of an Office of Health Maintenance Organizations Qualification and Compliance (3AA109) in the Office of the Administrator.

Section 3-B Organization and Functions is amended by inserting the following statement for the newly created Office of Health Maintenance Organizations Qualification and Compliance after the statement for the Office of Equal Employment Opportunity (3AA107).

Office of Health Maintenance Organizations Qualification and Compliance (3AA109). The Office: (1) Determines the qualifications of entities seeking an identification as a qualified Health Maintenance Organization (HMO) (excluding any involvement in the grant and con-

tract award process); (2) is responsible for the ongoing activities necessary to assure the continued compliance of HMOs with the statutory and regulatory requirements of the HMO program; (3) administers the mandatory offering of the HMO alternative in employee health benefits plans; (4) provides technical support to the Administrator, HSA, the Office of the Assistant Secretary for Health, the Office of General Counsel, and other elements of the Federal government in the recommendation and preparation of legal action against HMOs, entities claiming to qualify as health maintenance organizations, and employers considered not to be in compliance with the statutory and regulatory requirements; and (5) serves as the Departmental focal point in the areas of HMO qualification, ongoing regulation, and employer compliance efforts.

Dated: June 23, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75-16963 Filed 6-27-75;8:45 am]

Social Security Administration

BUREAU OF HEARINGS AND APPEALS

Statement of Organization, Functions and Delegations of Authority

Part 4 (Social Security Administration) in the Statement of Organization, Functions and Delegations of Authority for the Department of Health, Education, and Welfare (34 FR 6986 dated April 26, 1969) as amended, including, as pertinent here, the additional amendments reflected in 35 FR 7033-34 dated May 2, 1970 and in 38 FR 15648 dated June 14, 1973, is hereby further amended by adding the following new subdivision under subsection a. of section 4-D.2., *Delegations of Authority to the Bureau of Hearings and Appeals:*

(9) By individuals from determinations on medical necessity and appropriateness of care which have been made under section 1159(b) of the Social Security Act, where the amount in controversy is $100 or more, after appropriate professional consultation on the matter.

This delegation of authority is effective June 30, 1975. Redelegations of such authority may not be made.

Dated: May 20, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

[FR Doc.75-16962 Filed 6-27-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA-469-DR; NFD-268]

NORTH DAKOTA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of North Dakota, dated May 24, 1975, is hereby amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 24, 1975:

THE COUNTY OF: MORTON

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: June 24, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-16869 Filed 6-27-75;8:45 am]

Office of Interstate Land Sales Registration

[Docket No. N-75-381]

AMBASSADOR SHORES SUBDIVISION

Hearing

In the matter of Ambassador Shores Subdivision, OILSR Nos. 0-1751-20-20, 0-1751-20-20(A+B); Docket No. 75-39 pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), notice is hereby given that:

1. Nolin Reservoir Properties, Inc., John M. Smith, 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 May 5, 1975, 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 Ambassador Shores Subdivision, located in Edmonson and Grayson Counties, Kentucky, contain untrue statement of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received May 20, 1975, 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, DC., on August 11, 1975, at 10:00 a.m.

5. 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, DC., 20410 on or before August 4, 1975.

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: June 23, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-16871 Filed 6-27-75;8:45 am]

[Docket No. N-75-378]

DIPLOMAT SHORES SUBDIVISION

Hearing

In the matter of Diplomat Shores Subdivision, OILSR No. 0-3343-20-53 Docket No. 75-38, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), notice is hereby given that:

1. Nolin Reservoir Properties, Inc., John M. Smith, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued May 5, 1975, 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 Diplomat Shores Subdivision, located in Edmonson County, Kentucky, contain untrue statement of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received May 20, 1975, 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 August 4, 1975, at 2:00 p.m.

5. 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 July 28, 1975.

6. The Respondent is hereby notified that failure to appear at the above sched-

uled 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: June 23, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-16872 Filed 6-27-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[75-128]

CHEMICAL TRANSPORTATION INDUSTRY ADVISORY COMMITTEE

Renewal

In accordance with section 14 of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) of October 6, 1972, notice is hereby given that the Chemical Transportation Industry Advisory Committee to the Marine Safety Council has been renewed by the Secretary of Transportation for a two year period, beginning on 1 July 1975 and terminating on 1 July 1977.

The Committee was first established by the Treasury Department on 4 May 1949, as the Chemical Transportation Advisory Panel. The objectives and mission of the Committee are to provide advice and consultation with respect to the water transportation of hazardous materials.

Public members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem. Interested persons may seek additional information by writing to CAPTAIN R. BROOKS, U.S. Coast Guard, Executive Secretary, U.S. Coast Guard Marine Safety Council, 400 Seventh St. SW., Washington, D.C. 20590 or by calling: (202) 426-1477.

Dated: June 19, 1975.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.75-16873 Filed 6-27-75;8:45 am]

[75 126]

NATIONAL OFFSHORE OPERATIONS INDUSTRY ADVISORY COMMITTEE

Renewal

In accordance with section 14 of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) of October 6, 1972, notice is hereby given that the National Offshore Operations Industry Advisory Committee to the Marine Safety Council has been renewed by the Secretary of Transportation for a two year period, beginning on 1 July 1975 and terminating on 1 July 1977.

The Committee was first established under the Treasury Department on 15 December 1959, as the National Offshore Operations Advisory Panel. The objectives and mission of the Committee are to provide advice and consultation with respect to offshore operations including, but not limited to, fairways, sea-lanes, and offshore drilling operations.

Public members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem. Interested persons may seek additional information by writing to CAPTAIN R. BROOKS, U.S. Coast Guard, Executive Secretary, U.S. Coast Guard Marine Safety Council, 400 Seventh St., SW, Washington, DC. 20590 or by calling: (202) 426-1477.

Dated: June 19, 1975.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.75-16874 Filed 6-27-75;8:45 am]

[CGD 75-125]

RULES OF THE ROAD ADVISORY COMMITTEE

Renewal

In accordance with section 14 of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App. 1) of October 6, 1972, notice is hereby given that the Rules of the Road Advisory Committee to the Marine Safety Council has been renewed by the Secretary of Transportation for a two-year period, beginning on 1 July 1975 and terminating on 1 July 1977.

The Committee was first established under the Treasury Department on 14 December 1960, as the Rules of the Road Coordinating Committee. The objectives and mission of the Committee are to provide advice and consultation with respect to matters concerned with proposals affecting the Rules of the Road.

Public members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem. Interested persons may seek additional information by writing to Commandant (G-CMC/82), U.S. Coast Guard, Washington, D.C. 20590 or by calling: 202-426-1477.

Dated: June 19, 1975.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.75-16875 Filed 6-27-75;8:45 am]

[75-127]

TOWING INDUSTRY ADVISORY COMMITTEE

Renewal

In accordance with section 14 of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App. 1) of October 6, 1972, notice is hereby given that the Towing Industry Advisory Committee to the Marine Safety Council has been renewed by the Secretary of Transportation for a two year period, beginning on 1 July 1975 and terminating on 1 July 1977.

The Committee was first established by the Treasury Department on 12 March 1943, as the Western Rivers Panel. The objectives and mission of the Committee are to provide advice and consultation with respect to the safe operation of towing vessels and barges on the rivers, inland waters, along the coasts, and upon the ocean.

Public members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Interested persons may seek additional information by writing to Captain R. Brooks, U.S. Coast Guard, Executive Secretary, U.S. Coast Guard Marine Safety Council, 400 Seventh St. SW., Washington, D.C. 20590 or by calling: (202) 426-1477.

Dated: June 19, 1975.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.75-16876 Filed 6-27-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-293]

BOSTON EDISON CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 11 to Facility Operating License No. DPR-35 issued to Boston Edison Company which revised Technical Specifications for operation of the Pilgrim Nuclear Power Station, Unit 1, located in Plymouth County, Massachusetts. The amendment is effective as of its date of issuance.

The amendment revises portions of Section 1 of the Environmental Technical Specifications to reflect a change in the pH limits for chemical discharges to the plant cooling water system.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license

amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated November 11, 1974, (2) Amendment No. 11 to License No. DPR-35, with Change No. 13, and (3) the Commission's Negative Declaration dated June 24, 1975 (which is being published in the FEDERAL REGISTER), and associated environmental impact appraisal. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, DC., and at the Plymouth Public Library, North Street, Plymouth, Massachusetts.

A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 24th day of June 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch 2, Division of Reactor Licensing.

[FR Doc.75-16902 Filed 6-27-75;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.87, Revision 1, "Guidance for Construction of Class 1 Components in Elevated-Temperature Reactors (Supplement to ASME Section III Code Cases 1592, 1593, 1594, 1595, and 1596)," describes interim licensing guidelines to aid applicants in implementing these requirements with respect to ASME Class 1 components operating at elevated temperatures. This guide applies to high-temperature gas-cooled reactors, liquid-metal fast-breeder reactors, and gas-cooled fast-breeder reactors.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 1 Regulatory Guides currently being developed include the following:

Prevention of Fracture of Structural Discontinuities in Reactor Pressure Vessel.
Protection Against Postulated Events and Accidents Outside of Containment.
Fracture Toughness Requirements for Materials for Class 2 and 3 Components.
Maintenance of Water Purity in PWR Secondary Systems.
Criteria for Heatup and Cooldown Procedures.
Effects of Residual Elements on Predicted Radiation Damage.
Surveillance Testing and Inservice Inspection of Thermal Barrier and Steam Generator Materials in High-Temperature Gas-Cooled Reactors.
Surveillance and Postirradiation Examination of Fuel Rods in Lead Assemblies.
Design Load Combinations for Component Supports.
Interim Guide on Tornado Missiles.
Criteria for Plugging Steam Generator Tubes.
Structural Design Criteria for Fuel Assemblies in Light-Water-Cooled Reactors.
Overhead Crane Handling Systems for Nuclear Power Plants.
Recommended Procedure for Resintering Test to Monitor Densification Stability of Production Fuel.
Qualifications for Cement Grouting for Prestressing Tendons in Containment Structure.
Posttensioned Prestressing Systems for Concrete Reactor Vessels and Containment.
Inservice Monitoring of Core and Core Support Structure Motion Via Neutron-Flux Measurement.
Loose Parts Monitoring Program for the Primary System.
Tornado Design Classification.
Overpressure Protection of Low-Pressure Systems Connected to Reactor Coolant Pressure Boundary.
Protective Coatings for Light-Water Reactor Containment Facilities.
Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems.
Assumptions Used for Evaluating the Potential Radiological Consequences of a BWR Radioactive Offgas System Failure.
Fire Protection Criteria for Nuclear Power Plants.
Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants.
Quality Assurance Requirements for Control of Procurement of Equipment, Materials, and Services for Nuclear Power Plants.
Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant Conditions During and Following an Accident.
Quality Assurance Requirements for Lifting Equipment.
Maintenance and Testing of Batteries.
Qualification Test of Class IE Cables, Connections, and Field Splices for Nuclear Power Plants.
Seismic Qualification of Class I Electric Equipment.
Fuel Oil Systems for Standby Diesel Generators.
Quality Assurance Requirements for the Manufacture of Class IE Instrumentation and Electric Equipment for Nuclear Power Plants.
Assumptions Used for Evaluating the Potential Radiological Consequences of a Liquid Radioactive Waste System Accident.
Containment Isolation Provisions.
Instrument Spans and Setpoints.
Initial Startup Testing Program for Facility Shutdown from Outside the Control Room.
Periodic Testing of Diesel Generators.
Qualification of Inspection, Examination, and Testing Personnel for Nuclear Facilities.
Quality Assurance Program Requirements for Nuclear Power Plant Fuels.
Testing of Nuclear Air Cleaning Systems.
Preoperational and Initial Startup Testing of Feedwater Systems for BWRs.
Design Criteria for Overload Protection of Motor-Operated Valves.
Identification of Materials, Parts, and Components for Nuclear Power Plants.
Probable Maximum Storm Surge Flooding on Lakes and Sea Shores.
Protection of Nuclear Power Plants Against Industrial Sabotage.
Emergency Planning for Nuclear Power Plants.
Control Room Manning.
Flood Protection for Nuclear Power Plants.
Hydrologic Design Criteria for Water Control Structures Constructed for Nuclear Power Plants.
Spill Analysis—Dispersion and Dilution in Surface and Ground Water.
Design Objectives for LWR Spent Fuel Facilities.
Design Objectives for LWR Fuel Handling Systems.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 23rd day of June 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Acting Director, Office of Standards Development.

[FR Doc.75-16910 Filed 6-27-75;8:45 am]

[Docket Nos. 50-259 and 50-260]

TENNESSEE VALLEY AUTHORITY

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 11 to Facility) Operating License No. DPR-33 and Amendment No. 7 to Facility Operating License No. DPR-52 issued to Tennessee Valley Authority for operation of the Browns Ferry Nuclear Plant, Units 1 and 2, located in Limestone County, Alabama. The amendments are effective as of their date of issuance.

The amendments modify the licenses to include permission to receive, possess and use up to 5 curies of byproduct material in the form of defueling and maintenance equipment that contain activated isotopes with atomic numbers within the range of 3 to 83, in accordance with the licensee's letter-application for license amendments dated June 12, 1975.

The application for these amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments is not required since the amendments do not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated June 12, 1975, (2) Amendment No. 11 to License No. DPR-33 and Amendment No. 8 to License No. DPR-52, and (3) the Commission's related safety evaluation contained in the Commission's letter to Tennessee Valley Authority dated June 17, 1975. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama 35611.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 17th day of June 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1, Division of Reactor Licensing.

[FR Doc.75-16906 Filed 6-27-75;8:45 am]

[Docket No. 50-208]

THE TRUSTEES OF COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK

Order Extending Construction Completion Date

The Trustees of Columbia University in the City of New York (Columbia) are the holders of Construction Permit No. CPRR-78, issued by the Commission on December 30, 1963, for construction of a TRIGA Mark II nuclear reactor presently under construction on its campus in New York, New York.

On May 15, 1975, Columbia filed a request for an extension of the latest construction completion date set forth in CPRR-78 on the ground that Columbia has been making a review of its own with respect to the reactor following completion of the judicial reviews of the licensing proceeding. But because of various factors, including the fact that a new Dean of the School of Engineering has not yet been appointed and evaluation of academic priorities and costs is underway, review is still in progress. This action involves no significant hazards consideration; good cause has been shown for the delay; and the requester extension is for a reasonable period, the bases for which are set forth in a staff evaluation dated June 8, 1975.

It is hereby ordered, That the latest completion date for Construction Permit No. CPRR-78 is extended from June 30, 1975, to December 31, 1975.

For the Nuclear Regulatory Commission.

Date of Issuance: June 18, 1975.

KARL R. GOLLER,
Assistant Director for Operating Reactors, Division of Reactor Licensing.

[FR Doc.75-16907 Filed 6-27-75;8:45 am]

[Docket Nos. 50-280 and 50-281]

VIRGINIA ELECTRIC AND POWER CO.

Proposed Issuance of Amendments to Facility Operating Licenses

The Nuclear Regulatory Commission (the Commission) is considering the issuance of amendments to Facility Operating Licenses Nos. DPR-32 and DPR-37 issued to Virginia Electric and Power Company (the licensee) for operation of the Surry Power Station Units 1 and 2 pressurized water reactors located in Surry County, Virginia.

The amendments would revise provisions in the Technical Specifications in accordance with the licensee's application for license amendments dated June 5, 1975. The amendments would allow operation of the reactors in the power range with a positive moderator coefficient for Fuel Cycle 2 of Unit 2 and for both Surry Units 1 and 2 in future cores. The present Technical Specifications require a negative moderator coefficient for operation in the power range.

Prior to issuance of the proposed license amendments, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By July 30, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendments to the subject facility operating licenses. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FR notice and § 2.714 and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC. 20555, and to Michael W. Maupin, Esquire, Hunton, Williams, Gay and Gibson, Post Office Box 1535, Richmond, Virginia 23213, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission, or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated June 5, 1975, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC. and at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185. The license amendments and the Safety Evaluation, when issued, may be inspected at the above locations, and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 23rd day of June 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1, Division of Reactor Licensing.

[FR Doc.75-16908 Filed 6-27-75;8:45 am]

[Docket No. 50-293]

PILGRIM NUCLEAR POWER STATION UNIT 1

Negative Declaration Regarding Proposed Changes to the Technical Specifications of License No. DPR-35

The Nuclear Regulatory Commission (the Commission) has considered the issuance of a change to the Technical Specifications Appendix B of Facility Operating License No. DPR-35. This change would authorize the Boston Edison Company (the licensee) to operate the Pilgrim Nuclear Power Station Unit 1 with increased limits on hydrogen ion

concentrations in chemical wastes discharged to the cooling water system.

The Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, has prepared an environmental impact appraisal for the proposed change to the Technical Specifications Appendix B, of License No. DPR-35, Pilgrim Nuclear Power Station, described above. On the basis of this appraisal, we have concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the proposed action. The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H St., NW., Washington, D.C., and at the Plymouth Public Library, North Street, Plymouth, Massachusetts.

Dated at Rockville, Maryland, this 24th day of June 1975.

For the Nuclear Regulatory Commission.

B. J. YOUNGBLOOD,
Chief, Environmental Projects Branch 3, Division of Reactor Licensing.

[FR Doc.75-16909 Filed 6-27-75;8:45 am]

[Docket No. 50-309]

MAINE YANKEE ATOMIC POWER CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 9 to Facility Operating License No. DPR-36 issued to the Maine Yankee Atomic Power Company which revised Technical Specifications for operation of the Maine Yankee Atomic Power Station, located in Lincoln County, Maine. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to provide for the replacement of all 217 fuel assemblies in the reactor core, constituting refueling of the core for second cycle operation. The amendment also limits operation to low power physics testing and other tests that do not entail higher power operation until the Commission completes its review of the licensee's reanalysis of the Emergency Core Cooling System to determine conformance with 10 CFR § 50.46.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on May 7, 1975 (40 F.R. 19885). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see (1) the application for amendment dated March 27, 1975, as supplemented April 28, May 1, and May 20, 1975, (2) Amendment No. 9 to License No. DPR-36, with Change No. 17, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, DC. and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 18th day of June 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1, Division of Reactor Licensing.

[FR Doc.75-16904 Filed 6-27-75;8:45 am]

[Docket Nos. 50-275 O.L. and 50-323 O.L.]

PACIFIC GAS AND ELECTRIC CO. (DIABLO CANYON NUCLEAR POWER PLANT, UNIT NOS. 1 & 2)

Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR § 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this proceeding to consist of the following members:

Richard S. Salzman, Chairman
Dr. Lawrence R. Quarles, Member
Dr. W. Reed Johnson, Member

Dated: June 24, 1975.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.75-16905 Filed 6-27-75;8:45 am]

[Docket No. 50-286]

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

Oral Argument

Notice is hereby given that, in accordance with the Atomic Safety & Licensing Appeal Board's Order of June 20, 1975 (ALAB-278), oral argument on the questions posed therein has been calendared for 10 a.m., Wednesday, July 9, 1975, in the Appeal Panel Hearing Room, 5th Floor, East-West Towers, 4350 East-West Highway, Bethesda, Maryland 20014.

For the Atomic Safety and Licensing Appeal Board.

Dated: June 23, 1975.

[FR Doc.75-16903 Filed 6-27-75;8:45 am]

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[Docket No. P-533-A]

NEW ENGLAND POWER CO.

Notice of Receipt of Partial Application for Construction Permit and Facility License

New England Power Company (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated April 25, 1975, in connection with their plans to construct and operate two reactors in Charlestown, Rhode Island. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portion of the application consisting of a Preliminary Safety Analysis Report accompanied by an Environmental Report pursuant to § 2.101 of Part 2, is expected to be filed in February 1976. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., 20555. Docket No. P-533-A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Office of Antitrust and Indemnity, Office of Nuclear Reactor Regulation, on or before August 29, 1975.

Dated at Bethesda, Maryland, this 20th day of June 1975.

For the Nuclear Regulatory Commission.

KARL KNIEL,
Chief, Light Water Reactors Branch 2-2 Division of Reactor Licensing.

[FR Doc.75-16668 Filed 6-27-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 27586]

ALIA-THE ROYAL JORDANIAN AIRLINES CORP.

Prehearing Conference and Hearing on Foreign Charter Permit Renewal

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on August 5, 1975, at 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Frank M. Whiting.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference un-

less a person objects or shows reason for postponement on or before July 18, 1975.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., June 24, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-16956 Filed 6-27-75;8:45 am]

[Docket No. 27330]

DOMESTIC COMMON FARES INVESTIGATION

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on August 19, 1975, at 10:00 a.m. (local time), in Room 1031, North Universal Building, 1875 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Henry Whitehouse.

In order to facilitate the conduct of the conference parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Economics will circulate its material on or before July 15, 1975, and the other parties on or before August 5, 1975. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Economics, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., June 25, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-16958 Filed 6-27-75;8:45 am]

[Docket No. 21670]

FRONTIER AIRLINES, INC.

Notice of Prehearing Conference on Subsidy Mail Rates

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 9, 1975, at 10 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Thomas P. Sheehan.

In order to facilitate the conduct of the conference parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Economics will circulate its material on or before August 5, 1975, and the other parties on or before August 26, 1975. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Economics, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., June 25, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-16957 Filed 6-27-75;8:45 am]

[Docket No. 27955]

P. N. MERPATI NUSANTARA AIRLINES

Prehearing Conference and Hearing on Foreign Charter Permit Application (Indonesia-U.S.)

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on July 16, 1975, at 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Henry Whitehouse.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before July 3, 1975.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., June 24, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-16955 Filed 6-27-75;8:45 am]

COMMISSION ON CIVIL RIGHTS

MARYLAND STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maryland State Advisory Committee (SAC) to this Commission will convene at 8 p.m. on July 7, 1975, Towson Unitarian Church, 1710 Dulaney Valley Road, Baltimore, Maryland.

Persons wishing to attend this meeting should contact the Commission Chairperson, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 20037.

The purpose of this meeting is to review data for Maryland S&L's Institutions, to review draft project proposal and identify potential interviews for Maryland S&L hearing.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., June 24, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-16965 Filed 6-27-75;8:45 am]

NEW JERSEY STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Jersey State Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. on July 27, 1975, at the Holiday Inn, 430 Broad Street, Newark, New Jersey.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York 10007.

The purpose of this meeting is to discuss new projects for the Advisory Committee.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., June 24, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-16966 Filed 6-27-75;8:45 am]

OHIO STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Ohio State Advisory Committee (SAC) to this Commission will convene at 10:00 a.m. on July 25-26, 1975, at Christopher Inn, 300 E. Broad Street, Columbus, Ohio 43215.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, Room 1428, 230 South Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting is that the Education Sub-Committee will meet with representatives of the Education association to discuss education problems in the State. The SAC will also discuss the education study and the status of the Revenue Sharing study.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., June 24, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-16967 Filed 6-27-75;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE SOCIALIST REPUBLIC OF ROMANIA

Entry or Withdrawal From Warehouse for Consumption

JUNE 25, 1975.

On December 16, 1974, there was published in the FEDERAL REGISTER (39 FR 43577) a letter dated December 11, 1974 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton

textiles and cotton textile products produced or manufactured in Romania and exported to the United States during the twelve-month period which began on January 1, 1975. These levels of restraint were established to implement certain provisions of the Bilateral Cotton Textile Agreement of December 31, 1970 between the Governments of the United States and the Socialist Republic of Romania.

On June 2, 1975, in furtherance of the objectives of, and under the terms of, the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, the Governments of the United States and the Socialist Republic of Romania concluded a new comprehensive bilateral cotton textile agreement concerning exports of cotton textiles and cotton textile products from Romania to the United States over a period of three years beginning on January 1, 1975 and extending through December 31, 1977. Among the provisions of the new agreement are those establishing designated annual consultation levels for Categories 26 (other than duck), 41, 42, 43, 47, 48, 49, and 50 for the agreement year which began on January 1, 1975.

Accordingly, there is published below a letter of June 25, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs cancelling the letter of December 11, 1974 and directing that for the twelve-month period beginning on January 1, 1975 and extending through December 31, 1975 entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 26 (other than duck), 41, 42, 43, 47, 48, 49, and 50 be limited to the designated levels. The levels of restraint set forth below have not been adjusted to reflect any entries after December 31, 1974. Adjustments will be made to account for all such entries after that date and through the effective date of this action.

This letter and the actions taken pursuant thereto are not designed to implement all of the provisions of the new bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Effective date: July 2, 1975.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20229

JUNE 25, 1975.

DEAR MR. COMMISSIONER: This directive cancels and supersedes the directive issued to you on December 11, 1974 by the Chairman of the Committee for the Implementation of Textile Agreements, which directed you to prohibit entry of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in Romania and exported to the United States during the twelve-month period beginning on January 1, 1975, in excess of the designated levels of restraint.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton Textile Agreement of June 2, 1975 between the Governments of the United States and the Socialist Republic of Romania, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on July 2, 1975, and for the twelve-month period beginning on January 1, 1975 and extending through December 31, 1975, entry into the United States for consumption of cotton textile products in Categories 26 (other than duck), 41, 42, 43, 47, 48, 49, and 50, in excess of the following levels of restraint:

Category		*12-month level of restraint* [1]
26 (other than duck) [2]	sq. yds.	3,000,000
41	dozen	414,708
42	do	414,708
43	do	414,708
47	do	67,610
48	do	60,000
49	do	92,308
50	do	168,568

[1] These levels have not been adjusted to reflect any entries made after December 31, 1974.

[2] In Category 26 the T.S.U.S.A. Numbers for duck fabric are: 320.—01 through 04,06,08; 321.—01 through 04,06,08; 322.—01 through 04,06,08; 326.—01 through 04,06,08; 327.—01 through 04,06,08; 328.—01 through 04,06,08.

In carrying out this directive, entries of cotton textile products in Categories 26 (other than duck), 47, and 49, produced or manufactured in Romania and exported to the United States prior to January 1, 1975 shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period January 1, 1974 through December 31, 1974. In the event that the levels of restraint established for that twelve-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

Cotton textile products in Categories 41, 42, 43, 48, and 50, produced or manufactured in Romania and exported to the United States before January 1, 1975, shall not be subject to this directive.

Cotton textile products in Categories 41, 42, 43, 48, and 50 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) before the effective date of this directive shall not be denied entry under this directive.

The levels set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of June 2, 1975 between the Governments of the United States and the Socialist Republic of Romania which provide, in part, that: 1) consultation levels may be increased within the aggregate ceiling upon agreement between the two governments; 2) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Appropriate adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.

A detailed description of the categories terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of cotton textiles and cotton textile products from Romania 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 rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.75-16890 Filed 6-27-75;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST

Addition

Notice of proposed addition to Procurement List 1975, November 12, 1974 (39 FR 39964) were published in the FEDERAL REGISTER on May 2, 1975 (40 FR 19232) and May 23, 1975 (40 FR 22582).

Pursuant to the above notices the following services are added to the Procurement List:

INDUSTRIAL CLASS 7349

JANITORIAL/CUSTODIAL—National Marine Fisheries Complex, Seattle, Washington (SH), for the following buildings: West Building; Central Building; Pilot Plant Building; Behavior Laboratory—Basic Service: $1,791 mo. Optional Services: $6,531 yr.

JANITORIAL/CUSTODIAL—Naval Air Station, Buildings #380 and #381, Oak Harbor, Washington (SH)—Price list available from Naval Air Station.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-16912 Filed 6-27-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

ROCKY FLATS SITE

Extension of Date To Submit Predraft Comments for the Preparation of Environmental Statement

Notice is hereby given that the U.S. Energy Research and Development Administration (ERDA) has extended the date by which predraft comments should be submitted for consideration in the preparation of the draft of the environmental statement on its operations conducted at the Rocky Flats site, Golden, Colorado. The date has been changed from July 15, 1975 (40 FR 24234, June 5, 1975) to September 1, 1975.

Copies of documents to be utilized in the preparation of this statement will be available for inspection at ERDA's public document rooms, 1717 H Street, Washington, D.C.; San Francisco Operations Office, 1333 Broadway, Oakland, California; and Rocky Flats Area Office, Golden, Colorado.

All persons or organizations desiring to submit comments or suggestions for consideration in connection with the preparation of the draft environmental statement should send them to Mr. W. H. Pennington, Office of the Assistant Administrator for Environment and Safety, U.S. Energy Research and Development Administration, Washington, D.C. 20545, on or before September 1, 1975. Those desiring a copy of the draft statement when issued should notify Mr. Pennington.

Dated at Germantown, Maryland, this 24th day of June, 1975.

For the Energy Research and Development Administration.

JAMES L. LIVERMAN,
Assistant Administrator For Environment and Safety.

[FR Doc.75-17017 Filed 6-27-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 392-3]

AREAWIDE WASTE TREATMENT MANAGEMENT PLANNING APPROVALS

Area and Agency Designations

Pursuant to section 208 of the Federal Water Pollution Control Act Amendments of 1972, notice is hereby given of approvals of designation of areawide waste treatment management planning areas and agencies for the period May 1, 1975 thru June 1, 1975.

The following area and agency designations have been approved:

Greenville, South Carolina (South Carolina Appalachian Council of Governments, P.O. Box 6668, Greenville, South Carolina 29606)
Mercer County, New Jersey (Delaware Valley Regional Planning Commission, Penn Towers Building, 1819 John F. Kennedy Boulevard, Philadelphia, Pennsylvania 19103)
Middlesex, New Jersey (Middlesex County Planning Board, 40 Livingston Avenue, New Brunswick, New Jersey 08901)
Green River, Wyoming (Southwestern Wyoming Water Quality Planning Association, P.O. Box 389, Kemmerer, Wyoming 83101)
Five Counties, Utah (Five County Association of Governments, P.O. Box 261, Cedar City, Utah 84720)
Camden, New Jersey (Delaware Valley Regional Planning Commission, Penn Towers Building, 1819 John F. Kennedy Boulevard, Philadelphia, Pennsylvania 19103)
Northwest, Colorado (Northwest Colorado Council of Governments, Holiday Center, Suite 200, P.O. Box 737, Frisco, Colorado 80443)
Larimer-Weld, Colorado (Larimer-Weld Council of Governments, 201 East 4th Street, Loveland, Colorado 80537)
Pensacola, Florida (West Florida Regional Planning Council, P.O. Box 486, Pensacola, Florida 32593)
Black Hills, South Dakota (Sixth District Council of Local Governments, P.O. Box 1586, 306 East Street—Joe Street, Rapid City, South Dakota 57701)
Sarasota, Florida (Southwest Florida Regional Planning Council, 2121 West First, Ft. Myers, Florida 33901)
San Antonio, Texas (Alamo Area Council of Governments, 400 Three Americas Building, San Antonio, Texas 78205)
Detroit, Michigan (Southeast Michigan Council of Governments, 1249 Washington Boulevard, Detroit, Michigan 48226)
East St. Louis, Illinois (Southern Illinois Metropolitan and Regional Planning Commission, 207 West Main Street, Collinsville, Illinois 62234)
Southeastern, Massachusetts (Southeastern Regional Planning and Economic Development District, 68 Winthrop Street, Taunton, Massachusetts 02780)
Lake and Porter County, Indiana (Northwestern Indiana Regional Planning Commission, 8149 Kennedy Avenue, Highland, Indiana 46322)
Dane County, Wisconsin (Dane County Regional Planning Commission, Room 312, City-County Building, Madison, Wisconsin 53709)
Mobile, Alabama (South Alabama Regional Planning Commission, 250 N. Water Street, P.O. Box 166, Mobile, Alabama 36601)
Lewis and Clark, North Dakota (Lewis and Clark Regional Council for Development, Box 236, Mandan, North Dakota 58501)
Broward County, Florida (Broward County Planning Council, 1600 S.E. 10th Terrace, Fort Lauderdale, Florida 33816)
St. Louis, Missouri (East-West Gateway Coordinating Council, 720 Olive Street—Suite 2110, St. Louis, Missouri 63101)
Centerville, Iowa (Chariton Valley Regional Services Agency, P.O. Box 591, Centerville, Iowa 52544)
Sioux Falls, South Dakota (South Eastern Council of Governments, 208 E. 13th Street, Sioux Falls, South Dakota 57102)
Kalamazoo, Michigan (South Central Michigan Planning and Development Commission, Conference Center, Connors Hall, Nazareth College, Nazareth, Michigan 49074)
South Bend, Indiana (Michiana Area Council of Governments, 11th Floor, County-City Building, South Bend, Indiana 46601)
Canton, Ohio (Northwest Ohio Four County Planning and Development Organization, 19 North High Street, Akron, Ohio 44308)
Flint, Michigan (Genesee-Lapeer-Shiawassee Counties Region V Planning and Development Commission, 1101 Beach Street, Flint, Michigan 48502)
Panhandle, Idaho (Panhandle Planning and Development Council, 411 Coeur d'Alene Avenue, P.O. Box 1154, Coeur d'Alene, Idaho 83814)
Cleveland, Ohio (Northeast Ohio Areawide Coordinating Agency, 439 The Arcade, Cleveland, Ohio 44114)
Muncie, Indiana (Region 6 Planning and Development Commission, 207 North Talley, Muncie, Indiana 47303)
Jackson, Michigan (Region II Planning Commission, Jackson County Building, 312 S. Jackson Street, Jackson, Michigan 49201)
Tampa Bay, Florida (Tampa Bay Regional Planning Council, 3151 Third Avenue North, Suite 540, St. Petersburg, Florida 33713)
Dade County, Florida (Metropolitan Dade County Planning Department, 909 S.W. 1st Avenue, Suite 900, Miami, Florida 33131)
Tallahassee, Florida (Tallahassee-Leon County Planning Department, P.O. Box 533, Tallahassee, Florida 32302)
Chicago, Illinois (Northeastern Illinois Planning Commission, 10 South Riverside Plaza, Chicago, Illinois 60606)
Indianapolis, Indiana (Indiana Heartland Coordinating Commission, Suite 217, 7202 N. Shadeland Avenue, Indianapolis, Indiana 46250)

JAMES L. AGEE,
Assistant Administrator for Water and Hazardous Materials.

JUNE 24, 1975.

[FR Doc.75-16836 Filed 6-27-75;8:45 am]

[FRL 392-1]

EFFLUENT STANDARDS AND WATER QUALITY INFORMATION ADVISORY COMMITTEE

Meeting

The Effluent Standards and Water Quality Information Advisory Committee is continuing its efforts in the development of information bases to establish feasible technical and economic applications of Best Available Technology (BAT) under Pub. L. 92-500 for U.S. Industry.

As a result of previously conducted public planning meetings, two industry areas were selected for initial industry/ES&WQIAC task force development. The industry areas are (1) Organics, Plastics and Synthetics and (2) Paperboard from waste paper.

A series of monthly workshop/meeting are planned on these industry areas corresponding to the milestones established for the task forces; completion of data collection; completion of analysis; completion of draft report and; final action on Best Available Technology (BAT) report.

The first workshop/meeting will be conducted at the University of Kentucky, Lexington, Kentucky on July 18 and 19, 1975. The workshop/meeting will begin at 9 a.m. on Friday, July 18th in the Board of Trustees Room–18th Floor, Patterson Office Tower, University of Kentucky, Lexington, Kentucky. The Agenda for July 18 includes: Review of Progress in Data Collection by Each Industry Area Task Force; Critique of Progress; Resolution of Sources and Methods to Supplement Needed Data; and, Decision on Methods of Analysis to be used. The workshop/meeting on Saturday, July 19th will begin at 9 a.m. The Agenda includes: Development of the Detailed Agenda for the Next Month's Workshop/Meeting; Finalization of the New ES&WQIAC Organization and Rules of Procedure.

The meeting will be open to the public and under the overall direction of the Committee Chairman. Since space is limited, call or write to Dr. Martha Sager, Chairman, or Mr. Martin Brossman, Executive Secretary, ES&WQIAC, Environmental Protection Agency, Crystal Mall, Building #2, Washington, D.C. 20460. Telephone A.C. 703 557-7390.

MARTHA SAGER,
Chairman, ES &WQIAC.

[FR Doc.75-16840 Filed 6-27-75;8:45 am]

[FRL 392-2]

ENVIRONMENTAL IMPACT STATEMENTS

Availability of Environmental Protection Agency Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of May 1, 1975 to May 31, 1975.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix V contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed agencies reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix VI.

Appendix VI contains a listing of the names and addresses of the sources of EPA reviews and comments listed in Appendices I, III, IV, and V.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Inquiries Branch, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460.

Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: June 13, 1975.

SHELDON MEYERS,
Director, Office of Federal Activities.

APPENDIX I.—*Draft environmental impact statements for which comments were issued between May 1, 1975 and May 31, 1975*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
D-AFS-E61010-OO	Chattooga River unit, Chattahoochee, Nantahala and Sumter National Forests, Rabun County, Ga.; Macon and Jackson Counties, N.C.; and Oconee County, S.C.	LO-2	E
D-AFS-E61011-NC	Buck Creek and North Fork Calawba River units, Pisgah National Forest, Avery, Burke and McDowell Counties, N.C.	LO-2	E
D-AFS-E65001-FL	Timber Management plan, Apalachicola National Forest, Franklin, Leon, Liberty, and Wakulla Counties, Fla.	LO-1	E
D-AFS-E65002-FL	Timber Management plan, Osceola National Forest, Baker and Columbia Counties, Fla.	LO-2	E
D-AFS-E65003-MS	Management plan for Tchoutacabouffa unit, De Sota National Forest, Harrison, Jackson and Stone Counties, Miss.	LO-2	E
D-AFS-G65008-LA	Management of North Evangeline unit, Kisatchie National Forest, Rapides Parish, La.	LO-2	G
D-AFS-L61018-AK	Tongass National Forest land use plan, Alaska	LO-1	K
D-AFS-L61022-ID	Multiple use plan, rainy day planning unit, Elk City Ranger District, Nez Perce National Forest, Idaho County, Idaho.	LO-1	K
D-AFS-L61024-WA	Land allocation proposal, Chelan planning unit, Washington.	ER-2	K
D-AFS-L61025-ID	Proposed land use plan, Landmark planning unit, Boise National Forest, Idaho.	LO-2	K
D-AFS-L61026-OR	Land use plan for the Mt. Butler-Dry Creek planning unit, Curry County, Oreg.	LO-1	K
D-AFS-L65004-AK	Herbicide use on national forests of Alaska	LO-1	K
D-AFS-L65009-WA	Gifford Pinchot, Mt. Baker, Olympic, and Snoqualmie National Forests, Wash.	LO-1	K
D-AFS-L61023-ID	Idaho City Planning Unit, land use plan, Idaho	LO-2	K
D-SCS-B36004-CT	Yantic River watershed, New London and Tolland Counties, Conn.	LO-1	B
D-SCS-E36018-GA	Watershed protection and flood prevention, Mill Branch watershed project, Bacon County, Ga.	LO-2	E
D-SCS-E36021-OO	Cypress Creek watershed protection and flood prevention, Lauderdale County, Ala. and Wayne County, Tenn.	ER-2	E
D-SCS-F36015-IN	Anderson River watershed, Crawford, Dubois, Perry, and Spencer Counties, Ind.	LO-2	F
D-SCS-F36017-IN	Jordan Creek watershed, Warren County, Ind	LO-2	F
D-SCS-F36018-MI	Rogue River watershed, Newaygo, Kent, Montcalm, Muskegon, and Chawa Counties, Mich.	ER-2	F
D-SCS-G36017-TX	Elm Creek watershed project, Cen-Tex, Bell, Falls, McLennan, and Milam Counties, Tex.	LO-1	G
D-SCS-G36018-TX	Pollard Creek watershed project, Palo Pinto County, Tex.	LO-2	G
D-SCS-G36021-TX	Sandy Creek watershed project, Jaspers County, Tex	LO-1	G
DS-REA-F07001-WI	Alma Unit No. 6 and related 161 kV transmission lines, Alma, Buffalo County, Wis.	EU-3	F
Department of Commerce:			
D-NOA-L00001-WA	Proposed Federal approval of the Coastal Zone Management program for Washington.	3	K
CORPS OF ENGINEERS:			
DS-COE-A30085-DE	Delaware coast beach erosion and hurricane protection program, Delaware.	LO-2	D
DS-COE-A32087-MO	Smithville Lake, Little Platte River, Clay County, relocation of Trimble wildlife area, Missouri.	LO-2	H
DS-COE-A34129-PR	San Juan Harbor, survey-review report, navigation, Puerto Rico.	LO-2	C
DS-COE-A36389-PA	Saw Mill Run, Pittsburgh, Pa	LO-2	D
D-COE-C32004-PR	Ponce Harbor, harbor improvement for navigation, Puerto Rico.	LO-1	C
DS-COE-C36005-NY	Saw Mill River and Elmsford to Greenburgh, Westchester County, N.Y.	LO-2	C
D-COE-C36012-NY	Operation and maintenance, Dunkirk Harbor, Chautauqua County, N.Y.	ER-2	C
D-COE-C36013-NY	Operation and maintenance, Great Sodus Bay Harbor, Wayne County; Little Sodus Bay Harbor, Cayuga County; Oswego Harbor, Oswego County, N.Y.	ER-2	C
D-COE-D35007-OO	Delaware River, Trenton to the sea and Schuylkill River and Elmington Harbor tributaries, New Jersey, Pennsylvania, and Delaware.	LO-2	D
D-COE-E35005-KY	Obion Creek project, West Kentucky tributaries, channel enlargement and improvement, graves, Hickman, Carlisle, and Fulton Counties, Ky.	ER-2	E
D-COE-E36019-NC	Scuppernong River flood control project, Washington County, N.C.	ER-2	E
D-COE-E36020-NC	Deep Creek flood control project, Edgecombe County, N.C.	LO-1	E
D-COE-E82001-OO	Aquatic plant control program, control and progressive eradication, mobile district, Florida, Georgia, Alabama, Mississippi, and Louisiana.	ER-2	E
D-COE-F30005-MI	Muskegon Harbor, mitigation of shore damage, Michigan.	LO-1	F
D-COE-F32019-OH	Ashtabula Harbor, operation maintenance, Ashtabula, Ohio.	ER-2	F
D-COE-F32020-OO	Calumet Harbor and River, maintenance dredging and disposal, Illinois and Indiana.	LO-2	F

APPENDIX I.—*Draft environmental impact statements for which comments were issued between May 1, 1975 and May 31, 1975*—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
D-COE-F34003-IL	Rend Lake, operation and maintenance, Illinois	ER-2	F
D-COE-F35019-OO	Menominee Harbor and River, dredging and dredge material disposal, Michigan and Wisconsin.	EU-3	F
D-COE-F35011-OH	Diked Disposal Facility Site No. 3, Ashtabula Harbor, Lake Erie, Ashtabula, Ohio.	ER-2	F
D-COE-F35012-WI	Operation and maintenance, Cornucopia and Port Wing Harbors, Bayfield County, Wis.	LO-2	F
D-COE-F35013-WI	Green Bay Harbor, maintenance dredging and contained disposal of dredge materials, Wisconsin.	ER-2	F
D-COE-F36019-IL	Mississippi River flood control, Moline, Ill	LO-2	F
D-COE-F36020-WI	Chippewa River flood control, Eau Claire, Wis	LO-1	F
D-COE-F36021-OH	Lake Erie flood control, Point Place, Toledo, Ohio	ER-2	F
D-COE-G32016-AR	Channel maintenance of White River, mile 9.8 to Newport, Monroe County, Ark.	ER-2	G
D-COE-G34006-LA	Mississippi River outlets, vicinity of Venice, La	ER-2	G
D-COE-H34004-IA	Operation and maintenance, Rathbun Lake, Iowa	ER-2	H
D-COE-H34005-KS	Operation and maintenance, Elk City, Fall River, Toronto Lakes, Kans.	ER-2	H
D-COE-H36014-MO	Union township drainage district, Lewis County, Mo	LO-2	H
D-COE-H36015-IA	Chelsea local protection project, Tama County, Iowa	LO-1	H
D-COE-H36016-IA	West Des Moines, Des Moines local flood protection, Polk County, Iowa.	ER-2	H
D-COE-L39002-WA	Squalicum small boat harbor expansion, Bellingham, Wash.	ER-2	K
D-COE-L39003-AK	Proposed small boat harbor, Hoonah, Alaska	LO-2	K
Department of Defense:			
D-USN-D81002-VA	Fort Story military family housing, Virginia Beach, Va	ER-2	D
D-USN-E11002-MS	Naval Oceanographic Center, National Space Technology Laboratory, NSTL, Bay St. Louis, Miss.	LO-2	E
D-USN-G81004-LA	Personnel administrative complex, Naval Air Station, Plaquemines Parish, Belle Chasse, La.	LO-2	G
General Services Administration:			
D-GSA-G81003-TX	New construction lease consolidation, Temple, Bell County, Tex.	LO-2	G
Department of Housing and Urban Development:			
D-HUD-D89003-WV	Government Square, triangle urban renewal projects, Charleston, W. Va.	ER-2	D
D-HUD-E85007-FL	Sterling Park, proposed development of 948 acres, Seminole County, Fla.	ER-2	E
International Boundary and Water Commission:			
D-IBW-G36019-OO	Rio Grande canalization project, Dona Ana and Sierra Counties, New Mexico and El Paso County, Tex.	LO-2	G
Department of the Interior:			
D-IBR-K32002-CA	San Felipe Division, Central Valley project, Santa Clara and San Benito Counties, Calif.	ER-2	J
D-IBR-L36024-OR	Anadromous fish passage improvements, Savage Rapids dam, Grants Pass division, Rogue River basin project, Oreg.	LO-1	K
D-IGS-J01001-WY	Mining and reclamation, Belle Ayr So. Mine, Amax Coal Co. Lease, Campbell County, Wyo.	ER-2	I
D-NPS-G61002-NM	Proposed master plan and development concept plan for Pecos National Monument, San Miguel County, N. Mex.	LO-2	G
RD-SFW-A86084-OO	Issuance of annual regulations permitting the sport hunting of migratory birds in the United States.	LO-1	A
D-SFW-L64002-WA	Construction and operation of the Makah National Fish Hatchery, Washington.	LO-1	K
D-BIA-A01029-WA	Sherwood uranium project, Spokane Indian Reservation, Stevens County, Wash.	ER-2	A
D-BLM-A02071-CA	1975 Outer Continental Shelf oil and gas general lease sale, OCS sale No. 35, offshore California.	3	A
D-DOI-C61001-NY	Proposed master plan for Fire Island National Seashore, New York.	LO-2	C
D-DOI-G05001-OO	General construction and maintenance program, Oklahoma, Arkansas, Missouri, parts of Texas, Kansas, and Louisiana.	LO-1	G
Nuclear Regulatory Commission:			
D-NRC-A06149-NY	Jamesport Nuclear Power Station, Units 1 and 2, Long Island Lighting Co., Docket Nos. Stn 50-516 and Stn 50-517, Riverhead, N.Y.	3	A
D-NRC-A06150-OH	Davis Besse Nuclear Power Station, Units 2 and 3, Toledo Edison Co., Docket Nos. 50-500 and 50-501, Carroll township, Ottawa County, Ohio.	ER-2	A
Department of Transportation:			
D-FAA-E51007-AL	Isbell Field Airport, Fort Payne, Ala	LO-2	E
D-FAA-F51002-IN	Weir Cook Municipal Airport, new runway construction land acquisition and relocation, Indianapolis, Ind.	ER-2	F
D-FAA-G51001-TX	Gaines County Airport, New Seminole, Tex	LO-2	G
D-FHW-E40029-GA	Overpass of I-95, Blythe Island, Glynn County, Ga	LO-2	E
D-FHW-E40030-NC	Holly Grove to Groometown, I-85 from NC-2025 east of Holly Grove, Davidson, Guilford, and Randolph Counties, N.C.	LO-1	E
D-FHW-F40027-WI	I-94, Oakes Road, WI-20, Racine County, Wis	LO-2	F
D-FHW-F40025-IL	U.S. 122, U.S. 7, Wacker Drive extension, Randolph St., Columbus Dr., North Lake Shore Drive Construction, Chicago, Cook County, Ill.	ER-2	F
D-FHW-F40031-WI	WI-32, Sheridan Rd., Kenosha County, Wis	LO-1	F
D-FHW-G40029-LA	U.S. 171, De Ridder, Fort Polk Highway, north and south section, Vernon Parish, La.	ER-2	G
D-FHW-G40030-LA	Interchange linking I-10 and Eden Isles Drive, St. Tammany Parish, La.	ER-2	G
D-FHW-G40031-TX	Loop 335, from I-40 East of Amarillo, north and west to U.S. 87 and U.S. 287, Potter County, Tex.	LO-2	G

APPENDIX I.—*Draft environmental impact statements for which comments were issued between May 1, 1975 and May 31, 1975*—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
D-FHW-G40032-TX	Beltway 8, section 2, TX-225 to I-45, Harris County, Tex.	ER-2	G
D-FHW-H40021-IA	U.S. 6, Pottawattamie County, Iowa	ER-2	H
D-FHW-H40023-NB	NB-370, Bellevue, Sarpy County, Nebr.	ER-2	H
D-FHW-J40008-CO	U.S. 50, Salida-Coaldale, Chaffee and Freemont counties, Colo.	ER-2	I
D-FHW-J40009-OO	Ten-mile extension of 4-lane divided facility, U.S. 285, Tiny Town-Conifer Junction corridor, Colo.	ER-2	I
D-FHW-L40020-ID	17th St., Idaho Falls, Key No. 360, Bonneville County, Idaho.	LO-1	K
Department of State:			
D-STA-D80002-DC	Washington Technical Institute and International Center, Washington, DC.	ER-1	D

APPENDIX II

DEFINITIONS OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

ENVIRONMENTAL IMPACT OF THE ACTION

LO—Lack of Objection

EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

ADEQUACY OF THE IMPACT STATEMENT

Category 1—Adequate

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information

EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX II.—*Final environmental impact statements for which comments were issued between May 1, 1975 and May 31, 1975*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
F-SCS-F36002-MN	Norman-Polk watershed, Norman and Polk counties, Minn.	EPA had no objections to the proposed project.	F
F-SCS-F36003-IN	Lye Creek drain watershed, Montgomery County, Ind.	EPA had no objections to the project as proposed.	F
Corps of Engineers:			
F-COE-A32081-OH	Lorain Harbor operations and maintenance, Lorain County, Ohio.	EPA generally had no objections to the proposed project. However, EPA recommends exploration of alternatives to interim disposal practices in the Harbor.	F
F-COE-A32088-OH	Fairport Harbor, maintenance, Ohio.	EPA generally had no objections to the proposed action. However, EPA recommended that the open water disposal site for any dredged spoil from Fairport Harbor should be at least 3 miles from any public or private water intake structure. Effects of currents and meteorological conditions should be taken into account to avoid and mitigate any adverse impacts to intake water quality during dredging and disposal.	F

APPENDIX II.—*Final environmental impact statements for which comments were issued between May 1, 1975 and May 31, 1975*—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
F-COE-A32419-IL	Carlyle Lake, Fayette and Bond Counties, Ill.	EPA's review indicated that the final EIS did not adequately respond to EPA's comments on the draft EIS concerning information on water quality data, the effects of increased loading upon Carlyle's wastewater treatment facilities and the reservoir release impacts upon these facilities.	F
F-COE-A34126-OK	Candy Lake, Candy Creek, Okla.	EPA has serious concerns with the environmental effects of the proposed project. Our primary concerns are based on the probable violation of EPA's "Proposed Interim Primary Drinking Water Standards," EPA's proposed criteria for water quality, and Oklahoma water quality standards with regard to heavy metals and their synergistic effects. EPA believes that the impoundment of Candy Creek will intensify the existing water quality problems, with a strong potential for preventing the use of impounded water for water supply and recreation, major project purposes. Lastly, EPA believes the need for Candy Lake for water supply and recreation is questionable, especially in light of the vast water resources within the project area (128,217 surface acres).	G
F-COE-A35118-OO	Operation and maintenance, Duluth-Superior Harbor, Wisconsin and Minnesota.	EPA generally had no objections to the proposed project. However, more information is needed relative to the water quality effects of the Miller's Creek diversion.	F
F-COE-A36386-MN	South Branch Wild Rice River, Felton Ditch, Minn.	EPA generally had no objections to the proposed project.	F
F-COE-A36413-MI	Flood control on the Saginaw River, Flint River, and tributaries, Flint, Mich.	EPA had no objections to the project as proposed.	F
F-COE-A39062-MO	Operation and maintenance, Clearwater Lake, Mo.	EPA had no objections to the proposed project. It was suggested that the corps develop a sampling program to determine the quality of reservoir releases. EPA believes that the possible flooding of crop land downstream should be addressed by the corps.	H
F-COE-A39084-KS	Operation and maintenance, Perry Lake, Kans.	EPA expressed environmental reservations on the proposed project. EPA expressed concern with the high fecal coliform counts in the lake and the failure to relate water quality data to the Kansas water quality standards. EPA requested adequate water quality sampling be conducted and the data related to the Kansas standards.	H
Department of Defense:			
F-DNA-K39003-TT	Cleanup, rehabilitation, and resettlement of Eniwetak Atoll, Marshall Islands, Trust Territories of the Pacific.	EPA generally had no objections to the proposed action. However, EPA continued to express concern about the dischage of raw sewage into the lagoon near the atoll.	J
F-USA-K11006-HI	Military family housing project, Aliamanu Military Reservation, Oahu, Hawaii.	EPA generally had no objections to the proposed action. However, EPA recommends that coordinative measures be taken with local officials to mitigate the impact of housing project traffic and accompanying air quality problems which will be introduced into an already congested roadway system.	J
F-USN-A11052-FL	Land acquisition and construction of two helicopter outlying fields at Naval Air Station, Whiting Field, Milton, Fla.	EPA had no objections to the project as proposed.	E
F-USN-E85002-SC	526 Navy family housing units in fiscal year 1975, Naval Weapons Station, Charleston, S.C.	EPA had no objections to the project as proposed.	E
Federal Energy Administration:			
F-FEA-A07086-OO	Coal conversion program	EPA finds that most of the concerns expressed in the review of the draft statement has been satisfactorily addressed by FEA. In particular, we are pleased to note that FEA will be preparing environmental assessments and environmental impact statements for specific conversion orders when such are determined necessary.	A
General Services Administration:			
F-GSA-A60099-MI	Grosse Ile south channel range light property, Michigan.	EPA had no objections to the proposed project.	F
F-GSA-D80001-DC	Proposed Soviet Embassy Complex, Washington, D.C.	EPA generally had no objections to the proposed action.	D
F-GSA-L81003-AK	Federal building, courthouse and parking facility, Anchorage, Alaska.	EPA expressed environmental reservations on the proposed project. Since calculations in the EIS indicate that predicted CO concentrations very closely approach national ambient air quality standards, EPA suggested that a more rigorous analysis should be conducted to assess the impact of the proposed facility on ambient air quality.	K

APPENDIX II.—*Final environmental impact statements for which comments were issued between May 1, 1975 and May 31, 1975*—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Housing and Urban Development:			
F-HUD-C60001-PR.	Disposition of San Patricio surplus Federal real property area, San Juan, P.R.	EPA had no objections to the proposed project. However, EPA suggested that all appropriate socioeconomic and environmental studies be undertaken to determine the project's feasibility.	C
F-HUD-C85001-NY.	Niagara Falls Rainbow Center, urban renewal project, Niagara County, N.Y.	EPA generally had no objections to the proposed action. However, EPA recommended that HUD more clearly define proposed actions in future EIS's.	C
FS-HUD-A85038-CO.	West side housing neighborhood development program, Colorado.	EPA generally had no objections to the project as proposed.	I
Department of the Interior:			
F-BLM-A02066-OO.	1975 oil and gas lease sale No. 38 Outer Continental Shelf, offshore Central Gulf, Texas, Mississippi, Alabama, and Louisiana.	EPA expressed environmental reservations on the proposed lease sale. EPA is especially concerned about the offering of 63 high hazard tracts and has recommended that all deep water tracts be considered high-risk tracts until deep water technology is fully proven. EPA further advised that an OCS operating order addressing deep water technology be developed and that the area of remedial technology for subsea production systems be explored prior to endorsement of these systems for future operations.	A
F-NPS-A61177-WA.	Mt. Rainer Wilderness, Mt. Rainer National Park, Wash.	EPA had no objections to the proposed project..	K
Department of Transportation:			
F-DOT-A41198-MO.	I-44 widening, St. Louis County, Missouri.	EPA had no objections to the proposed project. However, EPA has recommended indirect source review procedures for the project if construction does not begin before January 1, 1976.	H
F-DOT-A41476-IL..	FAP route 207, IL-207, Edwardsville bypass, Madison County, Ill.	EPA generally had no objections to the proposed project.	F
F-FHW-A41816-PA.	A 4952, section 1, York County, Richland Ave., Pa.	EPA generally had no objections to the action as proposed.	D
F-FHW-A42221-ID..	Bellgrove-Coeur D'Alena Highway, U.S. 95, Idaho.	EPA had no objections to the project as proposed.	K
NF-FHW-A42236-MI	U.S. 31 relocation, Oceana County, Mich., (negative declaration).	EPA had no objections to the proposed project...	F
F-FHW-A42280-KY	Murray-Benton Road highway project, Calloway County, Ky.	......do	E
FS-FHW-D40014-MD	I-95, Russell St. to Hanover St., Baltimore, Md.	EPA generally had no objections to the proposed project.	D
F-FHW-E40083-TN.	Appalachian Corridor B, Sullivan County, from TN-93 to Virginia State line, Tenn.	EPA generally had no objections to the proposed project. However, EPA recommended that a supplement be provided on potential noise problems.	E
F-FHW-H40001-KS.	95th St., Lenexa and Overland Park, Johnson County, Kans.	EPA expressed environmental reservations on the proposed project. EPA believes that the proposed project will perpetuate and increase exterior noise levels above the maximum exterior level of L10 70 dBA provided in FHWA policy and procedure memorandum 90-2. EPA believes that noise above that level may have adverse effects on adjacent residential development.	H

APPENDIX IV.—*Final environmental impact statements which were reviewed and not commented on between May 1, 1975 and May 31, 1975*—Continued

Identifying No.	Title	Source of Review
Department of Agriculture:		
F-AFS-A65068-NM.	Sandia Mountain land use plan, Cibola National Forest, N. Mex	G
F-AFS-A65080-ID..	Elk Summit planning unit, Idaho	K
F-AFS-A82065-AZ..	Aquatic weed control, Apache-Sitgraves National Forest, Ariz	J
F-AFS-G65002-AR.	Managing the forks unit of Ouachita National Forest, Ark	G
F-AFS-J65005-CO...	Timber management plan for Routt National Forest, Colo	I
F-AFS-J65006-UT..	Land use plan for the Boulder Mountain planning unit, Utah	I
F-AFS-K65002-CA..	Aspen-Horsethief timber sale, Sierra National Forest, Calif	J
F-AFS-L61011-ID...	Red Rock Peak planning unit, Salmon National Forest, Intermountain Region, Idaho.	K
F-AFS-L61015-ID...	Proposed land use plan, Warren planning unit, Payette National Forest, Idaho.	K
F-SCS-A36414-AR..	Flat Rock Creek watershed, Crawford County, Ark	G
F-SCS-E36010-NC..	Stoney Creek watershed, Wayne County, N.C	E
F-SCS-G36004-LA..	Kinder watershed, Allen and Jefferson Parishes, La	G
F-SCS-G36010-LA..	West Fork of Bayou Lacassine watershed, Jefferson Davis, Calcasieu Parishes, La.	G
Corps of Engineers:		
F-COE-A32461-NY.	Maintenance of Jones Inlet, Nassau County navigation project, N.Y	C

APPENDIX IV.—*Final environmental impact statements which were reviewed and not commented on between May 1, 1975 and May 31, 1975*

Identifying No.	Title	Source of Review
F-COE-A34129-AR	Dierks Lake, Saline River, Sevier and Howard Counties, Ark	G
F-COE-A34131-CO	Trinidad Lake project, Purgatoire River, Colo	I
F-COE-A35074-AK	Operation and maintenance of Homer Small Boat Harbor, Alaska	K
F-COE-A35143-PR	San Juan Harbor, maintenance dredging, Puerto Rico	C
F-COE-A36185-KS	Lawrence flood protection project, Kansas River, Kansas	H
F-COE-A36256-CA	Cucamonga Creek and tributaries flood control, San Bernardino County, Calif.	J
F-COE-A36296-IA	Maquoketa River and Kitty Creek local flood protection, Monticello, Iowa	H
F-COE-A39092-CA	Sacramento River, Chico Landing to Red Bluff, bank protection project, California.	J
F-COE-A61066-CA	Surfside-Sunset and Newport Beach, Orange County, Calif	J
F-COE-K30601-CA	Las Tunas Beach Park, Los Angeles County, Calif	J
F-COE-K36001-CA	Kings River channel improvement project, Cole Slough, Laton area, Fresno and Tulare Counties, Calif.	J
Department of Defense:		
FA-USA-J20000-CO.	Demilitarization and disposal of M34 GS filled clusters at Rocky Mount Arsenal, Amendment No. 1 to the final, Colordao.	I
F-USA-L11001-AK	Construction and operation parachute drop zone and short landing strip, Fort Richardson, Alaska.	K
General Services Administration:		
F-GSA-G99001-TX	Interagency motor pool, Dallas, Tex	G
F-GSA-J81001-CO	Repair and alteration projects at Denver Federal Center, Colorado	I
Interstate Commerce Commission:		
F-ICC-A53032-OO	Ex parte No. 295, Sub No. 1, Increased Freight Rates and Charges, 1973, Recyclable Materials.	A
Department of the Interior:		
F-SFW-E61013-SC	Proposed Romain Wilderness Area, Charleston, S.C	E
F-DOI-A61025-OO	874 mile long Potomac Heritage National Scenic Trail, Washington, D.C., Maryland, Pennsylvania, Virginia, and West Virginia.	A
Department of Transportation:		
F-CGD-A32474-VA	Regulated navigation area for the entrance to Chesapeake Bay, Virginia	D
FS-FHW-A41732-IA.	Guthrie Avenue Viaduct, Des Moines, Polk County, Iowa	H
F-FHW-A41988-HI	Fort Weaver Road realignment and widening, Oahu, Hawaii	J
F-FHW-A42066-CA	CA-84, Antioch Bridge Replacement, Contra Costa County, Calif	J
F-FHW-A42083-CA	CA-20, Penn Valley to Grass Valley, Nevada County, Calif	J
F-FHW-A42157-CA	Forest Highway 68, CA-38, San Bernardino County, Calif	J
F-FHW-A42237-MS	U.S. 45, Lowndes, Clay, Monroe, and Lee Counties, Mississippi	E
F-FHW-H40010-NB.	NB-11, Scotia-South, Howard and Greeley Counties, Nebraska	H

APPENDIX V.—*Regulations, legislation and other Federal agency actions for which comments were issued between May 1, 1975 and May 31, 1975*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
R-DOA-A8700-OO	7 CFR part 1817, unsatisfactory performance or improper actions by persons dealing with applicants, borrowers, and grantees, proposed debarment regulation.	EPA recommended that FHA include in their debarment procedures provisions relating to EPA's program on withholding awards from air and water polluting facilities pursuant to section 306 of the Clean Air Act, section 508 of the Federal Water Pollution Control Act, and Executive Order 11738.	A
R-AFS-A65115-OO	36 CFR part 231, grazing advisory boards, proposed procedures for establishment.	EPA generally had no objections to the proposed action. However, EPA suggested that the grazing advisory boards include representatives from the diverse user groups of the national forests as voting members.	A
Federal Power Commission:			
R-FPC-A27002-OO	18 CFR chapter I, plans and costs for meeting current air pollution standards, proposed electric utility questionnaire.	EPA supports the concept of a questionnaire to examine future utility emission control plans and costs, however, EPA has identified several items in the FPC proposal which in EPA's judgment requires modification or clarification. In particular, EPA recommends that the FPC consider and perhaps adopt the questions included in a comprehensive questionnaire on flue gas desulfurization system design which has already been developed by EPA and the Edison Electric Institute.	A

APPENDIX V.—*Regulations, legislation and other Federal agency actions for which comments were issued between May 1, 1975 and May 31, 1975*

Identifying Number	Title	General nature of comments	Source for copies of comments
Department of Health, Education, and Welfare:			
R-HEW-A88008-OO	42 CFR Part 82, occupational safety and health industrial sound level meter sets.	EPA generally had no objections to the proposed regulation. However, EPA offered comments regarding noise level definitions and future coordination on noise matters.	A
Department of the Interior:			
R-BLM-A65110-OO	43 CFR Parts 4110, 4120, 4130 conservation for protection of natural resources or the environment, proposed license permit, and leasing procedures, requirements and conditions.	EPA expressed environmental reservations about the proposed changes, which require conviction of a violation of federal or State environmental laws "as a prerequisite to reduction or cancellation of a grazing lease, license, or permit by the Bureau of Land Management." EPA believes the proposed regulation appears less protective of the environment than earlier proposed rulemaking.	A
R-SFW-A64039-OO	50 CFR Parts 25-28, National Wildlife Refuge System, public use regulations.	EPA generally had no objections to the proposed regulations. However, EPA expressed reservations concerning the permissible noise level emissions from motor vehicles.	A
Security and Exchange Commission:			
R-SEC-A86083-OO	Notice, public proceeding on environmental and other socially significant matters.	EPA provided a partial listing of data and information documents relating to the administration of the Clean Air Act, the Federal Water Pollution Control Act, and the Federal Insecticide, Fungicide and Rodenticide Act. Other sources were identified in a general way. EPA agreed to be of further assistance regarding this matter.	A
Department of Transportation:			
R-DOT-A88001-OO	49 CFR part 325, interstate motor carrier noise emission standards, compliance with standards.	EPA's comments on the proposed compliance procedures covered 15 points. Most significantly, EPA recommended that enforcement strategies be documented more thoroughly, survey sites be expanded and certain definitions be made more precise.	A

APPENDIX VI

SOURCE FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, 1421 Peachtree Street, NE, Atlanta, Georgia 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Texas 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, California 94111.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc.75-16839 Filed 6-27-75;8:45 am]

[FRL 393-3]

VERMONT; MARINE SANITATION DEVICE STANDARD

Receipt of Petition

Notice is hereby given that a petition has been received from the State of Vermont that the Administrator, by regulation, prohibit the discharge from a vessel of any sewage (whether treated or not) into the waters of the State of Vermont including those Vermont portions of Lake Champlain and Lake Memphremagog. This action is requested pursuant to section 312(f) (3) and (4) of Pub. L. 92-500.

The petition states that the Vermont Water Resources Board Classification Order for Lake Champlain, dated March 21, 1968, and Lake Memphremagog, dated June 9, 1971, together with the current Regulations Governing Water Classification and Control of Quality as adopted by the Vermont Water Resources Board on December 20, 1973, specifically exclude the discharge of sewage from watercraft on the respective lakes. The State of Vermont has been implementing a holding tank policy for Lake Champlain since 1971. A total of 15 vessel waste pump-out stations have been established on Lake Champlain; eight of these stations are located on the New York shore and seven are in Vermont. Wastes collected on the Vermont shoreline are disposed of by proper land disposal or via municipal wastewater treatment facilities. A municipally operated pump-out station connected to the Newport collection system and treatment facility will be constructed at the Newport Municipal Pier on Lake Memphremagog by November 1976.

Comments and views regarding this request for action may be filed within 45 days of the date of publication of this notice. Such communications, or requests for a copy of the applicant's petition, should be addressed to the Acting Director, Criteria and Standards Division (WH-451), Office of Water Planning and Standards, OWHM, Room 737 East Tower, Waterside Mall, Washington, D.C. 20460.

JAMES L. AGEE,
Assistant Administrator for Water and Hazardous Materials.

JUNE 25, 1975.

[FR Doc.75-16988 Filed 6-27-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 759]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JUNE 23, 1975.

Pursuant to §§ 1.227(b)(3) and 21.30(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to Section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application

accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21710-CD-P-75, Southwestern Bell Telephone Company (New), C.P. for a new Auxiliary Test Station to operate on 157.80, 157.83, and 157.92 MHz to be located at 807 North East Street, Victoria, Texas.

21711-CD-P-75, Answerite Professional Telephone Service (KUC869), Resubmitted; C.P. to relocate facilities operating on 152.24 MHz located at 800 N. AIA Hwy., Indialantic, Florida.

21712-CD-P-(4)-75, Michigan Bell Telephone Company (KQA811), C.P. to change antenna system and relocate base and standby facilities operating on 152.63 and 152.78 MHz to be located at 124 Allegan, Lansing, Michigan; and add base and standby facilities operating on 152.69 MHz at same location listed above.

21713-CD-P-75, South Central Bell Telephone Company (KIY454), C.P. to change power operating on 152.72 MHz located at 417 Madison Street, Clarksville, Tennessee.

21714-CD-P-75, Telpage of Iowa, Inc. (New), C.P. for a new station to operate on 152.03 MHz to be located at Warden Bldg., 908-1st Avenue South, Fort Dodge, Iowa.

21715-CD-P-75, Tel-Page Corporation (KEK295), C.P. for additional facilities to operate on 152.24 MHz at Loc. #3: 99 West First Street, Corning, New York.

21716-CD-P-(5)-75, Mobile Phone of Texas, Inc. and Page A Fone Corp. d/b as Tel-Page (New), C.P. for a new station to operate on 152.03 and 158.49 MHz, Base and 459.100 Repeater, located 9.5 miles WSW of Albany, Texas, and two controls operating on 454.100 MHz located at North 4th and Pine Streets, Abilene and Endora Road, Breckenridge, Texas.

21717-CD-P-(2)-75, General Communications Service, Inc. (KRM947), C.P. to relocate facilities operating on 152.24 MHz, Base and Standby, located on Roof of Peachtree Plaza Hotel SW corner of Peachtree and Cain Streets, Atlanta, Georgia.

21718-CD-P-75, Andrew Hawkins d/b as KWIK KALL Communications Co. (KUD 232), C.P. for additional facilities operating on 454.075 and 454.275 MHz located at 5321 First Place, NE., Washington, D.C.

21719-CD-P-75, Burlington, Brighton & Wheatland Telephone Co. (KUO636), C.P. for additional facilities to operate on 158.10 MHz at Loc. #2: On Hwy. 83, 1.3 miles North of Interstate 94, Delafield, Wisconsin.

21720-CD-P-75, Hartington Telephone Company, Inc. (New), C.P. for a new station to operate on 152.81 and 158.07 MHz to be located on Highway #15, 2 miles North of Hartington, Nebraska.

21721-CD-P-(2)-75, Mobile Radio Systems Ltd. (KSJ824), C.P. to relocate facilities and replace transmitter operating on 152.21 and 152.18 MHz located at 1704 E. Jackson Street, Springfield, Illinois.

21722-CD-P-75, Susquehanna Mobile Communications, Inc. (KGC599), C.P. to relocate facilities operating on 152.18 MHz located at 240 North Third Street, Harrisburg, Pennsylvania.

21440-CD-ML-75, Radiofone (KSV973), Mod. of License to change freq. from 454.225 MHz to 454.150 MHz. All other particulars remain as licensed.

MAJOR AMENDMENT

Charles F. Mefford d/b/a Southern Ohio Radiotelephone and Paging amending to show applicant as Tel Page Corporation. Application for construction permit to add transmitter for Station KSV960, Mt. Carmel, Ohio; FCC File No. 21072-C2-P-74.

Corrections

21461-C2-P-(6)-74, Southwest Mobilfone, Inc. should have been listed as being part of FN: 21460-C2-P-(5)-74. All other particulars for both applications are to remain the same as originally reported on the Commission's Public Notice #703 dated June 3, 1974.

20607-CD-P-75, Houston Mobilfone, Inc., which appeared on the Commission's Public Notice #727 dated November 11, 1974, should have been listed as a major amendment to FN: 20585-CD-P-(2)-75 which appeared on PN #725, dated October 29, 1975. All other particulars are to remain as originally reported.

21584-CD-P-75, Airsignal International of Pittsburgh, Pennsylvania, Inc. Should have been and is now considered a major amendment to File No. 21069-CD-P-75.

INFORMATIVE

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding Ex Parte presentations by reasons of potential electrical interference.

158.70 MHz.

Coastal Bend Communications, Inc., Corpus Christi, Texas (New), 20133-CD-P-75.

Southwest Mobilfone, Inc., Corpus Christi, Texas (New), 21463-C2-P-74.

Answer, Inc. Corpus Christi, Texas (New), 20072-CD-P-75.

454.175 454.275 454.300 454.325 454.350 MHz.

Simon Rubinsky, Harlingen & Brownsville, Texas (New), 20056-CD-P-(8)-75.

Southwest Mobilfone, Inc., McAllen, Edinburgh, Brownsville, Los Fresnos, Harlingen, Texas (New), 21460-C2-P-(5)-74.

454.100 454.250 454.300 MHz.

Simon Rubinsky, Harlingen & Brownsville, Texas (New), 20056-CD-P-(8)-75.

Radio Dispatch, Inc., Harlingen, Texas (New), 20068-CD-P-(3)-75.

454.150 MHz.

Mobilphone of Texas, Inc., Houston, Texas (New), 20259-CD-P-75.

Mobile Telecommunications Corporation, Houston, Texas (New), 20616-CD-P-75.

Joseph H. Wofford d/b/a Radiophone of Houston, Houston, Texas (New), 20603-CD-P-75.

INFORMATIVE

It appears the following applications may be mutually exclusive and subject to the Commission's Rules regarding Ex Parte presentations by reasons of potential electrical interference.

Airsignal International of Pittsburgh, Pennsylvania, Aliquippa, Pa. KGA805, 21584-CD-P-75.

Airsignal International of Pittsburgh, Pennsylvania, Logans Ferry, Pa. KGA805 21069-CD-P-75.

The Medical-Dental Bureau, Youngstown, Ohio (New), 21249-CD-P-75.

Metrotec, Inc., Youngstown, Ohio (New), 21578-CD-P-75.

RURAL RADIO

60355-CR-P-75, RCA Alaska Communications, Inc. (WAQ586), C.P. to relocate facilities operating on 459.450 MHz to be located at 338 miles North of Fairbanks, Alaska.

60356-CR-P-75, RCA Alaska Communications, Inc. (New), C.P. for a new Inter-Office station to operate on 459.450 MHz to be located at Alyeska Pipeline Construction site, 3.8 miles SE of Galbraith, Alaska.

60357-CR-P-75, RCA Alaska Communications, Inc. (WSM89) C.P. to relocate facilities and change frequency to 454.450 MHz to be located at Alyeska pipeline construction site near Hill 7485; 242 miles north of Fairbanks, Alaska.

60358-CR-P/L-75, RCA Alaska Communications, Inc. (New) C.P. for a new Central office station to operate on 152.57 MHz to be located 12 miles north of Kenai, Alaska.

60359-CR-P/L-75, RCA Alaska Communications, Inc. (New) C.P. for a new rural subscriber station to operate on 157.83 MHz to be located at FAA RTR Bldg., Kenai, Alaska.

60344-CR-ML-75, The Mountain States Tel. & Tel. Company (KSV88) Mod. of License to add point of communication located at Cheyenne, Wyoming (WAQ569) operating on 454.40 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE

4427-CF-P-75, American Telephone and Telegraph Company (KSA43), 1.2 Miles SW of Mishawaka, Indiana. Lat. 41°38'00" N., Long. 86°11'53" W.C.P. to change antenna system and location, replace transmitters and change frequency 11670H to 10835V MHz toward WNFT-TV, Elkhart, Indiana on azimuth 65°55'.

4459-CF-ML-75, Southern Bell Telephone and Telegraph Company (KIP48), 304 Pine Street, Albany, Georgia. Lat. 31°34'40" N., Long. 84°09'17" W. Mod. of License to change polarity from Vertical to Horizontal on frequencies 3750, 3830, 3910, 3990, 4070, and 4150 MHz toward Greenough, Georgia on azimuth 173°42'.

4238-CF-ML-75, Same (KJL38), Greenough, 4.5 Miles SE of Baconton, Georgia. Lat. 31°19'07" N., Long. 84°07'16" W. Mod. of License to change antenna system and polarity from Vertical to Horizontal on frequencies 3710, 3790, 3870, 3950, 4030, and 4110 MHz toward Meigs, Georgia on azimuth 181°18'.

4239-CF-ML-75, Same (KIU49), 122 Remington Avenue, Thomasville, Georgia. Lat. 30°50'11" N., Long. 83°58'42" W. Mod. of License to change antenna system and polarity from Horizontal to Vertical on frequencies 3710, 3790, 3870, 3950, and 4030 MHz toward Meigs, Georgia on azimuth 331°43'.

4548-CF-ML-75, Pacific Northwest Bell Telephone Company (KOY41), Devil's Mountain, 5.0 Miles SE of Mount Vernon, Washington. Lat. 48°21'55" N., Long. 122°16'04" W. Mod. of License to change polarity from Horizontal to Vertical on frequencies 3710, 3790, and 3870 MHz toward Lookout Mountain, Washington on azimuth 346°16'.

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[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

4549-CF-ML-75, Same (KOY42), Lookout Mountain, 4.7 Miles SE of Bellingham, Washington. Lat. 48°42'21" N., Long. 122°-23'37" W. Mod. of License to change polarity from Horizontal to Vertical on frequencies 3750, 3830, and 3910 MHz toward Devil's Mountain, Washington on azimuth 166°10'.

4542-CF-P-75, The Mountain States Telephone and Telegraph Company (WAY54), Mt. Francis, 5.3 Miles SW of Prescott, Arizona. Lat. 34°29'25" N., Long. 112°32'00" W. C.P. to add frequencies 3890.0V MHz toward Prescott, Arizona on azimuth 46°59', and 3870.0H MHz toward Towers Mountain, Arizona on azimuth 152°05'.

4547-CF-P-75, Same (KPL23), 140 North Marina Street, Prescott, Arizona. Lat. 34°32'36" N., Long. 112°28'01" W.C.P. to add frequency 4010V MHz toward Mt. Francis, Arizona on azimuth 226°02'.

4538-CF-P-75, Same (WAY52), Towers Mountain, 2.6 Miles NW of Crown King, Arizona. Lat. 34°14'01" N., Long. 112°22'11" W. C.P. to add frequency 3990.0H MHz toward Mt. Francis, Arizona on azimuth 332°11'.

4405-CF-ML-75, Southern Bell Telephone and Telegraph Company (KTF45), 937 Greene Street, Augusta, Georgia. Lat. 33°28'30" N., Long. 81°58'10" W. Mod. of License to change antenna system, replace transmitters and change frequency 11685H MHz to 11245V MHz toward WATU-TV, Beech Island, South Carolina on azimuth 116°15'.

4406-CF-MP-75, United Telephone Company of Ohio (KQK45), 2.5 Miles East of Bellefontaine, Ohio. Lat. 40°22'02" N., Long. 83°43'07" W. Mod. of Construction Permit to add frequencies 11465.0V and 11225.0V MHz toward an additional point of communication at Gutman, Ohio on azimuth 305°17'.

4409-CF-R-75, South Central Bell Telephone Company (KZS92), Location: In any temporary-fixed location within the states of Alabama, Kentucky, Louisiana, Mississippi, and Tennessee. Application for Renewal of Radio Station License (Developmental) expiring July 1, 1975. Term: July 1, 1975 to July 1, 1976.

4410-CF-ML-75, North Carolina Telephone Company (KIW73), 311 Morven Road, Wadesboro, North Carolina. Lat. 34°57'45" N., Long. 80°04'31" W. Mod. of License to replace transmitters and change power on frequencies 6241.7H and 6360.3H MHz toward Marshville, North Carolina on azimuth 275°24'; and 6301.0H and 6419.6H MHz toward Norwood, North Carolina on azimuth 351°34'.

4411-CF-ML-75, Same (KJK89) U.S. Hwy 52, Norwood, North Carolina. Lat. 35°13'36" N., Long. 80°07'23" W. Mod. of License to replace transmitters and change power on frequencies 6049.0H and 6167.6H MHz toward Wadesboro, North Carolina on azimuth 171°32'.

4412-CF-ML-75, Same (KIW72) U.S. Hwy 74, Marshville, North Carolina. Lat. 34°59'06" N., Long. 80°22'09" W. Mod. of License to replace transmitters and change power on frequencies 5989.7H and 6108.3H MHz toward Wadesboro, North Carolina on azimuth 95°14'.

4424-CF-ML-75, American Telephone and Telegraph Company (KPM74), 5.0 Miles SE of Enterprise, Utah. Lat. 37°30'48" N., Long. 113°39'15" W. Mod. of License to change polarity from Vertical to Horizontal on frequencies 3750, 3830, 3910, 3990, 4070, 4150, and 4198 BHz; change from Horizontal to Vertical on 3770, 4090, and 4170 MHz toward Santa Clara, Utah on azimuth 193°26'.

4425-CF-ML-75, Same (KPM75), 9.5 Miles WSW of Santa Clara, Utah. Lat. 37°06'08" N., Long. 113°49'31" W. Mod. of License to change polarity from Vertical to Horizontal on frequencies 3710, 3790, 3950, 4030, 4110, and 4190 MHz; change from Horizontal to Vertical on 3730, 4050, and 4130 MHz toward Enterprise, Utah on azimuth 18°20'.

The following renewal applications for the term ending August 1, 1980 have been received.

THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY

Call Sign	Location
KKU52	Sierra Morena, Calif.
KKU53	Redwood City, Calif.
KMA29	Mt. Diablo, Calif.
KMA30	Mt. Oso, Calif.
KMA31	Panoche Mountain, Calif.
KMA32	Joaquin Ridge, Calif.
KMA33	Temblor Range, Calif.
KMA34	Pyramid Hills, Calif.
KMA36	Tehachapi Mountain, Calif.
KMA37	Oat Mountain, Calif.
KMA38	Los Angeles, Calif.
KMA40	Los Angeles, Calif.
KMB68	Mount Wilson, Calif.
KMB70	San Francisco, Calif.
KMC67	East Bay Hills, Calif.
KMD39	San Clemente Island, Calif.
KMD40	Avalon, Calif.
KMD41	San Pedro, Calif.
KME44	Santiago, Calif.
KME45	Boucher Hill, Calif.
KME46	San Diego, Calif.
KME47	Anaheim, Calif.
KME49	(257 Units) In any temporary fixed location within territory of the Grantee.
KMJ79	Mt. Laguna, Calif.
KMJ93	Loma Prieta Mountain, Calif.
KMJ95	Sacramento, Calif.
KMJ96	High Plateau Mountain, Calif.
KML54	Fresno, Calif.
KML55	Marysville, Calif.
KML55	Bakersfield, Calif.
KMM97	Turquoise, Calif.
KMM98	Vaca Hill, Calif.
KMM99	Chico, Calif.
KMN20	Tuscan, Calif.
KMN21	Sugar Loaf Mountain, Calif.
KMN22	McCloud, Calif.
KMN23	Pythian, Calif.
KMN30	Stockton, Calif.
KMN31	Merced, Calif.
KMN33	Turtle Dome, Calif.
KMN91	San Jose, Calif.
KMN92	Sentinel Dome, Calif.
KMN97	Borrego, Calif.
KMO36	Park Ridge, Calif.
KMO89	Santa Rosa, Calif.
KMO90	Cloverdale, Calif.
KMO91	Laughlin Ridge, Calif.
KMO92	Cahto Peak, Calif.
KMO93	Pratt Mountain, Calif.
KMO94	Mt. Pierce, Calif.
KMO95	Eureka, Calif.
KMQ30	Sherman Oaks, Calif.
KMQ31	Hauser Mountain, Calif.
KMQ32	Table Mountain, Calif.
KMQ33	Strawberry Peak, Calif.
KMQ34	San Bernardino, Calif.
KMQ36	Oakland, Calif.
KMQ37	Burdell Mountain, Calif.
KMQ38	Brush Mountain, Calif.
KMQ41	Wolf Creek, Calif.
KMQ63	Pennington, Calif.
KMQ64	Walker Ridge, Calif.
KMU40	Compton, Calif.
KMU52	Pine Hill, Calif.

Call Sign	Location
KMU53	Jackson, Calif.
KMU54	Cedar Ridge, Calif.
KMU55	Fremont Peak, Calif.
KMU56	Red Top, Calif.
KMU57	Bear Mountain, Calif.
KMU58	Rocky Hill, Calif.
KMU59	Richgrove, Calif.
KMW56	Mt. Adelaide, Calif.
KMW57	Cameron, Calif.
KMW58	Hi Vista, Calif.
KMW59	Phelan, Calif.
KMW60	Keller Peak, Calif.
KMW68	Cazadero, Calif.
KMW69	Point Arena, Calif.
KMW70	Angels Peak, Calif.
KMW73	El Monte, Calif.
KMW74	Padua Hills, Calif.
KMX55	Hall Canyon Hill, Calif.
KMX56	Santa Ynez Peak, Calif.
KMX57	Santa Maria, Calif.
KMX60	Taft, Calif.
KMZ70	La Panza Peak, Calif.
KMZ71	Tassajera, Calif.
KMZ72	San Luis Obispo, Calif.
KMZ78	El Centro, Calif.
KMZ79	Cisco Butte, Calif.
KNB53	San Francisco, Calif.
KNG55	Santa Barbara, Calif.
KNJ90	Oxnard, Calif.
KNK39	Lytle Creek, Calif.
KNK40	Lucerne Valley, Calif.
KNK41	Bese, Calif.
KNK42	Hector, Calif.
KNK43	Kelso, Calif.
KNK44	Shoshone, Calif.
KNK48	Mount Gleason, Calif.
KNK53	Salinas, Calif.
KNK58	Pleasant Grove, Calif.
KNK63	Palmdale, Calif.
KNK84	Mt. Laguna, Calif.
KNK85	Palmdale, Calif.
KNK87	Box Spring Mountain, Calif.
KNK90	Sunnyvale, Calif.
KNL51	Ukiah, Calif.
KNL52	Purdys Gardens, Calif.
KNL53	Lakeport, Calif.
KNL55	Granite, Calif.
KNL56	Sheep Hole, Calif.
KNL57	Belle, Calif.
KNL58	Joshua, Calif.
KNL59	Ranger, Calif.
KNL69	Honcut, Calif.
KNL70	Oroville, Calif.
KNL72	Ione, Calif.
KNL73	Roma, Calif.
KNL74	Elk Grove, Calif.
KNL75	Lodi, Calif.
KNL78	Corona Del Mar, Calif.
KNL79	San Clemente, Calif.
KNL80	San Marcos, Calif.
KNL81	Escondido, Calif.
KNL90	Redding, Calif.
KNL94	Black Mountain, Calif.
KNL95	Oceanside, Calif.
KNM26	Round Top Hill, Calif.
KNM27	Clayton, Calif.
KNM28	Ben Bolt, Calif.
KNM29	Union Hill, Calif.
KNM30	Echo Summit, Calif.
KNM31	South Sussex Street, Calif.
KNM32	Baker, Calif.
KNM40	Los Angeles, Calif.
KNM41	Baldwin Hills, Calif.
KNM43	Olinda, Calif.
KNM63	Buena Vista, Calif.
KNM64	Whitaker Peak Lookout, Calif.
KNM65	Gustine, Calif.
KNM68	Kernville, Calif.
KNM69	Onyx, Calif.
KNM70	Mojave, Calif.
KNM71	Randsburg, Calif.
KNM72	Pioneer Point, Calif.
KNM73	Trona, Calif.
KNM74	Tecopa, Calif.

Call Sign	Location
KNZ37	Fort Bragg, Calif.
KNZ57	Pomona, Calif.
KOA91	Visalia, Calif.
KOB36	Willows, Calif.
KPP94	Sage, Calif.
KPP95	Julian, Calif.
KRW91	Riverside, Calif.
KTF77	Santa Ana, Calif.
KTG20	Walpert Ridge, Calif.
KTQ64	Palo Alto, Calif.
KVH95	Arcadia, Calif.
KYN46	Mira Loma AFS, Calif.
KYO59	White Water, Calif.
KYO60	Palm Springs, Calif.
KYS41	Mt. Vaca, Calif.
KYS42	Berryessa Peak, Calif.
KYS43	Clearlake Oaks, Calif.
KYS44	Elk Creek, Calif.
KYS45	Paskenta, Calif.
KYS46	Cottonwood, Calif.
KYS51	Bear Springs, Calif.
KYS52	Pondosa, Calif.
KYS53	Timber Mountain, Calif.
KZS24	Cima, Calif.
KZS48	Brawley, Calif.
KZS74	Chico, Calif.
KZS79	Flea Mountain, Calif.
KZS80	Red Hill, Calif.
KZS81	Quincy, Calif.
WAD75	Sonora, Calif.
WAH482	Richmond, Calif.
WBO39	Mount Emma, Calif.
WBO43	Yosemite Village, Calif.
WBO59	Red Mountain, Calif.
WBO61	San Rafael Hill, Calif.
WBO97	Alleghany, Calif.
WDD99	Topanga Ridge, Calif.
WHA78	Glamis, Calif.
WHB66	Chualar, Calif.
WHB67	Greenfield, Calif.
WHB68	San Ardo, Calif.
WHT99	Hayward, Calif.
WJK94	San Jose, Calif.
WJM30	Farmington, Calif.
WJM31	Patterson, Calif.
WJM32	Pacheco Pass, Calif.
KJM33	Hogsback, Calif.
WOI92	Palo Alto, Calif.
WPF89	In any temporary fixed location within the State of the Grantee.

The following renewal applications for the term ending August 1, 1970 have been received.

ILLINOIS BELL TELEPHONE COMPANY

Call Sign	Transmitting Location
KCG 70	Winnebago, Ill.
KCG 71	Lee, Ill.
KIL 65	Silver Lake, Ill.
KKU 37	Joliet, Ill.
KOA 40	Ottawa, Ill.
KOA 41	La Salle, Ill.
KOB 96	Hammond, Ind.
KSA 96	Temporary Fixed.
KSE 99	Mt. Auburn, Ill.
KSF 30	Jacksonville, Ill.
KSF 31	Baylis, Ill.
KSF 32	Fowler, Ill.
KSJ 56	Centralia, Ill.
KSJ 57	Kell, Ill.
KSN 47	Ashley, Ill.
KSN 55	Rockford, Ill.
KSN 56	Monroe Center, Ill.
KSN 57	De Kalb, Ill.
KSN 59	Wasco, Ill.
KSN 60	Elgin, Ill.
KSN 61	Norway, Ill.
KSN 62	Morris, Ill.
KSN 63	Braidwood, Ill.
KSN 64	Kankakee, Ill.
KSO 29	DuQuoin, Ill.
KSO 30	Carbondale, Ill.
KSO 31	Anna, Ill.
KSO 32	Olmsted, Ill.
KSO 33	Cairo, Ill.
KSO 34	Springfield, Ill.
KSO 40	Champaign, Ill.
KSO 41	Saybrook, Ill.
KSO 76	Peoria, Ill.
KSO 77	Odell, Ill.
KSO 78	Sunnyland, Ill.
KSO 79	Benson, Ill.
KSO 95	Lake Fork, Ill.
KSO 96	Delavan, Ill.
KSP 53	Galena, Ill.
KSP 61	Danville, Ill.
KSP 62	Collison, Ill.
KVH 77	Sicily, Ill.
KVH 78	Ohlman, Ill.
KVH 79	Vandalia, Ill.
KVU 30	St. Rose, Ill.
KVU 31	Collinsville, Ill.
KVU 32	Alton, Ill.
KXR 46	Waltonville, Ill.
KXR 47	Weldon, Ill.
KXR 54	Eola, Ill.
KXR 78	Chicago, Ill.
KYC 83	Lorenzo, Ill.
KYO 33	Woodville Junction, Ind.
KYS 90	Ashton, Ill.
KYS 91	Dixon, Ill.
KYS 92	Sterling, Ill.
KYS 93	Albany, Ill.
KYS 94	Moline, Ill.
KYS 95	Rock Island, Ill.
KZA 71	Berlin, Ill.
KZA 94	Quincy, Ill.
KZI 32	Lisle, Ill.
KZI 33	Chicago, Ill.
KZI 71	Tuscola, Ill.
WAD 89	Centralia, Ill.
WAN 61	Woodstock, Ill.
WAN 62	Plano, Ill.
WAN 64	Freeport, Ill.
WAY 93	Princeville, Ill.
WAY 94	Victoria, Ill.
WAY 95	Alpha, Ill.
WBO 85	Caledonia, Ill.
WDE 25	Aurora, Ill.
WHU 24	Tamaroa, Ill.
WQQ 42	Galesburg, Ill.

Local Television Transmission

KB 9808	Within Territory of Grantee.

4533-CF-P-75, MCI Telecommunications Corporation (WOG70) 8200 Ridge Avenue, Roxborough, Pennsylvania. Lat. 40°03'33" N., Long. 75°14'20" W. C.P. for a new station on 6286.2H MHz towards Chester, Pennsylvania on azimuth 233°08'.

4334-CF-P-75, Same (WIU91), 3.0 Miles WNW of Chester, Pennsylvania. Lat. 39°-50'51" N., Long. 75°29'45" W. C.P. for a new station on 6004.5H MHz towards Roxborough, Pennsylvania on azimuth 42°58'.

4401-CF-P-75, Southern Pacific Communications Company (WQO25), SP Building, Heliograph Peak, Arizona. Lat. 32°38'57" N., Long. 109°50'55" W. C.P. to add 3790.0V towards Lookout Hill, New Mexico on azimuth 109°29'.

4402-CF-P-75, Same (WQO24) SP Bldg., Lookout Hill, New Mexico. C.P. to add 4090.0 MHz towards Heliograph Peak, Arizona on azimuth 290°04'.

4524-CF-P-75, Same 2.9 Miles Northeast of Honey Brook (Chester) Pennsylvania. Lat. 40°07'45" N., Long. 75°52'43" N., C.P. for a new station on 6286.2V towards Quarryville, Pennsylvania on azimuth 229°48'.

LOCAL TELEVISION TRANSMISSION SERVICE

9708-CT-P/L-75. Western Union Telegraph Company. (New), Construction Permit and License for operation of Mobile TV-Pickup station within the territory of the grantee, using eight (8) units in the bands (6425-6524 MHz and 11,700-12,200 MHz).

APPLICATIONS FILED PURSUANT TO SECTION 214 OF THE COMMUNICATION ACT OF 1934, AS AMENDED:

TELEPHONE WIRE FACILITIES

W-P-C-441, MCI Telecommunications Corp. Formal (Section 63.01) to construct facilities to provide 300 kHz or equivalent, channels of specialized common carrier service connecting Wilmington, Delaware with New York, New York and Chicago, Illinois.

W-P-C-442, N-Triple-C, Inc., Formal (Section 63.01) to extend service via lease of facilities from A.T. & T., to provide 24 4 kHz, or equivalent, channels of specialized common carrier service between Denver, Colorado and Omaha, Nebraska.

W-P-C-443, Southwestern Bell Telephone Company Informal (Section 63.03) to add 9 4 kHz, or equivalent, channels on "N" carirer between Overbrook, Kansas and Topeka, Kansas.

W-P-C-444, Northwestern Bell Telephone Company, Informal (Section 63.03) to add 316 kHz, or equivalent, channels between various locations in Iowa, Nebraska; North Dakota, and South Dakota.

W-P-C-445, R.C.A. Alaska Communications, Inc., Formal (Section 63.01) to establish and operate rural subscriber office and equipment for a channel of communications between Nikishka, Alaska and Kenai, Alaska.

W-P-C-446, Southwestern Bell Telephone Company, Formal (Section 63.01) to replace open wire line with T-screened underground cable between Marysville, Washington, and Linn, all in Kansas.

W-P-C-447, Western Union Telegraph Company, Formal (Section 63.01) to establish and operate video channels of communications using satellites earth stations and terrestrial microwave nearby and into the cities of New York, New York; Dallas, Texas; Los Angeles, California; and Chicago, Illinois. These circuits (total of 1644 4 kHz, or equivalent) will be established via Western Union's "WESTAR" system.

W-P-C-448, American Telephone and Telegraph Company and Three Associated Bell Telephone Companies, Informal (Section 63.03) to construct and operate 52 groups of channels (624 channels of 4 kHz, or equivalent) to connect various points in California with points in Connecticut, New Jersey, Illinois, Michigan, Minnesota, New York, Pennsylvania; to connect Atlanta, Georgia with various points in Massachusetts, New York, Pennsylvania, New York, Rhode Island and to connect Rockdale, Ga. with points in New Jersey, New York, and Pennsylvania, all via A.T. & T.'s Domestic Satellite System.

W-P-D-46, General Telephone of the Southwest (Section 63.62) to discontinue service effective July 1, 1975 to the Air Force Facility on Matagorda Island, Texas via Port Lavaca, Texas. Discontinuance is due to closing of Air Force Base.

[FR Doc.75-16897 Filed 6-27-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

CONSUMER AFFAIRS/SPECIAL IMPACT ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Consumer Affairs/Special Impact Advisory Committee will meet Thursday, July 17, 1975 at 9 a.m., Room 3400, 12th & Pennsylvania Avenue, NW., Washington, D.C.

The Committee was established to provide the Federal Energy Administration

with diversified knowledge and experience possessed by a wide range of highly qualified individuals who have been extensively involved in planning, development, and implementation of programs to remedy the problems of the consumer, the poor, the elderly, and the handicapped persons in rural and urban America.

The agenda for the meeting is as follows:

1. Report on:
a. Utility Issues.
b. Pricing Including Natural Gas.
c. Social Relief Programs.
d. Impact of Energy Policy on the Cities.
e. Mutual Environmental & Consumer Issues.
f. Consumer Participation Issues.
2. Discussion of ERC Natural Gas Contingency Task Force.
3. Old Business:
a. Report from Regulatory Programs of the Study Regarding the Status of Independent Gas Stations.
b. Overview of Department of Interior Federal Leasing Program.
3. New Business.

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 who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Officer, (202) 961-7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on June 25, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

[FR Doc.75-16926 Filed 6-27-75;8:45 am]

FEDERAL MARITIME COMMISSION

AMERICAN WEST AFRICAN FREIGHT CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 21, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

John K. Cunningham, Chairman, American West African Freight Conference, 67 Broad Street, New York, New York 10004.

Agreement No. 7680-34 has been entered into by the member lines of the American West African Freight Conference for the purpose of amending Article 8(a) of the conference agreement by adding the following proviso to the first sentence thereof:

Provided, however, that the admission fee of seven thousand and five hundred United States dollars ($7,500.00) shall not be payable by an applicant for individual membership in the Conference which has been a participant in joint membership for five or more years in the Conference when filing such application.

By Order of the Federal Maritime Commission.

Dated: June 25, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 75-16971 Filed 6-27-75;8:45 am]

ASSOCIATED NORTH ATLANTIC FREIGHT CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 21, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

MODIFICATION OF AGREEMENT

Notice of agreement filed by:

Howard A. Levy, Esquire, 17 Battery Place, Suite 727, New York, New York 10004.

Agreement No. 9978-7, among the member conferences of the Associated North Atlantic Freight Conferences, would increase the maximum fine for violations of conference obligations from $50,000 to $100,000 and for nonproduction of relevant evidence from $5,000 per week to $10,000 and from $50,000 for each violation to $100,000.

By Order of the Federal Maritime Commission.

Dated: June 25, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-16970 Filed 6-27-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. CI74-489 and CI74-490]

BELCO PETROLEUM CORP., AGENT FOR BELCO 1972 OIL AND GAS FUND, LTD.

Petition; Correction

MAY 15, 1975.

In the Notice of Petition to Waive Condition of Order, or in the Alternative, to Amend Order issued May 12, 1975, and published in the FEDERAL REGISTER on May 19, 1975, 40 FR 21775, page 21775, first column, paragraph 1, line 7, and the first line of the second column, please change Docket Nos. "CI75-489" and "CI75-490" to Docket Nos. "CI74-489" and "CI74-490."

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-16932 Filed 6-27-75;8:45 am]

[Docket No. E-8947]

DELMARVA POWER AND LIGHT CO.

Conference; Correction

MAY 29, 1975.

In the Notice of Conference issued May 19, 1975, and published in the FEDERAL REGISTER on May 23, 1975, 40 FR 22605, third column, first paragraph, line 8, please change "10:00 a.m." to 11:00 a.m.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-16935 Filed 6-27-75;8:45 am]

[Project No. 82]

ALABAMA POWER CO.

Issuance of Annual License

JUNE 10, 1975.

On February 4, 1970, Alabama Power Company, Licensee for Mitchell Project No. 82, located on the Coosa River in Coosa and Chilton Counties, Alabama, filed an application for a new license under section 15 of the Federal Power Act and Commission Regulations thereunder (§§ 16.1–16.6).

The License for Project No. 82 was issued effective June 27, 1921, for a period ending June 26, 1971. Since the original date of expiration, the Project has been under annual license. In order to authorize the continued operation and maintenance of the Project pursuant to section 15 of the Act, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Alabama Power Company for continued operation and maintenance of Project No. 82.

Take notice that an annual license is issued to Alabama Power Company (Licensee) under section 15 of the Federal Power Act for the period June 27, 1975, to June 26, 1976, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Mitchell Project No. 82, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-16930 Filed 6-27-75;8:45 am]

[Docket No. RI74-144]

AZTEC OIL & GAS CO.

Proposed Settlement Agreement

JUNE 23, 1975.

Take notice that, on June 16, 1975, Aztec Oil & Gas Company (Aztec), 2000 First National Bank Building, Dallas, Texas 75202 filed a Proposed Settlement Agreement pursuant to § 1.18 of the Commission's rules and regulations. Aztec submitted concurrently therewith three representative contracts that would cover, respectively, seven rate schedules where the basic contract has been terminated, two rate schedules where the primary term has ended and termination rights are available to Aztec, and ten rate schedules where the base contracts are still in effect. Specifically, Aztec proposes that the applicable just and reasonable rate established by Opinion No. 699, as revised, would apply to the sales of natural gas covered by the seven terminated contracts, to be effective July 2, 1974, the date that Aztec began collecting 52.16 cents per Mcf subject to refund. In addition, Aztec proposes that the applicable just and reasonable rate established by Opinion No. 699, as revised, be applied to the other twelve rate schedules to be effective on the date of filing of the attached representative contracts.

Aztec avers that prompt approval of its settlement proposal, as proposed by the aforementioned attached contracts, will make available needed funds for essential drilling programs. Aztec proposes, in the alternative, that if the FPC decides to impose a refund obligation, such refund obligation should be deferred pending the resolution of other issues including clarification and review of Opinion No. 699.

Any person desiring to comment on the proposed settlement agreement should submit the comment to the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before July 7, 1975. Comments will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the person commenting a party to this proceeding.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-16931 Filed 6-27-75;8:45 am]

[Docket No. E-9040]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Further Extension of Procedural Dates

JUNE 23, 1975.

On June 18, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued December 5, 1974, as most recently modified by notice issued May 5, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, September 8, 1975.
Service of Intervenor Testimony, September 22, 1975.
Service of Company Rebuttal, October 6, 1975.
Hearing, October 21, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-16933 Filed 6-27-75;8:45 am]

[Docket Nos. RP73-107 and RP74-90]

CONSOLIDATED GAS SUPPLY CORP.

Conference

JUNE 20, 1975.

Take notice that on Tuesday, July 22, 1975, Staff is convening an informal conference of all interested persons for the purpose of discussing the issues in the above-referenced dockets at 10 a.m. in Room No. 5200 at the offices of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

The conference will be held pursuant to § 1.18 (Conferences, Offers of Settlement) of the Commission's rules of practice and procedure (18 CFR 1.18). Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, such attendance at the conference will not be deemed to authorize such intervention as a party in the proceedings.

In accordance with the provisions of § 1.18 of the rules, all parties will be expected to come fully prepared to discuss the merits of all issues arising in this proceeding and to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-16934 Filed 6-27-75;8:45 am]

[Docket Nos. CP75-96, etc.]

EL PASO ALASKA CO., ET AL.

Order Granting Late Interventions and Establishing Procedures for Certain Pro Forma Applications

JUNE 11, 1975.

On April 17, 1975, our Staff moved for an order supplementing our order of January 23, 1975—FPC——, by inviting the submission of pro forma applications under section 3 and section 7 of the Natural Gas Act by anyone seeking to utilize the transportation systems applied for in this consolidated proceeding. Staff indicates that it seeks no delay in the hearing presently underway and that Staff believes that the granting of the motion is necessary to enable development of an adequate record on market requirements in these proceedings. In support of its motion, Staff notes that no gas purchase contracts (Exhibit H, Part V), no names and addresses of persons under contract and the amounts under contract (Exhibit H, Part III) and no description of facilities, other than those covered by the application; which are necessary to provide service in the communities to be constructed and evidence of economic feasibility (Exhibit I, Part VI) have been submitted. No respondent contradicts Staff's assertion as to the lack of this data.

On motion of Alaskan Arctic Gas Pipeline Company (Alaskan Arctic), the time for responding to Staff's motion was extended until May 9, 1975. Responses in support of Staff were filed by El Paso Alaska Company and by the regulatory bodies of Idaho, Washington, and Oregon. Noncommittal responses were filed by Alaskan Arctic and various present Applicants under section 3 of the Natural Gas Act, indicating that while they concede that lack of information sought by Staff, they believe that their portion of the information sought by Staff can be supplied in approximately 90 days.[1] We expect these respondents to make appropriate filings and to report to the Presiding Administrative Law Judge within fourteen days of the date of the issuance of this order concerning the presentation of additional testimony and exhibits in support of their applications.

In substance Staff's motion requests assurance from us that while we deem

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[1] In a late response filed on May 12, 1975, Texas Gas Transmission Corporation alleges that the information sought by Staff "will serve only to confuse the record with a plethora of meaningless detail." We cannot agree that the requirements of 18 CFR 157.14 Exhibits H and I are meaningless detail.

contracts an essential component of Exhibit H in applications under section 7(c) of the Natural Gas Act and pertinent information under 18 CFR 153.5 in conjunction with applications under section 3 of the Natural Gas Act, persons desiring to use the transportation systems applied for in these proceedings will not have section 3 or section 7 applications rejected by the Secretary as deficient (See § 1.14(a)(2) of the rules of practice and procedure) for failure to provide contracts with said transporter, provided that such Applicants set forth an estimate of the amount of capacity in the proposed transportation systems which the Applicant would seek to utilize, subject to amendment as contracts may be obtained with North Slope producers. This assurance we can give. All such *pro forma* Applicants for Alaskan Gas would be expected to make the appropriate showings required under the Commission's regulations, including, but not limited to, any new service to be rendered by the Applicant and the incremental end use of such service, any curtailments to be alleviated by gas shipped through the transportation service and system-wide end-use data, and a description of additional facilities, the estimated cost of any such facilities, by whom such facilities are to be constructed, and evidence of economic feasibility. These showings are required by our regulations governing applications under section 7(c) of the Natural Gas Act and are deemed pertinent information under our regulations governing application under section 3 of the Natural Gas Act.

We have received additional late interventions from the following petitioners:

Consumers Gas Company.
Federal Energy Administration.
City of Anchorage, Alaska, and the City of Fairbanks, Alaska.
Canada Development Corporation.
The New York Gas Group.

These interventions should be permitted, provided however that the late petitioners are expected to adhere to such procedures as may have been previously established by the Presiding Administrative Law Judge and are required to accept the record as it now stands.

The Commission finds:

(1) Participation by the above-named late interveners may be in the public interest.

(2) The motion of the Commission Staff for a supplemental order filed April 17, 1975, should be granted.

The Commission orders:

(A) The above-named petitioners are permitted to intervene in this proceeding as hereinbefore discussed, subject to the Rules and Regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests specifically set forth in the petitions to intervene; *Provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding; and *Provided, further,* That said participation by such interveners shall be conditioned upon acceptance of the record in this proceeding as it now stands.

(B) The motion of the Commission Staff for a supplemental order filed April 17, 1975, is granted as modified and conditioned by the terms of this order.

(C) Present Applicants in these proceedings indicating, in response to Staff's motion, an intent to file supplemental information shall report within fourteen days to the Presiding Administrative Law Judge from the date of issuance of this order concerning the date additional testimony and exhibits in support of such filings can be served.

(D) Any additional *pro forma* applications under section 3 and section 7 of the Natural Gas Act from persons seeking to utilize the transportation systems applied for in this docket shall be filed on or before July 15, 1975.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-16936 Filed 6-27-75;8:45 am]

[Docket No. CI75-551]

EXCHANGE OIL & GAS CORP.

Order Granting Intervention, Setting Hearing Date, and Prescribing Procedure

JUNE 9, 1975.

On March 14, 1975, Exchange Oil & Gas Corporation (Exchange) filed in Docket No. CI75-551 an application pursuant to section 7(c) of the Natural Gas Act authorizing the sale for resale and delivery of natural gas in interstate commerce a Texas Gas Transmission Corporation (Texas Gas) from a portion of the Ship Shoal Block 23 Field, offshore, Terrebonne Parish, Louisiana.

Exchange proposes to sell to Texas Gas natural gas from the Ship Shoal Block 23 Field for one year at a rate of 75 cents per Mcf at 14.73 psia, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). It estimates sales volumes of 5,000 Mcf of gas per month. The application states Exchange originally made a sale of gas to Texas Gas for a sixty-day emergency period which ended February 17, 1975, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29). Exchange alleges its proposed sale is necessary to assist Texas Gas in maintaining adequate, continuous, and firm gas service on its pipeline system during 1975 and thereafter. By letter dated March 31, 1975, Enchange was requested to supplement its application to demonstrate by substantial evidence the limited availability of the gas and that the proposed price is the lowest price at which the interstate market can obtain the gas. On May 1, 1975, Exchange filed a letter advising that it would accept the national rate in lieu of the contract rate. As justification for the limited term, Exchange further advised that it is in the process of negotiating a merger with Georgia-Pacific Corporation and it is very probable that in approximately one year the gas involved in the proposed sale would be needed by Georgia-Pacific for use in its manufacturing operations.

The subject application covers Exchange's 26.25% interest and the 3.75% interest of the South Coast Corporation but does not include the 40% interest owned by the California Company, a Division of Chevron Oil Company and the 30% interest owned by Sun Oil Company.[1]

Exchange submitted a February 25, 1975, contract as the proposed rate schedule. The February 25, 1975, contract provides for the sale of such quantities which seller makes available and that the term will be one year from the first day of the month following the month in which deliveries commence.

In Opinion No. 699-B (52 FPC ——), which reinstated the limited-term certificate provisions of § 2.70(b)(3) of the Commission's general policy and interpretations, the Commission stated that applicants for limited-term certificates "will have the burden of demonstrating by substantial evidence that the price for which certification is sought is the lowest for the interstate market and that the supply of gas is available only for the limited period for which certification is sought." (Mimeo p. 6).

Since Exchange has expressed a willingness to accept the national rate, price is not an issue.

The Commission stated that the purpose of Order No. 699-B is "to attract available natural gas supplies from the intrastate market to the interstate market."[2] On other occasions, however, the Commission has stated that it is not so interested in attracting intrastate gas to allow producers repeatedly and at short intervals to play the intrastate and interstate markets against one another in order to drive up the price of their gas.[3] Exchange has not demonstrated by substantial evidence that the limited term is justified.

A petition to intervene in support of the applications in Docket No. CI75-551 was filed by Texas Gas on April 14, 1975.

Based on the facts currently before us, we believe that a formal hearing should be held to afford Exchange an opportunity to establish through the presentation of credible evidence that the subject gas can reasonably be expected to be no longer available for sale after the prescribed limited term.

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[1] It is noted that Sun is a signatory party to the contract which Exchange submitted as its proposed rate schedule but, to date, Sun has not filed an application for such sale. No application has been filed for the sale of gas attributable to the California Company's interest.

[2] Opinion No. 699-B, supra, mimeo p. 4.

[3] See Order Denying Authorization for Extension of Emergency Sale, Denying Limited-Term Certificate of Public Convenience and Necessity, and Granting Petition to Intervene, *Wayne J. Spears*, in Docket No. CI75-218, issued December 20, 1974.

The Commission finds:

(1) The intervention of Texas Gas in this proceeding may be in the public interest.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

The Commission orders:

(A) Texas Gas is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however*, That the participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; and *Provided, further*, That the admission of said intervener shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(B) Pursuant to the Authority of the Natural Gas Act, particularly section 7 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held on August 5, 1975, at 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(C) On or before July 22, 1975, all applicants and any supporting parties shall file with the Commission and serve upon all parties, including Commission Staff, their testimony and exhibits in support of their positions.

(D) An Administrative Law Judge to be designated by the Chief Administrative Law Judge (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-16937 Filed 6-27-75;8:45 am]

[Docket No. E-9091]

GEORGIA POWER CO.

Further Extension of Time

JUNE 23, 1975.

On June 19, 1975, Georgia Power Company filed a motion to extend certain procedural dates fixed by order issued December 26, 1974, as most recently modified by notice issued May 30, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony (Unchanged), July 15, 1975.
Service of Intervenor, Testimony, August 5, 1975.
Service of Company Rebuttal, August 26, 1975.
Hearing (Unchanged), September 10, 1975 (10 a.m. e.d.t.).

KENNEDY F. PLUMB,
Secretary.

[FR Doc.75-16938 Filed 6-27-75;8:45 am]

[Docket No. CI75-335]

EDWIN M. JONES OIL CO.

Order Providing for Hearing, Granting Intervention Out of Time, Directing Action, and Prescribing Procedures

JUNE 9, 1975.

On November 21, 1974, Edwin M. Jones Oil Company (Jones) filed for permission to partially abandon a sale of gas made to Natural Gas Pipeline Company of America (Natural) which involves gas from the Clayton Field, Live Oak and McMullen Counties, Texas. This sale was made pursuant to a contract executed between the parties on July 15, 1950. Jones requests abandonment of the sale from the instant acreage because the reservoir of Block 87 from which gas has been sold to Natural pursuant to the July 15, 1950, gas sales contract, is allegedly depleted. The gas sales contract between the parties expired on its own terms on April 1, 1972.

On May 1, 1975, Natural filed a petition for leave to intervene out of time in the instant proceeding. Natural opposes the abandonment applicaiton of Jones, alleging, *inter alia*, that Jones had drilled an offset well under the subject acreage which well evidenced probable additional reserves. Because Natural's participation in this proceeding may be in the public interest we will grant its intervention since no other party can adequately represent its interest.

The application and petition to intervene raised factual and legal questions which should be resolved in an evidentiary proceeding.

The Commission finds:

(1) Good cause exists for setting for formal hearing the issues involved in the aforementioned pleadings and for establishing the procedures for that hearing all as hereinafter ordered.

(2) Participation by Natural will not delay the instant proceeding; therefore, good cause exists for accepting the petition to intervene.

(3) The participation of Natural may be in the public interest.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter 1), a public hearing shall be held commencing July 9, 1975, at 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the propriety of issuing a certificate of public convenience and necessity to the applicant for the proposed abandonment of the sale requested by its application of November 21, 1974.

(B) The direct case of Edwin M. Jones Oil Company and that of Natural Gas Pipeline of America in regard to their respective positions on all issues in this proceeding shall be filed and served on all parties of record including the Commission Staff on or before June 25, 1975. Following the conclusion of cross-examination thereon, the Presiding Law Judge shall set such dates as are reasonable for the submission of answering and rebuttal cases, if any.

(C) An Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearings in this proceeding and shall prescribe relevant procedural matters not herein provided.

(D) The petitioner hereinabove set forth, is 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 asserted rights and interests specifically set forth in the petition to intervene, and *Provided, further*, That admission of said intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-16939 Filed 6-27-75;8:45 am]

[Docket Nos. CI75-549, CI75-571]

KERR-McGEE CORP. AND PHILLIPS PETROLEUM CO.

Order Establishing Procedures, Consolidating Proceedings, Setting Hearing Date, and Granting Interventions

JUNE 9, 1975.

On March 17, 1975, and on March 24, 1975, Kerr-McGee Corporation (K-M) and Phillips Petroleum Company (Phillips) filed in Docket Nos. CI75-549 and CI75-571, respectively, applications pursuant to section 7(c) of the Natural Gas Act, for limited term certificates of public convenience and necessity with pregranted abandonment, authorizing the sale for resale of natural gas in interstate commerce to Southern Natural Gas Company (Southern) from the S. L. 1999 No. 22 Well in Block 28, Brenton Sound Area, Plaquemines Parish, South Louisiana, all as more fully set forth in the application in this proceeding.

Applicants commenced the emergency sale of natural gas to Southern on March 11, 1975, pursuant to § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) at the national rate as established by Commission Opinion No. 699-H (51.0 cents per Mcf at 14.73 psia subject to adjustment for taxes, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic feet and a gathering allowance of

0.5 cents per Mcf); however since the applications for certificates were filed within 15 days of the commencement of the sale, Applicants are permitted to continue beyond May 10, 1975, pursuant to the conditions set forth in Opinion No. 699-B. Applicants propose to continue the sale of gas to Southern after the end of the emergency sale at the national rate pursuant to § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

In support of its application for a limited term certificate, K-M stated that the S. L. 1999 Well No. 22 is a wildcat well which discovered an abnormally high pressure low GOR oil reservoir in a sand at 10,300 feet and that the production facilities being used to separate and handle the well's production are temporary in nature. K-M further advised that the production receiving station and gathering line were installed for other service and are not suited to long-term production, evaluation of the well has barely begun and the productive life of the well is questionable since it began producing significant quantities of salt water shortly after its initial completion. In support of its request, Phillips states that Well No. 22 is an exploratory well producing into existing field facilities which are not suited for long-term production and the well has commenced producing significant quantities of salt water. In view of these circumstances, concludes Phillips, permanent producing facilities and a long-term contract are not feasible until the well and producing reservoir can be evaluated. Inasmuch as the applicants propose to make the limited term sale at the national rate in effect from time to time during the one-year term, no justification was submitted for the price.

By Commission order issued March 17, 1975, in Docket Nos. CI75-389, *et al.*, we set for formal hearing limited term application in which the producers stated the reserves would be depleted prior to the end of the limited term sale. In addition, by our order issued April 1, 1975, in Docket No. CI75-406, we set for formal hearing a limited term application in which the producer proposed a limited term sale until the well could be tested and the reserves evaluated. Accordingly, having no substantial evidence as to the reserve life of the No. 22 Well presented to us by Applicants in the applications filed in Docket Nos. CI75-549 and CI75-571 we will order a formal evidentiary hearing. Moreover, since both applications suffer from related factual deficiencies, concern reserves in the same acreage and propose sales for resale of gas to the same buyer, Southern; we believe that the identity of the issues both legal and factual, is obvious; and therefore, we will consolidate the proceedings in the hereinbefore mentioned dockets for purposes of hearing and decision.

After due notice by publication in the FEDERAL REGISTER of the applications in this proceeding, Southern filed petitions to intervene in support of K-M's and Phillip's applications on April 17, 1975, and April 21, 1975, respectively. Southern states that it has a need for the gas which Applicants offer for sale in order to meet the requirements of its customers. No further petitions to intervene, notices of intervention, or protests to the granting of the applications have been filed.

No affiliation of record exists between buyer and seller.

The Commission finds:

(1) The intervention of Southern in this proceeding may be in the public interest.

(2) It is necessary and proper in the public interest and to aid in the enforcement of provisions of the Natural Gas Act that the issues in this proceeding be the subject of a hearing in accordance with the procedures hereinafter ordered.

The Commissioner orders:

(A) Southern is hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however,* That the participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further,* That the admission of said intervener shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(B) The applications in Docket Nos. CI75-549 and CI75-571 are hereby consolidated for purposes of hearing and decision.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held on July 16, 1975, in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the issue of whether a certificate of public convenience and necessity should be granted as requested by Applicants in the applications filed.

(D) On or before July 2, 1975, Applicants and any supporting party shall file with the Commission and serve upon all parties including Commission Staff, their testimony and exhibits in support of their positions.

(E) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-16940 Filed 6-27-75;8:45 am]

[Docket No. CP75-370]

LAWRENCEBURG GAS TRANSMISSION CORP.

Application

JUNE 25, 1975.

Take notice that on June 23, 1975, Lawrenceburg Gas Transmission Corporation (Applicant), P.O. Box 960, Cincinnati, Ohio 45201, filed in Docket No. CP75-370 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continuation of the sale for resale of natural gas in interstate commerce to The Cincinnati Gas & Electric Company (Cincinnati), its parent company, on a firm rather than an interruptible basis, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it purchases its entire gas supply from Texas Gas Transmission Corporation (Texas Gas) and resells gas to Cincinnati under excess service Rate Schedule EX-1 and to Lawrenceburg Gas Company (Lawrenceburg), an affiliate, under firm service Rate Schedule CDS-1. Applicant states further that it is now necessary that it render firm rather than excess service to Cincinnati because of the deep curtailment assigned by Texas Gas to Applicant is approaching the point where Cincinnati may not secure sufficient gas to meet its high priority loads and that Lawrenceburg has agreed to assign some of its contract demand and annual volumes to Cincinnati. It is stated in the application that Applicant has changed its FPC Gas Tariff from one having firm service Rate Schedule CDS-1 and excess service Rate Schedule EX-1 to a completely revised tariff having only Rate Schedule CDS-1 and that Applicant has entered into revised service agreements with Cincinnati and Lawrenceburg. Applicant notes that Cincinnati is receiving the same volume of gas now as it would receive under the proposed service.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 9, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7

and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-16929 Filed 6-25-75;3:25 pm]

[Docket Nos. CI75-440, CI75-444]

NORTH AMERICAN ROYALTIES, INC., ET AL.

Order Consolidating Proceedings, Granting Intervention, Setting Hearing Date and Prescribing Procedure

JUNE 9, 1975.

On January 27, 1975, Robert J. Hewitt (Hewitt) filed in Docket No. CI75-444 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Gas Transmission Corporation (Texas Gas) from the Garden City Field, St. Mary Parish, Louisiana.

Hewitt states that he made a sale of natural gas to Texas Gas from the subject acreage within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) from October 9, 1974, to December 8, 1974. He proposes to sell natural gas to Texas Gas for a period of one year from the first day of the month next following the month in which he commences deliveries within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). He proposes to sell to Texas Gas approximately 24,000 Mcf of natural gas per month at 73.0 cents per Mcf at 14.73 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot. The application indicates that initial upward Btu adjustment is estimated to be 8.9 cents per Mcf. Hewitt alleges that the price to Texas Gas is substantially less than the price he could charge and receive if such natural gas were sold in the intrastate market. He further alleges that this gas will be available for sale to Texas Gas for only a limited period of time.

On January 27, 1975, North American Royalties, Inc. (NAR) filed in Docket No. CI75-440 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Gas from the Garden City Field, St. Mary Parish, Louisiana.

NAR states that it made a sale of natural gas to Texas Gas from the subject acreage within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) from October 9, 1974, to December 8, 1974. It proposes to sell natural gas to Texas Gas for a period of one year from the first day of the month next following the month in which it commences deliveries within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). It proposes to sell to Texas Gas approximately 24,000 Mcf of natural gas per month at 73.0 cents per Mcf at 14.73 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot. The application indicates that initial upward Btu adjustment is estimated to be 8.9 cents per Mcf. NAR alleges that the price to Texas Gas is substantially less than the price it could charge and receive if such natural gas were sold in the intrastate market. It further alleges that this gas will be available for sale to Texas Gas for only a limited period of time.

NAR made a sale to Texas Gas pursuant to Order No. 491 from February 19, 1974, through August 18, 1974, at a rate of 60.0 cents per Mcf and Hewitt made a sale to Texas Gas pursuant to Order No. 491 from March 1, 1974, through August 28, 1974, at a rate of 60.0 cents per Mcf.

In Opinion No. 699-B (52 FPC ——), which reinstated the limited-term certificate provisions of § 2.70(b)(3) of the commission's general policy and interpretations, the Commission stated that applicants for limited-term certificates "will have the burden of demonstrating by substantial evidence that the price for which certification is sought is the lowest price at which that particular supply of gas may be obtained for the interstate market and that the supply of gas is available only for the limited period for which certification is sought." (Mimeo p. 6).

In support of the proposed price, NAR and Hewitt allege that the contract rate is less than rates currently paid for new gas in the intrastate market and is less than outstanding offers from intrastate customers. NAR and Hewitt assert that the extent and nature of the gas reserves underlying the property involved are not known and must be known before it can be decided what type or term of contract to sign. Therefore, until satisfactory reserve information is developed, the reserves will not be committed to either the interstate or intrastate market for a period longer than one year.

The Commission states that the purpose of Order No. 699-B is "to attract available natural gas supplies from the intrastate market to the interstate market."[1] On other occasions, however, the Commission has stated that it is not so interested in attracting intrastate gas to allow producers repeatedly and at short intervals to play the intrastate and interstate markets against one another in order to drive up the price of their gas.[2] NAR and Hewitt have not demonstrated by substantial evidence that the proposed price is or will be required by the present or future public convenience and necessity. Further there remains the question whether or not the limited term is justified.

Petitions to intervene in support of the applications were filed by Texas Gas on February 26, 1975, in Docket No. CI 75-444 and February 27, 1975, in Docket No. CI75-440.

Based on the facts currently before us, we believe that these proceedings should be consolidated and a formal hearing should be held to afford the Applicants an opportunity to establish through the presentation of credible evidence that (1) the proposed price is or will be required by the present or future public convenience and necessity when juxtaposed to similarly situated intrastate sales or, alternatively, that the price is no more than is necessary to recover the lowest reasonable costs of the particular project and (2) the subject gas can reasonably be expected to be no longer available for sale after the prescribed limited term.

The Commission finds:

(1) There is good cause for the instant dockets to be consolidated.

(2) The intervention of Texas Gas in this proceeding may be in the public interest.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

The Commission orders:

(A) The proceedings in Docket Nos. CI75-440 and CI75-444 are hereby consolidated.

(B) Texas Gas is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; and *Provided, further,* That the admission of said intervener shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(C) Pursuant to the Authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held on July 22, 1975, at 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

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[1] Opinion No. 699-B, supra, mimeo p. 4.

[2] See Order Denying Authorization for Extension of Emergency Sale, Denying Limited-Term Certificate of Public Convenience and Necessity, and Granting Petition to Intervene, Wayne J. Spears, in Docket No. CI75-218, issued December 20, 1974.

(D) On or before July 8, 1975, all applicants and any supporting parties shall file with the Commission and serve upon all parties, including Commission Staff, their testimony and exhibits in support of their positions.

(E) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

By the Commission.

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

[FR Doc.75-16941 Filed 6-27-75;8:45 am]

[Project No. 175]

PACIFIC GAS AND ELECTRIC CO.

Issuance of Annual License

JUNE 23, 1975.

On June 29, 1970, Pacific Gas and Electric Company, Licensee for Balch Project No. 175 located in Fresno County, near the city of Fresno in Sequoia and Sierra National Forests filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6).

The license for Project No. 175 was issued effective July 28, 1922, for a period ending July 27, 1972. In order to authorize the continued operation of the project pursuant to Section 15 of the Act pending completion of the Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Pacific Gas and Electric Company for continued operation and maintenance of Project No. 175.

Take notice that an annual license is issued to Pacific Gas and Electric Company (Licensee) under section 15 of the Federal Power Act for the period July 28, 1975, to July 27, 1976, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Balch Project No. 175 subject to the terms and conditions of its license.

MARY B. KIDD, *Acting Secretary*.

[FR Doc.75-16942 Filed 6-27-75;8:45 am]

[Docket No. RP73-108, AP75-2, PGA75-4]

PANHANDLE EASTERN PIPE LINE CO.

Change in Tariff

JUNE 20, 1975.

Take notice that on June 13, 1975, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing Substitute Thirteenth Revised Sheet No. 3-A to its FPC Gas Tariff, Original Volume No. 1. Panhandle submits that this revised tariff sheet reflects rate adjustments as follows:

(1) An Advance Payment tracking adjustment pursuant to Article V of the Agreement as to Rates and Related Matters in Docket No. RP73-108, approved by the Commission's Order dated August 30, 1974; and

(2) A DCA Commodity Surcharge Adjustment pursuant to § 16.6(e) of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 1; and

(3) A Rate Adjustment pursuant to § 18.4 of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 1; such adjustment reflecting a proposed Pipeline Supplier rate adjustment to be effective concurrently herewith; and

(4) A PGA Rate Adjustment pursuant to § 18.2 of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 1.

An effective date of August 1, 1975 is proposed.

In recognition of the Commission's policy of suspending for one day that portion of pipeline company PGA filings which are based in part on small producer and emergency purchases at rates above the level established in Opinion No. 699-H, Panhandle tendered for filing Alternate Substitute Thirteenth Revised Sheet No. 3-A, which Panhandle states includes the PGA rate adjustment exclusive of amounts attributable to small producer and emergency purchases at rates above the level established by Opinion No. 699-H.

In the event that the Commission suspends Substitute Thirteenth Revised Sheet No. 3-A, Panhandle proposes that Alternate Substitute Thirteenth Revised Sheet No. 3-A be made effective August 1, 1975, and to remain in effect during the suspension period.

Panhandle states that copies of its filing have been served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with §§ 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 befi led on or before June 30, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary*.

[FR Doc.75-16943 Filed 6-27-75;8:45 am]

[Docket No. E-8927]

PENNSYLVANIA POWER & LIGHT CO.

Further Postponement of Hearing

JUNE 23, 1975.

On May 19, 1975, and May 22, 1975, the Borough of Quakertown and the Borough of Ephrata, respectively, filed motions to postpone the hearing date fixed by order issued September 20, 1974, as most recently modified by notice issued May 9, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the hearing date in the above matter is postponed until July 29, 1975, at 10 a.m. (e.d.t.).

KENNETH F. PLUMB, *Secretary*.

[FR Doc.75-16944 Filed 6-27-75;8:45 am]

[Docket No. E-8953]

SUPERIOR WATER LIGHT AND POWER CO.

Further Postponement of Hearing

JUNE 23, 1975.

On June 16, 1975, the Public Service Commission of the state of Wisconsin filed a motion to postpone the hearing date fixed by order issued August 30, 1974, as most recently modified by notice issued May 9, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the hearing date in the above matter is postponed until July 25, 1975, at 10 a.m. (e.d.t.).

KENNETH F. PLUMB, *Secretary*.

[FR Doc.75-16945 Filed 6-27-75;8:45 am]

[Docket No. RP75-19]

TEXAS GAS TRANSMISSION CORP.

Further Extension of Procedural Dates

JUNE 23, 1975.

On June 19, 1975, Texas Gas Transmission Corporation filed a motion to defer the procedural dates fixed by order issued October 30, 1974, as most recently modified by notice issued April 27, 1975, in the above-designated matter, pending Commission action on the settlement agreement filed June 12, 1975.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, July 30, 1975.
Service of Intervenor Testimony, August 28, 1975.
Service of Company Rebuttal, September 11, 1975.
Hearing, September 23, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB, *Secretary*.

[FR Doc.75-16946 Filed 6-27-75;8:45 am]

[Docket No. RP72-150]

TEXAS GAS TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

JUNE 23, 1975.

Take notice that Texas Gas Transmission Corporation (Texas Gas) on June 16, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1. Texas Gas states that such changes are on Twelfth Revised Sheet No. 7 which is proposed to be effective August 1, 1975.

Texas Gas states that the revised sheet is being filed to reflect changes in the cost of gas purchased pursuant to

the provisions of Texas Gas' Purchased Gas Adjustment Clause approved by Commission Order issued July 31, 1972, at this docket. Texas Gas further explains that the change reflects recovery of demand charge adjustments and the elimination of a surcharge for unrecovered purchased gas costs incurred during the period June 21, 1974, through January 31, 1975.

Texas Gas states that copies of its filing were served on all jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 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 July 8, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-16947 Filed 6-27-75;8:45 am]

[Project No. 488]

THERMALITO IRRIGATION DISTRICT AND TABLE MOUNTAIN IRRIGATION DISTRICT

Issuance of Annual License

JUNE 10, 1975.

On August 27, 1974, Thermalito Irrigation District and Table Mountain Irrigation District, Licensees for Concow Dam Project No. 488, located on Concow Creek in Butte County, California, filed an application for a new license under the Federal Power Act and Commission Regulations thereunder.

The license for Project No. 488 was issued effective June 10, 1925 for a period ending June 9, 1975. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation and maintenance of the project, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Thermalito Irrigation District and Table Mountain Irrigation District for continued operation and maintenance of Project No. 488.

Take notice that an annual license is issued to Thermalito Irrigation District and Table Mountain Irrigation District (Licensees) for the period June 10, 1975 to June 9, 1976, unless during that period a new license for the project is issued for the continued operation and maintenance of Concow Dam Project No. 488, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-16948 Filed 6-27-75;8:45 am]

[Docket No. CP75-363]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

JUNE 23, 1975.

Take notice that on June 12, 1975, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP75-363 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of 600 Mcf of natural gas daily for and to Owens-Corning Fiberglas Corporation (Owens-Corning), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it presently sells and delivers to Owens-Corning 10,000 Mcf of gas per day on a Priority 2 firm basis, and that this is its sole direct sale industrial customer. Applicant alleges that it has had increasingly to curtail delivery to Owens-Corning over the past years and that it is doubtful if any gas will be delivered for sale in the 1975-1976 winter. To remedy this situation, Applicant alleges that Owens-Corning has arranged to purchase from National Exploration Company approximately 600 Mcf of gas per day from the No. 1 Jack Casey Well, Bob Cooper Field, Brooks County, Texas, which will be delivered to Applicant for transportation at an existing interconnection of Applicant with South Texas Gas Gathering Company at Falfurrias, Jim Wells County, Texas, for transportation to Owens-Corning near Anderson, South Carolina. Applicant alleges further that the cost of transportation would be 22.0 cents per Mcf transported and that 3 percent of the total gas delivered would be retained as compensation for compressor fuel and line loss.

Applicant states that Owens-Corning requires the natural gas to continue its full-time operation of its Anderson, South Carolina, plant and that use of other fuels for its purposes would not be a viable alternative with the technology available.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-16949 Filed 6-27-75;8:45 am]

[Project No. 696]

UTAH POWER AND LIGHT CO.

Issuance of Annual License

JUNE 23, 1975.

On June 23, 1969, Utah Power and Light Company, Licensee for Upper and Lower American Project No. 696, located in Utah County, Utah, on the American Fork Creek, filed an application for a new license under the Federal Power Act and Commission regulations thereunder.

The license for Project No. 696 was issued effective June 1, 1927 for a period ending June 30, 1970. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation and maintenance of the project of pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Utah Power and Light Company for continued operation and maintenance of Project No. 696.

Take notice that an annual license is issued to Utah Power and Light Company (Licensee) for the period July 1, 1975, to June 30, 1976, unless during that period a new license for the project is issued, for the continued operation and maintenance of the Upper and Lower American Project No. 696, subject to the terms and conditions of its present license.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-16950 Filed 6-27-75;8:45 am]

[Project No. 20]

UTAH POWER AND LIGHT CO.

Issuance of Annual License

JUNE 23, 1975.

On June 26, 1970, Utah Power and Light Company, Licensee for Soda Project No. 20, located on the Bear River in Caribou County, Idaho, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6).

The license for Soda Project No. 20, was issued effective July 5, 1923, for a period ending July 4, 1973. In order to authorize the continued operation of the project pursuant to Section 15 of the Act pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Utah Power and Light Company for continued operation and maintenance of Soda Project No. 20.

Take notice that an annual license is issued to Utah Power and Light Company (Licensee) under Section 15 of the Federal Power Act for the period July 5, 1975, to July 4, 1976, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Soda Project No. 20 subject to the terms and conditions of its license.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-16951 Filed 6-27-75;8:45 am]

FEDERAL RESERVE SYSTEM

INDEPENDENT BANK CORPORATION

Acquisition of Bank

Independent Bank Corporation, Ionia, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent or more of the voting shares of Bank of Rockford, Rockford, Michigan, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than July 11, 1975.

Board of Governors of the Federal Reserve System, June 24, 1975.

ROBERT SMITH, III,
Assistant Secretary of the Board.

[FR Doc.75-16850 Filed 6-27-75;8:45 am]

D. H. BALDWIN COMPANY

Acquisition of Bank

D. H. Baldwin Company, Cincinnati, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842 (a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of First National Bank in Craig, Craig, Colorado, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. 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 July 25, 1975.

Board of Governors of the Federal Reserve System, June 24, 1975.

[SEAL] ROBERT SMITH, III
Assistant Secretary of the Board.

[FR Doc.75-16849 Filed 6-27-75;8:45 am]

BANK OF VIRGINIA CO.

Order Approving Acquisition of Bank

Bank of Virginia Company, Richmond, Virginia, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of Bank of Virginia-Shenandoah, Winchester, Virginia ("Bank"), an organizing bank into which will be merged Virginia Loan & Thrift Bank, Winchester, Virginia. The latter organization is the successor, by charter conversion, to Virginia Loan and Thrift Corporation ("VL&T"), an uninsured industrial loan association. The subject application is part of a plan whereby VL&T will become a Federally-insured commercial banking subsidiary of Applicant.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is the fourth largest banking organization in Virginia and presently controls 16 banks with aggregate deposits of approximately $1,093 million, located in Winchester, Virginia.[2] The of total commercial bank deposits in Virginia.[1] Consummation of the proposal would result in increasing Applicant's share of State deposits only slightly and would not significantly increase the concentration of banking resources in Virginia.

Bank will become the successor to VL&T, a small industrial loan association located in Winchester, Virginia.[2] The three largest banking organizations in the relevant market control approximately 91 percent of deposits in the market.[3] Since Applicant is not presently represented in the market, and its closest banking subsidiary is located 20 miles south of Bank, no meaningful amount of competition would be eliminated as a result of the proposed acquisition; nor does it appear likely that such competition would develop in the future due to the distances involved and Virginia's restrictive branching law. Furthermore, it is unlikely that Applicant would enter the area de novo in light of the market's population per banking office ratio being below the State average. Finally, affiliation with Applicant would enable Bank to be a meaningful competitor to the market's larger banking organizations. Accordingly, it is the Board's judgment that competitive considerations are consistent with approval of the application.

The financial condition and managerial resources of Applicant, its subsidiaries and Bank are regarded as satisfactory and the future prospects for each appear favorable. Thus, the banking factors are consistent with approval of the application. Affiliation with Applicant will enable Bank to provide a broad range of commercial banking services. These considerations relating to convenience and needs lend weight toward approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,[4] effective June 20, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-16920 Filed 6-27-75;8:45 am]

[1] Unless otherwise indicated, all deposit figures are as of June 30, 1974, and reflect holding company formations and acquisitions approved by the Board through May 31, 1975.

[2] VL&T, at year-end 1974, had total assets of $1.9 million. Notes payable and certificates of investment were $1.4 million.

[3] The relevant banking market is approximated by the city of Winchester, Clarke County and Frederick County. Market data are as of June 30, 1973.

[4] Voting for this action: Chairman Burns and Governors Mitchell, Holland, Wallich and Coldwell. Absent and not voting: Governor Bucher.

UNITED JERSEY BANK

Order Approving Application for Merger of Banks

United Jersey Bank (formerly Peoples Trust of New Jersey), Hackensack, New Jersey ("Applicant"), a member State bank of the Federal Reserve System, has

applied for the Board's approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) to merge with The Second National Bank of Orange, Orange, New Jersey ("Second National") under the title and charter of Applicant. Incident to the proposed merger, the three existing offices and two approved unopened offices of Second National would become branch offices of Applicant.

As required by the Act, notice of the proposed transaction, in form approved by the Board, has been published, and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered the aplication and all comments and reports received in the light of the factors set forth in the Act.

The two merging banks are both subsidiaries of United Jersey Banks, Princeton, New Jersey ("United"), a registered bank holding company. Applicant, with deposits of approximately $1 billion,[1] is the second largest commercial bank in New Jersey, and the twelfth largest in the Metropolitan New York banking market. Second National, with deposits of $38 million, is the seventeenth largest of 46 commercial banks in the greater Newark (New Jersey) banking market. The proposal represents a corporate reorganization whereby United would merge two of its existing subsidiary banks. The merger raises no competitive issues since both Applicant and Second National are wholly owned subsidiaries of United. Accordingly, competitive considerations are consistent with approval of the application.

The financial and managerial resources of each bank are consistent with approval of the application. Although the proposal is not expected to produce any significant public benefits, United anticipates that the merger of the two banks would result in an increase in operating efficiency. Accordingly, considerations relating to both the banking factors and the convenience and needs of the communities to be served are regarded as being consistent with approval of the application. It is the Board's judgment that consummation of the proposal would be consistent with the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the date of this Order, or (b) later than three months after the date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

[1] All banking data are as of December 31, 1974.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Holland, Wallich and Coldwell. Absent and not voting: Governor Bucher.

By order of the Board of Governors,[2] effective June 20, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-16921 Filed 6-27-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

EXECUTIVE BRANCH POSITION ON COMMISSION ON GOVERNMENT PROCUREMENT

Recommendations F-1 and 2

Notice is given that the executive branch has accepted Commission on Government Procurement Recommendations F-1 and F-2 with the modification deleting the term "grant-in-aid" from Recommendation F-1. The study called for by F-2 has been undertaken jointly by the Office of Management and Budget and the General Services Administration. Legislation has been introduced in the Senate (S. 1437) designed to implement these two recommendations.

The Commission recommendations read as follows:

F-1 "Enact legislation to (a) distinguish assistance relationships as a class from procurement relationships by restricting the term 'contract' to procurement relationships and the terms 'grant,' ['grant-in-aid,'] and 'cooperative agreement' to assistance relationships, and (b) authorize the general use of instruments reflecting the foregoing types of relationships.

F-2 "Urge the Office of Federal Procurement Policy to undertake or sponsor a study of the feasibility of developing a system of guidance for Federal assistance programs and periodically inform Congress of the progress of this study."

Dated at Washington, D.C. on June 23, 1975.

WILLIAM W. THYBONY,
Acting Associate Administrator for Federal Management Policy.

[FR Doc.75-16922 Filed 6-27-75;8:45 am]

[GSA Bulletin FPMR E-144]

SUPPLY AND PROCUREMENT

Trucks and Buses; Selected Criteria for Ordering

JUNE 16, 1975.

To: Heads of Federal agencies.

Subject: Selected criteria for ordering trucks and buses equipped with diesel engines.

1. *Purpose.* This bulletin urges executive agencies to order and utilize medium and heavy trucks and buses equipped with diesel engines where feasible.

2. *Expiration date.* This bulletin contains information of a continuing nature and will remain in effect until revised or canceled.

3. *Background.* With the current emphasis on conservation of energy and resources, it is important that Federal agencies ordering and operating medium and heavy trucks and buses take a leadership role in conserving petroleum and petroleum products. Considerable savings in petroleum usage and in the cost of fuel and maintenance are possible, depending on usage, by using trucks and buses equipped with diesel engines instead of gasoline engines. Under conditions where high mileage, heavy payloads and continuous high speed, or high engine idle time are significant, either singularly or in combination, operating costs can be reduced.

4. *Recommended action.* Each agency should review the vehicles being ordered as replacements or additions to their fleet to ensure that trucks and buses are ordered with diesel engines when:

a. The annual mileage accrued is a minimum of 25,000 miles or 750 hours. A combination of miles and hours should be considered on the basis of 30 hours equals 1,000 miles of engine operation in such uses as trash packers, derricks and cranes, drill rigs, and other trucks with a high rate of power-take-off usage.

b. The gross vehicle weight rating (GVWR) of the vehicle is 24,000 pounds or more. Actual operation of these vehicles should be determined to ensure that a proper type diesel (i.e., medium or heavy duty) is furnished as follows:

(1) Medium duty diesel engine: Where the truck, truck-tractor, or bus is operated with loads and speeds generally below the vehicle's rating, and the average speed (includes travel time only—not idle or stop time) does not exceed 60 percent of the top geared speed. These vehicles are for city and suburban service and some use at expressway speeds.

(2) Heavy duty diesel engine: Where the truck, truck-tractor, or bus is operated at or near the vehicle's rating and for long periods of time at expressway speeds.

c. Diesel fuel is available in the areas where the vehicles will be operated.

5. *Assistance.* The General Services Administration will assist agencies in the acquisition of vehicles equipped with diesel engines. With respect to the purchase of medium and heavy trucks and buses, information pertaining to related specifications and standards may be obtained from the Automotive Technical Support Division (FYS), telephone (703) 557-7800. Inquiries concerning motor vehicle procurement matters may be obtained from the Automotive Procurement Division (FYP), telephone (703) 557-8300. The mail address for these organizations is General Services Administration ((FYS) or (FYP), as applicable), Washington, DC 20406.

M. J. TIMBERS,
Commissioner, Federal Supply Service.

[FR Doc.75-16923 Filed 6-27-75;8:45 am]

[Federal Property Management Regs.; Temporary Reg. A-11; Supplement 1]

INCREASE IN MILEAGE ALLOWANCES FOR USE OF PRIVATELY OWNED AUTOMOBILES

Changes to Federal Travel Regulations

1. *Purpose.* This supplement amends certain provisions of FPMR Temporary

Regulation A-11, issued May 19, 1975, appearing at 40 FR 22182, May 21, 1975, relating to reimbursement under the new high rate geographical area concept.

2. *Effective date.* The provisions of this supplement are effective for travel performed under travel authorizations issued or amended on or after July 1, 1975.

3. *Expiration date.* This supplement expires May 1, 1976, unless sooner superseded or canceled.

4. *General.* As an interim measure to provide more flexibility to agencies in the reimbursement of employees for official travel, this supplement amends FPMR Temporary Regulation A-11 by authorizing heads of agencies to prescribe, under certain conditions and on an individual assignment basis, an appropriate per diem allowance in lieu of actual subsistence expense reimbursement for travel to high rate geographical areas.

5. *Explanation of changes.* The provisions set forth below amend the Federal Travel Regulations as revised by FPMR Temporary Regulation A-11 as follows:

a. Paragraph 1-8.1b is amended by the addition of alternate methods of reimbursement in new subparagraphs (1) and (2).

b. Paragraphs 1-8.2a(1) and 1-8.3a are amended to accommodate the above changes.

Dated: June 27, 1975.

ARTHUR F. SAMPSON,
Administrator of General Services.

CHANGES TO FEDERAL TRAVEL REGULATIONS, FPMR 101-7

1. Paragraph 1-8.1b is amended as follows:

1-8.1. *Authorization or approval.*

a. * * *

b. *Travel to high rate geographical areas.* Actual subsistence expense reimbursement shall normally be authorized or approved whenever temporary duty travel is performed to or in a location designated as a high rate geographical area (see 1-8.6), except when the high rate geographical area is only an enroute or intermediate stopover point at which no official duty is performed. Agencies may, however, authorize other appropriate and necessary reimbursement as follows:

(1) A per diem allowance under 1-7.3 if the factors cited in 1-7.3a would reduce the travel expenses of an employee provided the agency official designated under 1-8.3a(1) determines the existence of such factors in a particular travel assignment and authorizes an appropriate per diem rate; or

(2) Actual subsistence expense reimbursement under paragraph c. below and 1-8.2a(2) if the travel to a high rate geographical area also involves unusual circumstances of the travel assignment.

2. Paragraph 1-8.2a(1) is amended as follows:

1-8.2. *Authorized reimbursement.*

a. * * *

(1) For travel within the conterminous United States to designated high rate geographical areas, under the general provisions of 1-8.1b, the maximum authorized rates have been administratively as provided in 1-8.6. These are uniform maximum actual subsistence expense rates and are not subject to change by the agencies concerned, except as provided in 1-8.1b (1) and (2).

3. Paragraph 1-8.3a is amended as follows:

1-8.3. *Agency responsibilities, review, and administrative controls.*

a. *Delegation of authority.* Heads of agencies may delegate, with provisions for limited redelegation, authority to authorize or approve travel under 1-8.1 as follows:

(1) The delegation or redelegation of authority to authorize or approve travel on an actual subsistence expense basis due to unusual circumstances of the travel assignment or to authorize a per diem allowance under the provisions of 1-8.1b (1) shall be held to as high an administrative level as practicable to ensure adequate consideration and review of the circumstances involved in the travel assignment.

(2) Travel to designated high rate geographical areas is normally on an actual subsistence expense basis. Accordingly, the delegation or redelegation of authority to authorize or approve this type of travel should be at a lower administrative level than that stated in (1) above.

[FR Doc.75-17174 Filed 6-27-75;10:35 am]

INTERNATIONAL TRADE COMMISSION

Report to the President

CONSUMPTION DETERMINATION ON KNIVES, FORKS AND SPOONS WITH STAINLESS-STEEL HANDLES

MAY 21, 1975.

To the President:

Pursuant to headnote 2(c) to part 2, subpart D of the Appendix to the Tariff schedules of the United States, the United States International Trade Commission (formerly the U.S. Tariff Commission) herein reports its determination of the apparent U.S. consumption of knives, forks, and spoons with stainless-steel handles in 1974 to have been 51,409,675 dozen pieces.

The data for each of the components used in the computation of apparent annual consumption of knives, forks, and spoons with stainless-steel handles are shown in the table below.

Knives, forks, and spoons with stainless-steel handles: Shipments by U.S. manufacturers, U.S. exports, U.S. imports for consumption, and apparent U.S. consumption, 1974.

(In thousands of dozen pieces)

Components:	*Quantity*
Total shipments by U.S. manufacturers [1]	22,013
Exports	565
Imports for consumption	29,962
Apparent U.S. consumption [2]	51,410

[1] Includes only shipments of domestically produced products.

[2] Total shipments by U.S. manufacturers, plus imports, minus exports.

Source: Shipments and exports as reported to the U.S. International Trade Commission by the domestic producers; imports compiled from official statistics of the U.S. Customs Service.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.75-16913 Filed 6-27-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of request for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on 06/25/75 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing divisions within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

ENVIRONMENTAL PROTECTION AGENCY

Assessment of Environmental Adequacy of Energy, Conserving Manufacturing Process Options, other (see SF-83), primary manufacturing firms—technical mgmt., Lowry, R.L., 395-3772.

DEPARTMENT OF COMMERCE

Departmental and other:

Magazine Ads Pretesting Sample, single-time, Purchasing Agents of selected majority businesses, economics and general government division, Lowry, R. L., 395-3451.

Industry Privacy Survey 1975, DBPAS-1, single-time, random sample of U.S. business, Hulett, D. T., Lowry, R. L., 395-4730.

DEPARTMENT OF LABOR

Bureau of Labor Statistics, Report on occupational Employment, BLS-MA-2877, single-time, State government agencies, Strasser, A., 395-5867.

REVISIONS

DEPARTMENT OF COMMERCE

Bureau of the Census, Report of Company Organization, MC-X1A, annually, nonprofit organizations, Peterson, M.O., 395-5630.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Application for Grants to Strengthen Developing Institutions (Title III, P.L. 89-329), OE-1049, on occasion, institutions of higher education, Lowry, R. L., 395-3772.

EXTENSIONS

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis:

Dollar Deposit Disabilities to "Foreigners" as of __________, 197__, BE-139, on occasion, Government agencies, Hulett, D. T., 395-4730.

Foreign Currency Claims as of __________, 197—, BE-138, on occasion, Government agencies, Hulett, D. T., 395-4730.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:

Application for Federal Assistance (Nonconstruction Programs) for Bilingual Education—Instructions and Supplementary, OE 4561, annually, local educational agencies, Lowry, R. L., 395-3772.

Application for Federal Assistance (Nonconstruction Programs)—Instructions for Foreign Language and Area Studies, OE 324, annually, institutions of higher education, Lowry, R. L., 395-3772.

DEPARTMENT OF THE TREASURY

Bureau of Customs:

Discrepancy Report and Declaration at Entry, CF-5931, on occasion, carriers, Marsha Traynham, 395-4529.

Application for Allowance for Damage, Loss, or Theft, CF4315, on occasion, importers, Marsha Traynham, 395-4529.

Notice of Exportation of Articles With Benefit of Drawback (Horizontal Form), CF 7511 B, on occasion, exporters, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-17019 Filed 6-27-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 11469]

MUNICIPAL SECURITIES RULEMAKING BOARD

Solicitation of Recommendations of Individuals for Appointment

JUNE 12, 1975.

The Securities and Exchange Commission today announced that it is publicly soliciting the recommendation of individuals for appointment to the Municipal Securities Rulemaking Board.

On June 4, 1975, the Securities Acts Amendments of 1975 ("1975 Amendments")[1] were signed into law. The 1975 Amendments amended the Securities Exchange Act of 1934 ("Act") by adding new section 15B, which provides for the registration and regulation of securities firms and banks which underwrite and trade municipal securities, as defined in section 3(a)(29) of the Act.

Section 15B provides for the creation of a new self-regulatory organization, designated the Municipal Securities Rulemaking Board ("Board"), which will have primary responsibility for formulating rules regulating the activities of municipal securities brokers (as defined in section 3(a)(31) of the Act) and municipal securities dealers (as defined in section 3(a)(30) of the Act), including banks and subsidiaries, departments and divisions of banks which act as dealers in municipal securities.

Authority of the Board. The 1975 Amendments grant the Board broad rulemaking authority. This authority includes, but is not limited to, the power to: define and establish means of preventing, fraudulent and manipulative acts and practices; promote just and equitable principles of trade; establish professional qualifications for municipal securities dealers; regulate selling and underwriting practices; determine the minimum scope and frequency of inspection of municipal securities brokers and dealers by the appropriate regulatory agency, as defined in section 3(a)(34) of the Act; establish fair procedures for the nomination and election of future members of the Board; and define the relationship between a municipal securities professional's investment activities and its underwriting and dealing activities.

Any rule proposed by the Board would be filed with the Securities and Exchange Commission ("Commission"). The Commission would then be required to approve such proposed rule or institute proceedings to determine whether the proposed rule should be disapproved.

Commission responsibility to designate the initial members. The Board will consist of fifteen members, initially appointed by the Commission; these members will all serve a two-year term of office. The Board's membership, specifically prescribed by section 15B(b)(1) of the Act, must consist of: five individuals who are not associated with any broker, dealer, or municipal securities dealer ("public members"), as defined in sections 3(a)(18) and 3(a)(32) of the Act (at least one of whom shall be representative of investors in municipal securities, and at least one of whom shall be representative of issuers of municipal securities); five individuals who are associated with, and representative of, municipal securities brokers and municipal securities dealers which are not banks or subsidiaries, departments or divisions of banks ("broker-dealer members"); and five individuals who are associated with and representative of municipal securities dealers which are banks or subsidiaries, departments or divisions of banks ("bank members").

Commission determination to solicit the nomination of individuals for appointment to the Board. The Commission is requesting all interested persons

[1] Pub. L. No. 94-29, 94th Cong., 1st Sess. (1975).

to submit the names of individuals for the Commission's consideration in appointing the initial members of the Board. A recommendation of an individual for appointment to the Board should state whether that individual is proposed as a public member, a broker-dealer member, or a bank member and contain the following information: the proposer's name, business address and telephone number, and professional relationship (if any) to the nominee. The proposer should include the following information for any name suggested to the Commission for consideration: the name of the individual recommended, his or her business affiliation, business address and telephone number, home address and telephone number, and educational and professional background. In addition, the proposer should specify the basis for the recommended individual's qualification to be a public member, broker-dealer member, or bank member, with particular reference to the statutory standards described above. The proposer may also submit such additional information relating to the recommended individual as the proposer thinks will be useful in helping the Commission evaluate the recommendation and ensure that, to the extent possible, individuals appointed to the Board will be representative of all segments of the municipal securities industry.

Respondents also are requested to submit, for the Commission's consideration, their general views as to the qualifications of persons to be appointed to the Board.

The Commission may appoint persons to the Board who are not recommended pursuant to this Release.

Three copies of each recommendation should be submitted to: George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549, no later than July 14, 1975. Reference should be made to File No. S7-569.

All requests for additional information, or for clarification of the Board's responsibilities, organization or composition, should be directed to: Andrew M. Klein, Assistant Director, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549.

All correspondence in response to this solicitation will be a matter of public record.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-16891 Filed 6-27-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1149]

TEXAS

Declaration of Disaster Area

Hardin, Harris, Jefferson, and adjacent counties within the State of Texas constitute a disaster area because of damage resulting from heavy rains and flooding on June 9, 1975. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on August 18, 1975, and for economic injury until the close of business on March 19, 1976, at:

Small Business Administration, District Office, Niels Esperson Building, Room 1210, 808 Travis Street, Houston, Texas 77002.

or other locally announced locations.

Dated: June 19, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-16928 Filed 6-27-75;8:45 am]

SAN DIEGO DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration San Diego District Advisory Council will meet at 9:30 a.m., P.d.t., Thursday, August 7, 1975, in the Conference Room of the Small Business Administration, located at 110 West C Street, Suite 705, San Diego, California, to discuss such business as may be preesnted by members, the staff of the Small Business Administration, and others attending. For further information, call or write F. D. Sargent at the above address (714) 293-5430.

Dated: June 24, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy, Small Business Administration.

[FR Doc.75-16927 Filed 6-27-75;8:45 am]

NEW YORK DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration New York District Advisory Council will meet at 3 p.m., e.d.t., Thursday, July 31, 1975, at the Small Business Administration, Room 3105 of the Federal Building, 26 Federal Plaza, New York, New York, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending. For further information, call or write Victor M. Rivera, at the above address (212) 264-1318.

Dated: June 23, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy, Small Business Administration.

[FR Doc.75-16925 Filed 6-27-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

STANDARDS ADVISORY COMMITTEE ON AGRICULTURE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Standards Advisory Committee on Agriculture and its subcommittees as noted herein, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on Tuesday, July 15, and Wednesday, July 16, 1975, beginning at 9 a.m. local time each day in Suite A of the Salt Palace Conference Center, 100 South West Temple, Salt Lake City, Utah. The meeting shall be open to the public and all interested parties are encouraged to attend.

It is planned that Subcommittees on Noise, Electrical Hazards, and Worker Transportation will meet. Agenda items are subject to change as priorities dictate. It is planned that the Subcommittees will meet simultaneously during the two-day session and that the Committee will tour the Western Area Research Laboratory of the National Institute for Occupational Safety and Health.

Any member of the public wishing to submit written presentations to the Committee may do so by filing such a statement, together with 20 duplicate copies, with the Committee Management Officer by the close of business July 11, 1975, or by filing such statements with the Committee Management Officer at the meeting. Such submissions will be provided to the members of the Committee and will be included in the official record of the meeting.

The Committee Chairman may permit oral statements before the Committee by interested persons. Consequently, persons desiring to make an oral presentation to the Committee should submit a written request to be heard to the Committee Management Officer by close of business July 11, 1975. The request must include the name and address of the person wishing to appear, the capacity in which he will appear, a short summary of the intended presentation, and the approximate amount of time required for his presentation. Such submissions will be provided to the Committee Chairman for his consideration.

The Committee herein repeats its request for relevant information or data on agricultural employee exposure to noise, airborne hazards, and electrical hazards. In addition, the Committee would appreciate receiving information on the transportation of workers. The Committee would appreciate receiving such data at any time during its meetings on these subjects but would find the information most useful in the early stages of these deliberations.

Communications and questions about the proceeding should be addressed to:

Jeanne Werner Ferrone,
Committee Management Officer,
U.S. Department of Labor,
Occupational Safety and Health Administration
200 Constitution Avenue, Northwest, Rm N-3633
Washington, D.C. 20210
Phone: 202/523-8024

All materials which have been submitted to or developed by the Committee since the beginning of its deliberations, as well as the official record of all Committee proceedings, are available for public inspection and copying at the above location.

Signed at Washington, D.C., this 25th day of June, 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-16836 Filed 6-27-75;8:45 am]

Office of the Secretary

GENERAL ELECTRIC CO.

Certification of 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-14: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on April 24, 1975 in response to a worker petition received on April 21, 1975 which was filed by the International Union of Electrical, Radio and Machine Workers, AFL-CIO, on behalf of workers and former workers producing wire harnesses for dishwashers and disposals at the Louisville, Kentucky facility of General Electric Co., New York, New York.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 19245) on May 2, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of General Electric Co., the U.S. International Trade Commission, 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 Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The products in question in this case are wire harnesses of a specific configuration—type 116D5554 Group 1—for use in household dishwashers produced at the Louisville, Kentucky facility of General Electric Co.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

A significant number of the workers engaged in the production of wire harnesses of the type 116D5554 Group 1 became totally separated from employment in late 1974. Employment related to the production of such harnesses declined 47 percent in November 1974 and was terminated at the end of January 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of the type of harness in question at the Louisville facility declined sharply in November 1974 when General Electric began transferring production of the harness to its Juarez, Mexico facility. Production of the wire harness was terminated entirely at Louisville in December 1974.

INCREASED IMPORTS CONTRIBUTED IMPORTANTLY

The evidence developed in the Department's investigation indicates that increased imports by General Electric of certain wire harnesses from Mexico were the cause of the separations of workers formerly producing such harnesses in Louisville. General Electric increased its imports of wire harnesses from Mexico in direct proportion to its cutback of production at Louisville in November and December of 1974. Separations resulting from the termination of production at Louisville began in November 1974. After due consideration I make the following certification.

All hourly and salaried workers formerly engaged in the production of wire harnesses for dishwashers, Type 116D5554 Group 1, at Building 3 of the Louisville, Kentucky facility of General Electric Company who became totally or partially separated on or after November 2, 1974 and before February 3, 1975 are certified as eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 20th day of June 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-16972 Filed 6-27-75;8:45 am]

HERBERT LEVINE, INC.

Determination Regarding Certification of 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-17: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on April 29, 1975 in response to a worker

petition received April 29, 1975 filed by the United Shoe Workers of America, AFL-CIO, on behalf of workers formerly producing women's dress shoes at Herbert Levine, Inc., New York, New York.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 19891) on May 7, 1975. No public hearing was requested on this petition and none was held.

The information upon which the determination is made was obtained principally from the officials of Herbert Levine, Inc., a representative of the United Shoe Workers of America, customers of the firm, the U.S. Department of Commerce, U.S. International Trade Commission, American Footwear Association, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. Herbert Levine, Inc. began laying off employees at the end of November 1974. Most of the employees were laid off when production ceased in March 1975. Final separations occurred on May 3, 1975 after the company's production equipment had been sold.

Sales or production, or both have decreased absolutely. Levine's sales of women's dress shoes in the first quarter of 1975 decreased 19 percent from the previous quarter and 32 percent from the first quarter of 1974. Production of women's dress shoes declined each month in 1975 and all production ceased in March 1975.

Increase in imports contributed importantly. Increased import competition contributed importantly to Levine's decision to cease production of women's high fashion dress shoes. In 1974 imports like and directly competitive with Levine shoes represented 80 percent of total domestic production and 44 percent of apparent domestic consumption compared to ratios of 43 percent and 30 percent respectively in 1970. Imported high fashion shoes were usually priced substantially below Levine shoes. Some customers indicated that in recent months Levine shoes were encountering price resistance and consumers were shifting to lower priced shoes.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's dress shoes produced by Herbert Levine, Inc. of New York, New York contributed importantly to the total or partial separation of the workers of that firm. Section 223(b)(2) of the Trade Act of 1974 provides that a certification of eligibility to apply for worker adjustment assistance may not apply to any worker who was last separated from the firm or subdivision more than six months before April 2, 1975, the effective date of the new program. In accordance with this provision of the Act, I make the following certification:

All hourly, piecework and salaried employees of Herbert Levine, Inc., New York, New York who became totally or partially separated from employment on or after November 22, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 20th day of June 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-16973 Filed 6-27-75;8:45 am]

BROWN SHOE CO., NEWPORT, ARKANSAS PLANT

Negative Determination of 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-10: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on April 17, 1975 in response to a worker petition filed on that date by the United Shoe Workers of America on behalf of the former workers producing women's footwear at the Newport, Arkansas plant of Brown Shoe Company.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 18516) on April 28, 1975. No public hearing was requested on this petition and none was held.

The information upon which the determination is based was obtained principally from officials of Brown Shoe Company, representatives of the United Shoe Workers of America, customers of the firm, the U.S. Department of Commerce, U.S. International Trade Commission, American Footwear Industries Association, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. A significant number or proportion of the hourly and salaried workers at the Newport plant were separated when Brown Shoe Company phased out production and closed the plant in October 1974. Monthly employment declined 91 percent from January 1974 to October 1974.

Sales or production, or both, have decreased absolutely. Newport's sales declined 4 percent from 1972 to 1973 and 14 percent from 1973 to 1974. Annual production declined 2 percent from 1972 to 1973 and 18 percent from 1973 to 1974.

Increases of imports contributed importantly. There are no official statistics with respect to U.S. production, imports and consumption of fashion boots of the type produced by the Newport plant. Industry analysts believe fashion boots account for a small portion of the imports of women's and misses' nonrubber footwear. The ratios of imports of women's and misses' nonrubber footwear to domestic consumption and production increased each year from 1970 to 1973 then declined from 48 percent and 93 percent, respectively, in 1973 to 47 percent and 88 percent, respectively, in 1974.

Information provided by industry experts indicate domestic production, imports and domestic consumption of women's boots of the type produced at Newport increased in the late 1960's and early 1970's as a complement to new styles in women's wearing apparel. Beginning in late 1972 fashionable women's apparel dramatically shifted, causing demand for such boots to diminish rapidly. Many fashion boot manufacturers were unprepared for the dramatic shift in consumer preferences and either reduced or ceased production of fashion boots.

As long as miniskirts were the fashion vogue, there was a continued strong demand for fashion boots. When pantsuits became fashionable, a dramatic shift from fashion boots occurred. To counter the sales decline resulting from this style change Brown Shoe Company initiated a promotional campaign in mid-1973 which caused sales of fashion boots to increase significantly in the fourth quarter of 1973. However, retailers who purchased from Brown during this period were unable to sell the boots to customers. Despite continued promotional efforts, fashion boot sales declined in 1974 because of the significant shift in consumer preferences.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's fashion boots produced at the Newport plant did not contribute importantly to the total or partial separation of the former workers of the plant and that the former workers of the Newport, Arkansas plant of Brown Shoe Company are not eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of June 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-16974 Filed 6-27-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

NOTICE

JUNE 25, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR Part 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before July 10, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 49052 (Sub-No. E3) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER May 2, 1975. Applicant: MACON TRADING POST, INC., 103 Cherry St., Macon, Ga. 31208. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. 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 North Carolina on the one hand, and, on the other, points in Florida. The purpose of this filing is to eliminate the gateway of McRae (Telfair County), Ga. The purpose of this correction is to clarify territorial description.

No. MC 49052 (Sub-No. E5) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER May 9, 1975. Applicant: MACON TRADING POST, INC., 103 Cherry St., Macon, Ga. 31208. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission (1) between points in Alabama, on the one hand, and, on the other, points in Florida south of Nassau, Baker, Columbia, Gilchrist, and Dixie Counties;* (2) between points in Alabama north of Choctaw, Marengo, Wilcox, Butler, Crenshaw, Pike, and Barbour Counties, on the one hand, and, on the other, points in Wakulla, Leon, Jefferson, Madison, Taylor, Hamilton, Suwannee, Lafayette, Dixie, Gilchrist, Columbia, Baker, and Nassau Counties, Fla.;** and, between points in Limestone, Madison, Jackson, Marshall, De Kalb, Etowah, Cherokee, Calhoun, Cleburne, Randolph, Chambers, Lee, and Russell Counties, Ala., on the one hand, and, on the other, points in Florida in and west of Gadsden, Liberty, and Franklin Counties.** The purpose of the filing is to eliminate the gateways of * Albany (Dougherty County), Ga.; and ** Columbus, Ga. The purpose of this correction is to clarify the purpose sought.

No. MC 49052 (Sub-No. E7) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER May 2, 1975. Applicant: MACON TRADING POST, INC., 103 Cherry St., Macon Ga. 31208. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. 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 Mississippi, on the one hand, and, on the other, points in Virginia in and east of Pittsylvania, Bedford, Botetourt, Alleghany, Bath, Highland, Augusta, Rockingham, Shenandoah, Frederick, Clarke, and Loudoun Counties; and from points in Mississippi in and south of Lauderdale, Newton, Scott, Rankin, Hinds, and Warren Counties, to points in Virginia in and west of Henry, Franklin, Roanoke, and Craig Counties. The purpose of this filing is to eliminate the gateway of Milledgeville (Baldwin County), Ga. The purpose of this correction is to clarify the purpose.

No. MC 49052 (Sub-No. E9) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER May 9, 1975. Applicant: MACON TRADING POST, INC., 103 Cherry St., Macon, Ga. 31208. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in Tennessee in and west of Polk, Monroe, Blount, Knox, Union, and Claiborne Counties, on the one hand, and on the other, points in Beaufort, Charleston, Hampton, Colleton, and Dorchester Counties, S.C.; (2) between points in Tennessee in and west of Hamilton, Bledsoe, White, Putnam, Overton, and Clay Counties, on the one hand, and, on the other, Bamberg, Lexington, Orangeburg, Calhoun, Clarendon, Richland, Kershaw, Lee, Sumter, Chesterfield, Marlboro, Darlington, Dillou, Marion, Horry, Florence, Williamsburg, Georgetown, and Berkely Counties, S.C.; and (3) between points in Tennessee in and west of Hardin, Decatur, Benton, and Henry Counties, on the one hand, and, on the other, points in South Carolina in and west of Edgefield, Saluda, Newberry, Fairfield, Lancanster, and York Counties. The purpose of this filing is to eliminate the gateway of Jasper County or Baldwin County, Ga. The purpose of this correction is to clarify the purpose sought.

No. MC 49052 (Sub-No. E10) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER May 9, 1975. Applicant: MACON TRADING POST, INC., 103 Cherry St., Macon, Ga. 31208. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. 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 Mississippi, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateways of Jasper County or Muscogee County or Dougherty County, Ga. The purpose of this correction is to clarify the purpose sought.

No. MC 49052 (Sub-No. E13) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER May 9, 1975. Applicant: MACON TRADING POST, INC., 103 Cherry St., Macon, Ga. 31208. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common tractor's equipment and commodities*, routes, transporting: *Household goods*, as defined by the Commission (1) between points in Alabama, on the one hand, and, on the other, points in South Carolina in and east of Edgefield, Saluda, Newberry, Fairfield, Chester, York, Aiken, Barnwell, Allendale, Hampton, and Jasper Counties; and (2) between points in South Carolina in and west of McCormick, Greenwood, Laurens, and Spartanburg Counties, on the one hand, and, on the other, points in Alabama in and south of Sumter, Greene, Hale, Perry, Chilton, Elmore, Macon, and Lee Counties. The purpose of this filing is to eliminate the gateway of Bibb County, Ga. The purpose of this correction is to clarify the purpose sought.

No. MC 49052 (Sub-No. E14) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER May 9, 1975. Applicant: MACON TRADING POST, INC., 103 Cherry St., Macon, Ga. 31208. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over ir-

regular routes, transporting: *Household goods*, as defined in the Commission; (1) between points in Mississippi, on the one hand, and, on the other, points in and east of Monroe, Collier, Lee, Charlotte, Sarasota, Manatee, Hillsborough, Pinellas, Pasco, Hernando, Citrus, Levy, Dixie, Lafayette, Suwannee, and Hamilton Counties; (2) between points in Mississippi (except Pearl River) Hancock, Stone, Harrison, George, and Jackson Counties, on the one hand, and, on the other, points in Franklin, Liberty, Gadsden, Leon, Wakulla, Jefferson, Madison, and Taylor Counties, Fla.; and (3) between points in Alcorn, Prentiss, and Tishomingo Counties, Miss., on the one hand, and, on the other, points in Bay, Washington, Jefferson, Calhoun, and Gulf Counties, Fla. The purpose of this filing is to eliminate the gateway of Dougherty County, Ga. The purpose of this correction is to clarify the purpose sought.

No. MC 49052 (Sub-No. E15) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER May 9, 1975. Applicant: MACON TRADING POST, INC., 103 Cherry St., Macon, Ga. 31208. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Household goods*, as defined by the Commission, between points in Alabama in and south of Cleburne, Calhoun, Etowah, Blount, Walker, Fayette, and Lamar Counties, on the one hand, and, on the other, in and east of Pittsylvania, Bedford, Roanoke, Craig, Allegheny, Bath, Highland, Augusta, Rockingham, Shenandoah, Frederick, Clarke, and Loudoun Counties. The purpose of this filing is to eliminate the gateway of Jasper County, Ga. The purpose of this correction is to clarify the purpose sought.

No. MC 49052 (Sub-No. E16) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER May 9, 1975. Applicant: MACON TRADING POST, INC., 103 Cherry St., Macon, Ga. 31203. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Tennessee in and west of Lincoln, Marshall, Maury, Hickman, Humphreys, Houston, and Stewart Counties, on the one hand, and, on the other, points in Mecklenburg, Rowan, Cabarrus, Stanly, Davie, Davidson, Forsyth, Rockingham, Guilford, Randolph, Chatham, Alamance, Caswell, Person, Orange, Durham, Wake, Granville, Vance, Franklin, and Warren Counties, N.C.; and (2) between points in Moore, Franklin, Marion, Hamilton, Sequatchie, Warren, Coffee, Bedford, Williamson, Rutherford, Cannon, Wilson, Davidson, Cheatham, Dickson, Montgomery, and Robertson Counties, Tennessee, on the one hand, and, on the other, in North Carolina in and east of Northhampton, Halifax, Nash, Johnston, Harnett, Lee, Moore, Montgomery, Union, Anson, Richmond, Scotland, Robeson, Columbus, and Brunswick Counties, N.C. The purpose of this filing is to eliminate the gateway of Jasper County, Ga. The purpose of this correction is to clarify the purpose sought.

No. MC 49052 (Sub-No. E21) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER May 9, 1975. Applicant: MACON TRADING POST, INC., 103 Cherry St., Macon, Ga. 31208. Applicant's representative: Thomas R. Kingsley, 1819 H. St. NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Shelby, Fayette, Tipton, and Lauderdale Counties, Tenn., on the one hand, and on the other, points in Virginia in and east of Henry, Pittsylvania, Halifax, Charlotte, Appomattox, Buckingham, Fluvanna, Louisa, Spotsylvania, Stafford, Prince William, and Fairfax Counties; and (2) between points in Hardeman, McNairy, Chester, Madison, Haywood, Crockett, Gibson, Dyer, Obion, and Lake Counties, Tenn., on the one hand, and, on the other, Hampton, Newport News, Chesapeake, Portsmouth, Virginia Beach and Nansemond, Northampton, Mathews, Gloucester, York, James City, Surrey, and Isle of Wight Counties, Va. The purpose of this filing is to eliminate the gateway of Baldwin County, Ga. The purpose of this correction is to clarify the authority sought.

No. MC 49052 (Sub-No. E24) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER May 9, 1975. Applicant: MACON TRADING POST, INC., 103 Cherry St., Macon, Ga. 31208. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in North Carolina, on the one hand, and, on the other, points in Alabama in and south of Chambers, Tallapoosa, Elmore, Autauga, Dallas, Morengo, and Choctaw Counties; and (2) between points in Alabama in and north of Randolph, Clay, Coosa, Chilton, Perry, Hale, Greene, and Sumter Counties, on the one hand, and, on the other, points in North Carolina in and east of Mecklenburg, Rowan, Davie, Forsyth, and Stokes Counties. The purpose of this filing is to eliminate the gateway of Jasper County, Ga. The purpose of this correction is to clarify the authority sought.

No. MC 75110 (Sub-E36), filed May 16, 1974. Applicant: ATLANTIC & PACIFIC MOVING CO., P.O. Box 25085, Oklahoma City, Okla. 73125. Applicant's representative: Robert Gallagher, 1776 Broadway, New York, N.Y. 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 Kansas, on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate the gateway of points within 25 miles of Kansas City, Kans. and points within 25 miles of St. Louis, Mo.

No. MC 94265 (Sub-No. E11), filed May 31, 1974. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Windsor, Va. 23487. Applicant's representative: Wilmer B. Hill, 666 Eleventh St. NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Imported frozen meats*, from Wilmington, Del., to Suffolk, Franklin, and Smithfield, Va., points in Isle of Wight and Southampton Counties, Va., points in that part of North Carolina on and east of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 1 to Raleigh, thence along U.S. Highway 1 to Raleigh, thence along U.S. Highway 64 to Asheboro, and thence along North Carolina Highway 49 to the North Carolina-South Carolina State line, points in Buncombe, Henderson, Polk, Transylvania, Jackson, Macon, and Clay Counties, N.C., points in Tennessee west of Tennessee west of Tennessee Highway 69, and points in South Carolina, Mississippi, Georgia, and Alabama. The purpose of this filing is to eliminate the gateway of Smithfield, Va.

No. MC 106497 (Sub-E6), filed May 14, 1974. Applicant: PARKHILL TRUCK COMPANY, P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: T. M. Tallon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and Steel articles*, in the transportation of which because of their size or weight requires the use of special equipment or handling, from those points in Texas on and south of a line beginning at the Texas-New Mexico State line and extending along Texas Highway 18 to junction Texas Highway 302, to junction U.S. Highway 80, to junction Texas Highway 349, to junction U.S. Highway 67, to junction Texas Highway 163, to junction Texas Highway 29, to junction Texas Highway 71, to junction U.S. Highway 90, to junction Interstate Highway 74 to the Gulf of Mexico, to points in Mississippi. The purpose of this filing is to eliminate the gateway of Baytown, Texas.

No. MC 106497 (Sub-E14), filed May 14, 1974. Applicant: PARKHILL TRUCK COMPANY, P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: T. M. Tallon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Transformers*, the transportation of which because of size or weight require special equipment of handling, from points in Arkansas to those points in Arizona on and south of a line beginning at the Arizona-New Mexico State line and extending along U.S. Highway 10 to junction U.S. Highway 8, to junction U.S. Highway 95, to junction U.S. Highway 10, to the Arizona-California State line, those in Nevada on and west of a line beginning at the California-Nevada State line and

extending along U.S. Highway 58 to junction U.S. Highway 95, to junction U.S. alternate Highway 95, to junction U.S. Highway 40, to the Nevada-California State line, and those in California (except those on and east of a line beginning at the California-Arizona State line and extending along Interstate Highway 10 to junction U.S. Highway 395, to junction California Highway 190 to the California-Nevada State line. The purpose of this filing is to eliminate the gateway of the plantsite of the General Electric Company at Shreveport, La.

No. MC 106497 (Sub-E16), filed May 14, 1974. Applicant: PARKHILL TRUCK COMPANY, P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: T. M. Tallon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Transformers*, the transportation of which because of size or weight require the use of special equipment or handling, between points in California, on the one hand, and, on the other, those points in Missouri south and east of a line beginning at the Arkansas-Missouri State line and extending along Missouri Highway 17 to junction U.S. Highway 63, to junction U.S. Highway 44, to junction Missouri Highway 8, to junction Missouri Highway 67, to junction Missouri Highway 72, to junction Missouri Highway 51, to the Missouri-Illinois State line, those in Illinois, south of a line beginning at the Illinois-Missouri State line and extending along Illinois Highway 150 to junction Illinois Highway 4, to junction Illinois Highway 15, to junction Illinois Highway 4, to junction Illinois Highway 15, to the Illinois-Indiana State line, and those in Indiana south of U.S. Highway 50. The purpose of this filing is to eliminate the gateway of Shreveport, La.

No. MC 109397 (Sub-No. E79), filed May 15, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: E. S. Gordon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Turbines, steam condensers, feed water heaters, weldments,* and *heat exchangers*, (2) *Parts* of the commodities in (1) above, and (3) *Iron and steel castings and forgings*, restricted to the transportation of commodities which because of size or weight require the use of special equipment; between points in Vermont, New Hampshire, and Maine, on the one hand, and, on the other, points in Delaware, Maryland, Virginia, West Virginia, Illinois, North Carolina, Indiana on and south of U.S. Highway 30, points in Ohio on and south of U.S. Highway 30, points in that part of Pennsylvania on and south of U.S. Highway 30 beginning at the Ohio-Pennsylvania State line to junction Interstate Highway 76, thence along Interstate Highway 76 to the New Jersey-Pennsylvania State line, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 109397 (Sub-No. E80), filed May 15, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: E. S. Gordon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Turbines, steam condensers, feed water heaters, weldments and heat exchangers*, (2) *Parts* of the commodities in (1) above, and (3) *Iron and steel castings and forgings*, restricted to the transportation of commodities which because of size and weight requires the use of special equipment; between points in South Carolina, on the one hand, and, on the other, points in Connecticut, Rhode Island, Massachusetts, and New Jersey. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 109397 (Sub-No. E81), filed May 15, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: E. S. Gordon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Contractors' equipment and commodities*, the transportation of which because of their size or weight, requires the use of special equipment, and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith; between points in Texas, on the one hand, and, on the other, points in Virginia on and east of U.S. Highway 220 beginning at the West Virginia-Virginia State line to the Virginia-North Carolina State line, Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, West Virginia, and the District of Columbia, restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of Ohio.

No. MC 109397 (Sub-No. E84), filed May 15, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: E. S. Gordon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery and articles* which require specialized handling or rigging because of their size or weight, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in the Lower Peninsula of Michigan on and west of U.S. Highway 27 from Mackinaw City, Mich., to the Indiana-Michigan State line, on the one hand, and, on the other, points in Ohio on and east of U.S. Highway 23 beginning at the Michigan-Ohio State line to the Oho-Kentucky State line, restricted as to self-propelled articles which are transported on trailers. The purpose of this filing is to eliminate the gateway of points in Lucas County, Ohio.

No. MC 109397 (Sub-No. E85), filed May 15, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: E. S. Gordon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aerospace products, equipment, materials,* and *supplies*, the transportation of which, because of size, weight, or fragile character, requires the use o fspecial equipment or special handling, between the plants or facilities of the Martin-Marietta Corporation located in Colorado, on the one hand, and, on the other, Connecticut, Delaware, Lower Peninsula of Michigan on and east of U.S. Highway 131 beginning at the Michigan-Indiana State line, and extending along Interstate Highway 96 to Muskegon Heights, Michigan, Ohio, Massachusetts, North Carolina, Rhode Island, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Indiana or Lucas County, Ohio.

No. MC 109397 (Sub-No. E86), filed May 15, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: E. S. Gordon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antenna systems* requiring specialized handling or rigging, from points in Illinois, Indiana, Ohio, Lower Peninsula of Michigan, West Virginia, and Pennsylvania on and west of U.S. Highway 220 to points in Vermont, New Hampshire, and Maine. The purpose of this filing is to eliminate the gateway of Lucas County, Ohio, or Sherburne, N.Y.

No. MC 109397 (Sub-No. E87), filed May 15, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: E. S. Gordon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antenna systems*, requiring specialized handling or rigging, from points in Connecticut, Massachusetts, and Rhode Island, to Mississippi, Minnesota, Iowa, Missouri, Arkansas, Louisiana, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Washington, Oregon, Nevada, and California. The purpose of this filing is to eliminate the gateway of Sherburne, N.Y.

No. MC 109397 (Sub-No. E90), filed May 14, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: E. S. Gordon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electronic equipment, electronic machinery,* and *electronic systems* requiring specialized handling or rigging; (a) between points in Vermont, on the one hand, and, on the other, points in Connecticut, Rhode Island, New York on and south of U.S. Highway 20 beginning at Silver Creek, N.Y., to junction Alternate U.S. Highway 20, thence along Alternate U.S. Highway

20 to junction U.S. Highway 20, thence along U.S. Highway 20 to the New York-Massachusetts State line, New Jersey, Delaware, Maryland, Virginia, West Virginia, Pennsylvania, Ohio, Lower Peninsula of Michigan, Indiana, Illinois, Texas, North Carolina, and the District of Columbia (points in Massachusetts and points in Ohio or points in Lucas County, Ohio)*; and (b) between points in New York on and east of New York Highway 14, points in Pennsylvania on and east of U.S. Highway 15 from the Pennsylvania-Maryland State line extending along Pennsylvania Highway 14 to the Pennsylvania-New York State line, on the one hand, and, on the other, points in California, Oregon, Washington, and Nevada. The purpose of this filing is to eliminate the gateway of points in Massachusetts.

No. MC 113843 (Sub-E1000), filed December 2, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from those points in New Jersey south of a line beginning at the New Jersey-Pennsylvania State line and extending along New Jersey Highway 33 to junction U.S. Highway 130, to junction New Jersey Highway 39, to junction New Jersey Highway 33, to the Atlantic Ocean (except Salem County), to those points in Indiana west of a line beginning at the Michigan-Indiana State line and extending along Indiana Highway 19 to junction U.S. Highway 24, to junction U.S. Highway 31, to junction Indiana Highway 26, to LaFayette, thence along U.S. Highway 231, to junction Indiana Highway 162, to junction U.S. Highway 460, to junction Indiana Highway 545, to junction Indiana Highway 56, to the Ohio River. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 115840 (Sub-No. E80), filed December 30, 1974. Applicant: COLONIAL FAST FREIGHT, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such materials and supplies* (except commodities in bulk) as are used in the operations of a foundry and which are also used in the operation, production, processing, or transportation of iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes; (1) from points in California, Oregon, Washington, Idaho, Nevada, Arizona, Montana, Utah, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Texas, Louisiana, Oklahoma, Kansas, Minnesota, Iowa, Wisconsin, Michigan, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and points in Mississippi on and south of Interstate Highway 20 to Birmingham, Anniston, and Bessemer, Ala.; and (2) from points in Virginia, West Virginia, the District of Columbia, Maryland, Delaware, Kentucky, Florida, Missouri, Arkansas, Illinois, Indiana, Ohio, and points in Tennessee on and west of U.S. Highways 45 and 45E, to Birmingham, Anniston, and Bessemer, Ala. The purpose of this filing is to eliminate the gateway of Holt, Ala.

No. MC 115840 (Sub-No. E81), filed December 30, 1974. Applicant: COLONIAL FAST FREIGHT, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such plastic pipe, plastic molding, plastic valves, plastic fittings, plastic siding and accessories and materials* used in the installation thereof (except commodities in bulk) which are utilized as sand hoppers, conveyors, dust collectors, and meter boxes, from Williamport, Md., to points in Georgia on and west of Interstate Highway 75, and that portion of Louisiana on and east of the Mississippi River, that portion of Florida on and west of U.S. Highway 431 and that portion of Florida on and south of Florida Highway 72 and 70 from the Atlantic Ocean to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of Anniston, Ala.

No. MC 115840 (Sub-No. E83), filed December 30, 1974. Applicant: COLONIAL FAST FREIGHT, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such materials and supplies* used in the agriculture, water treatment, food processing, wholesale groceries, and institutional supply industries (except in bulk) as are embraced in iron and steel articles, cranes sand hoppers, elevators, conveyors, dust collectors, and meter boxes, (1) from points in Alabama beginning at the Alabama-Georgia State line on and south of U.S. Highway 278, to its intersection with Interstate Highway 59, thence south on and east of Interstate Highway 59 (including Gadsden, Attalla, Birmingham, Bessemer, and Tuscaloosa, Ala.) the Alabama-Mississippi State line to points in Tennessee on and east of (including Davidson County, Tenn.) Interstate Highway 65; (2) from points in that portion of Alabama beginning at the Alabama-Mississippi State line on and south of U.S. Highway 278, thence on U.S. Highway 278 to its intersection with U.S. Highway 431, thence south on and west of U.S. Highway 431 to its intersection with Interstate Highway 20, thence west on and north of Interstate Highway 20 to its intersection with Alternate U.S. Highway 231, thence along Alternate U.S. Highway 231 to its intersection with (and including Anniston, Ala.) Interstate Highway 65, thence along Interstate Highway 65 to its intersection with Alabama Highway 21, thence along Alabama Highway 21 to the Alabama-Florida State line to points in that portion of Georgia on and north of Interstate Highway 20 and U.S. Highway 78.

(3) From points in Alabama on and south of U.S. Highway 278 beginning at the Alabama-Georgia State line to its intersection with Interstate Highway 59, thence along Interstate Highway 59 to its intersection with Interstate Highway 59 and Interstate Highway 65 (including Jefferson and Shelby Counties, Ala.), thence south on and east of Interstate Highway 65 to its intersection with Interstate Highway 85 (including Montgomery County, Ala.), thence east on and north of Interstate Highway 85 to its intersection with U.S. Highway 431, thence north on and west of U.S. Highway 431 to its intersection with Interstate Highway 20, thence on and north of Interstate Highway 20 to the Alabama-Georgia State line to points in Tennessee on and west of Interstate Highway 65 (but including Davidson County, Tenn.); (4) from that portion of Alabama beginning at the Alabama-Georgia State line on and south of Interstate Highway 59, thence south on Interstate Highway 59 to its intersection with Interstate Highway 65 (including Jefferson County, Ala.), thence south on and east of Interstate Highway 65 to the intersection with Alabama Highway 22, thence east on and north of Alabama Highway 22 to the Alabama-Georgia State line to points in Mississippi on and south of U.S. Highway 82, and Louisiana east of the Mississippi River; (5) from points in that portion of Alabama beginning at the Alabama-Mississippi State line on and south of U.S. Highway 278, thence east on and south of U.S. Highway 278 to its intersection with U.S. Highway 431, thence south on and west of U.S. Highway 431 to its intersection with Interstate Highway 20, thence west on and north of Interstate Highway 20 to its intersection with U.S. Highway 231, thence south on and west of U.S. Highway 231 to its intersection with Alabama Highway 25, thence south on and west of Alabama Highway 25 to its intersection with Interstate Highway 65, thence north on and east of Interstate Highway 65 (including Jefferson and Shelby Counties, Ala.) to its intersection with U.S. Highway 78, thence west on and north of U.S. Highway 78 to its intersection with Alabama Highway 69, thence south on and west of Alabama Highway 69 (including Jasper, Tuscaloosa, Ala., and Walker County, Ala.) to its intersection with U.S. Highway 82, thence west on and north of U.S. Highway 82 to the Alabama-Mississippi State line to points in Georgia on and south of U.S. Highway 78 and Interstate Highway 20, and points in Florida.

(6) From points in that portion of Alabama beginning at the Alabama-Georgia State line on and east of Interstate Highway 59 to its intersection with U.S. Highway 231, thence south on and east of U.S. Highway 231 to its intersection with U.S. Highway 280, thence south on and northeast of U.S. Highway 280 to its intersection with Alternate U.S. Highway 231, thence north on and west of Alternate U.S. Highway 231 to its intersection with Alabama Highway 77, thence southeast on and north of

Alabama Highway 77 to its intersection with Alabama Highway 9, thence northeast on and west of Alabama Highway 9 to the Alabama-Georgia State line to points in Alabama beginning at the Alabama-Tennessee State line on and west of Interstate Highway 65 to the intersection (including Jefferson, Shelby, Chilton, and Montgomery Counties, Ala.) Interstate Highway 85, thence east on and south of Interstate Highway 85 to the Alabama-Georgia State line. The purpose of this filing is to eliminate the gateway of Anniston, Ala.

No. MC 115840 (Sub-No. E85), filed December 30, 1974. Applicant: COLONIAL FAST FREIGHT, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such materials and supplies* (except in bulk) used in the operation, production, processing, or transportation of iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes, which are also materials and supplies used in the agriculture, water treatment, food processing, wholesale groceries, and institutional supply industries, (1) from points in North Carolina and South Carolina to points in Alabama on and west of Interstate Highway 65; (2) from points in Tennessee to points in Florida, and points in that portion of Alabama on and south of Interstate Highway 20 and Interstate Highway 59 from the Alabama-Georgia State line to the Alabama-Mississippi State line (including Jefferson County, Ala.), and points in that portion of Georgia on and south of U.S. Highway 78 and Interstate Highway 20; (3) from points in Arkansas to points in North Carolina, South Carolina, Georgia, and points in that portion of Florida on and east of U.S. Highway 431; and from points in that portion of Arkansas on and west of U.S. Highway 65 to points in that portion of Alabama on and east of Interstate Highway 65 beginning at the Alabama-Tennessee State line to its intersection with U.S. Highway 331, thence south on and east of U.S. Highway 331 to the Alabama-Florida State line.

(4) From points in that portion of Alabama on and south of Interstate Highway 20 beginning at the Alabama-Georgia State line to its intersection with Interstate Highway 20 and Interstate Highway 59 (including Jefferson County, Ala.), thence south on and east of Interstate Highway 20 and 59 to the Alabama-Mississippi State line to points in Tennessee, North Carolina, South Carolina, and points in that portion of Georgia on and east of Interstate Highway 75 (including Atlanta), and from points in that portion of Alabama on and east of Interstate Highway 65 to points in Mississippi on and north of U.S. Highway 80; (5) from points in that portion of Alabama on and east of Interstate Highway 65 beginning at the Alabama-Tennessee State line to its intersection with (including Jefferson County, Ala.) U.S. Highway 78, thence west on and north of U.S. Highway 78 to the Alabama-Mississippi State line to points in Georgia; (6) from points in Louisiana on and east of the Mississippi River to points in North Carolina, South Carolina, and points in that portion of Alabama on and north of U.S. Highway 82 beginning at the Alabama-Mississippi State line, thence east on U.S. Highway to its intersection with Alabama Highway 22, thence east on and north of Alabama Highway 22 to the Alabama-Georgia State line, and points in that portion of Georgia on and north of U.S. Highway 80 and to points in that portion of Tennessee on and east of Interstate Highway 65 (including Davidson County, Tenn.); (7) from points in Mississippi on and south of Interstate Highway 20 to points in Alabama on and north of U.S. Highway 78 from the Alabama-Mississippi State line, thence east on Interstate Highway 78 to its intersection with Interstate Highway 20 (including Jefferson and Shelby Counties, Ala.), thence east on Interstate Highway 20 to the Alabama-Georgia State line, and that portion of Georgia on and north of Interstate Highway 20, and that portion of Tennessee on and east of Interstate Highway 65 (including Davidson County, Tenn.); (8) from points in Mississippi to points in North Carolina and South Carolina.

(9) From points in that portion of Mississippi on and north of U.S. Highway 82 to points in Georgia on and south of U.S. Highway 82 and points in that portion of Florida on and east of U.S. Highway 431; (10) from points in Georgia on and north of Interstate Highway 20 to points in Mississippi and Louisiana on and east of the Mississippi River; (11) from those points in Georgia on and south of Interstate Highway 20 to points in Tennessee on and west of Interstate Highway 65 (including Davidson County, Tenn.), and points in that portion of Alabama on and north of Interstate Highway 20 and U.S. Highway 78 (including Jefferson County, Ala.); and (12) from points in Florida to points in Tennessee and points in that portion of Alabama on and north of Interstate Highway 20 and U.S. Highway 78 and that part of Mississippi on and north of U.S. Highway 82. The purpose of this filing is to eliminate the gateways of Anniston, Bessemer, and Birmingham, Ala.

No. MC 115840 (Sub-No. E87), filed December 30, 1974. Applicant: COLONIAL FAST FREIGHT, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel mill products and commodities* (which because of size or weight require the use of special equipment), and related machinery parts and related contractors' materials and supplies (when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment) which are materials and supplies (except in bulk) used in the operation, production, processing, or transportation of iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes and which are also materials and supplies used in the operations of a foundry, from points in Florida on and south of Florida Highway 80 from the Gulf of Mexico to the Atlantic Ocean to Holt, Ala. The purpose of this filing is to eliminate the gateways of Birmingham and Anniston, Ala.

No. MC 115840 (Sub-No. E88), filed December 30, 1974. Applicant: COLONIAL FAST FREIGHT, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such salt and salt products and materials and supplies* used in the agriculture, water treatment, food processing, wholesale groceries, and institutional supply industries (except in bulk), which are materials and supplies used in the operation, production, processing, or transportation of iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes, and which are also pipe, fittings, valves, hydrants, gaskets, iron castings, or accessories (except commodities in bulk); from those points in that portion of Alabama bounded on the north by U.S. Highway 84 from the Alabama-Mississippi State line extending along U.S. Highway 31 to the Alabama-Florida State line at, and including Flomaton, Ala., to points in Washington, Oregon, Arizona, Utah, Nevada, Idaho, Wyoming, Colorado, Montana, Nebraska, Kansas, South Dakota, North Dakota, Iowa, Wisconsin, Illinois, Michigan, Minnesota, Indiana, Ohio, Kentucky, West Virginia, Virginia, Delaware, Maryland, New Jersey, New York, Connecticut, Rhode Island, Pennsylvania, Massachusetts, New Hampshire, Vermont, and Maine; (2) from those points in that portion of Alabama bounded on the north by U.S. Highway 82 from the Alabama-Mississippi State line extending along U.S. Highway 31 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Alabama-Mississippi State line to points in California, Oregon, Washington, Arizona, Nevada, Utah, Idaho, New Mexico, Wyoming, Colorado, Montana, Texas, Oklahoma, Nebraska, Kansas, South Dakota, North Dakota, Iowa, Wisconsin, Illinois, Minnesota, Michigan, Missouri, Indiana, Ohio, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, and Maine.

(3) From those points in that portion of Alabama located at junction Alabama Highway 5 and U.S. Highway 278, thence along U.S. Highway 278 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Alabama Highway 69, thence along Alabama Highway 69 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Alabama-Mississippi State line extending along U.S. Highway 78 to junction U.S. Highway 278, thence along U.S. Highway 278 to junction Alabama Highway 5 to points in California, Oregon, Washing-

ton, Arizona, New Mexico, Nevada, Utah, Idaho, Wyoming, Colorado, Montana, Texas, Oklahoma, Nebraska, Kansas, South Dakota, North Dakota, Iowa, Wisconsin, Michigan, Minnesota, West Virginia, Virginia, Pennsylvania, Delaware, Maryland, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, and Maine; (4) from those points in that portion of Alabama located at junction Alabama Highway 79 and U.S. Highway 231, thence along U.S. Highway 231 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction Alabama Highway 77, thence along Alabama Highway 77 to junction U.S. Highway Alternate 231 located at Talladega (and including Talladega, Ala.), thence along U.S. Highway Alternate 231 to junction Alabama Highway 22, thence along Alabama Highway 22 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Alabama Highway 69, thence along Alabama Highway 69 to junction Interstate Highway 65, thence along Interstate Highway 65 to Birmingham, Ala. (and including Birmingham, Ala.) and junction U.S. Highway 31 and Alabama Highway 79, thence along Alabama Highway 79 to junction U.S. Highway 231 to points in California, Washington, Oregon, Arizona, Utah, Nevada, Idaho, Wyoming, Colorado, Texas, Montana, Nebraska, Kansas, South Dakota, North Dakota, Iowa, Wisconsin, Michigan, Illinois, Minnesota, Indiana, Ohio, Kentucky, West Virginia, Virginia, Delaware, Maryland, New Jersey, New York, Connecticut, Rhode Island, Pennsylvania, Massachusetts, New Hampshire, Vermont, and Maine.

(5) From those points in that portion of Alabama at junction U.S. Highway Alternate 231 and Alabama Highway 77, thence along Alabama Highway 77 to junction Alabama Highway 22, thence along Alabama Highway 22 to junction U.S. Highway 280, thence along U.S. Highway 280 to junction Alabama Highway 49, thence along Alabama Highway 49 to the junction of Alabama Highway 14, thence along Alabama Highway 14 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Alabama Highway 22, thence along Alabama Highway 22 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction U.S. Highway Alternate 231, thence along U.S. Highway Alternate 231 to junction Alabama Highway 77, thence along Alabama Highway 77 to points in California, Washington, Oregon, Arizona, Utah, Nevada, Idaho, Wyoming, Colorado, Texas, Montana, Nebraska, Kansas, South Dakota, North Dakota, Iowa, Wisconsin, Michigan, Illinois, Minnesota, Indiana, Delaware, Ohio, Kentucky, West Virginia, Maryland, New Jersey, New York, Connecticut, Rhode Island, Pennsylvania, Massachusetts, New Hampshire, Vermont, and Maine; and (6) from those points in that portion of Alabama at junction Interstate Highway 65 and U.S. Highway 278, thence along U.S. Highway 278 to junction Alabama Highway 69, thence along Alabama Highway 69 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction U.S. Highway 278, thence along U.S. Highway 278 to junction Alabama Highway 75, thence along Alabama Highway 75 to junction Alabama Highway 35, thence along Alabama Highway 35 to junction Alabama Highway 9, thence along Alabama Highway 9 to junction U.S. Highway 411, thence along U.S. Highway 411 to junction U.S. Highway 431, thence along U.S. Highway 431 to junction Alabama Highway 21, thence along Alabama Highway 21 to junction Alabama Highway 77, thence along Alabama Highway 77 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Alabama Highway 79, thence along Alabama Highway 79 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 278, thence along U.S. Highway 278 to points in California, Oregon, Washington, Arizona, Nevada, Utah, Idaho, Wyoming, Colorado, Montana, Texas, Nebraska, Kansas, South Dakota, North Dakota, New York, Connecticut, Massachusetts, New Hampshire, Vermont, and Maine. The purpose of this filing is to eliminate the gateways of points in Alabama and Holt, Ala.

No. MC 115840 (Sub-No. E90), filed December 30, 1974. Applicant: COLONIAL FAST FREIGHT, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel mill articles* (except commodities which because of size or weight require the use of special equipment), (1) from points on the Tennessee River in Tennessee east of U.S. Highway 127 to points in that portion of Florida on and west of U.S. Highway 231 and points in that portion of Florida south of (and including) Miami, points in that portion of Louisiana east of the Mississippi River, and points in that portion of Mississippi on and south of Interstate Highway 20; (2) from points in that portion of the Tennessee River from Chattanooga, Tenn., to Decatur, Ala., to points in Florida on and east of U.S. Highway 231 and points in that portion of Louisiana east of the Mississippi River; (3) from points on that portion of the Tennessee River from Decatur, Ala., to Florence, Ala., to points in Florida on and east of U.S. Highway 231; (4) from points on that portion of the Tennessee River from Florence, Ala., to the Tennessee-Kentucky State line and Kentucky Lake to points in Georgia on and south of U.S. Highway 82 and points in that portion of Florida on and east of U.S. Highway 231; (5) from points on that portion of the Mississippi River, south of the Tennessee-Kentucky State line to Memphis, Tenn., to points in Florida on and east of U.S. Highway 231 and points in that portion of Georgia on and south of U.S. Highway 80 to its intersection with U.S. Highway 1 at Swainsboro, Ga., thence north on and east of U.S. Highway 1 to the Georgia-South Carolina State line.

(6) From points on that portion of the Mississippi River from Memphis, Tenn., to Greenville, Miss., to points in Florida on and east of U.S. Highway 231 and points in that portion of Tennessee on and east of U.S. Highway 27 and points in that portion of Georgia on and east of U.S. Highway 1; (7) from points on that part of the Mississippi River from Greenville, Miss., to Natchez, Miss., to points in Georgia on and east of U.S. Highway 1 and points in that portion of Florida on and south of Florida Highway 40 and points in that portion of Tennessee on and east of U.S. Highway 27; and (8) from points on that portion of the Mississippi River from Natchez, Miss., to the Gulf of Mexico to points in Tennessee on and east of U.S. Highway 27. The purpose of this filing is to eliminate the gateways of Anniston and Birmingham, Ala.

No. MC 117344 (Sub-No. E61) (Correction), filed May 21, 1974, published in the FEDERAL REGISTER June 2, 1975. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, which are chemicals, in bulk, in tank vehicles, from Leach, Ky., to points in Illinois on and north of a line beginning at Chester and extending along Illinois Highway 150 to junction Illinois Highway 154, thence along Illinois Highway 154 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Indiana State line, those in Minnesota on and east of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 65 to Minneapolis, Minn., thence along Minnesota Highway 65 to Littlefork, Minn., and thence along U.S. Highway 71 to the United States-Canada International Boundary line, and those in Missouri on and east of a line beginning at Louisiana, Mo., and extending along U.S. Highway 54 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateway of Columbus, Ohio. The purpose of this correction is to correct the highway description.

No. MC 117344 (Sub-No. E117) (Correction), filed May 19, 1974, published in the FEDERAL REGISTER May 16, 1975. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Stiverson & Alden, P.O. Box 5241, Columbus, Ohio 43212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caustic soda, alkaline cleaning compounds, acidic electric-polishing compounds, sulphuric acid, hydrochloric acid, buffing, polishing and abrasive compounds, coal tar chemicals, nitric acid, ink,* in bulk, in

tank vehicles, from Cincinnati, Ohio, to points in Illinois (except points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone as defined by the Commission), the Upper Peninsula of Michigan, those in the Lower Peninsula of Michigan on and west of a line beginning at the Michigan-Indiana State line and extending along U.S. Highway 131 to its junction with U.S. Highway 31, thence along U.S. Highway 31 to Mackinaw City (except Grand Rapids, Mich., and points in its Commercial Zone as defined by the Commission), those in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line and extending along Tennessee Highway 53 to junction Tennessee Highway 52, thence along Tennessee Highway 52 to junction Tennessee Highway 42, thence along Tennessee Highway 42 to Sparta, Tenn., thence along Tennessee Highway 111 to junction Tennessee Highway 8, thence along Tennessee Highway 8 to junction U.S. Highway 127, thence along U.S. Highway 127 to Chattanooga, Tenn. The purpose of this filing is to eliminate the gateway of Jackson County, Ind. The purpose of this correction is to extend the commodity description.

No. MC 118831 (Sub-No. E12), filed May 10, 1974. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5044, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals* (except cement and fertilizer), in bulk, in tank vehicles from those points in North Carolina on and east of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 221 to junction U.S. Highway 64 to junction North Carolina Highway 18 to the North Carolina-Virginia line, to points in Mississippi. The purpose of this filing is to eliminate the gateway of points in Georgia within the Lanett, Ala., commercial zone.

No. MC 118831 (Sub-No. E29), filed June 5, 1974. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5044, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dimethyl terephthalate molten*, in bulk, from Gibbstown, N.J., to points in Mississippi. The purpose of this filing is to eliminate the gateways of E. I. duPont de Nemours and Company at Graingers, N.C., South Carolina, and those points in Georgia in the Lanett, Ala., commercial zone.

No. MC 118831 (Sub-No. E32), filed June 5, 1974. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5044, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry synthetic plastic granules or pellets*, in bulk, in tank or hopper-type vehicles, from Darlington County, S.C., to points in Georgia and Virginia and that part of South Carolina on and north of the line beginning at the Georgia-South Carolina State line and extending along South Carolina Highway 72 to Greenwood, S.C., thence along South Carolina Highway 34 to junction U.S. Highway 52, thence along U.S. Highway 52 to Florence, thence along U.S. Highway 76 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateway of North Carolina.

No. MC 119388 (Sub-No. E2), filed May 10, 1974. Applicant: GLEN R. ELLIS, INC., 3911 Jerome Ave., Chattanooga, Tenn. 37407. Applicant's representative: Blaine Buchanan, 1024 James Bldg., Chattanooga, Tenn. 37402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from New Orleans, La., to points in that part of Georgia on and north of a line beginning at the Alabama-Georgia State line extending along U.S. Highway 78 to junction U.S. Highway 278, thence along U.S. Highway 278 to the Georgia-South Carolina State line. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn.

No. MC 119388 (Sub-No. E3), filed May 10, 1974. Applicant: GLEN R. ELLIS, INC., 3911 Jerome Ave., Chattanooga, Tenn. 37407. Applicant's representative: Blaine Buchanan, 1024 James Bldg., Chattanooga, Tenn. 37402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Cumberland, Md., to points in Georgia and Florida on, west and south of a line beginning at the Georgia-South Carolina State line extending along Interstate Highway 85 to junction Georgia Highway 11, thence along Georgia Highway 11 to junction U.S. Highway 129, thence along U.S. Highway 129 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 90 at Lake City, Fla., thence along U.S. Highway 90 to junction Florida Highway 100, thence along Florida Highway 100 to the Atlantic Ocean at Flagler Beach, Fla. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn.

No. MC 119388 (Sub-No. E4), filed May 10, 1974. Applicant: GLEN R. ELLIS, INC., 3911 Jerome Ave., Chattanooga, Tenn. 37407. Applicant's representative: Blaine Buchanan, 1024 James Bldg., Chattanooga, Tenn. 37402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Baltimore, Md., to points in Georgia and Florida on and west of a line beginning at the Georgia-South Carolina State line extending along Interstate Highway 85 to junction U.S. Highway 41 at Atlanta, thence along U.S. Highway 41 to junction Georgia Highway 33, thence along Georgia Highway 33 to Moultrie, thence along U.S. Highway 319 to junction U.S. Highway 19 at or near Thomasville, thence along U.S. Highway 19 to junction Florida Highway 361, thence along Florida Highway 361 to the Gulf of Mexico, at or near Adams Beach, Fla. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn.

No. MC 119388 (Sub-No. E5), filed May 10, 1974. Applicant: GLEN R. ELLIS, INC., 3911 Jerome Ave., Chattanooga, Tenn. 37407. Applicant's representative: Blaine Buchanan, 1024 James Bldg., Chattanooga, Tenn. 37402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Evansville, Fort Wayne, South Bend, and Terre Haute, Ind., St. Joseph and St. Louis, Mo., Detroit, Mich., Chicago and Peoria, Ill., Cincinnati, Ohio, Louisville, Ky., and Milwaukee, Wis., to points in Florida and Georgia. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn.

No. MC 119493 (Sub-E1), filed May 17, 1974. Applicant: MONKEM CO., INC., P.O. Box 1196, Joplin, Missouri 64801. Applicant's representative: J. J. Knotts Jr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Peanut meal*, in bulk and in bags, from points in Texas to points in Missouri on and north of U.S. Highway 44. The purpose of this filing is to eliminate the gateway of Kansas.

No. MC 119493 (Sub-No. E5), filed June 3, 1974. Applicant: MON KEM COMPANY, INC., P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: J. J. Knotts, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured animal and poultry feeds*, except in tank or hopper vehicles, from points in that part of Minnesota east of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 218 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Minnesota Highway 27, thence along Minnesota Highway 27 to junction Minnesota Highway 25, thence along Minnesota Highway 25 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to junction Minnesota Highway 371, thence along Minnesota Highway 371 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 71, thence along U.S. Highway 71 to the United States-Canada International Boundary line, to points in Oklahoma, points in that part of Arkansas on and east of a line beginning at the Missouri-Arkansas State line extending along U.S. Highway 63 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Arkansas-Louisiana State line, points in Louisiana, and points in that part of Mississippi on and south of U.S. Highway 78. The purpose of this filing is to eliminate the gateway of Joplin, Mo.

No. MC 119493 (Sub-No. E11), filed June 3, 1974. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative:

J. J. Knotts, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured animal and poultry feeds, dehydrated and suncured alfalfa, and such oat and corn by-products* as are used as animal or poultry feeds or ingredients thereof, from points in Nebraska, points in Kansas north of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway 36 to junction Kansas Highway 27, thence along Kansas Highway 27 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Kansas Highway 16, thence along Kansas Highway 16 to junction U.S. Highway 59, thence along U.S. Highway 59 to the Kansas-Missouri State line, points in Illinois south and east of a line beginning at the Illinois-Missouri State line and extending along Illinois Highway 104 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 57, thence along U.S. Highway 57 to the Illinois-Kentucky State line, points in Iowa east of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 71 to junction Iowa Highway 175 to junction U.S. Highway 39, thence along U.S. Highway 39 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Iowa-Missouri State line, to points in Mississippi and Tennessee. The purpose of this filing is to eliminate the gateway of Missouri.

No. MC 119493 (Sub-No. E13), filed May 17, 1974. Applicant: MONKEM CO., INC., P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: J. J. Knotts, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cottonseed meal, soybean meal*, and *such other by-products* of cottonseed and soybeans as are used as animal or poultry feeds or ingredients thereof, from points in Minnesota to points in Oklahoma, and points in Kansas on and south of a line beginning at the Missouri-Kansas State line and extending along U.S. Highway 160 to junction Kansas Highway 99, thence along Kansas Highway 99 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Joplin, Mo.

No. MC 119493 (Sub-No. E14), filed May 17, 1974. Applicant: MONKEM CO., INC., P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: J. J. Knotts, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured animal and poultry feeds* (except in bulk, in tank or hopper type vehicles), from points in Texas east of a line beginning at the Texas-Oklahoma State line and extending along Texas Highway 24 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Gulf of Mexico, points in Iowa, points in Illinois on and north of U.S. Highway 70, thence along U.S. Highway 70, points in Nebraska north of a line beginning at the Nebraska-Colorado State line and extending along Nebraska Highway 61 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Nebraska-Iowa State line. The purpose of this filing is to eliminate the gateway of Joplin, Mo.

No. MC 119493 (Sub-No. E16), filed May 17, 1974. Applicant: MONKEM CO., INC., P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: J. J. Knotts, Jr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured animal and poultry feeds* (except in bulk, in tank or hopper vehicles), from points in Missouri on and north of U.S. Highway 44 to points in Texas. The purpose of this filing is to eliminate the gateway of Joplin, Mo. and points in Missouri within 5 miles thereof.

No. MC 119493 (Sub-No. E17), filed May 17, 1974. Applicant: MONKEM CO., INC., P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: J. J. Knotts, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured animal and poultry feed*, such oat and corn by-products as are used as ingredients thereof from points in Arkansas on and west of a line beginning at the Missouri-Arkansas State line and extending along U.S. Highway 63 to junction U.S. Highway 167, to junction U.S. Highway 65 to the Arkansas-Louisiana State line, points in Louisiana, and Mississippi. The purpose of this filing is to eliminate the gateway of Joplin, Mo.

No. MC 119493 (Sub-No. E20), filed May 17, 1974. Applicant: MONKEM CO., INC., P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: J. J. Knotts, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured animal and poultry feeds*, restricted to cottonseed meal, soybean meal, and other by-products of cottonseed and soybeans (except in bulk, in tank or hopper type vehicles), from points in Indiana to points in Oklahoma on and west of U.S. Highway 271, and points in Kansas on and south of a line beginning at the Kansas-Colorado State line and extending along U.S. Highway 70 to junction U.S. Highway 35W, thence along U.S. Highway 35W to junction, U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Missouri State line. The purpose of this filing is to eliminate the gateways of Joplin, Mo., and points in Missouri within 5 miles thereof.

No. MC 119493 (Sub-E27), filed May 17, 1974. Applicant: MONKEM CO. INC., P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: J. J. Knotts, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated new bags and containers* (except glass and cardboard containers), from points in Kentucky, Iowa, Indiana, Illinois, and points in Kansas on and east of U.S. Highway 69, points in Nebraska on and east of U.S. Highway 75, points in South Dakota on and east of U.S. Highway 29, points in North Dakota on and east of U.S. Highway 29 to points in Texas on and south of a line beginning at the New Mexico-Texas state line and extending along Texas Highway 86 to junction U.S. Highway 287 to the Texas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Joplin, Mo.

No. MC 119493 (Sub-No. E29), filed May 17, 1974. Applicant: MONKEM CO., INC., P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: J. J. Knotts, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transportings: *Prefabricated empty containers* used in transporting commercial fertilizer, from points in Oklahoma on and west of U.S. Highway 271 to Wolf Lake, Ill., and Terre Haute, Ind. The purpose of this filing is to eliminate the gateway of Horn, Mo.

No. MC 119493 (Sub-No. E30), filed May 17, 1974. Applicant: MONKEM CO., INC., P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: J. J. Knotts, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated new bags and containers* (except glass and cardboard containers), from points in Texas on and west of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 271 to junction Texas Highway 24, thence along Texas Highway 24 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Texas Highway 6, thence along Texas Highway 6 to junction Texas Highway 105, thence along Texas Highway 105 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Gulf of Mexico, to Wolf Lake, Ill., and Terre Haute, Ind. The purpose of this filing is to eliminate the gateway of Joplin, Mo.

No. MC 119493 (Sub-No. E38), filed May 17, 1974. Applicant: MONKEM CO., INC., P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: J. J. Knotts, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated empty containers*, used in transporting commercial fertilizer, from points in Minnesota and Iowa, to points in Louisiana and points in Texas on and south of Texas Highway

86. The purpose of this filing is to eliminate the gateway of Horn, Mo.

No. MC 119493 (Sub-No. E42), filed June 3, 1974. Applicant: MON KEM COMPANY, INCORPORATED, P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: J. J. Knotts, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured animal feed*, restricted to cottonseed meal, soybean meal, and other by-products of cottonseed and soybeans (except in bulk, in tank or hopper-type vehicles), from Golden Meadow, La., and the plant site of Usen Products Company at or near Lockport, La., to points in Kansas, Nebraska, and points in Iowa on and west of a line beginning at the Missouri-Iowa State line and extending along U.S. Highway 61 to junction Iowa Highway 38, thence along Iowa Highway 38 to junction U.S. Highway 151, thence along U.S. Highway 151 to the Iowa-Wisconsin State line. The purpose of this filing is to eliminate the gateways of Joplin, Mo., or points in Missouri within 5 miles thereof, and Texas.

No. MC 119493 (Sub-No. E44), filed June 3, 1974. Applicant: MON KEM COMPANY INCORPORATED, P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: J. J. Knotts, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured animal feed*, restricted to cottonseed meal, soybean meal, and other by-products of cottonseed and soybeans (except in bulk, in tank or hopper type vehicles), from Golden Meadow, La., and the plant site of the Usen Products Company at or near Lockport, La., to points in Kansas, Nebraska, and points in Iowa on and west of a line beginning at the Missouri-Iowa State line and extending along U.S. Highway 61 to junction Iowa Highway 38, thence along Iowa Highway 38 to junction U.S. Highway 151, thence along U.S. Highway 151 to the Iowa-Wisconsin State line. The purpose of this filing is to eliminate the gateways of Joplin, Mo., or points in Missouri within 5 miles thereof, and Texas.

No. MC 119864 (Sub-No. E25), filed May 24, 1974. Applicant: CRAIG TRANSPORTATION CO., 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers* and *closures, caps,* and *covers* for glass containers and packing cartons therefor, when moving in mixed loads with glass containers, restricted to such materials and supplies as are used in the operation and maintenance of packinghouses, from Winchester, Ind., to St. Louis, Mo. The purpose of this filing is to eliminate the gateway of Illinois.

No. MC 119864 (Sub-No. E27), filed May 24, 1974. Applicant: CRAIG TRANSPORTATION CO., 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen, liquid, or in bulk); (a) from the facilities of the Oconomowoc Canning Company at Cobb, Poynette, Sun Prairie, and Waunakee, Wis., and the facilities of The Pet Milk Co., at Belleville, Madison, and Middleton, Wis., to points in Michigan on and east of a line beginning at Lake Huron and extending along Michigan Highway 21 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Michigan Highway 55, thence along Michigan Highway 55 to Lake Huron (except points in Genesse County); (b) from the facilities of the Oconomowoc Canning Co., at Merrill, Wis., to points in Michigan on and east of a line beginning at Lake Huron and extending along Michigan Highway 21 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Michigan Highway 20, thence along Michigan Highway 20 to junction U.S. Highway 10, thence along U.S. Highway 10 to Lake Huron; and (c) from the facilities of the Oconomowoc Canning Co., at Cobb, Merrill, Poynette, Sun Prairie, and Waunakee, Wis., and the facilities of The Pet Milk Co., at Belleville, Madison, and Middleton, Wis., to points in Kentucky on and east of U.S. Highway 75. The purpose of this filing is to eliminate the gateway of Archbold, Ohio.

No. MC 119864 (Sub-No. E28), filed May 11, 1974. Applicant: CRAIG TRANSPORTATION CO., 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Empty glass containers for food and dairy products and closures, caps, and covers for glass containers and packing cartons therefore, when moving in mixed loads with glass containers, restricted to shipments moving from, to, or between plants, warehouses, or other facilities of food manufacturing and dairy establishments, (a) from Detroit, Mich., and Toledo, Ohio, to points in Illinois on and south of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 34 to junction Illinois Highway 150, thence along Illinois Highway 150 to junction Illinois Highway 9, thence along Illinois Highway 9 to the Illinois-Indiana State line; and (b) from Detroit, Mich., to points in Ohio on, south, and west of a line beginning at the Ohio-Indiana State line and extending along Ohio Highway 47 to junction Ohio Highway 49, thence along Ohio Highway 49 to junction Ohio Highway 49A, thence along Ohio Highway 49A to junction Ohio Highway 503, thence along Ohio Highway 503 to junction Ohio Highway 725, thence along Ohio Highway 725 to junction Ohio Highway 123, thence along Ohio Highway 123 to junction U.S. Highway 68, thence along U.S. Highway 68 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateway at Winchester, Ind.

No. MC 119864 (Sub-No. E31), filed May 24, 1974. Applicant: CRAIG TRANSPORTATION CO., 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products, dairy products,* and *canned goods* and *packinghouse products and by-products*, which are food products (except liquid or in bulk), restricted to shipments moving from or to plant warehouses, or other facilities of food manufacturing and dairy establishments, from the facilities of the Oconomowoc Canning Company at Merrill, Wis., to points in Illinois on and east of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 24 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 57, thence along U.S. Highway 57 to the Illinois-Kentucky State line. The purpose of this filing is to eliminate the gateway of Chicago, Ill., and points in Michigan east of U.S. Highway 27 and south of Michigan Highway 21.

No. MC 119684 (Sub-No. E32), filed May 27, 1974. Applicant: CRAIG TRANSPORTATION CO., 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen food products* and *frozen dairy products* (except liquid or in bulk), restricted to shipments moving from, to or between facilities of food manufacturing and dairy establishments; (a) from the facilities of the Oconomowoc Canning Co., at Cob, Merrill, Poynette, Sun Prairie, and Waunakee, Wis., and the facilities of The Pet Milk Co., at Belleville, Madison, and Middletown, Wis., to points in Ohio and points in Kentucky on and east of U.S. Highway 41; and (b) from the facilities of the Oconomowoc Canning Co., at Merrill Wis., to points in Illinois on and east of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 24 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 57, thence along U.S. Highway 57 to the Illinois-Kentucky State line. The purpose of this filing is to eliminate the gateways of LaPorte, Ind., and points in Michigan east of U.S. Highway 27 and south of Michigan Highway 21.

No. MC 119864 (Sub-No. E33), filed May 22, 1974. Applicant: CRAIG TRANSPORTATION CO., 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen food products* and *frozen dairy products*, restricted to shipments moving from, to, or between plants, warehouses, or other facilities of food manufacturing and dairy establishments; (1) from points in

Michigan south of Michigan Highway 21 and points in Ohio on, south, and west of a line beginning at Lake Erie and extending along U.S. Highway 42 to junction Ohio Highway 18, thence along Ohio Highway 18 to the Indiana-Ohio State line, to points in Illinois; (2) from points in Ohio on and bounded by a line beginning at Delaware, Ohio, and extending along U.S. Highway 23 to junction Ohio Highway 18, thence along Ohio Highway 18 to junction U.S. Highway 42, thence along U.S. Highway 42 to point of beginning, to points in Illinois north and west of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 36 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Illinois-Missouri State line; (3) from points in Ohio on and bounded by a line beginning at Delaware, Ohio, and extending along U.S. Highway 23 to junction Ohio Highway 18, thence along Ohio Highway 18 to the Indiana-Ohio State line, to junction U.S. Highway 33 to point of beginning, to points in Illinois on and north of U.S. Highway 36; (4) from points in Ohio on and south of U.S. Highway 33 and on and north of U.S. Highway 36, thence along U.S. Highway 36 to points in Illinois on and north of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 24 to junction U.S. Highway 74, thence along U.S. Highway 74 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Illinois-Iowa State line; (5) from points in Michigan on and west of a line beginning at the Indiana-Michigan State line and extending along U.S. Highway 31 to junction Michigan Highway 51, thence along Michigan Highway 51 to junction U.S. Highway 94, thence along U.S. Highway 94 to junction Michigan Highway 40, thence along Michigan Highway 40 to junction Michigan Highway 43, thence along Michigan Highway 43 to Lake Michigan, to points in Ohio.

(6) From points in Michigan on and bounded by a line beginning at Grand Rapids and extending along U.S. Highway 131 to junction Michigan Highway 43, thence along Michigan Highway 43 to Lake Michigan, to Michigan Highway 21 to point of beginning, to points in Ohio on and south of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 40 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-West Virginia State line; (7) from points in Ohio on, north, and west of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 6 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Ohio Highway 303, thence along Ohio Highway 303 to junction U.S. Highway 42, thence along U.S. Highway 42 to Lake Erie, to points in Kentucky on and west of U.S. Highway 41; (8) from Toledo, Ohio, and points within ten miles thereof, to Owensboro, Ky.; (9) from points in Michigan on and south of Michigan Highway 21 to points in Kentucky on and west of U.S. Highway 31E; and (10) from points in Michigan on and west of a line beginning at the Indiana-Michigan State line and extending along U.S. Highway 131 to junction U.S. Highway 94, thence along U.S. Highway 94 to junction Michigan Highway 66, thence along Michigan Highway 66 to junction Michigan Highway 21 to Lake Michigan, to points in Kentucky on and east of U.S. Highway 31E. The purpose of this filing is to eliminate the gateway of La-Porte, Ind.

No. MC 119864 (Sub-No. E44), filed May 23, 1974. Applicant: CRAIG TRANSPORTATION CO., 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packinghouse products* and *materials and supplies* used in the operation and maintenance of packinghouses, from Fremont, Ohio (1) to St. Louis, Mo. (points in the Chicago, Ill. commercial zone which are in Indiana, restricted to Gary) * (2) to points in Illinois on and north of U.S. Highway 40 which are on and west of Illinois Highway 37 (Chicago, Ill.) * The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 125777 (Sub-No. E1), filed June 4, 1974. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gary, Ind. 46403. Applicant's representative: J. S. Gray, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roasted dolomite*, in bulk, in dump vehicles, from the facilities of J. E. Baker Company at Millerville, Ohio, to points in Lake and Porter Counties, Ind., Wisconsin, and Illinois. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 125777 (Sub-No. E18), filed June 4, 1974. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gary, Ind. 46403. Applicant's representative: J. S. Gray, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone, granite, marble, and gravel*, crushed, in bulk, in dump vehicles, from points in Wisconsin (except Milwaukee, Waukesha, Dane, Racine, and Kenosha Counties), Minnesota, Iowa, South Dakota, Wyoming, Montana, Utah, North Dakota and Nebraska, to points in Kentucky. Restriction: The operations authorized above are restricted against the transportation of limestone from points in Iowa. The purpose of this filing is to eliminate the gateways of Chicago and Champaign, Ill.

No. MC 125777 (Sub-No. E20), filed June 4, 1974. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gary, Ind. 46403. Applicant's representative: J. S. Gray, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone, granite, marble, and gravel*, crushed, in bulk, in dump vehicles, from points in Minnesota, South Dakota, North Dakota, Nebraska, New Mexico, Colorado, Wyoming, Montana, Arizona, and Utah, to points in Ohio. The purpose of this filing is to eliminate the gateways of Chicago and Champaign, Ill.

No. MC 125777 (Sub-No. E24), filed June 4, 1974. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gary, Ind. 46403. Applicant's representative: J. S. Gray, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone, granite, marble, and gravel*, crushed, in bulk, in dump vehicles, from Nebraska, Colorado, Wyoming, Montana, Arizona, Wisconsin (except Milwaukee, Waukesha, Dane, Racine, and Kenosha Counties, Wis.), Minnesota, Iowa, South Dakota, North Dakota, and Utah, to points in Virginia. Restriction: The operations authorized above are restricted against the transportation of limestone from points in Iowa. The purpose of this filing is to eliminate the gateway of Chicago and Champaign, Ill.

No. MC 118831 (Sub-No. E37), filed May 21, 1974. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5044, Highpoint, N.C. 27262. Applicant's representative: Richard E. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals, anhydrous ammonia, and fertilizer, and fertilizer materials), in bulk, in tank or hopper type vehicles, from the plant site of Howerton-Gowen Company in Chesapeake, Va. (in the Norfolk Commercial Zone) to points in Georgia. The purpose of this filing is to eliminate the gateways of points in North Carolina east of U.S. Highway 21 and north of U.S. Highway 74.

No. MC 118831 (Sub-No. E38), filed June 5, 1974. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5044, Highpoint, N.C. 27262. Applicant's representative: Richard E. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemical fertilizer and fertilizer materials*, in bulk, in tank or hopper type vehicles, from the plant site of Howerton-Gowen Company, Ind., at Chesapeake, Va., to points in Georgia, South Carolina, and West Virginia and points in Virginia on and west of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 301 to Emporia, thence along U.S. Highway 58 to Lawrenceville, thence along Virginia Highway 46 to Blackstone, thence along U.S. Highway 460 to Farmville, thence along U.S. Highway 15 to junction Virginia Highway 20, thence along Virginia Highway 20 to Charlottesville, thence along U.S. Highway 29 to Culpepper, thence along U.S. Highway 522 to Winchester, Va., thence along U.S. Highway 11 to the West Virginia-Virginia State line, re-

stricted against the transportation of liquid fertilizer and liquid fertilizer materials to points in Kanawha and Pleasants Counties, W. Va. The purpose of this filing is to eliminate the gateway of Hertford County, N.C.

No. MC 118831 (Sub-No. E40) filed May 30, 1974. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5044, Highpoint, N.C. 27262. Applicant's representative: Richard E. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals, anhydrous ammonia, fertilizer and fertilizer materials), in bulk, in tank or hopper-type vehicles, from the plant site of Howerton-Gowen Company, Inc., at Chesapeake, Va., to that part of North Carolina on, south and west of a line beginning at the Atlantic Ocean and extending along U.S. Highway 74 to Charlotte, thence along North Carolina Highway 115 to Mooresville, thence along North Carolina Highway 150 to junction North Carolina Highway 16, thence along North Carolina Highway 16 to Conover, thence along Interstate Highway 40 to Hickory, thence along U.S. Highway 321 to the Tennessee-North Carolina State line. The purpose of this filing is to eliminate the gateways of that part of North Carolina east of U.S. Highway 21 and north of U.S. Highway 74; and South Carolina.

No. MC 119864 (Sub-No. E17), filed May 22, 1974. Applicant: CRAIG TRANSPORTATION CO., 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen dairy products*; (1) from Cleveland, Ohio, to points in Illinois and points in Kentucky on and west of U.S. Highway 41 (except Hopkinsville); and (2) from Columbus, Ohio, to points in Illinois on and north of a line beginning at the Illinois-Indiana State line and extending along Illinois Highway 9 to junction Illinois Highway 54, thence along Illinois Highway 54 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Iowa State line. The purpose of this filing is to eliminate the gateway of LaPorte, Ind.

No. MC 119864 (Sub-No. E19), filed May 31, 1974. Applicant: CRAIG TRANSPORTATION CO., 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packinghouse products* and *materials* and *supplies* used by packinghouses as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *canned goods* which are embraced in the above-described commodities (except in bulk, in tank vehicles), from St. Louis, Mo., and points in Illinois on, west, and north of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 40 to junction Illinois Highway 37, thence along Illinois Highway 37 to the Illinois-Kentucky State line, to Fremont, Ohio. The purpose of this filing is to eliminate the gateways of Chicago, Ill., and Gary, Ind.

No. MC 119684 (Sub-No. E21), filed May 31, 1974. Applicant: CRAIG TRANSPORTATION CO., 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Meat products* and *meat by-products and articles* distributed by meat packinghouses (except hides and commodities in bulk, in tank vehicles), as described in Section A & C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, restricted to food products and dairy products which are distributed by meat packinghouses (except in bulk, in tank vehicles), from the plant site of Armour and Company near Sterling, Ill., to points in Michigan south of Michigan Highway 21, points in Ohio on, north, and west of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 36 to junction U.S. Highway 41, thence along U.S. Highway 41 to Lake Erie (Indiana) *; and (b) *Meats, packinghouse products*, and *commodities* used by packinghouses as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except in bulk, in tank vehicles), from the plant site of Armour and Company near Sterling, Ill., to Fremont, Ohio (Ft. Wayne, Ind., or points in Indiana within the Chicago, Ill., commercial zone) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 119864 (Sub-No. E22), filed May 31, 1974. Applicant: CRAIG TRANSPORTATION CO., 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Dairy products* and *canned goods*, from National City, Ill., to points in Michigan south of Michigan Highway 21, and points in Ohio on, north, and west of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 36 to junction U.S. Highway 42, thence along U.S. Highway 42 to Lake Erie (Indianapolis, Ind.) *; and (b) *Dairy products* and *canned goods* (except frozen foodstuffs), except in bulk, in tank vehicle, from National City, Ill., to points in Indiana within 40 miles of Angola, Ind., and points in Michigan on and north of Michigan Highway 21 (except Genesee County) (Indianapolis, Ind., and Archbold, Ohio) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 119864 (Sub-No. E35), filed May 29, 1974. Applicant: CRAIG TRANSPORTATION CO., 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Canned milk*, from Toledo, Ohio, to points in Wisconsin (Bryan, Ohio) *; (b) *Canned or preserved foodstuffs, cooking oil*, and *shortening* (except in bulk, in tank vehicles), from Toledo, Ohio to Wauwatosa, Wis. (Port Clinton, Minster, St. Marys, or Gibsonburg, Ohio); and (c) *Canned goods*, from Toledo, Ohio, to Baraboo, Milwaukee, Madison, Marshfield, Wausau, Granville, Oshkosh, Kenosha, Eau Claire, and Green Bay, Wis. (Port Clinton or Clyde, Ohio) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 119864 (Sub-No. E36), filed May 29, 1974. Applicant: CRAIG TRANSPORTATION CO., 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware, glass containers, caps, covers and stoppers*, and *paper or fibreboard cartons*, restricted to such materials and supplies as are used in packinghouses, from the plant site and warehouse facilities of Ball Brothers Company, Inc., at Mundelein, Ill., to (a) St. Louis, Mo. (Gary, Ind.) *, and (b) points in Illinois on and south of U.S. Highway 136 (points in Indiana which are in the Chicago, Ill., commercial zone) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 119864 (Sub-No. E38), filed June 2, 1974. Applicant: CRAIG TRANSPORTATION CO., 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain flour*, which is used in the operation of packinghouses, from Toledo, Ohio, to St. Louis, Mo., De Kalb, Rochelle, Eureka, Washington, and Morton, Ill. The purpose of this filing is to eliminate the gateway of Naperville, Ill.

No. MC 123407 (Sub-No. E206), filed May 25, 1975. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, when used as a building material (except in bulk), from L'Anse, Mich., to points in Mississippi, Louisiana, Texas, Pennsylvania, Delaware, Kentucky, West Virginia, and Jasper, Joplin, McDonald, Lawrence, Barry, Greene, Christen, Stone, Webster, Douglas, Taney, Wright, Ozark, Texas, Howell, Shannon, Oregon, Reynolds, Carter, Ripley, Madison, Wayne, Butler, Bollinger, Stoddard, Cape Girardeau, Scott, Mississippi, New Madrid, and Pemiscot Counties, Mo. The

purpose of this filing is to eliminate the gateway of the facilities of Continental Steel Corp., at or near Kokomo, Ind.

No. MC 123407 (Sub-No. E207), filed May 25, 1975. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, when used as a building material (except in bulk), from Port Clinton, Ohio to points in Mississippi, Louisiana, Texas, Missouri, and points in and west of Jefferson, Spencer, Nelson, Larue, Green, Metcalfe, Cumberland, and Clinton Counties, Ky. The purpose of this filing is to eliminate the gateway of the facilities of Continental Steel Corp., at or near Kokomo, Ind.

No. MC 123407 (Sub-No. E208), filed May 25, 1975. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel roofing and roofing materials* (except in bulk), from Chicago, Ill., to points in West Virginia, Mississippi, Louisiana, Texas, Pennsylvania, Delaware, and Kentucky (except points in Crittenden, Livingston, Marshall, Calloway, McCracken, Graves, Ballard, Hickman, Carlisle, and Fulton Counties, Ky.). The purpose of this filing is to eliminate the gateway of the facilities of Continental Steel Corp., at or near Kokomo, Ind.

No. MC 123407 (Sub-No. E209), filed May 25, 1975. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, when used as a building material (except in bulk) from Stephenson County, Ill., to points in Washington, and St. Tammany, St. John, St. James, Abbeville, Iberia, St. Mary, Assumption, Terrebonne, Lafourche, Jefferson, St. Bernard, and Plaquemines Counties, La. The purpose of this filing is to eliminate the gateways of Warren, Ill., and facilities of Continental Steel Corp., at or near Kokomo, Ind.

No. MC 123407 (Sub-No. E210), filed May 25, 1975. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel articles*, as described in Appendix V to the report in *Descriptions of Motor Carrier Certificates*, 61 M.C.C. 209, when used as a building material (except in bulk), from Whiteside County, Ill., to points in Boyd, Lawrence, Johnson, Martin, Floyd, Pike, Knott, Latcher, Perry, Leslie, Harlan, and Bell Counties, Ky. The purpose of this filing is to eliminate the gateway of Warren, Ill., and the facilities of Continental Steel Corp., at or near Kokomo, Ind.

No. MC 123407 (Sub-No. E211), filed May 25, 1975. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board* and *materials, supplies*, and *accessories* used in the installation thereof (except commodities in bulk, lumber, chemicals, and commodities the transportation of which because of their size or weight require the use of special equipment), from Port Clinton, Ohio, to Beaufort, Jasper, and Charleston Counties, S.C., Effingham, Chatham, Bryan, Liberty, McIntosh, Glynn, and Camden Counties, Ga., and points in that part of Florida in and east of Nassau, Duval, Clay, Bradford, Alachua, Marion, and Citrus Counties, Fla. The purpose of this filing is to eliminate the gateways of ty, McIntosh, Glynn, and Camden Coun-Brookville, Ind., and Roaring River, N.C.

No. MC 123407 (Sub-No. E224), filed May 25, 1975. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, when used as building materials (except in bulk), from Rockford, Ill., to Presidio, Webb, Zapata, Jim Hogg, Starr, Brooks, Hidalgo, Nueces, Kleberg, Kenedy, Willacy, and Cameron Counties, Tex. The purpose of this filing is to eliminate the gateways of Warren, Ill., and the facilities of Continental Steel Corporation at Kokomo, Ind.

No. MC 123407 (Sub-No. E225), filed May 25, 1975. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, when used as building material (except in bulk), from Carroll and to Davies Counties, Ill., to points in West Virginia. The purpose of this filing is to eliminate the gateways of Warren, Ill., and the facilities of Continental Steel Corp., at Kokomo, Ind.

No. MC 123407 (Sub-No. E226), filed May 25, 1975. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel articles*, as described in Appendix V to the report in *Descriptions of Motor Carrier Certificates*, 61 M.C.C. 209, when used as a building material (except in bulk), from East Dubuque, Ill., to Cameron County, Tex. The purpose of this filing is to eliminate the gateways of Warren, Ill., and the facilities of Continental Steel Corp., at or near Kokomo, Ind.

No. MC 123407 (Sub-No. E227), filed May 25, 1975. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, when used as a building material (except in bulk), from Stephenson County, Ill., to points in West Virginia. The purpose of this filing is to eliminate the gateways of Warren, Ill., and the facilities of Continental Steel Corp., at or near Kokomo, Ind.

No. MC 123407 (Sub-No. E228), filed May 25, 1975. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, when used as a building material (except in bulk), from Warren, Ill., to points in West Virginia, Delaware, points in that part of Mississippi in and south of Kemper, Neshoba, Leade, Scott, Rankin, Hinds, and Warren Counties, and points in that part of Louisiana in and south of Tensas, Concordia, Avoyelles, Rapides, Vernon, and Sabine Counties. The purpose of this filing is to eliminate the gateways of the facilities of Continental Steel Corp., at or near Kokomo, Ind.

No. MC 123407 (Sub-No. E229), filed May 25, 1975. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, when used as a building material (except in bulk), from Joe Davies County, Ill., to points in Washington, St. Tammany, St. John, St. James, Abbeville, Iberia, St. Mary, Assumption, Terrebonne, Lafourche, Jefferson, St. Bernard, and Plaquemines Counties, La. The purpose of this filing is to eliminate the gateway of Warren, Ill., and the facilities of Continental Steel Corp., at or near Kokomo, Ind.

No. MC 123407 (Sub-No. E230), filed May 25, 1975. Applicant: SAWYER TRANSPORT CO., U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, when used as a building material (except in bulk), from Henry, Knox, Winnebago, Carroll, Jo Daviess, Stephenson, Lee, and Whiteside Counties, Ill., to points in Delaware. The purpose of this filing is to eliminate the gateway of Warren, Ill., and the facilities of Continental Steel Corp., at or near Kokomo, Ind.

No. MC 123744 (Sub-No. E1), filed May 15, 1974. Applicant: BUTLER TRUCKING CO., P.O. Box 88, Woodland, Pa. 16881. Applicant's representative: E. Steward Butler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products*, fom Clearfield, Pa., and points within 25 miles thereof, to New York, N.Y., and points in Bergen, Essex, Hudson, Hunterdoh, Middlesex, Morris, Passaic, Somerset, Union, and Warren Counties, N.J. The purpose of this filing is to eliminate the gateway of points in Centre County, Pa.

No. MC 123744 (Sub-No. E2), filed May 15, 1974. Applicant: BUTLER TRUCKING CO., P.O. Box 88, Woodland, Pa. 16881. Applicant's representative: E. Steward Butler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products* (except in bulk), from Clymer, Pa., to points in Ohio, Indiana, Illinois, Michigan, Missouri, Louisiana, and West Virginia. The purpose of this filing is to eliminate the gateway of Glen Campbell, Pa.

No. MC 123744 (Sub-No. E3), filed May 15, 1974. Applicant: BUTLER TRUCKING CO., P.O. Box 88, Woodland, Pa. 16881. Applicant's representative: E. Steward Butler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products* (except in bulk), from Clymer, Pa., to points in Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Union, and Warren Counties, N.J., points in New Castle County, Del., points in New York east of the Hudson River and south of U.S. Highway 202, and points on Long Island, N.Y., points in Arlington, Fairfax, Prince William, and Loudoun Counties, Va., points in Anne Arundel, Baltimore, Harford, Howard, Carroll, Frederick, Prince Georges, and Montgomery Counties, Md., and Baltimore City, Md. The purpose of this filing is to eliminate the gateway of Clearfield, Pa., and points within 25 miles thereof.

No. MC 123744 (Sub-No. E4), filed May 15, 1974. Applicant: BUTLER TRUCKING CO., P.O. Box 88, Woodland, Pa. 16881. Applicant's representative: E. Steward Butler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products*, from Baltimore, Md., to points in Ohio, Indiana, Illinois, Michigan, Wisconsin, Kentucky, Missouri, points in New York on and west of Interstate Highway 81 and on and north of Interstate Highway 90, and points in that part of Pennsylvania on, north, and west of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 15 to junction Pennsylvania Highway 287, thence along Pennsylvania Highway 287 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 422, and thence along U.S. Highway 422 to the Pennsylvania-Ohio State line. The purpose of this filing is to eliminate the gateway of Clearfield, Pa., and points within 25 miles thereof.

No. MC 123744 (Sub-No. E5), filed May 15, 1974. Applicant: BUTLER TRUCKING CO., P.O. Box 88, Woodland, Pa. 16881. Applicant's representative: E. Steward Butler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractories* (except in bulk), from the facilities of Kaiser Refractories at Frostburg, Md., to points in Indiana north of U.S. Highway 30, and points in Indiana, Missouri, Michigan, and Wisconsin. The purpose of this filing is to eliminate the gateway of Clearfield, Pa., and points within 25 miles thereof.

No. MC 123744 (Sub-No. E6), filed May 15, 1974. Applicant: BUTLER TRUCKING CO., P.O. Box 88, Woodland, Pa. 16881. Applicant's representative: E. Steward Butler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractories* (except in bulk), from the facilities of Kaiser Refractories at Columbiana, Ohio, to points in North Carolina east of U.S. Highway 220, Virginia east of Interstate Highway 95, Delaware, West Virginia east of Interstate Highway 81, South Carolina, Georgia, and Florida. The purpose of this filing is to eliminate the gateway of Clearfield, Pa., and points within 25 miles thereof.

No. MC 125777 (Sub-No. E4) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER June 13, 1975. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gary, Ind. 35403. Applicant's representative: J. S. Gray, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lime, limestone products* (except dolomite), in bulk, in dump vehicles, from Thornton, Ill., to points in Minnesota, Missouri, and Iowa; and (2) *Lime, limestone products*, and *dolomite*, in bulk, in dump vehicles, from Thornton, Ill., to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Chicago, Ill. The purpose of this correction is to correct the MC number, previously published as No. MC 12577.

No. MC 125777 (Sub-No. E9) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER June 13, 1975. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gary, Ind. 46403. Applicant's representative: J. S. Gray, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground cinders and shale*, in dump trucks, from Danville, Ill., to points in Iowa and Lucas, Wood, Fulton, Ottawa, Erie, Henry, Williams, and Defiance Counties, Ohio. The purpose of this filing is to eliminate the gateways of Ottawa, Ill., and Ft. Wayne, Ind. The purpose of this correction is to correct the MC number, previously published as No. MC 12577.

No. MC 125777 (Sub-No. E10) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER June 13, 1975. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gary, Ind. 46403. Applicant's representative: J. S. Gray, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone products*, in bulk, in dump vehicles, from Ste. Genevieve, Mo., to points in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Thornton, Ill.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-16998 Filed 6-27-75;8:45 am]

[Notice No. 70]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 24, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that these will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

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 field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 11722 (Sub-No. 43TA), filed June 11, 1975. Applicant: BRADER HAULING SERVICE, INC., P.O. Box 655, Zillah, Wash. 98953. Applicant's representative: Douglas A. Wilson, 303 East D Street, Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers or can ends, sheet iron or steel* (1) From Moses Lake, Washington to points in Oregon and Idaho. (2) From Walla Walla, Washington to Seattle and Vancouver, Washington, restricted to traffic having a subsequent movement by water transportation. (3) From the port of entry located on the U.S.-Canadian International Boundary at or near Blaine, Washington to Seattle, Washington, for 180 days. Supporting shippers: Continental Can Company, Inc., 10220 N. Lombard, Portland, OR 97203. Send protests to: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, OR 97204.

No. MC 56967 (Sub-No. 1TA), filed June 16, 1975. Applicant: GLENN-DOR PRODUCTS CORP., P.O. Box J, South Fallsburg, N.Y. 12779. Applicant's representative: Norman M. Pinsky, 345 South Warren St., Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buttermilk* and sour cream, in containers, in mixed loads with regulated *dairy products*, in vehicles refrigerated with mechanical refrigeration, between Friendship, N.Y., on the one hand, and, on the other, New York N.Y., and points in New Jersey within 25 miles of New York City, for 90 days. Supporting shipper: Friendship Dairies, Inc., and Friendship Food Products, Inc., Friendship, N.Y., 4900 Maspeth Ave., Maspeth, N.Y. Send protests to: Robert A. Radler, District Supervisor, 518 Federal Bldg., Albany, N.Y. 12207.

No. MC 64600 (Sub-No. 45TA), filed June 9, 1975. Applicant: Wilson Trucking Corporation, P.O. Drawer 2, Fisherville, Va. 22939. Applicant's representative: William J. Jones, P.O. Drawer 2, Fisherville, Va. 22939. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) Between Craigsville, Virginia, and the Intersection of Virginia Secondary Highway 780 and U.S. Highway 60. From Craigsville over Virginia Highway 42 to its intersection with Virginia Secondary Highway 780, thence over Virginia Secondary Highway 780 to its junction with U.S. Highway 60, and return over the same route, serving all intermediate points. (2) Between Craigsville, Virginia, and the Intersection of Virginia Highway 39 and U.S. Highway 60. From Craigsville, Virginia, over Virginia Highway 42 to its intersection with Virginia Highway 39, thence over Virginia Highway 39 to its intersection with U.S. Highway 60, and return over the same route, serving all intermediate points.

NOTE.—Applicant states that it intends to tack the authority here applied for to another authority held by it and to interline with other carriers, for 180 days. Supporting shippers: Stillwater, Inc., Goshen, Virginia 24439. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue, S.W., Roanoke, Virginia 24011.

No. MC 74321 (Sub-No. 112TA), filed June 12, 1975. Applicant: B. F. Walker, Inc., P.O. Box 17-B, Denver, Colo. 80217. Applicant's representative: David E. Driggers, 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products and building materials*, from points in Oregon and Washington to points in Wyoming, Montana, Utah, Idaho, and Colorado, for 180 days. Supporting shippers: Hi-C Construction Co., 1849½ Oak Street, Eugene, Oregon, Central Lane Building Supply, Inc., 1593 West 5th St., Eugene, Oregon. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 1961 Stout Street, 2022 Federal Building, Denver, Colorado 80202.

No. MC 95084 (Sub-No. 109TA), filed June 13, 1975. Applicant: Hove Truck Line, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural and farm implements, machinery, and equipment, industrial and construction machinery and equipment, and attachments, accessories, and parts* for agricultural and farm implements, machinery, and equipment and industrial and construction machinery and equipment from Peru, Indiana, to points in Alabama, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, and Wisconsin, and (2) materials, equipment, and supplies used in the manufacture, processing, sale, and distribution of agricultural and farm implements, machinery, and equipment and industrial and construction machinery and equipment from points in Alabama, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, and Wisconsin to Peru, Indiana, for 180 days. Supporting shippers: Bush Hog-Freeman, P.O. Box 64, Peru, Indiana 46970. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 107715 (Sub-No. 6TA), filed June 16, 1975. Applicant: DUQAL, LDT., 3308 Bandini Blvd., Los Angeles, Calif. 90023. Applicant's representative: David P. Christianson, 606 South Olive St., Suite 825, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer chemicals, potting soil, pesticides and pottery* in mixed loads with feeds and fertilizers, from points in California to points in Arizona, for 180 days. Supporting shipper: Swift Chemical Company, 111 West Jackson St., Chicago, Ill. 60604. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 111729 (Sub-No. 549TA), filed June 11, 1975. Applicant: Purolator Courier Corp., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delaney, General Counsel, Purolator Courier Corp., 2 Nevada Drive, Lake Success, N.Y. 11040. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, and audit and accounting media of all kinds*. Between Albany, N.Y., on the one hand, and, on the other, Cortland, Fulton, Glen Falls, Herkimer, Kingston, Poughkeepsie, Rome, Schenectady, and Utica, N.Y., and Nassau and Newington, N.H., restricted to the transportation of traffic having an immediately prior or subsequent movement by air, for 90 days. Supporting shippers: Montgomery Ward & Company, Inc., 800 Geipe Road, Catonsville, Md. 21228 Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 112822 (Sub-No. 378TA), filed June 16, 1975. Applicant: BRAY LINES INCORPORATED, 1401 North Little, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, when moving in mixed loads with *animal litter, bleaching, cleaning, laundry and scouring compounds and related materials and supplies* (except commodities in bulk, in tank vehicles), from the facilities of the Clorox Company at or near Atlanta, Ga., to points in Arkansas, Kansas, Louisiana, Missouri, and Texas, for 180 days. Supporting shipper: The Clorox Company, Beverly R. Mithcell, Asst., T. M., 7901 Oakport St., Oakland, Calif. 94612. Send protests to: Marie Spillars, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations,

Room 240 Old P.O. Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 113666 (Sub-No. 92TA), filed June 10, 1975. Applicant: Freeport Transport, Inc., 1200 Butler Road, Freeport, Pa. 16229. Applicant's representative: William H. Shawn, Esquire, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast stone, cast stone panels* (except those which because of size or weight require the use of special equipment or handling), mortar, and application instructions and advertising materials and supplies when moving with shipments of said cast stone and cast stone panels, from Dover Township, Tuscarawas County, Ohio, to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Indiana, Kentucky, Tennessee, Mississippi, Michigan, Ohio, West Virginia, Virginia, Alabama, Georgia, Florida, Pennsylvania, Maryland, North Carolina, South Carolina, New York, New Jersey, Delaware, Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized.

NOTE.—The purpose of this application is to continue service to a shipper which is moving its facilities from Sebring, Ohio, to Tuscarawas County, Ohio, and which is now served under Applicant's subnumber 19 authority, for 180 days. Supporting shippers: Ridge Rock Industries, 430 Delaware Avenue, Akron, Ohio 44303. Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Bldg., 100 Liberty Avenue, Pittsburgh, Pennsylvania 15222.

No. MC 123157 (Sub-No. 25TA) (Correction), filed May 21, 1975, published in the FEDERAL REGISTER issue of June 9, 1975, and republished as corrected this issue. Applicant: CTI, P.O. Box 397, Rillito, Ariz. 85246. Applicant's representative: A. Michael Bernstein, 1327 United Bank Bldg., Phoenix, Ariz. 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry ammonium nitrate*, in bulk, from Railhead at Kingman, Ariz., to The Duval Mine, Mineral Park, Ariz., approximately 18 miles northwest of Kingman, Ariz., for 180 days. Supporting shipper: Duval Corporation, P.O. Box 1271, Kingman, Ariz. 86401. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427 Federal Bldg., 230 North First Ave., Phoenix, Ariz. 85025. The purpose of this republication is to delete points in.

No. MC 128235 (Sub-No. 15TA) (Correction), filed May 21, 1975, published in the FEDERAL REGISTER issue of June 6, 1975, and republished as corrected this issue. Applicant: AL JOHNSON TRUCKING, INC., 1516 Marshall Ave. NE., Minneapolis, Minn. 55413. Applicant's representative: Earl Hacking, 1700 New Brighton Blvd., Minneapolis, Minn. 55413. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Grainbelt Breweries, Minneapolis, Minn., to points in Madison, S. Dak., for 180 days. Supporting shipper: Madison Grainbelt, Inc., 217 S.W. 1st St., Madison, S. Dak. 57042. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 414 Federal Bldg., and U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401. The purpose of this republication is to correct the origin point.

No. MC 128988 (Sub-No. 62TA) (Correction), filed June 2, 1975, published in the FEDERAL REGISTER issue of June 13, 1975, and republished as corrected this issue. Applicant: JO/KEL, INC., 159 South Seventh Ave., P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Upholstery and carpet tacking rims and strips, nails, adhesives cement, mechanic hand tools, and advertising materials, racks, and stands* therefor, from Conyers, Ga., to City of Industry, Calif., and points in the United States on and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas and (b) *Materials equipment, and supplies* used in the manufacture and distribution of the commodities described above, from points in the above-named destination states to Conyers, Ga. Restriction: Restricted against the transportation of commodities in bulk, further restricted to a transportation service to be performed under a continuing contract or contracts with Taylor Industries Division, Consolidated Foods Corporation, for 180 days. Supporting shipper: Taylor Industries Division, Consolidated Foods Corporation, 13300 East Nelson Ave., City of Industry, Calif. 91749. Send protests to: Walter W. Strakosch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1312 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012. The purpose of this republication is to correctly spell the destination point of Conyers, Ga.

No. MC 133233 (Sub-No. 41TA) (Correction), filed June 2, 1975, in notice No. 68, dated June 19, 1975, and republished as corrected this issue. Applicant: L. WERNER, doing business as, WERNER ENTERPRISES, 805 32d Ave., Council Bluffs, Iowa 51501. Applicant's representative: Charles J. Kimball, Suite 646, Metropolitan Bldg., 1612 Court Place, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (unfrozen) in containers, from Stockton, Modesto, Pittsburg, and Antioch, Calif., to points in Missouri, Texas, Wisconsin, Ohio, Indiana, and Michigan, under contract with Tillie Lewis Foods, Inc., for 180 days. Supporting shipper: Tillie Lewis Foods, Inc., Dale Johnson, Manager Traffic/Sales Order, Drawer J, Stockton, Calif. 95202. Send protests to: Carroll Russell, District Supervisor, Suite 620, Union Pacific Plaza, 110 North 14th St., Omaha, Nebr. 68102. The purpose of this republication is to correct the applicant's name.

No. MC 134022 (Sub-No. 14TA), filed June 13, 1975. Applicant: RICHARD A. ZIMA, doing business as, ZIPCO, P.O. Box 115, 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: *Used motor vehicles*, not wrecked or disabled, for re-sale only, on flat-bed trucks, between Appleton, Wis., on the one hand, and, on the other hand, Dallas and Fort Worth, Tex., for 180 days. Supporting shipper: Meiers Motor Sales, P.O. Box 661, Appleton, Wis. 54911. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 134308 (Sub-No. 10TA), filed June 9, 1975. Applicant: CADDO EXPRESS, INC., 1257 East Reno, Oklahoma City, Okla. 73117. Applicant's representative: C. J. Boddington, 260 Sheridan Ave., Suite 200, Palo Alto, Calif. 94306. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment). Serving the AMOCO Gas Processing Plant (near Hitchcock, Oklahoma) as an off-route point, in conjunction with carrier's regular route operations to and from Okeene, Oklahoma, for 180 days. Supporting shippers: Dresser Engineering Co. Robert M. Olson, Buyer P.O. Box 2968 Tulsa, Oklahoma 74101. Send protests to: Marie Spillars, Transportation Asst., ICC-Bureau of Operations, RM. 240-Old P.O. Bldg., 215 NW Third, Oklahoma City, Oklahoma 73102.

No. MC 134323 (Sub-No. 75TA) (Correction), filed June 4, 1975, published in the FEDERAL REGISTER issue of June 18, 1975, and republished as corrected this issue. Applicant: JAY LINES, INC., 720 North Grand, Amarillo, Tex. 79105. Applicant's representative: Gailyn Larsen, P.O. Box 80810, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products*, from the plantsite and storage facilities of MBPXL Corporation, at Omaha, Nebr., to points in Woodbridge, Englewood, Elizabeth, Perth-Amboy, Newark, Jersey City, Wayne, N.J.; Philadelphia, Pa.; Pompano Beach, Hialeah, Miami, Auburndale, Sarasota, Fla.; and New York City, N.Y.; and from the plantsite and storage facilities of MBPXL Corporation, at or near Rock Port, Mo., to the facilities of MBPXL Corporation at Omaha, Nebr., for 180 days. Supporting shipper: MBPXL Cor-

poration, Box 2519, Wichita, Kans. 67201. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, Tex. 79101. The purpose of this republication is to show the location of MBPXL Corporation in part (2) of the above proceeding.

No. MC 135107 (Sub-No. 5TA), filed June 11, 1975. Applicant: Highway Dump Haulers, Inc., 70 Shamburger Lane, Box 3164, Little Rock, Ark. 72203. Applicant's representative: Donald T. Jack, Jr., 1550 Tower Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphate* from Searcy and Van Buren Counties, Arkansas, to Tennessee, Alabama, Oklahoma, and points and places along the Arkansas River in Faulkner County, Arkansas, and points and places along the Missouri-Pacific Railroad in Faulkner County, Arkansas. Supporting shippers: Jon T. Phosphate, Inc., 110 S. 5th, Brownfield, Texas 79319. HCC, Inc., P.O. Box 2172, Little Rock, Arkansas 72203. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, Arkansas 72201.

No. MC 135364 (Sub-No. 24TA). Applicant: MORWALL TRUCKING, INC., Rural Route No. 3, Box 76-C, Moscow, Pa. 18444. Applicant's representative: Kenneth R. Davis, 121 South Main Street, Taylor, Pa. 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trading stamps* having exchange value, and related advertising material, From Jessup, Pa., to Los Angeles and Richmond, Calif.; Denver, Colo.; Norcross, Ga.; Chicago, Ill.; Indianapolis, Ind.; Natick, Mass.; Detroit, Mich.; Minneapolis, Minn.; St. Louis, Mo.; Nashua, Maine; Metuchen, N.J.; New York Piers and Wharves, N.Y.; Sparks, Nev.; Cincinnati, Cleveland, Columbus, and Dayton, Ohio; Charleston, S.C.; Memphis, Tenn.; Corpus Christi, Dallas, Forth Worth, Houston, and Waco, Tex. Restriction: All shipments to be accompanied by a security guard furnished by the carrier. (2) *Materials and supplies* used in the manufacture of the above commodities, from New Jersey, Massachusetts, Michigan, Maine, New Hampshire, and New York, to Jessup, Pa., for 150 (days duration). Supporting shippers: Eureka Security Printing Company, Inc., 101 Church Street, Jessup, Pa. 18434. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 136814 (Sub-No. 3TA), filed June 16, 1975. Applicant: JESSE E. MATLOCK, doing business as, MATLOCK TRANSPORTATION, 456 Valley Blvd., Rialto, Calif. 92376. Applicant's representative: Jerry Solomon Berger, 9454 Wilshire Blvd. Penthouse, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Magazines, publications and printed matter*, from plantsite of Arcata Graphics located in Los Angeles, Calif., to points in Texas with stops intransit to partially unload at points in Arizona and New Mexico, and (2) *return with printing paper*, from points in Texas to the plantsite of Arcata Graphics, located in Los Angeles, Calif., for 180 days. Supporting shipper: Arcata Graphics, 5201 South Soto Street, Los Angeles, Calif. 90058. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 138438 (Sub-No. 15TA), filed June 16, 1975. Applicant: D. M. BOWMAN, INC., Route 9, Box 26, Hagerstown, Md. 21740. Applicant's representative: Charles E. Creager, Esq., 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glazed concrete masonry products* from Baltimore, Maryland and Washington, D.C. to Maine, New Hampshire, Vermont, Connecticut, Rhode Island, Massachusetts, Pennsylvania, New Jersey, Delaware, New York, Maryland, Virginia, and the District of Columbia; (2) Concrete block and brick from York, Pennsylvania to Baltimore, for 180 days. Supporting shippers: United Glazed Products Division, Nabco Glazed Products, Inc., Terra Cotta, Vice President, Washington, D.C. 20011. Send protests to: Interstate Commerce Commission, 12th and Constitution Ave., NW., Room 317, W. C. Herman, District Supervisor, Washington, D.C. 20423.

No. MC 140907 (Sub-No. 1TA) (Correction), filed May 20, 1975, published in the FEDERAL REGISTER issue of June 9, 1975, and republished as corrected this issue. Applicant: C. PAUMBO TRUCKING CO., INC., 320 Bailey Avenue, Uniontown, Pa. 15401. Applicant's representative: Francis J. Palumbo, 350 West Beryley St., Uniontown, Pa. 15401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in truckloads, from points in Friendsville, Md., to points in Bellaire, Ohio, for 180 days. Supporting shipper: Gallatin Fuels, Inc., 76 East Main St., Uniontown, Pa. 15401. Send protests to: Joseph A. Niggemyer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 416 Old Post Office Bldg., Wheeling, W. Va. 26003. The purpose of this republication is to change Friendsville, Pa., to Friendsville, Md.

No. MC 140958 (Sub-No. 1TA), filed June 5, 1975. Applicant: NICK J. LUKART, Box 398, Main St., Westmoreland City, Pa. 15692. Applicant's representative: John A. Pillar, 1122 Frick Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip, special operations, limited to hunting and fishing trips and/or attendance at sporting events, restricted to vehicles having a maximum capacity of 12 persons and equipped with facilities for room and board, beginning and ending in the Commonwealth of Pennsylvania and extending to points in the United States, including Alaska, 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: James C. Donaldson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Bldg., Pittsburgh, Pa. 15222.

No. MC 141035 (Sub-No. 1TA), filed June 11, 1975. Applicant: ROBERT DWIGHT MARTIN, doing business as, DWIGHT MARTIN TRUCKING SERVICE, 561 Broadway, Hamilton, Ill. 62341. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone*, in bulk, from Clark and Lewis Counties, Mo., to Hancock County, Ill., *sand* in bulk, from Lee County, Iowa and Lewis County, Mo., to Hancock County, Ill., for 180 days. Supporting shipper: Dallas City Ready-Mix Concrete Corp., P.O. Box 451, Dallas City, Ill. 62330. Send protests to: Richard K. Shullaw, District Supervisor, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 141038 (Sub-No. 1TA), filed June 12, 1975. Applicant: FABER DUNLAP, Route 2, Morrilton, Ark. 72110. Applicant's representative: LaVern Martens, 450 East Illinois St., Chicago, Ill. 60611. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting. *Ice cream mix, sweetened condensed milk, condensed milk and condensed buttermilk*, in bulk, between Russellville, Ark., on the one hand, and, on the other, all points in Louisiana, Mississippi, Shelby County, Tenn., and Texas, for 180 days. Supporting shipper: Breakstone Sugar Creek Foods, Division of Kraftco Corporation, Russellville, Ark. 72801. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 141044TA, filed June 13, 1975. Applicant: IRA HARTLEY, doing business as, IRA HARTLEY ENTERPRISES, 5071 Gun Club Road, West Palm Beach, Fla. 33406. 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: *Containerized chemical products and automotive chemical products*, from Palm Beach County, Fla., to points in California and from points at or near Santa Fe Springs, Calif., to Orange and Palm Beach Coun-

ties, Fla., for 180 days. Supporting shippers: Perma-Tex-Corr Tech., 851 Mosley Bldg., No. 19, Houston, Tex. P.C.I. Industries, Inc., 925 W. 17th Street, Riviera Beach, 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 141046TA, filed June 13, 1975. Applicant: MASON O. MITCHELL, doing business as, M. MITCHELL TRUCKING, 1911 "I" Street, LaPorte, Ind. 46350. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood and plastic products, toothpick dispensers and sporting goods and accessories*, from the plantsites of Forster Mfg. Co., Inc., near Wilton, Maine, to points in the United States (except Alaska and Hawaii), restricted to a contract or contracts with Forster Mfg. Co., Wilton, Maine, for 180 days. Supporting shipper: Forster Mfg. Co., Inc., Wilton, Maine 04294. 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 141045TA, filed June 12, 1975. Applicant: PARK CITY COACH SERVICE, INC., 959 Main Street, Stratford, Conn. 06497. Applicant's representative: John E. Fay, 630 Oakwood Avenue, West Hartford, Conn. 06497. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, from points in Fairfield and New Haven Counties, Conn., to points in the United States, Canada, Mexico, for 180 days. Supporting shippers: There are approximately 23 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washingon, D.C., or copies thereof which may be examined at the field office named below. Send protests to: J. D. Perry, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 135 High St., Room 324, Hartford, Conn. 06101.

WATER CARRIER APPLICATION

No. WC 1292TA, filed June 13, 1975. Carrier: HANOVER TOWING, INC., P.O. Box 1152, Wilmington, N.C. 28401. Carrier's representative: John Richard Newton, P.O. Box 1409, Wilmington, N.C. 28401. Authority sought to operate as a *contract carrier*, by water vehicle, as follows: Lash barges, between points along the intracoastal waterway and tributary waters between and including Norfolk, Va., and Miami, Fla., and lash ports within geographical limits, specified by self-propelled towing vessels, for 180 days. Supporting shippers: Combi Line, 416 Common St., Room 101, New Orleans, La. 70130. Morehead City Shipping Company, N.C. Maritime Bldg., Morehead City, N.C. 28557. Wilmington Shipping Company, P.O. Box 1809, Wilmington, N.C. 28401. Luckenbach Steamship Co., Inc., P.O. Box 300, Wilmington, N.C. 28401. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON, *Acting Secretary.*

[FR Doc.75-17002 Filed 6-27-75;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 25, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before July 15, 1975.

FSA No. 43009—*Joint Water-Rail Container Rates—Pacific Far East Line, Inc.* Filed by Pacific Far East Line, Inc. (No. 5), for itself and interested rail carriers. Rates on general commodities, between ports in Japan, Korea, Hong Kong, Vietnam, The Philippines and Taiwan, and rail stations on the U.S. Atlantic and Gulf Seaboard. Grounds for relief—Water competition.

FSA No. 43010—*Joint Water-Rail Container Rates—Sea-Land Service, Inc.* Filed by Sea-Land Service, Inc. (No. 85), for itself and interested rail carriers. Rates on general commodities, between ports in Europe and United Kingdom, and rail carriers terminals at Portland, Oregon, Seattle, Washington, Stockton and Sacramento, California. Grounds for relief—Water competition. Tariffs—Sea-Land Service, Inc., tariffs I.C.C. Nos. 69 and 86.

Rates are published to become effective on July 24, 1975.

By the Commission.

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

[FR Doc.75-16999 Filed 6-27-75;8:45 am]

[Notice No. 800]

ASSIGNMENT OF HEARINGS

JUNE 25, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

Correction:

[1] MC 21455 Sub 34, Gene Mitchell Co., now being assigned September 17, 1975 (3 days), at Chicago, Ill.; in a hearing room to be later designated.

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

[FR Doc.75-17000 Filed 6-27-75;8:45 am]

[Notice No. 799]

ASSIGNMENT OF HEARINGS

JUNE 25, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 98499 Sub 12, White Truck Line, Inc., now being assigned September 9, 1975, at Atlanta, Ga. (2 weeks), in a hearing room to be designated later.

MC 18088 Sub 55, Floyd & Beasley Transfer Company, Inc., now assigned July 7, 1975, at Montgomery, Alabama, has been postponed to September 23, 1975 (9 days), at Montgomery, Alabama, in a hearing room to be designated later.

MC 134401 Sub 10, Sherwood W. Hume, DBA Hume Equipment Company, now assigned July 9, 1975, at Buffalo, N.Y., is postponed indefinitely.

[1] This notice is to correct the Sub No. in FEDERAL REGISTER dated June 13 1975.

MC 99208 Sub 13, Skyline Transportation, Inc., now assigned July 28, 1975, at Knoxville, Tenn., will be held in Conference Room L-8, 301 West Cumberland Building.

MC 103993 Sub 843, Morgan Drive-Away, Inc., now being assigned September 9, 1975 (1 day), at Chicago, Illinois; in a hearing room to be designated later.

MC 128383 Sub 54, Pinto Trucking Service, Inc., now assigned July 22, 1975, at Chicago, Illinois; will be held in Room 221 Federal Building, 202 Harlow Street.

AB-43 Sub 3, Illinois Central Gulf Railroad Company, Abandonment, Dyersburg Branch Between Roberts and Dyersburg, in Madison, Crockett, and Dyer Counties, Tennessee, now assigned July 23, 1975, at Alamo, Tennessee; will be held in County Court Room, County Courthouse.

MC 106497 Sub. 108, Parkhill Truck Company, now assigned July 31, 1975, at Memphis, Tennessee; will be held in Room 844, Federal Office Building, 167 North Main Street.

MC 107496 Sub 986, Ruan Transport Corporation, now assigned July 29, 1975, at Memphis, Tennessee; will be held in Room 844, Federal Office Building, 167 North Main Street.

MC 106674 Sub 142, Schilli Motor Lines, Inc., now assigned July 28, 1975, at Memphis, Tennessee; will be held in Room 844, Federal Office Building, 167 North Main Street.

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

[FR Doc.75-17001 Filed 6-27-75;8:45 am]

[AB 1 (Sub-No. 43)]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

Abandonment Between Waterville and Morristown, in Le Sueur and Rice Counties, Minn.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Le Sueur and Rice Counties, Minn., on or before July 11, 1975, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 19th day of June 1975.

By the Commission, Commissioner Tuggle.

[SEAL] JOSEPH M. HARRINGTON, *Acting Secretary.*

[AB 1 (Sub-No. 43)]

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY, ABANDONMENT BETWEEN WATERVILLE AND MORRISTOWN, IN LE SUEUR AND RICE COUNTIES, MINNESOTA

The Interstate Commerce Commission hereby gives notice that by order dated June 19, 1975, it has been determined that the proposed abandonment by the Chicago and North Western Transportation Company of its line of railroad between Waterville and Morristown, a distance of 6.1 miles, all in Le Sueur and Rice Counties, Minn., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because (1) the amount of traffic handled on the subject line is low, (2) the presence of State Highway 60 and other local roads is adequate, except during the spring thaw season, to accommodate the small volume of diverted rail traffic, and (3) rail service will continue at Waterville over applicant's other line. In addition, the Minnesota Department of Natural Resources is interested in purchasing all or part of the right-of-way property for public use.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before July 28, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-17003 Filed 6-27-75;8:45 am]

[AB 102 (Sub-No. 1)]

MISSOURI-KANSAS-TEXAS RAILROAD CO.

Abandonment Between Fayette and Moberly, in Randolph and Howard County, Mo.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Howard and Randolph Counties, Mo., on or before July 11, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 19th day of June, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] JOSEPH M. HARRINGTON, *Acting Secretary.*

[AB 102 (Sub-No. 1)]

MISSOURI-KANSAS-TEXAS RAILROAD COMPANY, ABANDONMENT BETWEEN FAYETTE AND MOBERLY, IN RANDOLPH AND HOWARD COUNTIES, MISSOURI

The Interstate Commerce Commission hereby gives notice that by order dated June 19, 1975, it has been determined that abandonment of the portion of the Moberly subdivision of the Missouri-Kansas-Texas Railroad Company between Fayette and Moberly, a distance of 23.77 miles, in Howard and Randolph Counties, Mo., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered to be insignificant because of the low amount of traffic handled on the line, the availability of alternate rail service, and the absence of developmental plans dependent upon continued rail service.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before July 28, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-17004 Filed 6-27-75;8:45 am]

[AB 1 (Sub-No. 18)]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

Abandonment Between Clutier and Buckingham, in Tama County, Iowa

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the

human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Tama County, Iowa, on or before July 10, 1975, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 19th day of June, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] JOSEPH M. HARRINGTON, *Acting Secretary*.

[AB 1 (Sub-No. 18)]

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY

Abandonment Between Clutier and Buckingham, in Tama County, Iowa

The Interstate Commerce Commission hereby gives notice that by order dated June 19, 1975, it has been determined that the proposed abandonment by the Chicago and North Western Transportation Company of its line of railroad between Clutier and Buckingham, Iowa, a distance of 13.7 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2) (C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed abandonment are considered insignificant because of the low volume of traffic over the line in recent years and the negligible degree of detriment to environmental quality in the area tributary to the line which would result from the slight addition to motor carrier transport on local highways and secondary roads. There are no official plans or programs for the subject area with which the proposed abandonment would conflict.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before July 25, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-17005 Filed 6-27-75;8:45 am]

[AB 52 (Sub-No. 4)]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO.

Abandonment Between B. C. Junction and Richmond, in Buchanan, Clinton, Clay, and Ray Counties, Mo.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Buchanan, Clinton, Clay, and Ray Counties, Mo., on or before July 10, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 17th day of June, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] JOSEPH M. HARRINGTON, *Acting Secretary*.

[AB 52 (Sub-No. 4)]

ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, ABANDONMENT BETWEEN B. C. JUNCTION AND RICHMOND, IN BUCHANAN, CLINTON, CLAY, AND RAY COUNTY, MISSOURI

The Interstate Commerce Commission hereby gives notice that by order dated June 17, 1975, it has been determined that the proposed abandonment by the Atchison, Topeka and Santa Fe Railway Company of its line of railroad between B. C. Junction and Richmond, Mo., a distance of 59.65 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2) (C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because area environmental quality will only be degraded slightly due to increased air pollution and energy consumption resulting from diversion of rail traffic to motor carrier transport. To the extent industries which may be dependent upon continued direct rail access may postpone or eliminate entirely plans to expand existing facilities or to locate in the area, local developmental efforts will be impaired to a degree.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before July 25, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-17006 Filed 6-27-75;8:45 am]

[AB 1 (Sub-No. 24)]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

Abandonment Between Fort Dodge and Kalo, in Webster County, Iowa

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Webster County, Iowa, on or before July 11, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 19th day of June, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] JOSEPH M. HARRINGTON, *Acting Secretary*.

[AB 1 (Sub-No. 24)]

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY ABANDONMENT BETWEEN FORT DODGE AND KALO, IN WEBSTER COUNTY, IOWA

The Interstate Commerce Commission hereby gives notice that by order dated June 19, 1975, it has been determined that the proposed abandonment by the Chicago and North Western Transportation Company between Fort Dodge and Kalo, in Webster County, Iowa, a distance of 5.6 miles, if approved by the Commission, does not con-

stitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, *et seq.*, and that preparation of a detail environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because no traffic has been handled on this line since 1973, no diversion of traffic from rail to truck will occur, and there are no development plans or land use policies in the tributary territory which are dependent on the availability of rail service. Furthermore, governmental units have expressed an interest in utilizing this right-of-way for recreational purposes should the abandonment be authorized.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before July 28, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-17007 Filed 6-27-75;8:45 am]

federal register

MONDAY, JUNE 30, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 126

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development

HEAD START PROGRAMS PERFORMANCE STANDARDS

Title 45—Public Welfare

CHAPTER XIII—OFFICE OF HUMAN DEVELOPMENT, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 1304—PROGRAM PERFORMANCE STANDARDS FOR OPERATION OF HEAD START PROGRAMS BY GRANTEES AND DELEGATE AGENCIES

Notice of proposed rulemaking setting forth regulations prescribing goals, component objectives and program performance standards for the operation of Head Start programs by grantee and delegate agencies and for their enforcement was published in the FEDERAL REGISTER at 40 FR 4758 on January 31, 1975. Interested persons were invited to submit written comments, suggestions, or objections on or before March 3, 1975. By close of business March 11, 1975 we received 377 letters expressing approximately 100 comments.

On the whole the comments were constructive, supportive of the basic overall standards and do not necessitate substantive changes in the proposed regulations. Minor issues have been clarified. The comments sometimes reflected misunderstanding of the meaning of the regulations.

The performance standards reflect more than seven years experience with prior requirements and field testing during FY 1973-1974. They pertain to the methods and processes by which Head Start programs meet the needs of children. There were only a few areas in which significant issues of policy or procedure arose. These are dealt with below.

Comments received that were numerically and otherwise significant fall into the following five categories:

a. *General compliance*. A large number of the comments received dealt with the issue of one hundred percent or full compliance. Comments ranged from requesting 70% to 85% compliance to allowing from two to three years for full compliance. The examples given center on the issue of availability of physical facilities that meet the standards, the need for more money, and availability of professional staff in Health Services. In many cases there seemed to be a misunderstanding of the fact that, in the section covering performance standards implementation and enforcement, grantees and delegate agencies are given up to a maximum of one year to correct such deficiencies. Having considered these issues, we feel that the comments address problem areas that were previously identified by OCD and were specifically anticipated in the compliance strategy. We have laid out criteria that have been field tested, revised and have been used by programs for many years. We therefore believe they are reasonable and attainable.

b. *Health services*. A few comments sought the separating of nutrition from the interdisciplinary Health Services component to make it a separate component. Head Start is a comprehensive program that deals with all aspects of the child, therefore the interdisciplinary and coordinate aspect of Health Services will be retained.

c. *Parent involvement*. The term "management of family" was not clear. It was therefore changed to "identification and use of family and community resources" and clarification of the written plan required in the proposed regulations was made. An additional standard was inserted to cover parent involvement requirements in the 1974 Head Start legislation.

d. *Education*. Comments dealt with space, number of home visits and lighting. The space issue has been dealt with in the guidance, and grantees are given up to one year to come into compliance with physical facilities. The issue of whether two or three home visits should be required was resolved by requiring two visits to make it more realistic for programs with limited staff resources. The type of emergency lighting intended will be clarified in guidance material by giving a number of acceptable options. Therefore amendment of the proposed regulations was not considered necessary.

e. *General comments*. General comments ranged from stating the standards are very comprehensive and essential to operating high quality programs to the standards are unrealistic, unattainable, and immeasurable. Several letters stated that the standards, although excellent, should not be given the weight of law at this time but rather that they represent recommendations, not requirements. These are all issues that have been fully considered and field tested in the development of performance standards to date. Therefore amendment of the proposed regulations was not considered necessary.

Evaluation. Under Section 524(b) of the Headstart-Follow Through Act, the Secretary is required to develop and publish general standards for evaluation of program and project effectiveness in achieving the objectives of Headstart programs. Headstart programs and projects that comply with Part 1304 are deemed to be effective in achieving the objectives. The Secretary, therefore, publishes Part 1304 as the general standards required by Section 524(b) for the measurement of program and project effectiveness in achieving objectives of Headstart programs. The extent to which the requirements of Part 1304 are met shall be considered a controlling factor in deciding whether to renew or supplement financial assistance under the Headstart-Follow Through Act.

The effective date shall be July 1, 1975.

Dated: June 19, 1975.

CASPAR W. WEINBERGER,
Secretary.

(Catalog of Federal Domestic Assistance Programs No. 13,600 Child Development—Head Start)

Subtitle B of 45 CFR Chapter XIII is amended by adding the following Part 1304:

Subpart A—General

Sec.
1304.1-1 Purpose and application.
1304.1-2 Definitions.
1304.1-3 Head start program goals.
1304.1-4 Performance standards plan development.
1304.1-5 Performance standards implementation and enforcement.

Subpart B—Education Services Objectives and Performance Standards

1304.2-1 Education services objectives.
1304.2-2 Education services plan content: operations.
1304.2-3 Education services plan content: facilities.

Subpart C—Health Services Objectives and Performance Standards

1304.3-1 Health services general objectives.
1304.3-2 Health Services Advisory Committee.
1304.3-3 Medical and dental history, screening, and examination.
1304.3-4 Medical and dental treatment.
1304.3-5 Medical and dental records.
1304.3-6 Health education.
1304.3-7 Mental health objectives.
1304.3-8 Mental health services.
1304.3-9 Nutrition objectives.
1304.3-10 Nutrition services.

Subpart D—Social Services Objectives and Performance Standards

1304.4-1 Social services objectives.
1304.4-2 Social services plan content.

Subpart E—Parent Involvement Objectives and Performance Standards

1304.5-1 Parent involvement objectives.
1304.5-2 Parent involvement plan content: parent participation.
1304.5-3 Parent Involvement Plan content: enhancing development of parenting skills.
1304.5-4 Parent Involvement Plan content: communications among program management, program staff, and parents.
1304.5-5 Parent Involvement Plan content: parents, area residents, and the program.

AUTHORITY: 88 Stat. 2304 (42 U.S.C. 2928h).

Subpart A—General

§ 1304.1-1 Purpose and application.

This part sets out the goals of the Head Start program as they may be achieved by the combined attainment of the objectives of the basic components of the program, with emphasis on the program performance standards necessary and required to attain those objectives. With the required development of plans covering the implementation of the performance standards, grantees and delegate agencies will have firm bases for operations most likely to lead to demonstrable benefits to children and their families. While compliance with the performance standards is required as a condition of Federal Head Start funding, it is expected that the standards will be largely self-enforcing. This part applies to all Head Start grantees and delegate agencies.

§ 1304.1–2 Definitions.

As used in this part:

(a) The term "OCD" means the Office of Child Development, Office of Human Development in the U.S. Department of Health, Education, and Welfare, and includes appropriate regional office staff.

(b) The term "responsible HEW official" means the official who is authorized to make the grant of assistance in question, or his designee.

(c) The term "Director" means the Director of the Office of Child Development.

(d) The term "grantee" means the public or private non-profit agency which has been granted assistance by OCD to carry on a Head Start program.

(e) The term "delegate agency" means a public or private nonprofit organization or agency to which a grantee has delegated the carrying on of all or part of its Head Start program.

(f) The term "goal" means the ultimate purpose or interest toward which total Head Start program efforts are directed.

(g) The term "objective" means the ultimate purpose or interest toward which Head Start program component efforts are directed.

(h) The term "program performance standards" or "performance standards" means the Head Start program functions, activities and facilities required and necessary to meet the objectives and goals of the Head Start program as they relate directly to children and their families.

(i) The term "handicapped children" means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education and related services.

§ 1304.1–3 Head Start Program goals.

(a) The Head Start Program is based on the premise that all children share certain needs, and that children of low income families, in particular, can benefit from a comprehensive developmental program to meet those needs. The Head Start program approach is based on the philosophy that:

(1) A child can benefit most from a comprehensive, interdisciplinary program to foster development and remedy problems as expressed in a broad range of services, and that

(2) The child's entire family, as well as the community must be involved. The program should maximize the strengths and unique experiences of each child. The family, which is perceived as the principal influence on the child's development, must be a direct participant in the program. Local communities are allowed latitude in developing creative program designs so long as the basic goals, objectives and standards of a comprehensive program are adhered to.

(b) The overall goal of the Head Start program is to bring about a greater degree of social competence in children of low income families. By social competence is meant the child's everyday effectiveness in dealing with both present environment and later responsibilities in school and life. Social competence takes into account the interrelatedness of cognitive and intellectual development, physical and mental health, nutritional needs, and other factors that enable a child to function optimally. The Head Start program is a comprehensive developmental approach to helping children achieve social competence. To the accomplishment of this goal, Head Start objectives and performance standards provide for:

(1) The improvement of the child's health and physical abilities, including appropriate steps to correct present physical and mental problems and to enhance every child's access to an adequate diet. The improvement of the family's attitude toward future health care and physical abilities.

(2) The encouragement of self-confidence, spontaneity, curiosity, and self-discipline which will assist in the development of the child's social and emotional health.

(3) The enhancement of the child's mental processes and skills with particular attention to conceptual and communications skills.

(4) The establishment of patterns and expectations of success for the child, which will create a climate of confidence for present and future learning efforts and overall development.

(5) An increase in the ability of the child and the family to relate to each other and to others.

(6) The enhancement of the sense of dignity and self-worth within the child and his family.

§ 1304.1–4 Performance standards plan development.

Each grantee and delegate agency shall develop a plan for implementing the performance standards prescribed in Subparts B, C, D, and E of this part for use in the operation of its Head Start program (hereinafter called "plan," or "performance standards plan"). The plan shall provide that the Head Start program covered thereby shall meet or exceed the performance standards. The plan shall be in writing and shall be developed by the appropriate professional Head Start staff of the grantee or delegate agency with cooperation from other Head Start staff, with technical assistance and advice as needed from personnel of the Regional Office and professional consultants, and with the advice and concurrence of the policy council or policy committee. The plan must be reviewed by grantee or delegate agency staff and the policy council or policy committee at least annually and revised and updated as may be necessary.

§ 1304.1–5 Performance standards implementation and enforcement.

(a) Grantees and delegate agencies must be in compliance with or exceed the performance standards prescribed in Subparts B, C, D, and E, of this part at the commencement of the grantee's program year next following July 1, 1975, effective date of the regulations in this part, or 6 months after that date, whichever is later, and thereafter, unless the period for full compliance is extended in accordance with paragraph (f) of this section.

(b) If the responsible HEW official as a result of information obtained from program self-evaluation, pre-review, or routine monitoring, is aware or has reason to believe that a Head Start program, with respect to performance standards other than those for which the time for compliance has been extended in accordance with paragraph (f) of this section, is not in compliance with performance standards, he shall notify the grantee promptly in writing of the deficiencies and inform the grantee that it, or if the deficiencies are in a Head Start program operated by a delegate agency, the delegate agency, has a period stated in the notice not to exceed 90 days to come into compliance. If the notice is with respect to a delegate agency, the grantee shall immediately notify the delegate agency and inform it of the time within which the deficiencies must be corrected. Upon receiving the notice the grantee or delegate agency shall immediately analyze its operations to determine how it might best comply with the performance standards. In this process it shall review, among other things, its utilization of all available local resources, and whether it is receiving the benefits of State and other Federal programs for which it is eligible and which are available. It shall review and realign where feasible program priorities, operations, and financial and manpower allocations. It shall also consider the possibility of choosing an alternate program option for the delivery of Head Start Services in accordance with OCD Notice N–30–334–1, Program Options for Project Head Start, attached hereto as Appendix A, which the grantee, with OCD concurrence, determines that it would be able to operate as a quality program in compliance with performance standards.

(c) The grantee or delegate agency shall report in writing in detail its efforts to meet the performance standards within the time given in the notice to the responsible HEW official. A delegate agency shall report through the grantee. If the reporting agency, grantee or delegate agency, determines that it is unable to comply with the performance standards, the responsible HEW official shall be notified promptly in writing by the grantee, which notice shall contain a description of the deficiencies not able to be corrected and the reasons therefor. If insufficient funding is included as a principal reason for inability to comply with performance standards, the notice shall specify the exact amount, and basis for, the funding deficit and efforts made to obtain funding from other sources.

(d) The responsible HEW official on the basis of the reports submitted pursuant to paragraph (c) of this section, will undertake to assist grantees, and delegate agencies through their grantees, to comply with the performance standards, including by furnishing or by recommending technical assistance.

(e) If the grantee or delegate agency has not complied with the performance standards, other than those for which the time for compliance has been extended in accordance with paragraph (f) of this section, within the period stated in the notice issued under paragraph (b) of this section, the grantee shall be notified promptly by the responsible HEW official of the commencement of suspension or termination proceedings or of the intention to deny refunding, as may be appropriate, under Part 1303 (appeals procedures) of this chapter.

(f) The time within which a grantee or delegate agency shall be required to correct deficiencies in implementation of the performance standards may be extended by the responsible HEW official to a maximum of one year, only with respect to the following deficiencies:

(1) The space per child provided by the Head Start program does not comply with the Education Services performance standard but there is no risk to the health or safety of the children;

(2) The Head Start program is unable to provide Medical or Dental Treatment Services as required by Health Services Performance Standards because funding is insufficient and there are no community or other resources available;

(3) The services of a mental health professional is not available or accessible to the program as required by the Health Services Performance Standards; or

(4) The deficient service is not able to be corrected within the 90 days notice period, notwithstanding full effort at compliance, because of lack of funds and outside community resources, but it is reasonable to expect that the services will be brought into compliance within the extended period, and, the overall high quality of the Head Start program otherwise will be maintained during the extension.

Subpart B—Education Services Objectives and Performance Standards

§ 1304.2–1 Education services objectives.

The objectives of the Education Service component of the Head Start program are to:

(a) Provide children with a learning environment and the varied experiences which will help them develop socially, intellectually, physically, and emotionally in a manner appropriate to their age and stage of development toward the overall goal of social competence.

(b) Integrate the educational aspects of the various Head Start components in the daily program of activities.

(c) Involve parents in educational activities of the program to enhance their role as the principal influence on the child's education and development.

(d) Assist parents to increase knowledge, understanding, skills, and experience in child growth and development.

(e) Identify and reinforce experience which occur in the home that parents can utilize as educational activities for their children.

§ 1304.2–2 Education services plan content: operations.

(a) The education services component of the performance standards plan shall provide strategies for achieving the education objectives. In so doing it shall provide for program activities that include an organized series of experiences designed to meet the individual differences and needs of participating children, the special needs of handicapped children, the needs of specific educational priorities of the local population and the community. Program activities must be carried out in a manner to avoid sex role stereotyping. In addition, the plan shall provide methods for assisting parents in understanding and using alternative ways to foster learning and development of their children.

(b) The education services component of the plan shall provide for:

(1) *A supportive social and emotional climate* which:

(i) Enhances children's understanding of themselves as individuals, and in relation to others, by providing for individual, small group, and large group, activities;

(ii) Gives children many opportunities for success through program activities;

(iii) Provides an environment of acceptance which helps each child build ethnic pride, a positive self-concept, enhance his individual strengths, and develop facility in social relationships.

(2) Development of intellectual skills by:

(i) Encouraging children to solve problems, initiate activities, explore, experiment, question, and gain mastery through learning by doing;

(ii) Promoting language understanding and use in an atmosphere that encourages easy communication among children and between children and adults;

(iii) Working toward recognition of the symbols for letters and numbers according to the individual developmental level of the children;

(iv) Encouraging children to organize their experiences and understand concepts; and

(v) Providing a balanced program of staff directed and child initiated activities.

(3) Promotion of physical growth by:

(i) Providing adequate indoor and outdoor space, materials, equipment, and time for children to use large and small muscles to increase their physical skills; and

(ii) Providing appropriate guidance while children are using equipment and materials in order to promote children's physical growth.

(c) The education services component of the plan shall provide for a program which is individualized to meet the special needs of children from various populations by:

(1) Having a curriculum which is relevant and reflective of the needs of the population served (bilingual/bicultural, multi-cultural, rural, urban, reservation, migrant, etc.);

(2) Having staff and program resources reflective of the racial and ethnic population of the children in the program.

(i) Including persons who speak the primary language of the children and are knowledgeable about their heritage; and, at a minimum, when a majority of the children speak a language other than English, at least one teacher or aide interacting regularly with the children must speak their language; and,

(ii) Where only a few children or a single child speak a language different from the rest, one adult in the center should be available to communicate in the native language;

(3) Including parents in curriculum development and having them serve as resource persons (e.g., for bilingual-bicultural activities).

(d) The education services component of the plan shall provide procedures for on-going observation, recording and evaluation of each child's growth and development for the purpose of planning activities to suit individual needs. It shall provide, also, for integrating the educational aspects of other Head Start components into the daily education services program.

(e) The plan shall provide methods for enhancing the knowledge and understanding of both staff and parents of the educational and developmental needs and activities of children in the program. These shall include:

(1) Parent participation in planning the education program, and in center, classroom and home program activities;

(2) Parent training in activities that can be used in the home to reinforce the learning and development of their children in the center;

(3) Parent training in the observation of growth and development of their children in the home environment and identification of and handling special developmental needs;

(4) Participation in staff and staff-parent conferences and the making of periodic home visits (no less than two) by members of the education staff;

(5) Staff and parent training, under a program jointly developed with all components of the Head Start program, in child development and behavioral developmental problems of preschool children; and

(6) Staff training in identification of and handling children with special needs and working with the parents of such children, and in coordinating relevant referral resources.

§ 1304.2–3 Education services plan content: facilities.

(a) The education services component of the plan shall provide for a physical environment conducive to learning and reflective of the different stages of development of the children. Home-based projects must make affirmative efforts to achieve this environment. For center-based programs, space shall be organized into functional areas recognized by the children, and space, light, ventilation, heat, and other physical arrangements

must be consistent with the health, safety, and developmental needs of the children. To comply with this standard:

(1) There shall be a safe and effective heating system;

(2) No highly flammable furnishings or decorations shall be used.

(3) Flammable and other dangerous materials and potential poisons shall be stored in locked cabinets or storage facilities accessible only to authorized persons;

(4) Emergency lighting shall be available in case of power failure;

(5) Approved, working fire extinguishers shall be readily available;

(6) Indoor and outdoor premises shall be kept clean and free, on a daily basis, of undesirable and hazardous material and conditions;

(7) Outdoor play areas shall be made so as to prevent children from leaving the premises and getting into unsafe and unsupervised areas;

(8) Paint coatings in premises used for care of children shall be determined to assure the absence of a hazardous quantity of lead;

(9) Rooms shall be well lighted;

(10) A source of water approved by the appropriate local authority shall be available in the facility; and adequate toilets and handwashing facilities shall be available and easily reached by children;

(11) All sewage and liquid wastes shall be disposed of through a sewer system approved by an appropriate, responsible authority, and garbage and trash shall be stored in a safe and sanitary manner until collected;

(12) There shall be at least 35 square feet of indoor space per child available for the care of children (i.e., exclusive of bathrooms, halls, kitchen, and storage places). There shall be at least 75 square feet per child outdoors; and

(13) Adequate provisions shall be made for handicapped children to ensure their safety and comfort.

Evidence that the center meets or exceeds State or local licensing requirements for similar kinds of facilities for fire, health and safety shall be accepted as prima facie compliance with the fire, health and safety requirements of this section.

(b) The plan shall provide for appropriate and sufficient furniture, equipment and materials to meet the needs of the program, and for their arrangement in such a way as to facilitate learning, assure a balanced program of spontaneous and structured activities, and encourage self-reliance in the children. The equipment and materials shall be:

(1) Consistent with the specific educational objectives of the local program;

(2) Consistent with the cultural and ethnic background of the children;

(3) Geared to the age, ability, and developmental needs of the children;

(4) Safe, durable, and kept in good condition;

(5) Stored in a safe and orderly fashion when not in use;

(6) Accessible, attractive, and inviting to the children; and

(7) Designed to provide a variety of learning experiences and to encourage experimentation and exploration.

Subpart C—Health Services Objectives and Performance Standards

§ 1304.3–1 Health services general objectives.

The general objectives of the health services component of the Head Start program are to:

(a) Provide a comprehensive health services program which includes a broad range of medical, dental, mental health and nutrition services to preschool children, including handicapped children, to assist the child's physical, emotional, cognitive and social development toward the overall goal of social competence.

(b) Promote preventive health services and early intervention.

(c) Provide the child's family with the necessary skills and insight and otherwise attempt to link the family to an ongoing health care system to ensure that the child continues to receive comprehensive health care even after leaving the Head Start program.

§ 1304.3–2 Health Services Advisory Committee.

The plan shall provide for the creation of a Health Services Advisory Committee whose purpose shall be advising in the planning, operation and evaluation of the health services program and which shall consist of Head Start parents and health services providers in the community and other specialists in the various health disciplines. (Existing committees may be modified or combined to carry out this function.)

§ 1304.3–3 Medical and dental history, screening, and examinations.

(a) The health services component of the performance standards plan shall provide that for each child enrolled in the Head Start program a complete medical, dental and developmental history will be obtained and recorded, a thorough health screening will be given, and medical and dental examinations will be performed. The plan will provide also for advance parent or guardian authorization for all health services under this subpart.

(b) Health screenings shall include:

(1) Growth assessment (head circumference up to two years old), height, weight and age.

(2) Vision testing.

(3) Hearing testing.

(4) Hemoglobin or hematocrit determination.

(5) Tuberculin testing indicated in OCD Head Start Guidance Material.

(6) Urinalysis.

(7) Based on community health problems, other selected screenings where appropriate, e.g., sickle cell anemia, lead poisoning, and intestinal parasites.

(8) Assessment of current immunization status.

(9) During the course of health screening, procedures must be in effect for identifying speech problems, determining their cause, and providing services.

(10) Identification of the special needs of handicapped children.

(c) Medical examinations for children shall include:

(1) Examination of all systems or regions which are made suspect by the history or screening test.

(2) Search for certain defects in specific regions common or important in this age group, i.e., skin, eye, ear, nose, throat, heart, lungs, and groin (inguinal) area.

(d) The plan shall provide, also, in accordance with local and state health regulations that employed program staff have initial health examinations, periodic check-ups, and are found to be free from communicable disease; and, that voluntary staff be screened for tuberculosis.

§ 1304.3–4 Medical and dental treatment.

(a) The plan shall provide for treatment and follow-up services which include:

(1) Obtaining or arranging for treatment of all health problems detected. (Where funding is provided by non-Head Start funding suorces there must be written documentation that such funds are used to the maximum feasible extent. Head Start funds may be used only when no other source of funding is available).

(2) Completion of all recommended immunizations—diptheria, pertussis, tetanus (DPT), polio, measles, German measles. Mumps immunization shall be provided where appropriate.

(3) Obtaining or arranging for basic dental care servic[illegible] as follows:

(i) Dental examination.

(ii) Services required for the relief of pain or infection.

(iii) Restoration of decayed primary and permanent teeth.

(iv) Pulp therapy for primary and permanent teeth as necessary.

(v) Extraction of non-restorable teeth.

(vi) Dental prophylaxis and instruction in self-care oral hygiene procedures.

(vii) Application of topical fluoride in communities which lack adequate fluoride levels in the public water supply.

(b) There must be a plan of action for medical emergencies. (Indicated in OCD Head Start Guidance Material.)

§ 1304.3–5 Medical and dental records.

The plan shall provide for: (a) the establishment and maintenance of individual health records which contain the child's medical and developmental history, screening results, medical and dental examination data, and evaluation of this material, and up-to-date information about treatment and follow-up; (b) forwarding, with parent consent, the records to either the school or health delivery system or both when the child leaves the program; and (c) giving parents a summary of the record which includes information on immunization and follow-up treatment; and (d) utilization of the Health Program Assessment Report (HPAR); and (e) assurance that in all cases parents will be told the nature of the data to be collected and the uses to which the data will be put, and that

the uses will be restricted to the stated purposes.

§ 1304.3–6 Health education.

(a) The plan shall provide for an organized health education program for program staff, parents and children which ensures that:

(1) Parents are provided with information about all available health resources;

(2) Parents are encouraged to become involved in the health care process relating to their child. One or both parents should be encouraged to accompany their child to medical and dental exams and appointments;

(3) Staff are taught and parents are provided the opportunity to learn the principles of preventive health, emergency first-aid measures, and safety practices;

(4) Health education is integrated into on-going classroom and other program activities.

(5) The children are familiarized with all health services they will receive prior to the delivery of those services.

§ 1304.3–7 Mental health objectives.

The objectives of the mental health part of the health services component of the Head Start program are to:

(a) Assist all children participating in the program in emotional, cognitive and social development toward the overall goal of social competence in coordination with the education program and other related component activities;

(b) Provide handicapped children and children with special needs with the necessary mental health services which will ensure that the child and family achieve the full benefits of participation in the program;

(c) Provide staff and parents with an understanding of child growth and development, an appreciation of individual differences, and the need for a supportive environment;

(d) Provide for prevention, early identification and early intervention in problems that interfere with a child's development;

(e) Develop a positive attitude toward mental health services and a recognition of the contribution of psychology, medicine, social services, education and other disciplines to the mental health program; and

(f) Mobilize community resources to serve children with problems that prevent them from coping with their environment.

§ 1304.3–8 Mental health services.

(a) The mental health part of the plan shall provide that a mental health professional shall be available, at least on a consultation basis, to the Head Start program and to the children. The mental health professional shall:

(1) Assist in planning mental health program activities;

(2) Train Head Start staff;

(3) Periodically observe children and consult with teachers and other staff;

(4) Advise and assist in developmental screening and assessment;

(5) Assist in providing special help for children with atypical behavior or development, including speech;

(6) Advise in the utilization of other community resources and referrals;

(7) Orient parents and work with them to achieve the objectives of the mental health program; and

(8) Take appropriate steps in conjunction with health and education services to refer children for diagnostic examination to determine whether their emotional or behavior problems have a physical basis.

(b) The plan shall also provide for:

(1) attention to pertinent medical and family history of each child so that mental health services can be made readily available when needed;

(2) use of existing community mental health resources;

(3) coordination with the education services component to provide a program keyed to individual developmental levels;

(4) confidentiality of records;

(5) regular group meetings of parents and program staff;

(6) parental consent for special mental health services;

(7) opportunity for parents to obtain individual assistance; and,

(8) active involvement of parents in planning and implementing the individual mental health needs of their children.

§ 1304.3–9 Nutrition objectives.

The objectives of the nutrition part of the health services component of the Head Start program are to:

(a) Help provide food which will help meet the child's daily nutritional needs in the child's home or in another clean and pleasant environment, recognizing individual differences and cultural patterns, and thereby promote sound physical, social, and emotional growth and development.

(b) Provide an environment for nutritional srevices which will support and promote the use of the feeding situation as an opportunity for learning;

(c) Help staff, child and family to understand the relationship of nutrition to health, factors which influence food practices, variety of ways to provide for nutritional needs and to apply this knowledge in the development of sound food habits even after leaving the Head Start program;

(d) Demonstrate the interrelationships of nutrition to other activities of the Head Start program and its contribution to the overall child development goals; and

(e) Involve all staff, parents and other community agencies as appropriate in meeting the child's nutritional needs so that nutritional care provided by Head Start complements and supplements that of the home and community.

§ 1304.3–10 Nutrition services.

(a) The nutrition services part of the health services component of the performance standards plan must identify the nutritional needs and problems of the children in the Head Start program and their families. In so doing account must be taken of:

(1) The nutrition assessment data (height, weight, hemoglobin hematocrit) obtained for each child;

(2) Information about family eating habits and special dietary needs and feeding problems, especially of handicapped children; and,

(3) Information about major community nutrition problems.

(b) The plan, designed to assist in meeting the daily nutritional needs of the children, shall provide that:

(1) Every child in a part-day program will receive a quantity of food in meals (preferably hot) and snacks which provides at least ⅓ of daily nutritional needs, with consideration for meeting any special needs of children, including the child with a handicapping condition;

(2) Every child in a full-day program will receive snack(s), lunch, and other meals as appropriate which will provide ½ to ⅔ of daily nutritional needs depending on the length of the program;

(3) All children in morning programs who have not received breakfast at the time they arrive at the Head Start program will be served a nourishing breakfast;

(4) The kinds of food served conform to minimum standards for meal patterns indicated in OCD Head Start Guidance Material;

(5) The quantities of food served conform to recommended amounts indicated in OCD Head Start guidance materials; and,

(6) Meal and snack periods are scheduled appropriately to meet children's needs and are posted along with menus; e.g., breakfast must be served at least 2½ hours before lunch, and snacks must be served at least 1½ hours before lunch or supper.

(c) The plan shall undertake to assure that the nutrition services contribute to the development and socialization of the children by providing that:

(1) A variety of foods which broaden the child's food experience in addition to those that consider cultural and ethnic preferences is served;

(2) Food is not used as punishment or reward, and that children are encouraged but not forced to eat or taste;

(3) The size and number of servings of food reflect consideration of individual children's needs;

(4) Sufficient time is allowed for children to eat;

(5) Chairs, tables, and eating utensils are suitable for the size and developmental level of the children with special consideration for meeting the needs of children with handicapping conditions;

(6) Children and staff, including volunteers, eat together sharing the same menu and a socializing experience in a relaxed atmosphere; and

(7) Opportunity is provided for the involvement of children in activities related to meal service. (For example: family style service.)

(d) The plan shall set forth an organized nutrition education program for staff, parents and children. This program shall assure that:

(1) Meal periods and food are planned to be used as an integral part of the total education program;

(2) Children participate in learning activities planned to effect the selection and enjoyment of a wide variety of nutritious foods;

(3) Families receive education in the selection and preparation of foods to meet family needs, guidance in home and money management and help in consumer education so that they can fulfill their major role and responsibility for the nutritional health of the family;

(4) All staff, including administrative, receive education in principles of nutrition and their application to child development and family health, and ways to create a good physical, social and emotional environment which supports and promotes development of sound food habits and their role in helping the child and family to achieve adequate nutrition.

(e) The plan shall make special provision for the involvement of parents and appropriate community agencies in planning, implementing, and evaluating the nutrition services. It shall provide that:

(1) The Policy Council or Committee and the Health Services Advisory Committee have opportunity to review and comment on the nutrition services;

(2) The nutritional status of the children will be discussed with their parents;

(3) Information about menus and nutrition activities will be shared regularly with parents;

(4) Parents are informed of the benefits of food assistance programs; and

(5) Community agencies are enlisted to assist eligible families participate in food assistance programs.

(f) The plan shall provide for compliance with applicable local, State, and Federal sanitation laws and regulations for food service operations including standards for storage, preparation and service of food, and health of food handlers, and for posting of evidence of such compliance. The plan shall provide, also, that vendors and caterers supplying food and beverages comply with similar applicable laws and regulations.

(g) The plan shall provide for direction of the nutrition services by a qualified full-time staff nutritionist or for periodic and regularly scheduled supervision by a qualified nutritionist or dietitian as defined in the Head Start Guidance Material. Also, the plan shall provide that all nutrition services staff will receive preservice and in-service training as necessary to demonstrate and maintain proficiency in menu planning, food purchasing, food preparation and storage, and sanitation and personal hygiene.

(h) The plan shall provide for the establishment and maintenance of records covering the nutrition services budget, expenditures for food, menus utilized, numbers and types of meals served daily with separate recordings for children and adults, inspection reports made by health authorities, recipes and any other information deemed necessary for efficient operation.

Subpart D—Social Services Objectives and Performance Standards

§ 1304.4–1 Social services objectives.

The objectives of the social services component of the performance standards plan are to:

(a) Establish and maintain an outreach and recruitment process which systematically insures enrollment of eligible children.

(b) Provide enrollment of eligible children regardless of race, sex, creed, color, national origin, or handicapping condition.

(c) Achieve parent participation in the center and home program and related activities.

(d) Assist the family in its own efforts to improve the condition and quality of family life.

(e) Make parents aware of community services and resources and facilitate their use.

§ 1304.4–2 Social services plan content.

(a) The social services plan shall provide procedures for:

(1) Recruitment of children, taking into account the demographic make-up of the community and the needs of the children and families;

(2) Recruitment of handicapped children;

(3) Providing or referral for appropriate counseling;

(4) Emergency assistance or crisis intervention;

(5) Furnishing information about available community services and how to use them;

(6) Follow-up to assure delivery of needed assistance;

(7) Establishing a role of advocacy and spokesman for Head Start families;

(8) Contacting of parent or guardian with respect to an enrolled child whose participation in the Head Start program is irregular or who has been absent four consecutive days; and

(9) Identification of the social service needs of Head Start families and working with other community agencies to develop programs to meet those needs.

(b) The plan shall provide for close cooperation with existing community resources including:

(1) Helping Head Start parent groups work with other neighborhood and community groups with similar concerns;

(2) Communicating to other community agencies the needs of Head Start families and ways of meeting these needs;

(3) Helping to assure better coordination, cooperation, and information sharing with community agencies;

(4) Calling attention to the inadequacies of existing community services, or to the need for additional services, and assisting in improving available services, or bringing in new services; and

(5) Preparing and making available a community resource list to Head Start staff and families.

(c) The plan shall provide for the establishment, maintenance, and confidentiality of records of up-to-date, pertinent family data, including completed enrollment forms, referral and follow-up reports, reports of contacts with other agencies, and reports of contacts with families.

Subpart E—Parent Involvement Objectives and Performance Standards

§ 1304.5–1 Parent involvement objectives.

The objectives of the parent involvement component of the performance standards plan are to:

(a) Provide a planned program of experiences and activities which support and enhance the parental role as the principal influence in their child's education and development.

(b) Provide a program that recognizes the parent as:

(1) Responsible guardians of their children's well being.

(2) Prime educators of their children.

(3) Contributors to the Head Start program and to their communities.

(c) Provide the following kinds of opportunities for parent participation:

(1) Direct involvement in decision making in program planning and operations.

(2) Participation in classroom and other program activities as paid employees, volunteers or observers.

(3) Activities for parents which they have helped to develop.

(4) Working with their own children in cooperation with Head Start staff.

§ 1304.5–2 Parent involvement plan content: parent participation.

(a) The basic parent participation policy of the Head Start program, with which all Head Start programs must comply as a condition of being granted financial assistance, is contained in Head Start Policy Manual, Instruction I-31—Section B2, The Parents (OCD Transmittal Notice 70.2, dated August 10, 1970). This policy manual instruction is set forth in Appendix B to this part.

(b) The plan shall describe in detail the implementation of Head Start Policy Manual Instruction I-31—section B2, The Parents (Appendix B). The plan shall assure that participation of Head Start parents is voluntary and shall not be required as a condition of the child's enrollment.

§ 1304.5–3 Parent Involvement Plan content: enhancing development of parenting skills.

The plan shall provide methods and opportunities for involving parents in:

(a) Experiences and activities which lead to enhancing the development of their skills, self-confidence, and sense of independence in fostering an environment in which their children can develop to their full potential.

(b) Experiences in child growth and development which will strengthen their role as the primary influence in their children's lives.

(c) Ways of providing educational and developmental activities for children in the home and community.

(d) Health, mental health, dental and nutrition education.

(e) Identification, and use, of family and community resources to meet the basic life support needs of the family.

(f) Identification of opportunities for continuing education which may lead towards self-enrichment and employment.

(g) Meeting with the Head Start teachers and other appropriate staff for discussion and assessment of their children's individual needs and progress.

§ 1304.5–4 Parent Involvement Plan content: communications among program management, program staff, and parents.

(a) The plan shall provide for two-way communication between staff and parents carried out on a regular basis throughout the program year which provides information about the program and its services; program activities for the children; the policy groups; and resources within the program and the community. Communication must be designed and carried out in a way which reaches parents and staff effectively. Policy Groups, staff and parents must participate in the planning and development of the communication system used.

(b) The plan shall provide a system for the regular provision of information to members of Policy Groups. The purpose of such communication is to enable the Policy Group to make informed decisions in a timely and effective manner, to share professional expertise and generally to be provided with staff support. At a minimum, information provided will include:

(1) Timetable for planning, development, and submission of proposals;

(2) Head Start policies, guidelines, and other communications from the Office of Child Development;

(3) Financial reports and statements of funds expended in the Head Start account; and

(4) Work plans, grant applications, and personnel policies for Head Start.

(c) The entire Head Start staff shall share responsibility for providing assistance in the conduct of the above activities. In addition, Health Services, Education, and Social Services staff shall contribute their direct services to assist the Parent Involvement staff. If staff resources are not available, the necessary resources shall be sought within the community.

§ 1304.5–5 Parent Involvement Plan content: parents, area residents, and the program.

The plan shall provide for:

(a) The establishment of effective procedures by which parents and area residents concerned will be enabled to influence the character of programs affecting their interests,

(b) Their regular participation in the implementation of such programs and,

(c) Technical and other support needed to enable parents and area residents to secure on their own behalf available assistance from public and private sources.

APPENDIX A—PROGRAM OPTIONS FOR PROJECT HEAD START

This appendix sets forth policy governing the development and implementation of variations in program design by local Head Start programs.

N-30-334-1-00 Purpose

This chapter sets forth the policy governing the development and implementation of variations in program design by local Head Start programs.

N-30-334-1-10 Scope

This policy applies to all Head Start grantees and delegate agencies that operate or propose to operate a full year program which provides a set of services to the same child or the same group of children for less than six hours a day. The policy will be applied to all applications submitted by such grantees or delegate agencies on or after April 1, 1973.

N-30-334-1-20 Policy

A. GENERAL PROVISION

Beginning in the fourth quarter of FY 1973 (April 1973), Head Start programs will be permitted and encouraged to consider several program models in addition to the standard Head Start model and select the program option best suited to the needs of the children served and the capabilities and resources of the program staff. The program options that are to be available for local selection are as follows:

The standard Head Start model.
Variations in center attendance.
Double sessions.
Home-based models.
Locally designed variations.

In principle, the Office of Child Development will support any option or design model provided a community can demonstrate in an acceptable proposal that it will result in a quality child development program at reasonable cost and meet Head Start guidelines. Any program option proposed must demonstrate that it meets each of the following conditions:

1. All policies stated in the Head Start Manual for Head Start components must be adhered to, with the exception of those points detailed in the descriptions of each of the options under Special Provisions. This policy is not to be interpreted in any way which would lessen the force of the present Head Start policy which states that, "Programs in which enrollment does not reflect the racial or ethnic composition of disadvantaged families in the area may not be funded . . ." (Head Start Manual 6108-1, page 8).

2. The design and selection of program options is to be based on an assessment of the child development needs and resources of the broader community as well as the needs of the current enrollees and their families.

3. The assignment of children to programs is to be determined by assessing such factors as age or developmental level, family situation, handicaps, health or learning problems, and previous school experience. Discussion with all parents about specific needs of their children and how best to meet those needs must be a priority in such an assessment.

4. Proposed options must be justified as consistent with good developmental practices.

5. All parents whose children participate in any option must be represented in their parent-group organizations in accordance with the revised parent involvement guidelines of the Head Start Policy Manual of August 10, 1970.

6. Program options must receive the approval of the Head Start Policy Council prior to submission to OCD.

7. There must be a specific training plan for staff and volunteers for any option chosen. It should address itself to the requirements and goals of the specific program variations being implemented.

8. The number of hours spent in the Head Start center will vary depending on the option chosen. In all cases, the center activities are to maximize opportunities for meeting the child's developmental needs.

9. The application must demonstrate the ability to conduct the program option within the limits of the current funding level unless funds are added to the program from other sources. However, some options may enable programs to serve more children within the same funding level. Careful planning and analysis will be necessary to determine the total cost associated with serving additional children. In such planning, the following areas should be considered:

a. Additional medical-dental costs;
b. Increased costs due to separate scheduling and operating practices in the area of pupil and staff transportation;
c. Additional staff for home visits and similar supportive activities;
d. Need for additional recruitment effort;
e. Increased insurance costs;
f. Additions to parent activity funds.

B. SPECIAL PROVISIONS

1. The Standard Head Start Model

Continuation of the present five-day-per-week, center-based classroom format will be optional. Communities electing to continue this format are free to do so provided that they demonstrate through a careful assessment of their needs and capabilities that continuing the present program is in the best interests of the individual children and families served. If this assesment indicates that the present format is not adequately meeting local needs, the program is to consider whether these needs could be met more effectively by one or more of the other options.

2. Variations in Center Attendance

a. Head Start programs may elect to serve some or all children on a less than five-day-per-week basis. All children who attend Head Start on a partial basis must receive the same comprehensive developmental services as children attending the 5-day session, except as otherwise indicated. Shortened hours in the classroom may be supplemented by a parent education program or another option which would assist parents in developing their role as the first and most influential educators of their own children.

In planning for less than a five-day-week classroom schedule, careful consideration must be given to the underlying reasons for the attendance variations. Program planning must specifically address the following questions:

(1) What are the developmental needs of the child? Can they be met as effectively or more effectively by less than a five-day schedule?

(2) What are the needs and desires of the family? Would adjustment factors dictate consecutive-days attendance as opposed to, say, an every-other-day schedule?

(3) How does the curriculum plan fit the age and developmental needs of the children? Does the plan take into account differing needs of children of different ages, and varying needs of the same child over time?

(4) What kind of staffing pattern is required to obtain the program objectives?

b. In all situations where the children are in the center less than five days a week, the program must specify how they will receive comprehensive services. The following examples are illustrative of what this requires.

(1) One-third to one-half of the child's daily nutritional needs must be met each day he attends the center. Parents must, on request, be provided with simple, economical weekly menus and counseling on budgeting, food preparation and sanitation, as well as on how to involve children in food-related activities in the home.

(2) Provisions for complete medical and dental services must be made for all children in accordance with Head Start policies.

(3) Staff-family interaction, as central to the Head Start concept, must be included in any variation plan. Varied scheduling is to provide staff with new and additional opportunities for such interaction.

c. Staff utilization should contribute noticeably to program quality by maximizing staff talent, potential and expertise. Staff training goals must be identified and a training plan devised which will facilitate the implementation of the option. Such training should enable the staff to incorporate curriculum modifications necessary to accommodate the shorter week and to allow for the developmental differences between three-year-olds and five-year-olds.

d. Several attendance variation models are possible in planning the delivery of Head Start services. Attendance schedules must be devised for the children in accordance with their assessed needs. Proposals must describe the methods by which children are assigned to their schedules. The following examples indicate possible scheduling variations. The list is not meant to be exhaustive.

(1) The four-day-week schedule provides four days for center-based activities plus an additional day for center staff to perform special activities, such as:

- In-service training for staff, parents and volunteers.
- Special experiences for children.
- Home visits.
- Two days in small groups in homes with parent training by the staff.

(2) Split-session schedules: Two regularly enrolled groups, each meeting two days per week, with the fifth day set aside for such things as in-service training or working with small groups of parents or children with special needs.

3. Double Sessions

Head Start programs are permitted to operate double sessions as an option. In no case shall the addition of other children result in fewer services for children currently in the program. A program shall not be required, nor shall it be permitted, to conduct double sessions solely as a cost-saving device. In addition to the policies which apply to full-year, part-day program, the following conditions must be met when the double sessions option is utilized:

a. Provisions must be made for a one-hour break between doube-session classes when a single teaching staff conducts both halves of a double session. In addition, at least thirty minutes must be allotted prior to *each* session—whether or not a different teaching staff is used—to prepare for the session and set up the classroom environment, as well as to give individual attention to children entering and leaving the center. In some instances where schools serve as center sites, variations in scheduling double sessions may have to be considered.

b. The scheduling of children to attend morning or afternoon sessions must attempt to meet individual children's needs such as receptivity, necessity for naps, and other factors that might prevent full program benefit to some children.

c. Adequate time for staff consultation, planning (staff must plan for each session to meet the needs of particular children enrolled), in-service training and career development must be provided during the working schedule. In some cases, this can only be achieved by a variation in center attendance (e.g., a four-day-week for children).

d. Staff teaching both halves of a double session are not to have the primary responsibility for home visits unless some provision is made for substitute staff. In such cases, special provisions must be made for home visits.

e. Provisions must be made for an increase in supportive personnel and services in relation to the anticipated requirements of additional children and their families.

f. Provisions must be made for custodial services between sessions, including the cleaning of indoor and outdoor spaces.

g. Provisions must be made to maintain high food quality for both sessions. All children should have an opportunity to join in cooking and other food-related activities, preferably with the participation of the cook-manager.

4. Home-Based Models

Head Start grantees may elect to develop and incorporate a home-based model into their current program. Such models would focus on the parent as the primary factor in the child's development and the home as the central facility. These models may be designed along the lines of the Home Start demonstration programs initiated in fifteen communities in FY 1972 or on a model developed by the local community. The following conditions must be met by these grantees in implementing their programs:

a. Comprehensive Services

The same kinds of services which are available to children served in a center-based Head Start program will be available to children served by a home-based program. As in center-based programs, the home-based program must make every possible effort to identify, coordinate, integrate and utilize existing community resources and services (public, reduced-fee, or no-fee) in providing nutritional, health, social and psychological services for its children and their families.

(1) *Nutrition*.—In home-based programs, whenever feasible children should receive the same nutrition services as in center-based programs with priority emphasis on nutrition education aimed at helping parents learn to make the best use of existing food resources through food planning, buying and cooking. If periodic, regular or incidental group sessions for children are held, every effort should be made to prepare and serve a nutritious snack or meal. When food is not available to a family, the home-based program must make every effort to put the family in touch with whatever community organization can help supply food. In addition, parents should be informed of all available family assistance programs and should be encouraged to participate in them.

Nutrition education must recognize cultural variations in food preferences and supplement and build upon these preferences rather than attempt to replace them. Thus, food items that are a regular part of a family's diet will be a major focal point of nutrition education.

(2) *Health*.—Every effort must be made to provide health services through existing resources. Children in home-based programs are to receive the same health services as children in center-based programs.

As with the standard Head Start program, home-based programs shall provide linkages with existing health services for the entire family unit on an as-needed basis. However, Head Start funds may be used to provide health services only for the pre-school members of the family.

(3) *Psychological and Social Services*.—Home-based programs shall provide needed services through existing community resources or within the sponsoring Head Start program in accordance with existing Head Start policies.

b. Curriculum for Children

A major emphasis of the program must be to help parents enhance the total development (including cognitive, language, social, emotional and physical) of all their children.

Whatever the educational program or philosophy of a home-based program, it must have a plan or system for developing "individualized" or "personalized" education programs for its children.

In addition, programs must provide material, supplies and equipment (such as tricycles, wagons, blocks, manipulative toys and books) to foster the children's development in their homes as needed. Provision for such materials may be made through lending, cooperative or purchase systems.

Group socialization experiences must be provided on a periodic basis for all children in home-based programs. The proposal must specify what kind of developmental activities will take place in the group setting.

Furthermore, the education component—as well as all program components—must meet the needs of the locale by taking into account appropriate local, ethnic, cultural and language characteristics.

c. Parent Program

Home-based programs reflect the concept that the parent is the first and most influential "educator" and "enabler" of his or her own children. Thus, home-based programs are to place emphasis on developing and expanding the "parenting" role of Head Start parents.

Home-based programs must give both parents (or parent substitutes and other appropriate family members) an opportunity to learn about such things as various approaches to child rearing, ways to stimulate and enhance their children's total development, ways to turn everyday experiences into constructive learning experiences for children, and specific information about health, nutrition and community resources.

d. Evening and Weekend Services

It is suggested that the program make provision for evening and weekend services to families when needed.

e. Career Development

Programs must provide career development opportunities for staff. For example, training of staff should qualify for academic credit or other appropriate credentials whenever possible.

f. Service Delivery System

In their proposals, grantees must describe their system for delivering health, nutrition, psychological and other services that are not provided primarily by the in-home caregiver.

g. Staff Selection

Proposals must describe the program's system for selecting staff in accord with the responsibilities assigned by the program to the staff member. For example, the staff visiting homes must be:

(1) Fluent in the language used by the families they serve;
(2) Responsive listeners;
(3) Knowledgeable about human development, family dynamics, and needs of children;
(4) Knowledgeable about all program components;
(5) Knowledgeable about community resources.

h. Staff Development

Programs must submit a staff and volunteer recruitment plan and a training plan, including content of proposed pre- and in-service training programs, teaching method, descriptions of training staff or consultants, and provisions for continued in-service training. The career development plan must be designed to develop or increase staff member's knowledge about:

(1) Approaches to and techniques of working with parents;
(2) Other home-based or Home Start-like programs;
(3) All Head Start component areas.

i. Volunteers

As in all other Head Start programs, the home-based programs must encourage and provide opportunity for the use of volunteers.

5. Locally Designed Options

In addition to the above models, local programs may elect to design and propose other program options which they find well suited to meet the needs of individual children and the families in their communities. Proposals for local program options must adhere to the following guidelines:

a. They must be derived from an analysis of the present standard Head Start model and must represent a more effective approach to meeting the needs of children in the community.

b. They must be consistent with good developmental practices.

c. They must be consistent with Head Start performance standards and must ensure that all components of Head Start are effectively delivered, unless they are operated as an adjunct to a program which delivers the full range of Head Start services, or unless they represent a special program thrust or circumscribed effort such as:

(1) Health Start-type program or other services such as sickle cell or lead paint screening.
(2) Summer follow-on services for handicapped high risk or other children with special needs.

APPENDIX B—HEAD START

POLICY MANUAL: THE PARENTS

This appendix sets forth policy governing the involvement of parents of Head Start children ". . . in the development, conduct, and overall program direction at the local level."

I-30-2 The Parents

A. INTRODUCTION

Head Start believes that the gains made by the child in Head Start must be understood and built upon by the family and the community. To achieve this goal, Head Start provides for the involvement of the child's parents and other members of the family in the experiences he receives in the child development center by giving them many opportunities for a richer appreciation of the young child's needs and how to satisfy them.

Many of the benefits of Head Start are rooted in "change". These changes must take place in the family itself, in the community, and in the attitudes of people and institutions that have an impact on both.

It is clear that the success of Head Start in bringing about substantial changes demands the fullest involvement of the parents, parental-substitutes, and families of children enrolled in its programs. This involvement begins when a Head Start program begins and should gain vigor and vitality as planning and activities go forward.

Successful parental involvement enters into every part of Head Start, influences other anti-poverty programs, helps bring about changes in institutions in the community, and works toward altering the social conditions that have formed the systems that surround the economically disadvantaged child and his family.

Project Head Start must continue to discover new ways for parents to become deeply invloved in decision-making about the program and in the development of activities that they deem helpful and important in meeting their particular needs and conditions. For some parents, participation may begin on a simple level and move to more complex levels. For other parents the movement will be immediate, because of past experiences, into complex levels of sharing and giving. Every Head Start program is obligated to provide the channels through which such participation and involvement can be provided for and enriched.

Unless this happens, the goals of Head Start will not be achieved and the program itself will remain a creative experience for the preschool child in a setting that is not reinforced by needed changes in social systems into which the child will move after his Head Start experience.

This sharing in decisions for the future is one of the primary aims of parent participation and involvement in Project Head Start.

B. THE ROLE OF THE PARENTS

Every Head Start Program Must Have Effective Parent Participation. There are at least four major kinds of parent participation in local Head Start programs.

1. PARTICIPATION IN THE PROCESS OF MAKING DECISIONS ABOUT THE NATURE AND OPERATION OF THE PROGRAM.

2. PARTICIPATION IN THE CLASSROOM AS PAID EMPLOYEES, VOLUNTEERS OR OBSERVERS.

3. ACTIVITIES FOR THE PARENTS WHICH THEY HAVE HELPED TO DEVELOP.

4. WORKING WITH THEIR CHILDREN IN COOPERATION WITH THE STAFF OF THE CENTER.

Each of these is essential to an effective Head Start program both at the grantee level and the delegate agency level. Every Head Start program must hire/designate a Coordinator of Parent Activities to help bring about appropriate parent participation. This staff member may be a volunteer in smaller communities.

1. Parent Participation in the Process of Making Decisions About the Nature and Operation of the Program

Head Start Policy Groups

a. *Structure.*—The formal structure by which parents can participate in policy making and operation of the program will vary with the local administrative structure of the program.

Normally, however, the Head Start policy groups will consist of the following:

1. *Head Start Center Committee.* This committee must be set up at the center level. Where centers have several classes, it is recommended that there also be parent class committees.

2. *Head Start Policy Committee.* This committee must be set up at the delegate agency level when the program is administered in whole or in part by such agencies.

3. *Head Start Policy Council.* This Council must be set up at the grantee level.

When a grantee has delegated the entire Head Start program to one Delegate Agency, it is not necessary to have a Policy Council in addition to a Delegate Agency Policy Committee. Instead one policy group serves both the Grantee Board and the Delegate Agency Board.

b. *Composition.*—Chart A describes the composition of each of these groups.

Representatives of the Community (Delegate Agency level): A representative of neighborhood community groups (public and private) and of local neighborhood community or professional organizations, which have a concern for children of low income families and can contribute to the development of the program. The number of such representatives will vary depending on the number of organizations which should appropriately be represented. The Delegate Agency determines the composition of their committee (within the above guidelines) and methods to be used in selecting representatives of the community. Parents of former Head Start children may serve as representatives of the community on delegate agency policy groups. All representatives of the community selected by the agency must be approved by elected parent members of the committee. In no case, however, should representatives of the community exceed 50% of the total committee.

Representatives of the Community (Grantee Agency level): A representative of major agencies (public and private) and major community civic or professional organizations which have a concern for children of low income families and can contribute to the program. The number of such representatives will vary, depending on the number of organizations which should appropriately be represented. The applicant agency determines the composition of the council (within the above guidelines) and the methods to be used in selecting representatives of the community. Parents of former Head Start children may serve as representatives of the community on grantee agency policy groups. All representatives of the community selected by the agency must be approved by

Chart A

Organization:	*Composition*
1. Head Start Center Committee........	1. Parents whose children are enrolled in that center.
2. Head Start Policy Committee (delegate agency).	2. At least 50% parents of Head Start children presently enrolled in that delegate agency program plus representatives of the community.*
3. Head Start Policy Council (grantee)..	3. At least 50% parents of Head Start children presently enrolled in that grantee's program plus representatives of the community.**

elected parent members of the committee. In no case, however, should representatives of the community exceed 50% of the total committee or council.

Special Notes

1. All parents serving on policy groups must be elected by parents of Head Start children currently enrolled in the program.

2. It is strongly recommended that the community action agency board have representation from the Head Start Policy Council to assure coordination of Head Start activities with other CAA programs. Conversely, community action agency board representation on the Policy Council is also recommended.

3. It is important that the membership of policy groups be rotated to assure a regular influx of new ideas into the program. For this purpose, terms of membership must be limited to no more than three years.

4. No staff member (nor members of their families as defined in CAP Memo 23A) of the applicant or delegate agencies shall serve on the council or committee in a voting capacity. Staff members may attend the meetings of councils or committees in a consultative non-voting capacity upon request of the council or committee.

5. Every corporate board operating a Head Start program must have a Policy Committee or Council as defined by HEW. The corporate body and the Policy Committee or Council must not be one and the same.

6. Policy groups for summer programs present a special problem because of the difficulty of electing parent representatives in advance. Therefore, the policy group for one summer program must remain in office until its successors have been elected and taken office. The group from the former program should meet frequently between the end of the program and the election of new members to assure some measure of program continuity. These meetings should be for the purpose of (a) assuring appropriate follow up of the children (b) aiding the development of the upcoming summer Head Start program, (c) writing of the application, (d) hiring of the director and establishment of criteria for hiring staff and, when necessary (e) orientation of the new members. In short, the policy group from a former program must not be dissolved until a new group is elected. The expertise of those parents who have previously served should be used whenever possible.

c. *Functions.*—The following paragraphs and charts describe the minimum functions and degrees of responsibility for the various policy groups involved in administration of local Head Start programs. *Local groups may negotiate for additional functions and a greater share of responsibility if all parties agree.* All such agreements are subject to such limitations as may be called for by HEW policy. Questions about this should be referred to your HEW regional office.

(1) The Head Start Center Committee shall carry out at least the following minimum responsibilities:

(a) Assists teacher, center director, and all other persons responsible for the development and operation of every component including curriculum in the Head Start program.

(b) Works closely with classroom teachers and all other component staff to carry out the daily activities program.

(c) Plans, conducts, and participates in informal as well as formal programs and activities for center parents and staff.

(d) Participates in recruiting and screening of center employees within guidelines established by HEW, the Grantee Council and Board, and Delegate Agency Committee and Board.

(2) *The Head Start Policy Committee.* Chart B outlines the major management functions connected with local Head Start program administered by delegate agencies and the degree of responsibility assigned to each participating group.

In addition to those listed functions, the committee shall:

(a) Serve as a link between public and private organizations, the grantee Policy Council, the Delegate Agency Board of Directors, and the community it serves.

(b) Have the opportunity to initiate suggestions and ideas for program improvements and to receive a report on action taken by the administering agency with regard to its recommendations.

(c) Plan, coordinate and organize agency-wide activities for parents with the assistance of staff.

(d) Assist in communicating with parents and encouraging their participation in the program.

(e) Aid in recruiting volunteer services from parents, community residents and community organizations, and assist in the mobilization of community resources to meet identified needs.

(f) Administer the Parent Activity funds.

(3) *The Head Start Policy Council.* Chart C outlines the major management functions connected with the Head Start program at the grantee level, whether it be a community action or limited purpose agency, and the degree of responsibility assigned to each participating group.

In addition to those listed functions, the Council shall:

(a) Serve as a link between public and private organizations, the Delegate Agency Policy Committees, Neighborhood Councils, the Grantee Board of Directors and the community it serves.

(b) Have the opportunity to initiate suggestions and ideas for program improvements and to receive a report on action taken by the administering agency with regard to its recommendations.

(c) Plan, coordinate and organize agency-wide activities for parents with the assistance of staff.

(d) Approve the selection of Delegate Agencies.

(e) Recruit volunteer services from parents, community residents and community organizations, and mobilizes community resources to meet identified needs.

(f) Distribute Parent Activity funds to Policy Committees.

It may not be easy for Head Start directors and professional staff to share responsibility when decisions must be made. Even when they are committed to involving parents, the Head Start staff must take care to avoid dominating meetings by force of their greater training and experience in the process of decisionmaking. At these meetings, professionals may be tempted to do most of the talking. They must learn to ask parents for their ideas, and listen with attention, patience and understanding. Self-confidence and self-respect are powerful motivating forces. Activities which bring out these qualities in parents can prove invaluable in improving family life of young children from low income homes.

Members of Head Start Policy Groups whose family income falls below the "poverty line index" may receive meeting allowances or be reimbursed for travel, per diem, meal and baby sitting expenses incurred because of Policy Group meetings. The procedures necessary to secure reimbursement funds and their regulations are detailed in OEO Instruction #6803-1.

2. Participation in the Classroom as Paid Employees, Volunteers or Observers

Head Start classes must be open to parents at times reasonable and convenient to them. There are very few occasions when the presence of a limited number of parents would present any problem in operation of the program.

Having parents in the classroom has three advantages. It:

a. Gives the parents a better understanding of what the center is doing for the children and the kinds of home assistance they may require.

b. Shows the child the depth of his parents concern.

c. Gives the staff an opportunity to know the parents better and to learn from them.

There are, of course, many center activities outside the classroom (e.g., field trips, clinic visits, social occasions) in which the presence of parents is equally desirable.

Parents are one of the categories of persons who must receive preference for employment as non-professionals. Participation as volunteers may also be possible for many parents. Experience obtained as a volunteer may be helpful in qualifying for non-professional employment. At a minimum parents should be encouraged to observe classes several times. In order to permit fathers to observe it might be a good idea to have some parts of the program in the evening or on weekends.

Head Start Centers are encouraged to set aside space within the Center which can be used by parents for meetings and staff conferences.

3. Activities for Parents Which They Have Helped To Develop

Head Start programs must develop a plan for parent education programs which are responsive to needs expressed by the parents themselves. Other community agencies should be encouraged to assist in the planning and implementation of these programs.

Parents may also wish to work together on community problems of common concern such as health, housing, education and welfare and to sponsor activities and programs around interests expressed by the group. Policy Committees must anticipate such needs when developing program proposals and include parent activity funds to cover the cost of parent sponsored activities.

4. Working With Their Children in Their Own Home in Connection with the Staff of the Center

HEW requires that each grantee make home visits a part of its program when parents permit such visits. Teachers should visit parents of summer children a minimum of once; in full year programs there should be at least three visits, if the parents have consented to such home visits. (Education staff are now required to make no less than two home visits during a given program year in accordance with 1304.2-2(e)(4).) In those rare cases where a double shift has been approved for teachers it may be necessary to use other types of personnel to make home visits. Personnel, such as teacher aides, health aides and social workers may also make home visits with, or independently of, the teaching staff but coordinated through the parent program staff in order to eliminate uncoordinated visits.

Head Start staff should develop activities to be used at home by other family members that will reinforce and support the child's total Head Start experience.

Staff, parents and children will all benefit from home visits and activities. Grantees shall not require that parents permit home visits as a condition of the child's participation in Head Start. However, every effort must be made to explain the advantages of visits to parents.

Definitions as used on charts B and C

A. General Responsibility.—The individual or group with legal and fiscal responsibility guides and directs the carrying out of the function described through the person or group given operating responsibility.

B. Operating Responsibility.—The individual or group that is directly responsible for carrying out or performing the function, consistent with the general guidance and direction of the individual or group holding general responsibility.

C. Must Approve or Disapprove.—The individual or group (other than persons or groups holding general and operating responsibility, A and B above) must approve before the decision is finalized or action taken. The individual or group must also have been consulted in the decision making process prior to the point of seeking approval.

If they do not approve, the proposal cannot be adopted, or the proposed action taken, until agreement is reached between the disagreeing groups or individuals.

D. Must be Consulted.—The individual or group must be called upon before any decision is made or approval is granted to give advice or information but not to make the decision or grant approval.

E. May be Consulted.—The individual or group may be called upon for information, advice or recommendations by those individuals or groups having general responsibility or operating responsibility.

A = General responsibility
B = Operating responsibility
C = Must approve or disapprove
D = Must be consulted
E = May be consulted

	Chart B				Chart C			
	Delegate agency				Grantee agency			
Function	Board	Executive director	Head Start policy committee	Head Start director	Board	Executive director	Head Start policy council	Head Start director
I. Planning:								
(a) Identify child development needs in the area to be served (by CAA* if not delegated).	A	B	D	D	A	B	D	D
(b) Establish goals of Head Start program and develop ways to meet them within HEW guidelines.	A	C	C	B	A	C	C	B
(c) Determine delegate agencies and areas in the community in which Head Start programs will operate.					A	D	C	B
(d) Determine location of centers or classes	A	D	C	B				
(e) Develop plans to use all available community resources in Head Start.	A	D	C	B	A	D	C	B
(f) Establish criteria for selection of children within applicable laws and HEW guidelines.					A	C	C	B
(g) Develop plan for recruitment of children	A	C	C	B				
II. General Administration:								
(a) Determine the composition of the appropriate policy group and the method for setting it up (within HEW guidelines).	A	B	C	D	A	B	C	D
(b) Determine what services should be provided to Head Start from the CAA* central office and the neighborhood centers.					A	B	C	D
(c) Determine what services should be provided to Head Start from delegate agency.	A	B	C	D				
(d) Establish a method of hearing and resolving community complaints about the Head Start program.	D	C	A	B	D	C	A	B
(e) Direct the CAA* Head Start staff in day-to-day operations.					E	A	E	B
(f) Direct the delegate agency Head Start staff in day-to-day operations.	E	A	E	B				
(g) Insure that standards for acquiring space, equipment, and supplies are met.	A	D	D	B	A	D	D	B
III. Personnel administration:								
(a) Determine Head Start personnel policies (including establishment of hiring and firing criteria for Head Start staff, career development plans, and employee grievance procedures).								
Grantee agency					A	C	C	B
Delegate agency	A	C	C	B				
(b) Hire and fire Head Start Director of grantee agency.					A	B	C	
(c) Hire and fire Head Start staff of grantee agency					E	A	C	B
(d) Hire and fire Head Start Director of delegate agency.	A	B	C					
(e) Hire and fire Head Start staff of delegate agency	E	A	C	B				
IV. Grant application process:								
(a) Prepare request for funds and proposed work program.								
Prior to sending to CAA*	A	C	C	B				
Prior to sending to HEW					A	C	C	B
(b) Make major changes in budget and work program while program is in operation.	A	C	C	B	A	C	C	B
(c) Provide information needed for prereview to policy council.	A	D	C	B				
(d) Provide information needed for prereview to HEW.					A	D	C	B
V. Evaluation: Conduct self-evaluation of agency's Head Start program.	A	D	B	D	A	D	B	D

*CAA or general term "grantee".

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PART III

ENVIRONMENTAL PROTECTION AGENCY

Control of Air Pollution From New Motor Vehicles and Engines

Title 40—Protection of Environment
CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY
[FRL 387-1]

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

Subpart I—Engine Smoke Exhaust Emission Regulations for New Diesel Heavy Duty Engines

Subpart J—Engine Exhaust Gaseous Emission Regulations for New Diesel Heavy Duty Engines

The need for a number of technical amendments has been identified. These amendments and corrections are set forth in this publication and are described in the table below.

The Agency finds that good cause exists for omitting as unnecessary a notice of proposed rulemaking and public rulemaking procedure in the issuance of these amendments, in that (1) they are designed to correct and clarify the regulations; (2) the changes primarily standardize and improve test and calculation procedures in those areas where the current regulations have been interpreted inconsistently among manufacturers; and (3) to the extent substantive revisions are made they are procedural and do not affect either the stringency of, or the burden of complying with, the standards.

Since numerous technical amendments have been made to Subparts I and J since the November 15, 1972 recompilation, both subparts applicable to diesel heavy duty engines are included in this publication of technical amendments.

Explanation of technical amendment changes

Sec.	Change	Reason
85.801	Update model year	1974 diesel heavy duty engine regulations also apply to later model year engines.
85.802	Combine the definitions for subpts. I and J	Eliminates the need to reprint sec. 85.902.
85.802(a)(11)	Update section reference	These technical amendments are applicable to 1974 and later model year diesel heavy duty engines and all references to 1973 model year engines have been deleted.
85.802(a)(30)	Add definition for throttle	Throttle is commonly used and the definition did not appear previously.
85.803	Combine the abbreviations for subpts. I and J	Eliminates the need to reprint sec. 85.903.
85.804(a)(1)	Update section reference	These technical amendments are applicable to 1974 and later model year diesel heavy duty engines and all references to 1973 model year engines have been deleted.
85.804(a)(2)	Add provision (2)(v), that the vehicle manufacturer is responsible for supplying engine maintenance instructions to the ultimate purchaser, and, if those instructions are modified; the vehicle manufacturer must submit the modifications to the Administrator for review.	Amplifies responsibility of vehicle manufacturers under sec. 85.874-38 to provide maintenance instructions to ultimate purchasers.
85.805	Delete references to sec. 85.873	These technical amendments are applicable to 1974 and later model year diesel heavy duty engines and all references to 1973 model year engines have been deleted.
85.874-1	Expand section title to clarify model year covered.	1974 diesel heavy duty engine emission standards also apply to later model year engines.
85.874-3(c)	Change paragraph reference from sec. 85.705 to sec. 85.805.	Error in previous publication.
85.874-4(a)	Add the requirement that all service performed on test engines be included in the information submitted to the Administrator.	All maintenance performed on test engines is considered pertinent maintenance and therefore is required to be supplied.
85.874-4(c)	Relax requirement to submit description of tests and data derived from those tests conducted to determine compliance with sec. 85.804.	A statement of compliance, and of the availability of the test description and test data will satisfy the requirements.
85.874-4(d)	Proper reference to sec. 85.874-1 was not made; definition of applicable test procedures has been clarified; explain procedure to be followed if engines do not conform to the requirements of this subpart.	Requirement was previously ambiguous; clarifies requirements concerning statement of compliance with general requirements of this subpart; clarifies procedure to be followed.
85.874-5(a)	Add provisions listing criteria for division into engine families which were formerly included only by reference to subpt. A.	Permits engine family classification without the need for referring to subpt. A.
85.874-6	Reorganize into logical subgroupings involving scheduled maintenance, routine service, and unscheduled maintenance with added provisions clarifying the type of work permitted in each maintenance category. Emphasize that unscheduled maintenance will not render the engine unrepresentative.	Clarifies the maintenance provisions.
85.874-6(a)(1)(i)	Change scheduled maintenance on durability engines to require the frequency of such maintenance to be comparable to actual inuse intervals which will be determined by the manufacturer.	Less stringent maintenance criteria is justified in light of data presented to EPA which indicates that the scheduled maintenance provision was not comparable to actual inuse maintenance intervals.
85.874-7(c)	Expand to provide a more precise description of the minimum power requirements during service accumulation.	Clarifies the current requirements for minimum engine power during service accumulation.
85.874-7(g)	Expand to include data reporting procedure; specify time allowed for transmittal of test results.	Clarifies procedures; places a more reasonable requirement on time limit.
85.874-7(h)	Add provision to prohibit any unauthorized testing of certification engines.	Unauthorized testing of certification engines has not been allowed in past practice, provision makes such prohibition explicit.
85.874-8	Delete provision that a manufacturer must apply for use of a special test procedure for engines not suited for normal testing under the specified test procedures.	Allows the Administrator, at his discretion, to make the technical judgment that an engine is not suited for normal testing, and to prescribe special test procedures for that engine.

Explanation of technical amendment changes—Continued

Sec.	Change	Reason
85.874-10	Correct service accumulation fuel specification for type 2-D, E.P. temperature range.	Error in previous publication.
85.874-11	Expand to provide a more precise description of dynamometer operation.	Clarifies test procedure.
85.874-13(b)(3)	Add the requirement for recording of the throttle position and delete the requirement for continuous recording of engine torque.	Throttle position is necessary to verify conduct of the smoke emissions test, the requirement for continuous recording of torque is unnecessary.
85.874-14(g)	Expand to include the identification of throttle position trace.	Allows for revised requirements in sec. 85.874-13.
85.874-14(k)	Specify the minimum requirement for recording engine torque.	Continuous recording of engine torque is no longer a requirement.
85.874-15(b)	Expand to include calibration of throttle position indicator; indicate calibration schedule for opacity filters.	Allows for revised requirements in sec. 85.874-13; defines good technical practice.
85.874-16(c)(8)	Delete the requirement for continuous recording of engine torque; add requirement for continuous recording of throttle position; improper reference to transition "modes" has been corrected.	Requirement for continuous recording of engine torque is unnecessary; reflects revised requirements in sec. 85.874-13; clarifies test procedures.
85.874-17	Expand to provide a more precise description of chart reading and add the requirement that the corrected horsepower developed during the transitional period be at least 95 percent of the horsepower developed during zero-hour testing.	Clarifies the calculation procedures and makes provision consistent with § 85.874-11(a)(3)(i).
85.874-28	Clarify the calculation procedures and the number of significant figures to be used in deterioration factor and official test results. Add the provision that before-maintenance and after-maintenance tests be included in the deterioriation factor calculation.	Clarifies calculation procedures. Clarifies what test results are to be used in the deterioration factor calculation.
85.874-29(b)(1)	Clarify data to be used as official test results.	Clarifies data reporting procedures.
85.874-29(b)(3)(i)	Add the provision that test engines shall be within the production tolerance as shown on the engine label prior to the official test. Also clarify the maintenance and adjustments which may be performed with the advance approval of the Administrator.	Provision allows test engines to be tested in the condition that they are expected to operate inuse. Clarifies test procedure.
85.874-29(b)(3)(ii)	Expand procedure to be followed if an engine fails to meet applicable standards.	Clarifies procedure.
85.874-35(a)(4)(vi)	Revise the language requirement for the engine label required under sec. 85.874-35(a)(4).	Allows more flexibility in determining wording for the required label.
85.874-38(a)	Delete references to "ultimate" when referring to the purchaser.	Engine manufacturers are to supply maintenance instructions to the vehicle manufacturers.
85.874-38(a)(3)	Add provision that the written instructions for new motor vehicle engine maintenance may include maintenance in addition to that performed on the corresponding durability engine under sec. 85.875-6 provided the maintenance is reasonable and necessary.	Provides for reasonable and necessary maintenance instructions.
85.902	Incorporate sec. 85.802 by reference	Eliminates unnecessary repetition.
85.903	Incorporate sec. 85.803 by reference	Do.
85.904	Incorporate sec. 85.804 by reference	Do.
85.905	Incorporate sec. 85.905 by reference	Do.
85.906	Incorporate sec. 85.806 by reference	Do.
85.974-1	Expand section title to clarify model year covered.	1974 diesel heavy duty engine emission standards also apply to later model year engines.
85.974-2	Incorporate sec. 85.874-2 by reference	Eliminates unnecessary repetition.
85.974-3	Incorporate sec. 86.874-3 by reference	Do.
85.974-4	Incorporate sec. 85.874-4 by reference	Do.
85.974-5	Clarify the sequence of testing	Manufacturers may either perform a complete gaseous emissions test or a complete smoke emissions first.
85.974-6	Incorporate sec. 85.874-6 by reference	Eliminates unnecessary repetition.
85.974-7	Incorporate sec. 85.874-7 by reference	Do.
85.974-8	Incorporate sec. 85.874-8 by reference	Do.
85.974-10	Incorporate sec. 85.874-10 by reference	Do.
85.974-11	Add provision for deviation from the specified test procedure.	Allows for testing of engines not suited for testing by normal test procedures.
85.974-12	Incorporate sec. 85.874-12 by reference	Eliminates unnecessary repetition.
85.974-16(c)(5)	Clarify the zero and span requirement	Clarifies the test procedure.
85.974-28	Incorporate sec. 85.874-28 by reference	Eliminates unnecessary repetition.
85.974-29	Incorporate sec. 85.874-29 by reference	Do.
85.974-30	Incorporate sec. 85.874-30 by reference	Do.
85.974-31	Incorporate sec. 85.874-31 by reference	Do.
85.974-32	Incorporate sec. 85.874-32 by reference	Do.
85.974-33	Incorporate sec. 85.874-33 by reference	Do.
85.974-34	Incorporate sec. 85.874-34 by reference	Do.
85.974-35	Incorporate sec. 85.874-35 by reference	Do.
85.974-37	Incorporate sec. 85.874-37 by reference	Do.
85.974-38	Incorporate sec. 85.874-38 by reference	Do.
85.974-39	Incorporate sec. 85.874-39 by reference	Do.

Part 85, Chapter I, Title 40 of the Code of Federal Regulations as applicable beginning with the 1974 model year is amended as follows, effective July 30, 1975.

(Sections 202, 206, 207, 208 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857f-1, 1857f-5, 1857f-5a, 1857f-6 and 1857g (a)))

Dated: June 19, 1975.

JOHN QUARLES,
Acting Administrator.

Subpart I—Engine Smoke Exhaust Emission Regulations for New Diesel Heavy Duty Engines

Sec.
85.801 General applicability.
85.802 Definitions.
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85.804 General standards: increase in emissions; unsafe conditions.
85.805 Hearings on certification.
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85.874-2 Application for certification.
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85.874-4 Required data.
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85.874-6 Maintenance.
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85.874-8 Special test procedures.
85.874-9 Test procedures.
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85.874-11 Dynamometer operation cycle for smoke emission levels.
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85.874-14 Information to be recorded.
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85.874-37 Production engines.
85.874-38 Maintenance instructions.
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Subpart J—Engine Exhaust Gaseous Emission Regulations for New Diesel Heavy Duty Engines

85.901 General applicability.
85.902 Definitions.
85.903 Abbreviations.
85.904 General standards: increase in emissions; unsafe conditions.
85.905 Hearings on certification.
85.906 Maintenance of records; submittal of information; right of entry.
85.974-1 Exhaust gaseous emission standards for 1974 and later model year engines.
85.974-2 Application for certification.
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85.974-9 Test procedures.
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85.974-13 Sampling and analytical methods.
85.974-14 Information.
85.974-15 Calibration and instrument checks.
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85.974-19—85.974-27 [Reserved]
85.974-28 Compliance with emission standards.
85.974-29 Testing by the Administrator.
85.974-30 Certification.
85.974-31 Separate certification.
85.974-32 Addition of an engine after certification.
85.974-33 Changes to an engine covered by certification.
85.974-34 Alternative procedure for notification of additions and changes.

Sec.
85.974-35 Labeling.
85.974-36 [Reserved]
85.974-37 Production engines.
85.974-38 Maintenance instructions.
85.974-39 Submission of maintenance instructions.

AUTHORITY: Secs. 202, 206, 207, 208, 301 (a), Clean Air Act, as amended (42 U.S.C. 1857f-1, 1857f-5, 1857f-5a, 1857f-6, 1857g(a)).

Subpart I—Engine Smoke Exhaust Emission Regulations for New Diesel Heavy Duty Engines

§ 85.801 General applicability.

The provisions of this subpart are applicable to new diesel heavy duty engines beginning with the 1974 model year.

§ 85.802 Definitions.

(a) As used in this subpart, all terms not defined herein shall have the meaning given them in the Act:

(1) "Act" means Part A of title II of the Clean Air Act, 42 U.S.C. 1857 f-1 through f-7, as amended by Public Law 91-604.

(2) "Administrator" means the Administrator of the Environmental Protection Agency or his authorized representative.

(3) "EPA Enforcement Officer" means any officer or employee of the Environmental Protection Agency so designated in writing by the Administrator (or by his designee).

(4) "Model year" means the manufacturer's annual production period (as determined by the Administrator) which includes January 1 of such calendar year: *Provided*, That if the manufacturer has no annual production period, the term "model year" shall mean the calendar year.

(5) "Gross vehicle weight" means the manufacturer's gross weight rating for the individual vehicle.

(6) "Heavy duty vehicle" means any motor vehicle either designed primarily for transportation of property and rated at more than 6,000 pounds GVW or designed primarily for transportation of persons and having a capacity of more than 12 persons.

(7) "Heavy duty engine" means any engine which the engine manufacturer could reasonably expect to be used for motive power in a heavy duty vehicle.

(8) "System" includes any motor vehicle engine modification which controls or causes the reduction of substances emitted from motor vehicle engines.

(9) "Auxiliary Emission Control Device (AECD)" means any element of design which senses temperature, vehicle speed, engine RPM, transmission gear, manifold vacuum, or any other parameter for the purpose of activating, modulating, delaying, or deactivating the operation of any part of the emission control system.

(10) "Defeat Device" means an AECD that reduces the effectiveness of the emission control system under conditions which may reasonably be expected to be encountered in normal urban vehicle operation in use, unless (1) such conditions are substantially included in the Federal emission test procedure, or (2) the need for the AECD is justified in terms of protecting the vehicle against damage or accident, or (3) the AECD does not go beyond the requirements of engine starting.

(11) "Engine family" means the basic classification unit of a manufacturer's product line used for the purpose of test fleet selection and determined in accordance with § 85.874-5(a).

(12) "Engine-system combination" means an engine family-exhaust emission control system-fuel evaporative emission control system (where applicable) combination.

(13) "Fuel system" means the combination of fuel tank, fuel pump, fuel lines and fuel injection components, and includes all fuel system vents and fuel evaporative emission control systems.

(14) "Crankcase emissions" means airborne substances emitted to the atmosphere from any portion of the engine crankcase ventilation or lubrication systems.

(15) "Exhaust emissions" means substances emitted to the atmosphere from any opening downstream from the exhaust port of a motor vehicle engine.

(16) "Oxides of Nitrogen" means the sum of the nitric oxide and nitrogen dioxide contained in a gas sample as if the nitric oxide were in the form of nitrogen dioxide.

(17) "Smoke" means the matter in exhaust emissions which obscures the transmission of light.

(18) "Opacity" means the fraction of a beam of light, expressed in percent, which fails to penetrate a plume of smoke.

(19) "Maximum rated horsepower" means the maximum brake horsepower output of an engine as stated by the manufacturer in his sales and service literature and his application for certification under § 85.874-2.

(20) "Rated speed" means the speed at which the manufacturer specifies the maximum rated horsepower of an engine.

(21) "Maximum rated torque" means the maximum torque produced by an engine as stated by the manufacturer in his sales and service literature and his application for certification under § 85.874-2.

(22) "Peak torque speed" means the speed at which an engine develops maximum torque.

(23) "Intermediate speed" means the peak torque speed or 60 percent of rated speed, whichever is higher.

(24) "Percent load" means the fraction of the maximum torque available at a specified engine speed.

(25) "Military engine" means any engine manufactured solely for the Department of Defense to meet military specifications.

(26) "Useful life" means a period of use of 5 years or 100,000 miles of vehicle operation or 3,000 hours of engine operation (or an equivalent period of 1,000 hours of dynamometer operation), whichever first occurs.

(27) "Zero (0) hours" means that point after normal assembly line operations and adjustments are completed and before one (1) additional operating hour has been accumulated.

(28) "Scheduled maintenance" means any adjustment, repair, removal, disassembly, cleaning, or replacement of engine components or systems which is performed on a periodic basis to prevent part failure or vehicle (if the engine were installed in a vehicle) malfunction.

(29) "Unscheduled maintenance" means any adjustment, repair, removal, disassembly, cleaning, or replacement of engine components or systems which is performed to correct a part failure or vehicle (if the engine were installed in a vehicle) malfunction.

(30) "Throttle" means the mechanical linkage which either directly or indirectly controls the fuel flow to the engine.

§ 85.803 Abbreviations.

The abbreviations used in this subpart have the following meanings in both capital and lowercase:

API—American Petroleum Institute.
ASTM—American Society for Testing and Materials.
BHP—Brake horsepower.
BSCO—Brake specific carbon monoxide.
BSHC—Brake specific hydrocarbons.
BSNO—Brake specific oxides of nitrogen.
CO—Carbon Monoxide.
Conc.—Concentration.
EP—End point.
F—Fahrenheit.
GVW—Gross Vehicle Weight.
HC—Hydrocarbon(s).
Hg—Mercury.
HP.—Horsepower.
Hr.—Hour.
IBP—Initial boiling point.
Lb.—Pound(s).
Min.—Minimum.
NO—Nitric Oxide.
NO—Oxides of Nitrogen.
R.P.M.—Revolutions per minute.
S.A.E.—Society of Automotive Engineers.
WF—Weighting factor.
°—Degrees.
%—Percent.
Σ—Summation.

§ 85.804 General standards: increase in emissions; unsafe conditions.

(a) (1) Every new motor vehicle engine manufactured for sale, sold, offered for sale, introduced, or delivered for introduction into commerce, or imported into the United States for sale or resale which is subject to any of the standards prescribed in this subpart shall be covered by a certificate of conformity issued pursuant to §§ 85.874-2 through 85.874-4 and §§ 85.874-29 through 85.-874-34 of this subpart.

(2) No heavy duty vehicle manufacturer shall take any of the actions specified in section 203(a)(1) of the Act with respect to any diesel-powered heavy duty vehicle which uses an engine which has not been certified as meeting applicable standards. Such manufacturer shall provide to the Administrator prior to the beginning of each model year a statement signed by an authorized representative which includes the following information:

(i) A description of the vehicles which will be produced subject to this section;

(ii) Identification of the engines used in the vehicles;

(iii) Projected sales data on each vehicle-engine combination;

(iv) A statement that the engines will not be modified by the vehicle manufacturer or a detailed specification of any changes which will be made. Changes made solely for the purpose of mounting an engine in a vehicle need not be included.

(v) A statement that the engine maintenance instructions supplied by the engine manufacturer, in compliance with § 85.874-38, will be furnished to the ultimate purchaser. If these maintenance instructions are modified, a detailed description of the modifications and a justification for each must be provided to the Administrator for review. The Administrator will notify the manufacturer of his determination whether the modified instructions are reasonable and necessary to assure proper functioning of the emission control system.

(b) (1) Any system installed on or incorporated in a new motor vehicle engine to enable such vehicle to conform to standards imposed by this subpart:

(i) Shall not in its operation or function cause the emission into the ambient air of any noxious or toxic substance that would not be emitted in the operation of such engine without such system, except as specifically permitted by regulation; and

(ii) Shall not in its operation, function, or malfunction result in any unsafe condition endangering the motor vehicle, its occupants, or persons or property in close proximity to the vehicle.

(2) Every manufacturer of new motor vehicle engines subject to any of the standards imposed by this subpart shall, prior to taking any of the actions specified in section 203(a) (1) of the Act, test or cause to be tested motor vehicle engines in accordance with good engineering practice to ascertain that such test engines will meet the requirements of this section for the useful life of the engine.

§ 85.805 Hearings on certification.

(a) (1) After granting a request for a hearing under § 85.874-3 or § 85.874-30, the Administrator will designate a Presiding Officer for the hearing.

(2) The General Counsel will represent the Environmental Protection Agency in any hearing under this section.

(3) If a time and place for the hearing have not been fixed by the Administrator under § 85.874-3 or § 85.874-30, the hearing shall be held as soon as practicable at a time and place fixed by the Administrator or by the Presiding Officer.

(4) In the case of any hearing requested pursuant to § 85.874-30(c) (5) (i), the Administrator may in his discretion direct that all argument and presentation of evidence be concluded within such fixed period not less than 30 days as he may establish from the date that the first written offer of a hearing is made to the manufacturer. To expedite proceedings, the Administrator may direct that the decision of the Presiding Officer (who may, but need not be the Administrator himself) shall be the final EPA decision.

(b) (1) Upon his appointment pursuant to paragraph (a) of this section, the Presiding Officer will establish a hearing file. The file shall consist of the notice issued by the Administrator under § 85.-874-3 or § 85.874-30, together with any accompanying material, the request for a hearing and the supporting data submitted therewith and all documents relating to the request for certification and all documents submitted therewith, and correspondence and other data material to the hearing.

(2) The appeal file will be available for inspection by the applicant at the office of the Presiding Officer.

(c) An applicant may appear in person, or may be represented by counsel or by any other duly authorized representative.

(d) (1) The Presiding Officer, upon the request of any party or in his discretion, may arrange for a prehearing conference at a time and place specified by him to consider the following:

(i) Simplification of the issues;

(ii) Stipulations, admissions of fact, and the introduction of documents;

(iii) Limitation of the number of expert witnesses;

(iv) Possibility of agreement disposing of all or any of the issues in dispute;

(v) Such other matters as may aid in the disposition of the hearing, including such additional tests as may be agreed upon by the parties.

(2) The results of the conference shall be reduced to writing by the Presiding Officer and made part of the record.

(e) (1) Hearings shall be conducted by the Presiding Officer in an informal but orderly and expeditious manner. The parties may offer oral or written evidence, subject to the exclusion by the Presiding Officer of irrelevant, immaterial, and repetitious evidence.

(2) Witnesses will not be required to testify under oath. However, the Presiding Officer shall call to the attention of witnesses that their statements may be subject to the provisions of title 18 U.S.C. 1001 which imposes penalties for knowingly making false statements or representations, or using false documents in any matter within the jurisdiction of any department or agency of the United States.

(3) Any witness may be examined or cross-examined by the Presiding Officer, the parties, or their representatives.

(4) Hearings shall be reported verbatim. Copies of transcripts of proceedings may be purchased by the applicant from the reporter.

(5) All written statements, charts, tabulations, and similar data offered in evidence at the hearing shall, upon a showing satisfactory to the Presiding Officer of their authenticity, relevancy, and materiality, be received in evidence and shall constitute a part of the record.

(6) Oral argument may be permitted in the discretion of the Presiding Officer and shall be reported as part of the record unless otherwise ordered by him.

(f) (1) The Presiding Officer shall make an initial decision which shall include written findings and conclusions and the reasons or basis therefor on all the material issues of fact, law, or discretion presented on the record. The findings, conclusions, and written decision shall be provided to the parties and made a part of the record. The initial decision shall become the decision of the Administrator without further proceedings unless there is an appeal to the Administrator or motion for review by the Administrator within 20 days of the date the initial decision was filed.

(2) On appeal from or review of the initial decision the Administrator shall have all the powers which he would have in making the initial decision including the discretion to require or allow briefs, oral argument, the taking of additional evidence, or the remanding to the Presiding Officer for additional proceedings. The decision by the Administrator shall include written findings and conclusions and the reasons or basis therefor on all the material issues of fact, law, or discretion presented on the appeal or considered in the review.

§ 85.806 Maintenance of records; submittal of information; right of entry.

(a) The manufacturer of any new motor vehicle engine subject to any of the standards or procedures prescribed in this subpart shall establish, maintain and retain the following adequately organized and indexed records:

(1) *General records.* (i) (A) Identification and description of all certification engines for which testing is required under this subpart. (B) A description of all emission control systems which are installed on or incorporated in each certification engine. (C) A description of all procedures used to test each certification engine. (ii) A properly filed application for certification, following the format prescribed by the US EPA for the appropriate model year, fulfills each of the requirements of this paragraph (a) (1).

(2) *Individual records.* (i) A brief history of each motor vehicle engine used for certification under this subpart in the form of a separate booklet or other document for each separate engine in which shall be recorded:

(A) In the case where a current production engine is modified for use as a certification engine, a description of the process by which the engine was selected, and of the modifications made, giving specifically the place of modification and the person(s) in charge of modification. In the case where the certification engine is not derived from a current production engine, a general description of the buildup of the engine (e.g., experimental heads were cast and machined according to supplied drawings, etc.) giving specifically the place of engine assembly and the person(s) in charge of engine assembly. In both cases above, a description of the origin and selection process for fuel injection components, fuel system components and smoke exhaust emission control components shall be included. The required descriptions shall specify

the steps taken to assure that the certification engine with respect to its fuel system, smoke exhaust emission control components, or any other device or component that can reasonably be expected to influence exhaust emissions will be representative of production engines and that either all component and/or engine construction processes, component inspection and selection techniques, and assembly techniques employed in constructing such engines are reasonably likely to be implemented for production engines or that they are as closely analogous as practicable to planned construction and assembly processes.

(B) A complete record of all emission tests performed under §§ 85.874-9 through 85.874-18 (except tests performed by EPA directly), including all individual worksheets and/or other documentation relating to each such test, or exact copies thereof; the date, time, purpose, and location of each test; the number of hours accumulated on the engine when the test began and ended; and the names of supervisory personnel responsible for the conduct of the test.

(C) The date and times of each service accumulation listing both the number of operating hours accumulated and the name of each dynamometer operator.

(D) If used, the record of any devices employed to record the engine RPM, and/or horsepower and/or torque in relationship to engine operating time.

(E) A record and description of all maintenance and other servicing performed, giving the date and time of the maintenance or service, the reason for it, the person authorizing it, and the names of supervisory personnel responsible for the conduct of the maintenance or service. The description shall indicate whether or not EPA specifically consented to the work and, if EPA did not, shall list the provision of this subpart which authorizes its performance.

(F) A record and description of each test performed to diagnose engine or emissions control system performance, giving the date and time of the test, the reason for it, the person authorizing it, and the names of supervisory personnel responsible for the conduct of the test.

(G) The dates and times that the engine was idle in storage, and in transit or transport.

(H) A brief description of any significant events affecting the engine during any time in the period covered by the history not described by an entry under one of the previous headings including such extraordinary events as accidents involving the engine or dynamometer runaway.

(ii) Each such history shall be started on the date that the first of any of the selection or build up activities in paragraph (a)(2)(i)(A) of this section occurred with respect to the certification engine, shall be updated each time the operational status of the engine changes or additional work is done on it, and shall be kept in a designated location.

(3) This paragraph shall apply to the extent practicable to certification testing of engines for the 1975 model year and in full to all subsequent model years.

(4) All records required to be maintained under this subpart shall be retained by the manufacturer for a period of six (6) years after issuance of all certificates of conformity to which they relate. Records may be retained as hard copy or reduced to microfilm, punch cards, etc., depending on the record retention procedures of the manufacturer, *provided*, That in every case all the information contained in the hard copy shall be retained.

(b) The manufacturer of any new motor vehicle engine subject to any of the standards prescribed in this subpart shall submit to the Administrator at the time of issuance by the manufacturer copies of all instructions or explanations regarding the use, repair, adjustment, maintenance, or testing of such engine relevant to the control of exhaust emissions, issued by the manufacturer for use by other manufacturers, assembly plants, distributors, dealers, and ultimate purchasers: *Provided*, That any material not translated into the English language need not be submitted unless specifically requested by the Administrator.

(c)(1) Any manufacturer who has applied for certification of a new motor vehicle engine subject to certification tests under this subpart shall admit or cause to be admitted any EPA Enforcement Officer during operating hours on presentation of credentials to any of the following:

(i) Any facility where any such tests or any procedures or activities connected with such tests are or were performed.

(ii) Any facility where any new motor vehicle engine which is being, was, or is to be tested is present.

(iii) Any facility where any construction process or assembly process used in the modification or build up of such an engine into a certification engine is taking place.

(iv) Any facility where any record or other document relating to any of the above is located.

(2) Upon admission to any facility referred to in paragraph (c)(1) of this section, any EPA Enforcement Officer shall be allowed:

(i) To inspect and monitor any part or aspect of such procedures, activities, and testing facilities, including, but not limited to, monitoring engine preconditioning, emissions tests and service accumulation, maintenance, and engine storage procedures; and to verify correlation or calibration of test equipment;

(ii) To inspect and make copies of any such records, designs, or other documents; and

(iii) To inspect and/or photograph any part or aspect of any such certification engine and any components to be used in the construction thereof.

(3) In order to allow the Administrator to determine whether or not production motor vehicle engines conform in all material respects to the design specification which applied to those engines described in the application for certification for which a certificate of conformity has been issued and to standards prescribed under section 202 of the Act, any manufacturer shall admit any EPA Enforcement Officer on presentation of credentials to both:

(i) Any facility where any document, design, or procedure relating to the translation of the design and construction of engines and emission related components describe in the application for certification or used for certification testing into production engines is located or carried on; and

(ii) Any facility where any motor vehicle engines to be introduced into commerce are manufactured or assembled.

(4) On admission to any such facility referred to in paragraph (c)(3) of this section, any EPA Enforcement Officer shall be allowed:

(i) To inspect and monitor any aspects of such manufacture or assembly and other procedures;

(ii) To inspect and make copies of any such records, documents or designs; and

(iii) To inspect and photograph any part or aspect of any such new motor vehicle engine and component used in the assembly thereof that are reasonably related to the purpose of his entry.

(5) Any EPA Enforcement Officer shall be furnished by those in charge of a facility being inspected with such reasonable assistance as he may request to help him discharge any function listed in this paragraph. Each applicant for or recipient of certification is required to cause those in charge of a facility operated for its benefit to furnish such reasonable assistance without charge to EPA whether or not the applicant controls the facility.

(6) The duty to admit or cause to be admitted any EPA Enforcement Officer applies whether or not the applicant owns or controls the facility in question and applies both to domestic and to foreign manufacturers and facilities. EPA will not attempt to make any inspections which it has been informed that local law forbids. However, if local law makes it impossible to do what is necessary to insure the accuracy of data generated at a facility, no informed judgment that an engine is certifiable or is covered by a certificate can properly be based on that data. It is the responsibility of the manufacturer to locate its testing and manufacturing facilities in jurisdictions where this situation will not arise.

(7) For purposes of this paragraph:

(i) "Presentation of credentials" shall mean display of the document designating a person as an EPA Enforcement Officer.

(ii) Where engine, or component storage areas or facilities are concerned, "operating hours" shall mean all times during which personnel other than custodial personnel are at work in the vicinity of the area or facility and have access to it.

(iii) Where facilities or areas other than those covered by paragraph (c)(7)(ii) of this section are concerned, "operating hours" shall mean all times during which an assembly line is in operation or all during which testing, maintenance, service accumulation, pro-

duction or compilation of records, or any other procedure or activity related to certification testing, to translation of engine designs from the test stage to the production stage, or to engine manufacture or assembly is being carried out in a facility.

(iv) "Reasonable assistance" includes, but is not limited to, clerical, copying, interpretation and translation services, the making available on request of personnel of the facility being inspected during their working hours to inform EPA Enforcement Officer of how the facility operates and to answer his questions, and the performance on request of emissions tests on any engine which is being, has been, or will be used for certification testing. Such tests shall be nondestructive, but may require appropriate service accumulation. A manufacturer may be compelled to cause the personal appearance of any employee at such a facility before an EPA Enforcement Officer by written request for his appearance, signed by the Assistant Administrator for Enforcement and General Counsel, served on the manufacturer. Any such employee who has been instructed by the manufacturer to appear, will be entitled to be accompanied, represented, and advised by counsel. No counsel who accompanies, represents, or advised an employee compelled to appear may accompany, represent, or advise any other person in the investigation.

(v) Any entry without 24 hour prior written or oral notification to the affected manufacturer shall be authorized in writing by the Assistant Administrator for Enforcement and General Counsel.

§ 85.874–1 Smoke exhaust emission standards for 1974 and later model year engines.

(a) (1) The opacity of smoke emissions from new diesel engines subject to this subpart shall not exceed:

(i) 20 percent during the acceleration mode.

(ii) 15 percent during the engine lugging mode.

(iii) 50 percent during the peaks in either mode.

(2) The standards set forth in paragraph (a)(1) of this section refer to exhaust smoke emissions generated under the conditions set forth in § 85.874–9 through § 85.874–18 and measured and calculated in accordance with those procedures.

(b)—(c) [Reserved]

(d) Every manufacturer of new motor vehicle engines subject to the standards prescribed in this subpart shall, prior to taking any of the actions specified in section 203(a)(1) of the Act, test or cause to be tested motor vehicle engines in acordance with test procedures prescribed in § 85.874–9 through § 85.874–18, to ascertain that such test engines meet the requirements of paragraph (a) of this section.

§ 85.874–2 Application for certification.

(a) An application for a certificate of conformity to the regulations applicable to any new motor vehicle engine shall be made to the Administrator by the manufacturer and shall be kept current and accurate by amendment.

(b) The application shall be in writing, signed by an authorized representative of the manufacturer, and shall include the following:

(1) Identification and description of the engines covered by the application and a description of their emission control system and fuel system components. This shall include a detailed description of each auxiliary emission control device (AECD) to be installed in or on any certification test engine.

(2) Projected U.S. sales data sufficient to enable the Administrator to select a test fleet representative of the engines for which certification is requested.

(3) A description of the test equipment and fuel proposed to be used.

(4) A description of the proposed service accumulation procedure for durability testing.

(5) A statement of recommended maintenance and procedures necessary to assure that the engines covered by a certificate of conformity in operation conform to the regulations, and a description of the program for training of personnel for such maintenance, and the equipment required.

(6) At the option of the manufacturer, the proposed composition of the emission data and durability data test fleet.

(c) Complete copies of the application, and of any amendments thereto, and all notifications under §§ 85.874–32, 33, and 34 shall be submitted in such multiple copies as the Administrator may require.

§ 85.874–3 Approval of application for certification; test fleet selections.

(a) After a review of the application for certification and any other information which the Administrator may require, the Administrator may approve the application and select a test fleet in accordance with § 85.874–5.

(b) The Administrator may disapprove in whole or in part an application for certification for reasons including incompleteness, inaccuracy, inappropriate proposed service accumulation procedures, test equipment, or fuel, and incorporation of defeat devices on engines described by the application.

(c) Where any part of an application is rejected, the Administrator shall notify the manufacturer in writing and set forth the reasons for such rejection. Within 30 days following receipt of such notification, the manufacturer may request a hearing on the Administrator's determination. The request shall be in writing, signed by an authorized representative of the manufacturer and shall include a statement specifying the manufacturer's objections to the Administrator's determinations, and data in support of such objections. If, after the review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 85.805 with respect to such issue.

§ 85.874–4 Required data.

The manufacturer shall perform the tests required by the applicable test procedures, and submit to the Administrator the following information:

(a) Durability data on such engines tested in accordance with the applicable test procedures of this subpart, in such numbers as therein specified, which will show the performance of the systems installed on or incorporated in the engine for extended operation, as well as a record of all maintenance and servicing performed on the test engines after starting the zero-hour test.

(b) Emission data on such engines tested in accordance with the applicable emission test procedures of this subpart and in such numbers as therein specified, which will show their emissions after 0 hours and 125 hours of operation.

(c) A statement that engines for which certification is requested conform to the requirements in § 85.804(b) and that the descriptions of tests performed to ascertain compliance with the general standards in § 85.804(b) and the data derived from such tests are available to the Administrator upon request.

(d) A statement that the test engines, with respect to which data are submitted to demonstrate compliance with § 85.874–1 are in all material respects as described in the manufacturer's application for certification, have been tested in accordance with the applicable test procedures utilizing the fuels and equipment described in the application for certification, and that on the basis of such tests the engines conform to the requirements of the regulations in this subpart. If such statements cannot be made with respect to any engine tested, the engine shall be identified, and all pertinent data relating thereto shall be supplied to the Administrator. If, on the basis of the data supplied and any additional data as required by the Administrator, the Administrator determines that the test engine was not as described in the application for certification or was not tested in accordance with applicable test procedures utilizing the fuels and equipment as described in the application for certification, the Administrator may make the determination that the engine does not meet the applicable standards. The provisions of § 85.874–30(b) shall then be followed.

§ 85.874–5 Test engines.

(a) (1) The engines covered by the application for certification will be divided into groupings of engines which are expected to have similar emission characteristics throughout their useful life. Each group of engines with similar emission characteristics shall be defined as a separate engine family.

(2) To be classed in the same engine family, engines must be identical in all the following respects:

(i) The cylinder bore center-to-center dimensions.

(ii) The dimension from the centerline of the crankshaft to the centerline of the camshaft.

(iii) The dimension from the centerline of the crankshaft to the top of the cylinder block head face.

(iv) The cylinder block configuration (air cooled or water cooled; L–6, 90° V–8, etc.).

(v) The location of intake and exhaust valves and the valve sizes (within a ⅛-inch range on the valve head diameter).

(vi) The method of air aspiration.

(vii) The combustion cycle.

(3) Engines identical in all the respects listed in paragraph (a)(2) of this section may be further divided into different engine families if the Administrator determines that they may be expected to have different emission characteristics. This determination will be based upon a consideration of the following features of each engine:

(i) The bore and stroke.

(ii) The surface-to-volume ratio of the nominally dimensioned cylinder at the top dead center position.

(iii) The intake manifold induction port size and configuration.

(iv) The exhaust manifold port size and configuration.

(v) The intake and exhaust valve sizes.

(vi) The fuel system.

(vii) The camshaft timing and ignition timing characteristics.

(4) Where engines are of a type which cannot be divided into engine families based upon the criteria listed in paragraphs (a) (2) and (3) of this section, the Administrator will establish families for those engines based upon the features most related to their emission characteristics.

(b) Emission data engines:

(1) Engines will be chosen to be run for emission data based upon engine family groupings. Within each engine family, the requirements of this paragraph must be met.

(2) Engines of each engine family will be divided into groups based upon exhaust emission control system. One engine of each engine-system combination shall be run for smoke emission data as prescribed in § 85.874–7(a). Within each combination, the engine that features the highest fuel feed per stroke, primarily at the speed of maximum rated torque and secondarily at rated speed, will usually be selected. If there are military engines with higher fuel rates than other engines in the same engine system combination, then one military engine shall be also selected. The engine with the highest fuel feed per stroke will usually be selected.

(3) The Administrator may select a maximum of one additional engine within each engine system combination based upon features indicating that it may have the highest emission levels of the engines of that combination. In selecting this engine, the Administrator will consider such features as the injection system, fuel system, compression ratio, rated speed, rated horsepower, peak torque speed and peak torque.

(c) Durability data engines:

(1) One engine from each engine-system combination shall be tested as prescribed in § 85.874–7(b). Within each combination the engine which features the highest fuel feed per stroke, primarily at rated speed and secondarily at the speed of maximum rated torque, will usually be selected for durability testing. In the case where more than one engine in an engine-system combination has the highest fuel feed per stroke, the engine with the highest maximum rated horsepower will usually be selected for durability testing. If an engine system combination includes both military and nonmilitary engines, then the nonmilitary engine with the highest maximum rated horsepower will usually be selected for durability testing.

(2) A manufacturer may elect to operate and test additional engines to represent any engine-system combination. The additional engines must be of the same model and fuel system as the engine selected in accordance with the provisions of paragraph (c)(1) of this section. Notice of an intent to test additional engines shall be given to the Administrator not later than 30 days following notification of the test fleet selection. Deterioration factors calculated for each engine-system combination shall be applied separately to military and nonmilitary engines within the same engine system combination.

(d) Any maufacturer whose projected sales of new motor vehicle engines subject to this subpart for the 1974 model year is less than 200 engines may request a reduction in the number of test engines determined in accordance with the foregoing provisions of this section. The Administrator may agree to such lesser number as he determines would meet the objectives of this procedure.

(e) In lieu of testing an emission data or durability data engine selected under paragraph (b) or (c) of this section and submitting data therefor, a manufacturer may, with the prior written approval of the Administrator, submit data on a similar engine for which certification has previously been obtained.

(f) For purposes of testing under § 85.874–7(g), the Administrator may require additional emission data engines and durability data engines identical in all material respects to engines selected in accordance with paragraphs (b) and (c) of this section: *Provided*, That the number of engines selected shall not increase the size of either the emission data fleet or the durability data fleet by more than 20 percent or one engine, whichever is greater.

§ 85.874–6 Maintenance.

(a)(1) Scheduled maintenance may be performed on durability engines only under the following provisions:

(i) One major engine servicing to manufacturer's specifications may be performed prior to 875 hours (±8 hours) of scheduled dynamometer operation provided such maintenance is requested in the application for certification and is specified in the maintenance instructions which will be furnished to the ultimate purchaser of the motor vehicle in which the engine, which is represented by the test engine, is installed. (For equivalent dynamometer hours, engine hours, and mileage intervals, see § 85.802(a)(26).) A scheduled major servicing shall be restricted to paragraph (a)(1)(i) (A) through (G) of this section and shall be conducted in a manner consistent with service instructions and specifications provided by the manufacturer for use by the customer service personnel. The following items may be inspected, replaced, cleaned, adjusted, and/or serviced as required:

(A) Low idle speed;

(B) Drive belt tension;

(C) Engine bolt torque;

(D) Valve lash;

(E) Injector timing;

(F) Injector assemblies;

(G) Governor settings.

(ii) Normal engine servicing such as engine oil change, and oil filter, fuel filter, and air filter cleaning or replacement will be allowed at manufacturer's recommended intervals. If approved in advance by the Administrator, the maintenance for these items may differ from that specified in the manufacturer's maintenance instructions.

(iii) Readjustment of the engine low idle speed may be performed once during the first 125-hours of engine operation.

(2) Unscheduled maintenance may be performed on durability engines, except as provided in paragraph (a)(5)(i) of this section, only under the following provisions:

(i) Injectors may be changed, in addition to replacement at major engine service, if a persistent misfire is detected.

(ii) Readjustment of the engine idle speed (curb idle and fast idle) may be performed, in addition to that performed as scheduled maintenance under paragraph (a)(1) of this section, if the idle speed exceeds the manufacturer's recommended idle speed by 300 r.p.m. or more, or if there is a problem of stalling.

(3)–(4) [Reserved]

(5) Any other engine, emission control system, or fuel system adjustment, repair, removal, disassembly, cleaning, or replacement on durability engines shall be performed only with the advance approval of the Administrator.

(i) In the case of unscheduled maintenance such approval will be given if the Administrator:

(A) Has made a preliminary determination that part failure or system malfunction, or the repair of such failure or malfunction, does not render the engine unrepresentative of engines in use, and does not require direct access to the combustion chamber, except for fuel injection component, or removable prechamber removal or replacement; and

(B) Has made a determination that the need for maintenance or repairs is indicated by an overt indication of malfunction such as persistent misfire, engine stall, overheating, fluid leakage,

loss of oil pressure, excessive fuel consumption or excessive power loss.

(ii) Emission measurements may not be used as a means of determining the need for unscheduled maintenance under paragraph (a) (5) (i) (A).

(iii) Requests for authorization of scheduled maintenance of emission control-related components not specifically authorized to be maintained by these regulations must be made prior to the beginning of durability testing. The Administrator will approve the performance of such maintenance if the manufacturer makes a satisfactory showing that the maintenance will be performed on engines in use.

(6) If the Administrator determines that part failure or system malfunction occurrence and/or repair rendered the engine unrepresentative of engines in use, the engine shall not be used as a durability engine.

(b) (1) Scheduled maintenance on emission data engines is limited to the adjustment of idle speed once before the 125-hour test point, provided the idle speed is outside the manufacturer's specifications required to be shown on the engine label (see § 85.874-35(a) (4) (v)).

(2) Any other engine, emission control system, or fuel system adjustment, repair, removal, disassembly, cleaning, servicing, or replacement shall be performed only with the advance approval of the Administrator.

(c) [Reserved]

(d) (1) Complete emission tests (see §§ 85.874-9 through 85.874-17) are required, unless waived by the Administrator, before and after:

(i) Scheduled maintenance approved for durability engines.

(ii) Unscheduled maintenance which may reasonably be expected to affect emissions.

(2) The tests before and after scheduled maintenance, which are performed on durability engines prior to 117 hours, are waived. The test before scheduled maintenance, which is performed on durability engines after 117 hours and prior to 133 hours, is waived. The after-maintenance test must be run and the results used in the deterioration factor calculation in accordance with § 85.874-28(c) (1) (i) (B) or (C).

(3) The idle speed reset and any scheduled maintenance on the emission-data engine shall be performed prior to the 125-hour test. The before-maintenance and after-maintenance tests associated with idle speed reset and scheduled maintenance on the emission-data engine are waived.

(4) Test data required by this paragraph shall be air posted to the Administrator with 72 hours of test completion (or delivered within 5 working days), along with a complete record of all pertinent maintenance.

(5) When unscheduled maintenance is approved, a preliminary engineering report, unless waived by the Administrator, shall be air posted within 24 hours (or delivered within 5 working days). A final engineering report shall be delivered or air posted within ten working days after the completion of the emission tests. The Administrator may approve an extension of the time requirements for the final engineering report.

(6) All test data, maintenance reports, and required engineering reports shall be compiled and provided to the Administrator in accordance with § 85.874-4.

(e) The Administrator shall be given the opportunity to verify the existence of an overt indication of part failure and/or engine malfunction (e.g., misfire, stall).

(f) Equipment, instruments, or tools may not be used to identify malfunctioning, maladjusted, or defective engine components unless the same or equivalent equipment, instruments, or tools will be available to dealerships and other service outlets and

(1) Are used in conjunction with scheduled maintenance on such components,

(2) Are used subsequent to the identification of an engine failure or malfunction, as provided in paragraph (a) (5) (i) of this section for durability engines or paragraph (b) of this section for emission-data engines, or

(3) Unless specifically authorized by the Administrator.

§ 85.874-7 Service accumulation and emission measurements.

The procedures set forth in this section describe the service accumulation that shall be accomplished on each test engine and when tests are to be conducted.

(a) (1) Emission data engines: Each engine shall be operated with all emission control systems installed and operating on a dynamometer for 125 hours. Exhaust emission tests shall be conducted at zero and 125 hours of operation.

(2) Durability data engines: Each engine shall be operated on a dynamometer for 1,000 hours. Exhaust emission measurements, as prescribed, shall be made at zero-hours and at each 125-hour interval.

(b) A break-in procedure, not to exceed 20 hours, may be run if approved in writing in advance by the Administrator. This procedure would be run after the zero-hour test, and the hours accumulated would not be counted as part of the service accumulation.

(c) Before service accumulation can begin, the following criteria must be met. Failure to comply with these requirements shall invalidate all test data submitted for an engine.

(1) Each engine shall produce at least 95 percent of the maximum rated horsepower, corrected to rating conditions, at 95 to 100 percent of the rated speed.

(2) The fuel rate at maximum horsepower shall be within manufacturer's specifications.

(3) The zero-hour test data shall be provided to the Administrator and the engine shall be made available for such testing under § 85.874-29 as the Administrator may require.

(d) During service accumulation, hours can be credited toward the required service accumulation hours when the following criteria are met. If these criteria cannot be met, engine operation shall be discontinued and the Administrator shall be notified immediately. (Adjustments to the fuel rate can be approved under the provisions of § 85.874-6.)

(1) Each engine shall produce at least 95 percent of the maximum horsepower, at 95 to 100 percent of the rated speed, observed during zero-hour testing. Horsepower values shall be corrected to the rating conditions.

(2) The engine shall be operated at 75 percent of the inlet and exhaust restrictions specified in § 85.874-12 except that the tolerance shall be ±3 inches of water and ±0.5 inches of Hg respectively.

(e) During each emission test the inlet and exhaust restrictions shall be as specified in § 85.874-12.

(f) Tests, other than zero-hour tests, may be conducted within eight (8) hours of the nominal test point.

(g) (1) The results of each emission test shall be air posted to the Administrator within 72 hours of test completion (or delivered within five working days). The manufacturer shall furnish to the Administrator an explanation for voiding any test. The Administrator will determine if voiding the test was appropriate based upon the explanation given by the manufacturer for the voided test. If a manufacturer conducts multiple tests (not to exceed three valid tests) at any test point, the number of tests must be the same at each point. The data obtained from all valid tests shall be used in the calculation of the deterioration factor. Tests between test points may be conducted as required by the Administrator. Data from all tests (including voided tests) shall be air posted to the Administrator within 72 hours (or delivered within five working days). In addition, all test data shall be compiled and provided to the Administrator in accordance with § 85.874-4. Where the Administrator conducts a test on a durability engine at a prescribed test point, the results of that test will be used in the calculation of the deterioration factor.

(2) The results of all emission tests shall be recorded and reported to the Administrator using two places to the right of the decimal point. These numbers shall be rounded in accordance with the "Rounding Off Method" specified in ASTM E 29-67.

(h) Once a manufacturer begins to operate an emission data or durability data engine, as indicated by compliance with paragraph (c) of this section, he shall continue to run the engine to 125 hours or 1,000 hours, respectively, and the data from the engine shall be used in the calculations under § 85.874-19. Discontinuation of an engine shall be allowed only with the prior written consent of the Administrator.

(i) (1) The Administrator may elect to operate and test any test engine during all or any part of the service accumulation and testing procedure. In such cases, the manufacturer shall provide the engine(s) to the Administrator with all information necessary to conduct the testing.

(2) The test procedures (§ 85.874-9 through § 85.874-18) will be followed by

the Administrator. The Administrator will test the engines at each test point. Maintenance may be performed by the manufacturer under such conditions as the Administrator may prescribe.

(3) The data developed by the Administrator for the engine-system combination shall be combined with any applicable data supplied by the manufacturer on other engines of that combination to determine the applicable deterioration factors for the combination. In the case of a significant discrepancy between data developed by the Administrator and that submitted by the manufacturer, the Administrator's data shall be used in the determination of deterioration factors.

(j) Emission testing of any type with respect to any certification engine other than that specified in this subpart is not allowed except as such testing may be specifically authorized by the Administrator.

§ 85.874–8 Special test procedures.

(a) The Administrator may prescribe test procedures, other than those set forth in this subpart, for any motor vehicle engine which he determines is not susceptible to satisfactory testing by the procedures set forth herein.

§ 85.874–9 Test procedures.

The procedures described in this and subsequent sections will be the test program to determine the conformity of engines with the standard set forth in § 85.874–1.

(a) The test consists of a prescribed sequence of engine operating conditions on an engine dynamometer with continuous examination of the exhaust gases. The test is applicable equally to controlled engines equipped with means for preventing, controlling, or eliminating smoke emissions and to uncontrolled engines.

(b) The test is designed to determine the opacity of smoke in exhaust emissions during those engine operating conditions which tend to promote smoke from diesel-powered vehicles.

(c) The test procedure begins with a warm engine which is then run through preloading and preconditioning operation. After an idling period, the engine is operated through acceleration and lugging modes during which smoke emission measurements are made to compare with the standards. The engine is then returned to the idle condition and the acceleration and lugging modes are repeated. Three sequences of acceleration and lugging constitute the full set of operating conditions for smoke emission measurement.

(d) Except in cases of component malfunction or failure, all emission control systems installed on or incorporated in a new motor vehicle engine shall be functioning during all procedures in this subpart. Maintenance to correct component malfunction or failure shall be authorized in accordance with § 85.874–6.

§ 85.874–10 Diesel fuel specifications.

(a) The diesel fuels employed shall be clean and bright, with pour and cloud points adequate for operability. The fuels may contain nonmetallic additives as follows: cetane improver, metal deactivator, antioxidant, dehazer, antirust, pour depressant, dye, and dispersant.

(b) Fuel meeting the following specifications, or substantially equivalent specifications approved by the Administrator, shall be used in exhaust emission testing. The grade of fuel recommended by the engine manufacturer, commercially designated as "Type 1–D" or "Type 2–D," shall be used.

Item	ASTM test method No.	Type 1-D	Type 2-D
Cetane	D 613	48-54	42-50
Distillation range	D 86		
IBP, ° F		330-390	340-400
10 percent point, ° F		370-430	400-460
50 percent point, ° F		410-480	470-540
90 percent point, ° F		460-520	550-610
EP, ° F		500-560	580-660
Gravity, ° API	D 287	40-44	33-37
Total sulfur, percent	D 129 or D 2622	0.05-0.20	0.2-0.5
Hydrocarbon composition	D 1139		
Aromatics, percent		8-15	27 (Min.)
Paraffins, Naphthenes, Olefins		Remainder	Remainder
Flash point, ° F (Min.)	D 93	120	130
Viscosity, centistokes	D 445	1.6-2.0	2.0-3.2

(c) Fuel meeting the following specifications, or substantially equivalent specifications approved by the Administrator, shall be used in service accumulation. The grade of fuel recommended by the engine manufacturer, commercially designated as "Type 1–D" or "Type 2–D," shall be used.

Item	ASTM test method No.	Type 1-D	Type 2-D
Cetane	D 613	48-54	42-55
Distillation range	D 86		
IBP, ° F		330-390	340-410
10 percent point, ° F		370-430	400-470
50 percent point, ° F		410-480	470-540
90 percent point, ° F		460-520	550-610
EP, ° F		500-560	580-600
Gravity, ° API	D 287	40-44	33-40
Total sulfur, percent	D 129 or D 2622	0.05-0.20	0.2-0.5
Flash point, ° F (Min.)	D 93	120	130
Viscosity, centistokes	D 445	1.6-2.0	2.0-3.2

(d) The type fuel, including additive and other specifications, used under paragraphs (b) and (c) of this section shall be reported in accordance with § 85.874–2(b)(3).

§ 85.874–11 Dynamometer operation cycle for smoke emission tests.

(a) The following sequence of operations shall be performed during engine dynamometer testing of smoke emissions, starting with the dynamometer preloading determined and the engine preconditioned (§ 85.874–16(c)).

(1) *Idle mode.* The engine is caused to idle for 5 to 5.5 minutes at the manufacturer's recommended low idle speed. The dynamometer controls shall be set to provide minimum load by turning the load switch to the "off" position or by adjusting the controls to the minimum load position.

(2) *Acceleration mode.* (i) The engine speed shall be increased to 200±50 r.p.m. above the manufacturer's recommended low idle speed within 3 seconds.

(ii) Immediately upon completion of the mode specified in paragraph (a)(2)(i) of this section, the throttle shall be moved rapidly to, and held in, the fully-open position. The inertia of the engine and the dynamometer, or alternately a preselected dynamometer load, shall be used to control the acceleration of the engine so that the speed increases to 85 percent of the rated speed in 5±1.5 seconds. This acceleration shall be linear within 100 r.p.m. as specified in § 85.874–17(c).

(iii) After the engine reaches the speed required in paragraph (a)(2)(ii) of this section, but before the speed exceeds 90 percent of the rated speed, the throttle shall be moved rapidly to, and held in, the fully-closed position. Immediately after the throttle is closed, the preselected load required to perform the acceleration in paragraph (a)(2)(iv) of this section shall be applied.

(iv) When the engine decelerates to the maximum torque speed or 60 percent of rated speed (within 50 r.p.m.), whichever is higher, the throttle shall be moved rapidly to, and held in, the fully-open position. The preselected dynamometer load which was applied during the preceding transition period shall be used to control the acceleration of the engine so that the speed increases to at least 95 percent of the rated speed in 10±2 seconds.

(3) *Lugging mode.* (i) Immediately upon completion of the preceding acceleration mode, the dynamometer controls shall be adjusted to permit the engine to develop maximum horsepower at rated speed. This transition period shall be 50 to 60 seconds in duration. During the last ten seconds of this period, the engine speed shall be maintained within 50 r.p.m. of the rated speed, and the power (corrected, if necessary, to rating conditions) shall be no less than 95 percent of the maximum horsepower developed during zero-hour testing.

(ii) With the throttle remaining in the fully-open position, the dynamometer

controls shall be adjusted gradually so that the engine speed is reduced to the maximum torque speed or to 60 percent of the rated speed (within 50 r.p.m.), whichever is higher. This lugging operation shall be performed smoothly over a period of 35±5 seconds. The rate of slowing of the engine shall be linear, within 100 r.p.m. as specified in § 85.874-17(c).

(4) *Engine unloading*. Immediately upon completion of the preceding lugging mode, the dynamometer and engine shall be returned to the idle condition described in paragraph (a)(1) of this section.

(b) The procedures described in paragraphs (a)(1) through (a)(4) of this section shall be repeated until three consecutive valid cycles have been completed. If three valid cycles have not been completed after a total of six consecutive cycles have been run, the engine shall be preconditioned by operation at maximum horsepower at rated speed for 10 minutes before the test sequence is repeated.

§ 85.874-12 Dynamometer and engine equipment.

The following equipment shall be used for smoke emission testing of engines on engine dynamometers.

(a) An engine dynamometer with adequate characteristics to perform the test cycle described in § 85.874-10.

(b) An engine cooling system having sufficient capacity to maintain the engine at normal operating temperatures during conduct of the prescribed engine tests.

(c) A noninsulated exhaust system extending 15±5 feet from the exhaust manifold, or the crossover junction in the case of Vee engines, and presenting an exhaust back pressure within ±0.2 inch Hg. of the upper limit at maximum rated horsepower, as established by the engine manufacturer in his sales and service literature for vehicle application. A conventional automotive muffler of a size and type commonly used with the engine being tested shall be employed in the exhaust system during smoke emission testing. The terminal 2 feet of the exhaust pipe shall be circular cross section and be free of elbows and bends. The end of the pipe shall be cut off squarely. The terminal 2 feet of the exhaust pipe shall have a diameter in accordance with the engine being tested, as specified below:

Maximum rated horsepower:	*Exhaust pipe diameter (inches)*
Less than 101	2
101-200	3
201-300	4
301 or more	5

(d) An engine air inlet system presenting an air inlet restriction within ±1 inch of water of the upper limit for the engine operating condition which results in maximum air flow, as established by the engine nanufacturer in his sales and service literature, for the engine being tested.

§ 85.874-13 Smoke measurement system.

(a) *Schematic drawing*. The following figure (fig. I874-1) is a schematic drawing of the optical system of the light extinction meter.

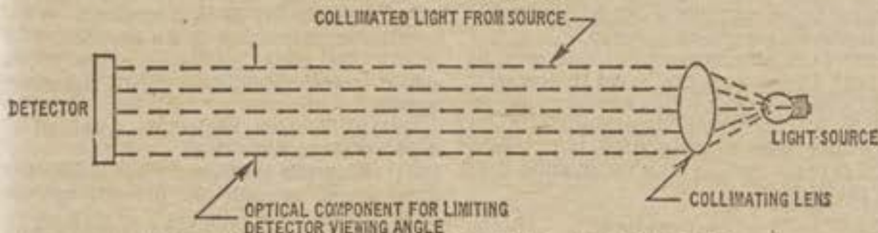

FIGURE I874-1.—EPA smokemeter optical system (schematic).

(b) *Equipment*. The following equipment shall be used in the system:

(1) Adapter—the smokemeter optical unit may be mounted on a fixed or movable frame. The normal unrestricted shape of the exhaust plume shall not be modified by the adapter, the meter, or any ventilation system used to remove the exhaust from the test site.

(2) Smokemeter (light extinction meter)—continuous recording, full-flow light obscuration meter. It shall be positioned near the end of the exhaust pipe so that a built-in light beam traverses the exhaust smoke plume which issues from the pipe at right angles to the axis of the plume. The light source is an incandescent lamp operated at a constant voltage of not less than 15 percent of the manufacturer's specified voltage. The lamp output is collimated to a beam with a nominal diameter of 1.125 inches. The angle of divergence of the collimated beam shall be within 4° included angle. A light detector, directly opposed to the light source, measures the amount of light blocked by the smoke in the exhaust. The detector sensitivity is restricted to the visual range and comparable to that of the human eye. A collimating tube with apertures equal to the beam diameter is attached to the detector. It restricts the viewing angle of the detector to within 16° included angle. An amplified signal corresponding to the amount of light blocked is recorded continuously on a remote recorder. An air curtain across the light source and detector window assemblies may be used to minimize deposition of smoke particles on those surfaces provided that it does not measurably affect the opacity of the plume. The meter consists of two units, an optical unit and a remote control unit. Light extinction meters employing substantially identical measurement principles and producing substantially equivalent results but which employ other electronic and optical techniques may be used only after having been approved in advance by the Administrator.

(3) Recorder—a continuous recorder, with variable chart speed over a minimal range of 0.5 to 8.0 inches per minute (or equivalent) and an automatic marker indicating 1-second intervals shall be used for continuously recording the exhaust gas opacity, engine r.p.m. and throttle position. The recorder shall be equipped to indicate only when the throttle is in the fully-open or fully-closed position. The recorder scale for opacity shall be linear and calibrated to read from 0 to 100 percent opacity full scale. The opacity trace shall have a resolution within 1 percent opacity. The recorder scale for engine r.p.m. shall be linear and have a resolution of 30 r.p.m. The throttle position trace must clearly indicate when the throttle is in the fully-open and fully-closed positions. Any means other than a strip-chart recorder may be used provided it produces a permanent visual data record of quality equal to or better than that described above.

(4) The recorder used with the smokemeter shall be capable of full-scale deflection in 0.5 second or less. The smokemeter-recorder combination may be damped so that signals with a frequency higher than 10 cycles per second are attenuated. A separate low-pass electronic filter with the following performance characteristics may be installed between the smokemeter and the recorder to achieve the high-frequency attenuation.

(i) 3 decibel point—10 cycles per second.

(ii) Insertion loss-zero ±0.5 decibels.

(iii) Selectivity—12 decibels per octave above 10 cycles per second.

(iv) Attenuation—27 decibels down at 40 cycles per second minimum.

(c) *Assembling equipment*. (1) The optical unit of the smokemeter shall be mounted radially to the exhaust pipe so that the measurement will be made at right angles to the axis of the exhaust plume. The distance from the optical centerline to the exhaust pipe outlet shall be 5±1 inch. The full flow of the exhaust stream shall be centered between the source and detector apertures (or windows and lenses) and on the axis of the light beam.

(2) Power shall be supplied to the control unit of the smokemeter in time to allow at least 15 minutes for stabilization prior to testing.

§ 85.874-14 Information to be recorded.

The following information shall be recorded with respect to each test:

(a) Test number.

(b) Date and time of day.

(c) Instrument operator.

(d) Engine operator.

(e) Engine Identification numbers—Date of manufacture—Number of hours of operation accumulated on engine—Engine family—Exhaust pipe diameter—Fuel injector type—Maximum measured fuel rate at maximum measured torque and horsepower—Air aspiration system—Low idle r.p.m.—Maxi-

mum governed r.p.m.—Maximum measured horsepower at r.p.m.—Maximum measured torque at r.p.m.—Exhaust system back pressure—Air inlet restriction.

(f) Smokemeter: Number—Zero control setting—Calibration control setting—Gain.

(g) Recorder chart: Identify zero traces—calibration traces—Idle traces—Closed throttle trace, open throttle trace—Acceleration and lug down test traces—Start and finish of each test.

(h) Ambient temperature in dynamometer testing room.

(i) Engine intake air temperature and humidity.

(j) Barometric pressure.

(k) Observed engine torque and speed during the steady-state test conditions specified in § 85.874–11(a)(3)(i).

§ 85.874–15 **Instrument checks.**

(a) The smokemeter shall be checked according to the following procedure prior to each test:

(1) The optical surfaces of the optical section shall be checked to verify that they are clean and free of foreign material and fingerprints.

(2) The zero control shall be adjusted under conditions of "no smoke" to give a recorder trace of zero.

(3) Calibrated neutral density filters having approximately 10, 20, and 40 percent opacity shall be employed to check the linearity of the instrument. The filter(s) shall be inserted in the light path perpendicular to the axis of the beam and adjacent to the opening from which the beam of light from the light source emanates, and the recorder response shall be noted. The nominal opacity value of the filter will be confirmed by the Administrator. Deviations in excess of 1 percent of the nominal opacity shall be corrected.

(b) The instruments for measuring and recording engine r.p.m., engine torque, air inlet restrictions, exhaust system back pressure, throttle position, etc., which are used in the tests prescribed herein, shall be calibrated in accordance with good engineering practice. Opacity filters shall be calibrated semiannually.

§ 85.874–16 **Test run.**

(a) The temperature of the air supplied to the engine shall be between 68° F. and 86° F. The observed barometric pressure shall be between 28.5 inches and 31 inches Hg. Higher air temperature or lower barometric pressure may be used, if desired, but no allowance will be made for possible increased smoke emissions because of such conditions.

(b) The governor and fuel system shall have been adjusted to provide engine performance at the levels specified by the engine manufacturer for maximum rated horsepower and maximum rated torque. These specifications shall be reported in accordance with § 85.874–2(b)(3).

(c) The following steps shall be taken for each test:

(1) Start cooling system.

(2) Starting with a warmed engine, determine by experimentation the dynamometer inertia and dynamometer load required to perform the acceleration in the dynamometer cycle for smoke emission tests (§ 85.874–11(a)(2)). In a manner appropriate for the dynamometer and controls being used, arrange to conduct the acceleration mode.

(3) Install smokemeter optical unit and connect it to the recorder. Connect the engine r.p.m. and torque sensing devices to the recorder.

(4) Turn on purge air to the optical unit of the smokemeter, if purge air is used.

(5) Check and record zero and span settings of the smokemeter recorder at a chart speed of approximately 1 inch per minute. (The optical unit shall be retracted from its position about the exhaust stream if the engine is left running.)

(6) Precondition the engine by operating it for 10 minutes at maximum rated horsepower.

(7) Proceed with the sequence of smoke emission measurements on the engine dynamometer as prescribed in § 85.874–11.

(8) During the test sequence of § 85.874–11, continuously record smoke measurements, engine r.p.m., and throttle position at a minimum chart speed of 1 inch per minute during the idle mode and transitional periods and 8 inches per minute during the acceleration and lugging modes. The smokemeter zero and full scale recorder deflections may be rechecked during the idle mode of each test sequence. If either zero or full scale drift is in excess of 2 percent opacity, the smokemeter controls must be readjusted and the test must be repeated.

(9) Turn off engine.

(10) Check zero and reset if necessary and check span of the smokemeter recorder by inserting neutral density filters. If either zero or span drift is in excess of 2 percent opacity, the test results shall be invalidated.

§ 85.874–17 **Chart reading.**

The following procedure shall be used to analyze the recorder chart.

(a) Locate the modes specified in § 85.874–11(a)(1) through (a)(4) by applying the following starting and ending criteria.

(1) The idle mode specified in § 85.874–11(a)(1) starts when engine preconditioning or the lugging mode of a preceding cycle has been completed and ends when the engine speed is raised above the idle speed.

(2) The acceleration mode specified in § 85.874–11(a)(2)(i) starts when the preceding idle mode has been completed and ends when the throttle is in the fully open position as indicated by the throttle position trace.

(3) The acceleration mode specified in § 85.874–11(a)(2)(ii) starts when the preceding acceleration mode has been completed and ends when the engine speed reaches 85 percent of the rated speed.

(4) The transition period specified in § 85.874–11(a)(2)(iii) starts when the throttle is in the fully closed position and ceding cycle has been completed and ends when the throttle is in the fully open position as indicated by the throttle position trace.

(5) The acceleration mode specified in § 85.874–11(a)(2)(iv) starts when the preceding transition period has been completed and ends when the engine speed reaches 95 percent of the rated speed.

(6) The transition period specified in § 85.874–11(a)(3)(i) starts when the preceding acceleration mode has been completed and ends when the engine speed is 50 r.p.m. below the rated speed and the provisions of § 85.874–11(a)(3)(i) are met.

(7) The lugging mode specified in § 85.874–11(a)(3)(ii) starts when the preceding transition period has been completed and ends when the engine speed is at the maximum torque speed or at 60 percent of the rated speed, whichever is higher.

(b) Determine if the test requirements of § 85.874–11 are met be applying the following modal criteria.

(1) Idle mode as specified in § 85.874–11(a)(1):

(i) Duration: 5 to 5.5 minutes.

(ii) Speed: within specifications.

(2) Acceleration mode as specified in § 85.874–11(a)(2)(i):

(i) Duration: 3 seconds or less.

(ii) Speed increase: 200±50 r.p.m.

(iii) Throttle position: fully open until speed is at least 85 percent of the rated speed.

(3) Acceleration mode as specified in § 85.874–11(a)(2)(ii):

(i) Linearity: ±100 r.p.m. as specified in paragraph (c) of this section.

(ii) Duration: 3.5 to 6.5 seconds.

(ii) Throttle position: fully open speed is at least 85 percent of the rated speed.

(4) Transition period as specified in § 85.874–11(a)(2)(iii):

(i) Throttle position: fully closed before speed exceeds 90 percent of the rated speed.

(5) Acceleration mode as specified in § 85.874–11(a)(2)(iv):

(i) Duration: 8 to 12 seconds.

(ii) Throttle position: fully open when speed is at maximum torque speed or at 60 percent of rated speed (within 50 r.p.m.) whichever is higher.

(6) Transition period as specified in § 85.874–11(a)(3)(i):

(i) Duration: 50 to 60 seconds.

(ii) Speed during last 10 seconds: within ±50 r.p.m. of rated speed.

(iii) Corrected power during last 10 seconds: at least 95 percent of horsepower developed during zero-hour testing.

(7) Lugging mode as specified in § 85.874–11(a)(3)(ii):

(i) Linearity: ±100 r.p.m. as specified in paragraph (c) of this section.

(ii) Duration: 30 to 40 seconds.

(iii) Speed at end: maximum torque speed or 60 percent of rated speed, whichever is higher.

(c) Determine if the linearity requirements of § 85.874–11 were met by means of the following procedure.

(1) For the acceleration mode specified in § 85.874-11(a)(2)(ii), note the maximum deflection of the r.p.m. trace from a straight line drawn between the starting and ending points specified in paragraph (a)(3) of this section.

(2) For the lugging mode specified in § 85.874-11(a)(3)(ii), note the maximum deflection of the r.p.m. trace from a straight line drawn from the starting and ending points specified in paragraph (a)(7) of this section.

(3) The test results will be invalid if any deflection is greater than 100 r.p.m.

(d) Analyze the smoke trace by means of the following procedure.

(1) Starting at the beginning of the first acceleration, as defined in paragraph (a)(2) of this section and stopping at the end of the second acceleration, as defined in paragraph (a)(3) of this section, divide the smoke trace into ½-second intervals. Similarly, divide into ½-second intervals the third acceleration mode and the lugging mode as defined by paragraphs (a)(5) and (7) of this section, respectively.

(2) Determine the average smoke reading during each ½-second interval.

(3) Locate and record the 15 highest ½-second readings during the acceleration mode of each dynamometer cycle.

(4) Locate and record the five highest ½-second readings during the lugging mode of each dynamometer cycle.

(5) Examine the average ½-second values which were determined in paragraphs (d)(3) and (4) of this section and record the three highest values for each dynamometer cycle.

§ 85.874-18 Calculations.

(a) Average the 45 readings in § 85.-874-17(d)(3) and designate the value as "a".

(b) Average the 15 readings in § 85.-874-17(d)(4) and designate the value as "b".

(c) Average the nine readings in § 85.874-17(d)(5) and designate the value as "c".

§§ 85.874-19—85.874-27 [Reserved]

§ 85.874-28 Compliance with emission standards.

(a) The emission standards in § 85.-874-1 and § 85.974-1 apply to the emissions of engines for their useful lives.

(b) Since emission control efficiency decreases with the accumulation of hours on the engine, the emission level of an engine which has accumulated 1,000 hours of dynamometer operation will be used as the basis for determining compliance with the standards.

(c) The procedure for determining compliance with emission standards in heavy duty diesel engines is as follows:

(1) Emission deterioration factors for the acceleration mode (designated as "A"), the lugging mode (designated as "B"), the peak opacity (designated as "C"), the CO exhaust emissions, and the HC+NOx exhaust emissions shall be established separately for each engine-system combination.

(i) The applicable results to be used in determining the deterioration factors for each combination shall be:

(A) All emission data from the tests required under § 85.874-7(a)(2), except the zero-hour tests. This shall include the official test results, as determined in § 85.874-29, for all tests conducted on all durability engines of the combination selected under § 85.874-5(c) (including all engines selected to be operated by the manufacturer under § 85.874-5(c)(2)).

(B) All emission data from the tests conducted before and after the maintenance provided in § 85.874-6(a)(1)(i) if emission tests were conducted.

(C) All emission data from the tests conducted before and after maintenance provided in § 85.874-6(a)(5)(iii) if emission tests were conducted.

(ii) All applicable emission results for (A) HC+NOx, (B) CO, (C) acceleration smoke ("a"), (D) lugging smoke ("b"), and (E) peak smoke ("c") shall be plotted as a function of durability hours which shall be consistently rounded to the nearest hour. Emission data shall have two figures to the right of the decimal. The best fit straight lines, fitted by the method of least squares, shall be drawn through these data points. The interpolated 125- and 1000-hour points on each line, rounded to whole numbers in accordance with ASTM E29-67, must be within the standards specified in § 85.-874-1 for smoke emissions and § 85.974-1 for gaseous emissions or the data shall not be used in the calculation of a deterioration factor, unless no applicable data points exceeded the standards.

(iii) The interpolated values shall be used to calculate a deterioration factor as follows:

Factor=Exhaust emissions (both smoke and gaseous) interpolated to 1000 hours minus the exhaust emissions interpolated to 125 hours. (Negative deterioration factors shall be considered zero).

(2) The appropriate deterioration factor, carried out to two places to the right of the decimal point, shall be added to the exhaust emission test results, carried out to two places to the right of the decimal point, for each emission data engine.

(3) The emission values to compare with the standards shall be the adjusted emission values of paragraph (c)(2) of this section rounded to whole numbers in accordance with ASTM E 29-67 for each emission data engine.

(4) Every test engine of an engine family must comply with all applicable standards, as determined in paragraph (c)(3) of this section, before any engine in that family will be certified.

§ 85.874-29 Testing by the Administrator.

(a) The Administrator may require that any one or more of the test engines be submitted to him, at such place or places as he may designate, for the purpose of conducting emissions tests. The Administrator may specify that he will conduct such testing at the manufacturer's facility, in which case instrumentation and equipment specified by the Administrator shall be made available by the manufacturer for test operations. Any testing conducted at a manufacturer's facility pursuant to this paragraph shall be scheduled by the manufacturer as promptly as possible.

(b)(1) Whenever the Administrator conducts a test on a test engine the results of that test, unless subsequently invalidated by the Administrator, shall comprise the official data for the engine at that prescribed test point and the manufacturer's data for that prescribed test point shall not be used in determining compliance with emission standards.

(2) Whenever the Administrator does not conduct a test on a test engine at a test point, the manufacturer's test data will be accepted as the official data for that test point: *Provided*, That if the Administrator makes a determination based on testing under paragraph (a) of this section, that there is a lack of correlation between the manufacturer's test equipment and the test equipment used by the Administrator, no manufacturer's test data will be accepted for purposes of certification until the reasons for the lack of correlation are determined and the validity of the data is established by the manufacturer: *And further provided*, that if the Administrator has reasonable basis to believe that any test data submitted by the manufacturer is not accurate or has been obtained in violation of any provision of this part, the Administrator may refuse to accept that data as the official data pending retesting or submission of further information.

(3)(i) The emission data engine presented to the Administrator for testing shall be calibrated within the production tolerances applicable to the manufacturer's specifications to be shown on the engine label (see § 85.874-35(a)(4)(v)) as specified in the application for certification. If the Administrator determines that an engine is not within such tolerances, the engine shall be adjusted at the facility designated by the Administrator prior to the test and an engineering report shall be submitted to the Administrator describing the corrective action taken. Based on the engineering report the Administrator will determine if the engine shall be used as an emission data engine.

(ii) If the Administrator determines that the test data developed under paragraph (b)(3)(i) of this section would cause the emission data engine to fail due to excessive 125-hour emissions or by application of the appropriate deterioration factor, then the following procedure shall be observed:

(A) The manufacturer may request a retest. Before the retest, the engine may be readjusted to manufacturer's specifications, as shown on the label required under § 85.874-35, if these adjustments were made incorrectly prior to the first test, and other maintenance or repairs may be performed in accordance with § 85.874-6. All work on the engine shall be done at such location and under such conditions as the Administrator may prescribe.

(B) The engine will be retested by the Administrator and the results of this test shall comprise the official data for the emission data engine.

(4) If sufficient durability data are not available at the time of any emission test

conducted under paragraph (a) of this section to enable the Administrator to determine whether a test engine would fail, the manufacturer may request a retest in accordance with the provisions of paragraphs (b)(3)(ii) (A) and (B) of this section. If the manufacturer does not promptly make such request, he shall be deemed to have waived the right to a retest. A request for retest must be made before the manufacturer removes the engine from the test premises.

§ 85.874–30 Certification.

(a)(1) If, after a review of the test reports and data submitted by the manufacturer, data derived from any inspection carried out under § 85.806(c), and any other pertinent data or information, the Administrator determines that a test engine(s) meets the requirements of the Act and of this subpart, he will issue a certificate of conformity with respect to such engine(s) except in cases covered by paragraph (c) of this section.

(2) Such certificate will be issued for such period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle engine covered by the certificate will meet the requirements of the Act and of this subpart. Each such certificate shall contain the following language:

This certificate covers only those new motor vehicle engines which conform, in all material respects, to the design specifications that applied to those engines described in the application for certification and which are produced during the ____ model year production period of the said manufacturer, as defined in 40 CFR 85.802(a)(3).

It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR 85.806(c) which concern either the engine certified, or any production engine covered by this certificate, or any production engine which when completed will be claimed to be covered by this certificate. Failure to comply with all the requirements of § 85.806(c) with respect to any such engine may lead to revocation or suspension of this certificate as specified in 40 CFR 85.874–30(c). It is also a term of this certificate that this certificate may be revoked or suspended for the other reasons stated in 85.874–30(c).

(b)(1) The Administrator will determine whether an engine covered by the application complies with applicable standards by observing the following relationships:

(i) A test engine selected under § 85.874–5(b)(2) shall represent all engines in the same engine system combination.

(ii) A test engine selected under § 85.874–5(b)(3) shall represent all engines of that emission control system at the rated fuel delivery of the test engine.

(iii) A test engine selected under § 85.874–5(c)(1) shall represent all engines of the same engine-system combination.

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

(3) If, after a review of the test reports and data submitted by the manufacturer, data derived from any additional testing conducted pursuant to § 85.874–29, data or information derived from any inspection carried out under § 85.806(c), or any other pertinent data or information, the Administrator determines that one or more test engines of the certification test fleet do not meet applicable standards, he will notify the manufacturer in writing, setting forth the basis for his determination. Within 30 days following receipt of the notification, the manufacturer may request a hearing on the Administrator's determination. The request shall be in writing, signed by an authorized representative of the manufacturer, and shall include a statement specifying the manufacturer's objections to the Administrator's determination, and data in support of such objections. If, after a review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 85.805 with respect to such issue.

(4) The manufacturer may, at his option, proceed with any of the following alternatives with respect to any engine family represented by a test engine(s) determined not in compliance with applicable standards:

(i) Request a hearing under § 85.805, or

(ii) Delete from the application for certification the engines represented by the failing test engine. (Engines so deleted may be included in a later request for certification under § 85.874–32.) The Administrator will then select in place of each failing engine an alternate engine chosen in accordance with selection criteria employed in selecting the engine that failed, or

(iii) Modify the test engine and demonstrate by testing that it meets applicable standards. Another engine which is in all material respects the same as the first engine, as modified, shall then be operated and tested in accordance with applicable test procedures.

(5) If the manufacturer does not request a hearing or present the required data under subparagraph (4) of this paragraph, the Administrator will deny certification.

(c)(1) Notwithstanding the fact that any certification engine(s) may comply with other provisions of this subpart, the Administrator may withhold or deny the issuance of a certificate of conformity (or suspend or revoke any such certificate which has been issued) with respect to any such engine(s) if:

(i) The manufacturer submits false or incomplete information in his application for certification thereof; or

(ii) The manufacturer renders inaccurate or invalid any test data which he submits pertaining thereto or otherwise circumvents the intent of the Act or of this subpart with respect to such engine; or

(iii) Any EPA Enforcement Officer is denied access on the terms specified in § 85.806(c) to any facility or portion thereof which contains any of the following:

(A) The engine, or

(B) Any components used or considered for use in its modification or buildup into a certification engine, or

(C) Any production engine which is or will be claimed by the manufacturer to be covered by the certificate, or

(D) Any step in the construction of an engine described in (C) of this subdivision, or

(E) Any records, documents, reports or histories required by this part to be kept concerning any of the above.

(iv) Any EPA Enforcement Officer is denied "reasonable assistance" (as defined in § 85.806(c)) in examining any of the items listed in paragraph (c)(1)(iii) of this section.

(2) The sanctions of withholding, denying, revoking, or suspending of a certificate may be imposed for the reasons in paragraph (c)(1) (i), (ii), (iii), or (iv) of this section only when the infraction is substantial.

(3) In any case in which a manufacturer knowingly submits false or inaccurate information or knowingly renders inaccurate or invalid any test data or commits any other fraudulent acts and such acts contribute substantially to the Administrator's decision to issue a certificate of conformity, the Administrator may deem such certificate void ab initio.

(4) In any case in which certification of an engine is proposed to be withheld, denied, revoked, or suspended under paragraph (c)(1)(iii), or (c)(1)(iv) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 85.806(c) in fact occurred, the manufacturer, if he wishes to contend that, even though the violation occurred, the engine in question was not involved in the violation to a degree that would warrant withholding, denial, revocation, or suspension of certification under either paragraph (c)(1)(iii) or (c)(1)(iv) of this section, shall have the burden of establishing that contention to the satisfaction of the Administrator.

(5) Any revocation or suspension of certification under paragraph (c)(1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 85.805 hereof,

(ii) Extend no further than to forbid the introduction into commerce of engines previously covered by the certification which are still in the hands of the manufacturer, except in cases of such fraud or other misconduct as makes the certification invalid ab initio.

(6) The manufacturer may request in the form and manner specified in paragraph (b)(3) of this section that any determination made by the Administrator under paragraph (c)(1) of this section to withhold or deny certification be reviewed in a hearing conducted in accordance with § 85.804. If the Administrator finds after a review of the request and supporting data, that the request raises a substantial factual issue, he shall grant the request with respect to such issue.

§ 85.874–31 Separate certification.

Where possible, a manufacturer should include in a single application for certification all engines for which certification is required. A manufacturer may, however, choose to apply separately for certification of part of his product line. The selection of test engines and the computation of test results will be determined separately for each application.

§ 85.874–32 Addition of an engine after certification.

(a) If a manufacturer proposes to add to his product line an engine of the same engine-system combination as engines previously certified but which was not described in the application for certification when the test engine(s) representing other engines of that combination was certified, he shall notify the Administrator. Such notification shall be in advance of the addition unless the manufacturer elects to follow the procedure described in § 85.874–34. This notification shall include a full description of the engine to be added.

(b) The Administrator may require the manufacturer to perform such tests on the test engine(s) representing the engine to be added which would have been required if the engine had been included in the original application for certification.

(c) If, after a review of the test reports and data submitted by the manufacturer, and data derived from any testing conducted under § 85.874–29, the Administrator determines that the test engine(s) meets all applicable standards, the appropriate certificate will be amended accordingly. If the Administrator determines that the test engine(s) does not meet applicable standards, he will proceed under § 85.874–30(b).

§ 85.874–33 Changes to an engine covered by certification.

(a) The manufacturer shall notify the Administrator of any change in production engines in respect to any of the parameters listed in § 85.874–5(a)(3) or § 85.874–5(b)(3), giving a full description of the change. Such notification shall be in advance of the change unless the manufacturer elects to follow the procedure described in § 85.874–34.

(b) Based upon the description of the change, and data derived from such testing as the Administrator may require or conduct, the Administrator will determine whether the engine, as modified, would still be covered by the certificate of conformity then in effect.

(c) If the Administrator determines that the outstanding certificate would cover the modified engines, he will notify the manufacturer in writing. Except as provided in § 85.874–34, the change may not be put into effect prior to the manufacturer's receiving this notification. If the Administrator determines that the modified engines would not be covered by the certificate then in effect, then the modified engines shall be treated as additions to the product line subject to § 85.874–32.

§ 85.874–34 Alternative procedure for notification of additions and changes.

(a) A manufacturer may, in lieu of notifying the Administrator in advance of an addition of an engine under § 85.874–32 or a change in an engine under § 85.874–33, notify him concurrently with the making of the change if the manufacturer believes the addition or change will not require any testing under the appropriate section. Upon notification to the Administrator, the manufacturer may proceed to put the addition or change into effect.

(b) The manufacturer may continue to produce engines as described in the notification to the Administrator for a maximum of 30 days, unless the Administrator grants an extension in writing. This period may be shortened by a notification in accordance with paragraph (c) of this section.

(c) If the Administrator determines, based upon a description of the addition or change, that no test data will be required, he will notify the manufacturer in writing of the acceptability of the addition or change. If the Administrator determines that test data will be required, he will notify the manufacturer to rescind the change within 5 days of receipt of the notification. The Administrator will then proceed as in § 85.874–32 (b) and (c), or § 85.874–33 (b) and (c) as appropriate.

(d) Election to produce engines under this section will be deemed to be a consent to recall all engines which the Administrator determines under § 85.874–32 (c) do not meet applicable standards, and to cause such nonconformity to be remedied at no expense to the owner.

§ 85.874–35 Labeling.

(a) (1) The manufacturer of any heavy duty diesel engine subject to the standards prescribed in § 85.874–1 shall, at the time of manufacture, affix a permanent, legible label, of the type and in the manner described below, containing the information hereinafter provided, to all production models of such engines available for sale to the public and covered by a certificate of conformity under § 85.874–30(a).

(2) A plastic or metal label shall be welded, bonded, or otherwise permanently attached to the engine in a position in which it will be readily visible after installation in the vehicle.

(3) The label shall be attached to an engine part necessary for normal engine operation and not normally requiring replacement during engine life.

(4) The label shall contain the following information lettered in the English language in block letters and numerals which shall be of a color that contrasts with the background of the label:

(i) The label heading: Engine Exhaust Emission Control Information;

(ii) Full corporate name and trademark of manufacturer;

(iii) Engine family identification and model;

(iv) Date of engine manufacture (month and year);

(v) Engine specification:

Advertised hp ---------- @ --------- r.p.m.:
Fuel rate @ advertised hp----- mm.³/stroke.
Valve lash -------------------------- (inches)
Initial injection timing (if adjustable)------

(The information applicable to each engine is to be inserted on the appropriate line.)

(vi) An unconditional statement of compliance with the appropriate model year U.S. Environmental Protection Agency regulations applicable to Diesel heavy duty engines.

(b) The provisions of this section shall not prevent a manufacturer from also reciting on the label that such engine conforms to any applicable State emission standards for new motor vehicle engines or any other information that such manufacturer deems necessary for, or useful to, the proper operation and satisfactory maintenance of the engine.

(c) The label may be made up of one or more pieces provided that all pieces are permanently attached to the same engine or vehicle part as applicable.

§ 85.874–36 [Reserved]

§ 85.874–37 Production engines.

(a) Any manufacturer obtaining certification under this subpart shall supply to the Administrator, upon his request, a reasonable number of production engines selected by the Administrator which are representative of the engines, emission control systems, fuel systems, and transmissions offered and typical of production models available for sale under the certificate. These engines shall be supplied for testing at such time and place and for such reasonable periods as the Administrator may require. Engines supplied under this paragraph may be required to be mounted in chassis and appropriately equipped for operation on a chassis dynamometer.

(b) Any manufacturer obtaining certification under this part shall notify the Administrator, on a quarterly basis, of the number of engines of each engine family-engine displacement-exhaust emission control system-fuel system combination produced for sale in the United States during the preceding quarter.

§ 85.874–38 Maintenance instructions.

(a) The manufacturer shall furnish or cause to be furnished to the purchaser of each new motor vehicle engine subject to the standards prescribed in § 85.874–1, written instructions for the maintenance

and use of the engine by the purchaser as may be reasonable and necessary to assure the proper functioning of emission control systems.

(1) Such instructions shall be provided for those engine components listed in Appendix VI to this part (and for any other components) to the extent that maintenance of these components is necessary to assure the proper functioning of emission control systems.

(2) Such instructions shall be in clear, and to the extent practicable, nontechnical language.

(3) Such instructions shall specify the performance of all scheduled maintenance performed by the manufacturer under § 85.874-6(a). Scheduled maintenance in addition to that performed on the durability engine under § 85.874-6(a) may be recommended for reasons such as to offset the effects of operating conditions which differ from the dynamometer durability cycle or to increase the life of the engine beyond 1000 hours (or its equivalent). The instructions may schedule maintenance on a calendar time basis, mileage basis, engine service time basis, or combinations of each.

(b) The maintenance instructions required by this section shall contain a general description of the documentation which the manufacturer will require from the ultimate purchaser or any subsequent purchaser as evidence of compliance with the instructions.

§ 85.874-39 Submission of maintenance instructions.

(a) The manufacturer shall provide to the Administrator no later than the time of the submission required by § 85.874-4, a copy of the maintenance instructions which the manufacturer proposes to supply to the ultimate purchaser in accordance with § 85.874-38(a). The Administrator will review such instructions to determine whether they are reasonable and necessary to assure the proper functioning of the engine's emission control systems. The Administrator will notify the manufacturer of his determination whether such instructions are reasonable and necessary to assure the proper functioning of the emission control systems.

(b) Any revision to the maintenance instructions which will affect emissions shall be supplied to the Administrator at least 30 days before being supplied to the ultimate purchaser unless the Administrator consents to a lesser period of time.

Subpart J—Engine Exhaust Gaseous Emission Regulations for New Diesel Heavy Duty Engines

§ 85.901 General applicability.

The provisions of this subpart are applicable to new diesel heavy duty engines beginning with the 1974 model year.

§ 85.902 Definitions.

The requirements of this section are set forth in § 85.802.

§ 85.903 Abbreviations.

The requirements of this section are set forth in § 85.803.

§ 85.904 General standards; increase in emissions; unsafe conditions.

The requirements of this section are set forth in § 85.804.

§ 85.905 Hearings on certificaiton.

The requirements of this section are set forth in § 85.805.

§ 85.906 Maintenance of records; submittal of information; right of entry.

The requirements of this section are set forth in § 85.806.

§ 85.974-1 Exhaust gaseous emission standards for 1974 and later model year engines.

(a)(1) Exhaust gaseous emissions from new heavy duty diesel engines shall not exceed:

(i) *Hydrocarbons plus oxides of nitrogen* (as NO_2). 16 grams per brake horsepower hour.

(ii) *Carbon monoxide*. 40 grams per brake horsepower hour.

(2) The standards set forth in paragraph (a) of this section refer to exhaust gaseous emissions generated under the conditions set forth in § 85.974-9 through § 85.974-18 and measured and calculated in accordance with those procedures.

(b) [Reserved]

(c) [Reserved]

(d) Every manufacturer of new motor vehicle engines subject to the standards prescribed in this subpart shall, prior to taking any of the actions specified in section 203(a)(1) of the Act, test or cause to be tested motor vehicle engines in accordance with test procedures prescribed in § 85.974-9 through § 85.974-18 to ascertain that such test engines meet the requirements of paragraph (a) of this section.

§ 85.974-2 Application for certification.

The requirements of this section are set forth in § 85.874-2.

§ 85.974-3 Approval of application for certification; test fleet selections.

The requirements of this section are set forth in § 85.874-3.

§ 85.974-4 Required data.

The requirements of this section are set forth in § 85.874-4.

§ 85.974-5 Test engines.

The test engines selected for testing under § 85.874-5 shall be used as the test engines for testing under this subpart. At each test point, each engine shall be tested in accordance with § 85.974-9 through § 85.974-18 and § 85.874-9 through § 85.874-18. At each test point, either the complete gaseous emission test or the complete smoke test may be conducted first.

§ 85.974-6 Maintenance.

The requirements of this section are set forth in § 85.874-6.

§ 85.974-7 Service accumulation and emission measurements.

The requirements of this section are set forth in § 85.874-7.

§ 85.974-8 Special test procedures.

The requirements of this section are set forth in § 85.874-8.

§ 85.974-9 Test procedures.

The test procedures described in this and subsequent sections will be the test program to determine the conformity of engines with the standards set forth in § 85.974-1.

(a) The test procedure begins with a warm engine and consists of a prescribed sequence of engine operating conditions on an engine dynamometer with continuous examination of the exhaust gases.

(b) The test is designed to determine the brake-specific emissions of hydrocarbons, carbon monoxide and oxides of nitrogen when an engine is operated through a cycle which consists of three idle modes and five power modes at each of two speeds which span the typical operating range of diesel engines. The procedure requires the determination of the concentration of each pollutant, the exhaust flow and the power output during each mode. The measured values are weighted and used to calculate the grams of each pollutant emitted per brake-horsepower hour.

(c) When an engine is tested for exhaust emissions or is operated for durability testing on an engine dynamometer, the complete engine shall be tested with all standard accessories which might reasonably be expected to influence emissions to the atmosphere installed and functioning.

(d) Except in cases of component malfunction or failure, all emission control systems installed on or incorporated in a new motor vehicle engine shall be functioning during all procedures in this subpart. Maintenance to correct component malfunction or failure shall be authorized in accordance with § 85.974-6.

(e) [Reserved]

(f) [Reserved]

(g) All emission control systems installed on or incorporated in a new motor vehicle engine shall be functioning during all test procedures in this subpart.

§ 85.974-10 Diesel fuel specifications.

The requirements of this section are set forth in § 85.874-10.

§ 85.974-11 Dynamometer procedure.

(a) The following 13 mode cycle shall be followed in dynamometer operation tests of heavy-duty diesel engines:

Mode No.	Engine speed	Percent load
1	Low idle	0
2	Intermediate	2
3	do	25
4	do	50
5	do	75
6	do	100
7	Low idle	0
8	Rated	100
9	do	75
10	do	50
11	do	25
12	do	2
13	Low idle	0

(b) During each mode the specified speed shall be held to within 50 r.p.m. and the specified torque shall be held to

within 2 percent of the maximum torque at the test speed. For example, the torque for mode 4 shall be between 48 and 52 percent of the maximum torque measured at the intermediate speed.

(c) If the operating conditions specified in paragraph (b) of this section for modes 3, 4, 5, 9, 10, and 11 cannot be maintained, the Administrator may authorize deviations from the specified load conditions. Such deviations shall not exceed 10 percent of the maximum torque at the test speed. The minimum deviations, above and below the specified load, necessary for stable operation shall be determined by the manufacturer and approved by the Administrator prior to the test run specified in § 85.974–16. Emission tests shall be performed at each of the approved load settings, one above and one below the operating conditions specified in paragraph (b) of this section. The emission values obtained shall be calculated in accordance with § 85.974–18 except that the weighting factor specified in § 85.974–18(e)(2) shall be 0.04.

§ 85.974–12 Dynamometer and engine equipment.

The requirements of this section are set forth in § 85.874–12.

§ 85.974–13 Sampling and analytical methods.

(a) The determination of the carbon monoxide and nitric oxide concentrations shall be accomplished using sampling and analysis components as specified in Sections 2.1 and 2.2 of the SAE Recommended Practice No. J177 titled, "Measurement of Carbon Dioxide, Carbon Monoxide and Oxides of Nitrogen in Diesel Exhaust," dated June 1970. Other sampling and analysis components may be used if shown to yield equivalent results and if approved in advance by the Administrator.

(b) The determination of the hydrocarbon concentrations shall be accomplished using sampling and analysis components as specified in sections 2.1 and 2.2 of SAE Recommended Practice No. J215 titled, "Continuous Hydrocarbon Analysis of Diesel Exhaust," dated November 1970.

(c) The determination of the intake airflow or exhaust flow shall be accomplished using SAE Recommended Practice No. J244 titled, "The Measurement of Intake or Exhaust Flow in Diesel Engines," dated May 1971.

§ 85.974–14 Information.

The following information shall be recorded:

(a) Test number.

(b) Date and time of day.

(c) Instrument operator.

(d) Engine operator.

(e) Engine identification numbers—date of manufacture—number of hours of operation accumulated on engine—engine family—exhaust pipe diameter—fuel injector type—low idle r.p.m., governed speed, maximum power and torque speeds — maximum horsepower and torque—fuel consumption at maximum power and torque—air aspiration system—exhaust system back pressure—air inlet restriction.

(f) All pertinent instrument information such as tuning—gain—serial numbers—detector numbers—range.

(g) Recorder chart. Identify zero traces—calibration or span traces—emission concentration traces for each test mode—start and finish of each test.

(h) Ambient temperature in dynamometer testing room.

(i) Engine intake air temperature and humidity for each mode.

(j) Barometric pressure.

(k) Observed engine torque for each mode.

(l) Intake airflow or exhaust flow for each mode.

(m) Fuel flow and temperature for each mode.

§ 85.974–15 Calibration and instrument checks.

Calibration and instrument checks shall be performed according to section 2.3.1 of SAE Recommended Practice No. J177, dated June 1970, and sections 3 and 7 of SAE Recommended Practice No. J215, dated November 1970, except that the instrument zeros need not be checked after each analysis but as necessary to maintain test validity. Calibration and checks of other instruments used for the test shall be performed as necessary according to good practice.

§ 85.974–16 Test run.

(a) The temperature of the air supplied to the engine shall be between 68° F. and 86° F. The fuel temperature at the pump inlet shall be 100° F. ±10° F. The observed barometric pressure shall be between 28.5 inches and 31 inches Hg. Higher air temperature or lower barometric pressure may be used, if desired, but no allowance shall be made for increased emissions because of such conditions.

(b) The governor and fuel system shall have been adjusted to provide engine performance at the levels specified by the engine manufacturer for maximum rated horsepower and maximum rated torque. These specifications shall be reported in accordance with § 85.974–2(b)(3).

(c) The following steps shall be taken for each test:

(1) Install instrumentation and sample probes as required.

(2) Start cooling system.

(3) Start the engine, warm it up and precondition it by running it at rated speed and maximum horsepower for 10 minutes or until all temperatures and pressures have reached equilibrium.

(4) Determine by experimentation the maximum torque at rated speed and intermediate speed to calculate the torque values for the specified test modes.

(5) Zero and span the emission analyzers on each range used during the test run.

(6) Start the test sequence of § 85.974–11. Operate the engine for 10 minutes in each mode, completing engine speed and load changes in the first minute. If a delay of more than 10 minutes occurs between the end of one mode and the start of the next mode, discontinue the sequence and repeat the test from Mode No. 1. Record the response of the analyzers on a strip chart recorder for the full 10 minutes with exhaust gas flowing through the analyzers at least during the last 5 minutes. Record the engine speed and load, intake air temperature and restriction, exhaust back pressure, fuel flow and air or exhaust flow during the last 5 minutes of each mode, making certain that the speed and load requirements of § 85.974–11(b) are met during the last minute of each mode. Fuel flow during idle or 2 percent load conditions may be determined just prior to or immediately following the dynamometer, sequence, if longer times are required for accurate measurements.

(7) Read and record any additional data as required for § 85.974–14.

(8) Check and reset the zero and span settings of the emission analyzers as required, but at least at the end of the second idle mode (mode No. 7) and at the end of the test. If a change of over 2 percent of full-scale response is observed, make necessary adjustments to the analyzers and repeat all test modes since the last zero and span check.

(9) Backflush condensate trap and replace filters as required.

§ 85.974–17 Chart reading.

(a) Locate the last 60 seconds of each mode and determine the average chart reading for HC, CO, and NO over the 1-minute period.

(b) Determine the concentration of HC, CO, NO during each mode from the average chart readings and the corresponding calibration data.

§ 85.974–18 Calculations.

The final reported test results shall be derived through the following steps:

(a) Determine the exhaust gas mass-flow rate for each mode according to the SAE Recommended Practice J244 dated May 1971.

(b) Convert the measured carbon monoxide and nitric oxide concentrations to a wet basis according to sections 4 and 5.4 of SAE Recommended Practice No. J177 (See § 85.974–13(a)).

(c) Multiply the corrected nitric oxide values by the following humidity correction factor:

$$\frac{1}{1+A(H-75)+B(T-85)}$$

Where:

A=0.044 (F/A)−0.0038
B=−0.116 (F/A)+0.0053
H=humidity of the inlet air in grains of water per pound of dry air.
T=Temperature of the air in °F.
F/A=Fuel-air ratio (dry air basis).

(d) Calculate the mass emissions of HC (HC_{mass}), CO (CO_{mass}), and NO_x (NOx_{mass}) in grams per hour for each mode as follows:

(1) $HC_{mass}=0.0132\times HC_{conc}\times$ exhaust mass (lb./min.).

(2) $CO_{mass}=0.0263\times CO_{conc}\times$ exhaust mass (lb./min.).

(3) $NOx_{mass}=0.0432\times NO_{conc}\times$ exhaust mass (lb./min.).

(e) Calculate the weighted brake horsepower and HC, CO, and NOx_{mass} values as follows:

(1) Multiply the average of the three idle values by a weighting factor of 0.2.

(2) Multiply the values for all of the other modes by a weighting factor of 0.08.

(f) Calculate the brake specific emissions for HC, CO, and NO_x for each set of data as follows:

$$BSHC = \frac{\Sigma(HC_{mass} \times WF)}{\Sigma(\text{Measured } BHP \times WF)}$$

$$BSCO = \frac{\Sigma(CO_{mass} \times WF)}{\Sigma(\text{Measured } BHP \times WF)}$$

$$BSNO_x = \frac{\Sigma(NOx_{mass} \times WF)}{\Sigma(\text{Measured } BHP \times WF)}$$

§§ 85.974–19 through 85.974–27 [Reserved]

§ 85.974–28 Compliance with emission standards.

The requirements of this section are set forth in § 85.874–28.

§ 85.974–29 Testing by the Administrator.

The requirements of this section are set forth in § 85.874–29.

§ 85.974–30 Certification.

The requirements of this section are set forth in § 85.874–30.

§ 85.974–31 Separate certification.

The requirements of this section are set forth in § 85.874–31.

§ 85.974–32 Addition of an engine after certification.

The requirements of this section are set forth in § 85.874–32.

§ 85.974–33 Changes to an engine covered by certification.

The requirements of this section are set forth in § 85.874–33.

§ 85.974–34 Alternative procedure for notification of additions and changes.

The requirements of this section are set forth in § 85.874–34.

§ 85.974–35 Labeling.

The requirements of this section are set forth in § 85.874–35.

§ 85.974–36 [Reserved]

§ 85.974–37 Production engines.

The requirements of this section are set forth in § 85.874–37.

§ 85.974–38 Maintenance instructions.

The requirements of this section are are set forth in § 85.874–38.

§ 85.974–39 Submission of maintenance instructions.

The requirements of this section are set forth in § 85–874–39.

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[FRL 380-6]

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

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

Recodification of Motor Vehicle Emission Regulations

The Environmental Protection Agency has determined that it is advantageous to reorganize the existing motor vehicle emission regulations. Also, the need for a number of technical amendments and corrections has been identified. The reorganization and changes are set forth in this publication and are described below.

The Agency finds good cause to omit as unnecessary a notice of proposed rulemaking and public rulemaking procedure in the issuance of this recodification. The revisions standardize the test to reflect current EPA practice, correct and clarify ambiguities and remove duplicate language. All revisions made are procedural in nature and do not affect either the stringency or burden of complying with the standards.

Several reasons support this recodification, the primary one being the physical size of the present regulations. Over the past several years three new light duty subparts (light duty Diesel vehicle, light duty truck and light duty Diesel truck) have been added to the regulations. These subparts are duplications of the light duty vehicle subpart with only minor changes in procedures and standards. In addition, a great deal of the administrative language is common to all seven subparts (light and heavy duty). This duplication serves no useful function and results in additional printing expense.

All seven prior subparts use the same language to describe the administration of the regulations and the certification program. The test procedures for each subpart are the major difference between subparts and, as was previously stated, the four light duty test sequences are quite similar. Existing regulations will be used through the 1976 model year, and beginning with the 1977 model year the recodified regulations in 40 CFR Part 86 will be used. To take advantage of the similarities of the current subparts, the motor vehicle certification and test procedure regulations have been structured as follows:

Part	Subpart	Contents
85	A	Emission regulations for 1976 and earlier model year new gasoline-fueled light duty vehicles.
	B	Emission regulations for 1976 and earlier model year new diesel powered light duty vehicles.
	C	Emission regulations for 1976 and earlier model year new gasoline-fueled light duty trucks.
	D	Emission regulations for 1976 model year new diesel powered light duty trucks.
	E to G	Reserved.
	H	Emission regulations for 1976 and earlier model year new gasoline-fueled heavy duty engines.
	I	Engine smoke exhaust emission regulations for 1976 and earlier model year new diesel heavy duty engines.
	J	Engine exhaust gaseous emission regulations for 1976 and earlier model year new diesel heavy duty engines.
86	A	Emission regulations for 1977 and later model year new light duty vehicles, light duty trucks and heavy duty engines; general provisions.
	B	Emission regulations for 1977 and later model year new light duty vehicles and light duty trucks; test procedures.
	C to G	Reserved.
	H	Emission regulations for 1977 and later model year new gasoline-fueled heavy duty engines; test procedures.
	I	Emission regulations for 1977 and later model year new diesel heavy duty engines; smoke exhaust test procedures.
	J	Emission regulations for 1977 and later model year new diesel heavy duty engines, gaseous exhaust test procedures.

Several techniques have been used to effectuate the reorganization. In most instances the language of the several subparts was identical, and no changes were necessary. However, it was necessary to use the phrase "vehicles or engines" (or equivalent) in a number of places to include both classes of emission sources. Finally, a relatively few cases required dividing a section into two or more parts each referring to a particular type or class of emission source.

A table is included to provide a cross reference from the new Part 86 regulations to the old format. Since the new format follows the same basic order as the old format, a reverse table is not necessary.

While the substance of the regulations has not been modified, the recodification combines the general provisions into a new Subpart A of Part 86 with the test procedures set forth in Subpart B, Part 86 (1977 and later model year new light duty vehicles and light duty trucks); Subpart H, Part 86 (1977 and later model year new gasoline-fueled heavy duty engines); Subpart I, Part 86 (1977 and later model year new Diesel heavy duty engines, smoke exhaust); and Subpart J, Part 86 (1977 and later model year new Diesel heavy duty engines, gaseous exhaust).

The subparts have been reorganized to combine similar language and function. The reorganization reflects the usual division of labor into separate groups responsible for administering the cerification procedures, the test procedures for light duty vehicles, the test procedures for heavy duty gasoline engines and the test procedures for Diesel heavy duty engines.

In keeping with the EPA general policy to gradually embody the SI system of units, these units have been incorporated when previously published rules such as the high altitude regulations have incorporated SI units.

Specific changes in the regulations found necessary for recodification are as follows:

Section	Change	Reason
	Part 85	
Pt. 85 Subpt. A Title	Subpt. A is now only applicable through the 1976 model year.	Subpts. A and B of pt. 86 have been added to apply to 1977 and later model year vehicles.
85.001	do	Do.
85.077-1 85.077-4 85.077-5 85.077-6 85.077-7 85.077-10 85.077-30 85.077-35 85.077-38 85.078-1	Delete	Language has been added to subpts. A and B of pt. 86.
Pt. 85 Subpt. B Title	Subpt. B is now only applicable through the 1976 model year.	Subpts A and B of pt. 86 have been added to apply to 1977 and later model year vehicles.
85.101	do	Do.
85.177-1 85.177-4 85.177-5 85.177-6 85.177-7 85.177-30 85.177-35 85.177-38 85.178-1	Delete	Language has been added to subpts. A and B of pt. 86.
Pt. 85 Subpt. C Title	Subpt. C is now only applicable through the 1976 model year.	Subpts. A and B of pt. 86 have been added to apply to 1977 and later model year vehicles.
85.201	do	Do.
85.277-1 85.277-4 85.277-5 85.277-6 85.277-7 85.277-10 85.277-30 85.277-35 85.277-38	Delete	Language has been added to subpts. A and B of pt. 86.
Pt. 85 Subpt. D Title	Subpt. D is now only applicable through the 1976 model year.	Subpts. A and B of pt. 86 have been added to apply to 1977 and later model year vehicles.
85.301	do	Do.
85.377-1 85.377-4 85.377-5 85.377-6 85.377-7 85.377-30 85.377-35 85.377-38	Delete	Language has been added to subpts. A and B of pt. 86.
Pt. 85 Subpt. H	Subpt. H is now only applicable through the 1976 model year.	Subpts. A and H of pt. 86 have been added to apply to 1977 and later model year engines.
85.701	do	Do.
Pt. 85 Subpt. I Title	Subpt. I is now only applicable through the 1976 model year.	Subpts. A and I of pt. 86 have been added to apply to 1977 and later model year engines.
85.801	do	Do.
Pt. 85 Subpt. J Title	Subpt J is now only applicable through the 1976 model year.	Subpts. A and J of pt. 86 have been added to apply to 1977 and later model year engines.
85.901	do	Do.
	Part 86	
Subpt. A	New subpart	Incorporates regulations from pt. 85 into a unified general provisions subpart.
86.077-1	The reference to motorcycles has been removed from the light duty vehicle applicability section.	The light duty vehicle definition was previously revised to exclude motorcycles making reference to motorcycles in the vehicle applicability section unnecessary.
86.077-2	This definition section applies to subpts. A, B, H, I, and J.	Eliminates duplication.
	The definition for diesel light duty vehicle is changed to be consistent with the definition for gasoline-fueled light duty vehicle.	This change was inadvertently omitted when a similar change was made to the gasoline-fueled light duty vehicle definition.
	The "motorcycle" and "off road utility vehicle" definitions are deleted.	There is no longer any reference to motorcycles or off road utility vehicles in the regulations.
	The definition of "loaded vehicle weight" is changed to apply to both light duty vehicles and light duty trucks.	The change was unintentionally omitted when the light duty truck class was created.
86.077-3	This abbreviation section applies to subpts. A, B, H, I, and J.	Eliminates duplication.
	Abbreviation of AECD is included	Unintentionally omitted from previous publication.
86.077-4	New section	Explains new numbering system and section construction.
86.077-7	Previous subpar. (a)(3) deleted	Not applicable. This subparagraph applied to the 1975 model year.
	Subpar. (c)(1)(iii) modified for heavy duty engines to include previous buildup activities.	Language concerning previous buildup activities will apply to vehicles and engines as was originally intended.
86.077-21	Subpar. (a) is modified	Necessary to fit recodified format.
86.077-24	Subpar. (a)(1) is modified to apply to both vehicles and engines. Also the qualifying phrase "throughout their useful life" now applies to heavy duty diesel engines.	Changes are necessary to recodify. Additional change to heavy duty diesel provisions was omitted from previous amendments.
	Subpar. (b)(1)(iii) is modified by designating the model year as the one for which certification is sought.	Necessary to implement recodification.

Section	Change	Reason
86.077-28	The reference to a 5,000 mile test point for diesel vehicles is changed to 4,000 miles.	Error in previous publications.
86.077-30	Par. (a)(3) added to require separate certification for the various classes of vehicles, engines, and standards.	Provision previously applied to light duty vehicles, and is necessary since regulations for the various emission sources have been combined.
86.077-37	Phrase "or injection" added	To apply to both gasoline and diesel engines.
86.077-38	Reference to "ultimate" deleted	Wording is unnecessary.
86.177-11	Par. (e)(3) modified for diesel light duty vehicles, to specify the procedure for increasing road load horsepower for testing air-conditioned vehicles.	Revision was unintentionally omitted previously when a similar change was made to the procedure for all other light duty vehicle and truck classes.
86.177-12 86.177-13 86.177-14 86.177-15	¶ 1 term "throttle" has been replaced by the term "accelerator pedal".	Diesels do not have throttles. The term "accelerator pedal" is a more accurate description and applies equally to gasoline-fueled and diesel vehicles.

CROSS REFERENCE TABLE

New section No.:	Prior section No.
86.077-1	85. 001
	85. 101
	85. 201
	85. 301
	85. 701
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86.077-2	85. 002
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	85. 202
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86.077-3	85. 003
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86.077-5	85. 004
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86.077-6	85. 005
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86.077-7	85. 006
	85. 106
	85. 206
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	85. 706
	85. 806
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86.077-8	85. 075-1
	85. 076-1
	85. 175-1
	85. 176-1
86.077-9	85. 275-1
	85. 276-1
	85. 376-1
	85. 377-1
86.077-10	85. 774-1
86.077-11	85. 874-1
	85. 974-1
86.077-12 through 86.077-20	(2)
86.077-21	85. 075-2
	85. 175-2
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	85. 376-2
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	85. 974-2
86.077-22	85. 075-3
	85. 175-3
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86.077-23	85. 075-4
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	85. 974-4
86.077-24	85. 075-5
	85. 175-5
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	85. 376-5
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	85. 974-5
86.077-25	85. 075-6
	85. 175-6
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86.077-26	85. 075-7
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86.077-27	85. 075-8
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	85. 874-8
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86.077-28	85. 075-28
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	85. 275-28
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86.077-29	85. 075-29
	85. 175-29
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86.077-30	85. 075-30
	85. 175-30
	85. 275-30
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86.077-31	85. 075-31
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	85. 275-31
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86.077-32	85. 075-32
	85. 175-32
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	85. 974-32
86.077-33	85. 075-33
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86.077-34	85. 075-34
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86.077-35	85. 075-35
	85. 175-35
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86.077-37	85. 075-37
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86.077-38	85. 075-38
	85. 175-38
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86.078-8	85. 078-1
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86.177-2	85. 002
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86.177-3	85. 003
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86.177-4	(1)
86.177-5	85. 075-9
	85. 076-9
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86.177-6	85. 075-10
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86.177-7	85. 075-11
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86.177-9	85. 075-13
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Footnotes at end of table.

New section No.:	Prior section No.
86.177-11	85.075-15
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86.177-12	85.075-16
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86.177-22	85.075-26
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86.777-1	85.701
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86.777-3	85.703
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86.777-6	85.774-10
86.777-7	85.774-11
86.777-8	85.774-12
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86.777-12	Reserved
86.777-13	85.774-16
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86.777-15	85.774-18
86.877-1	85.801
86.877-2	85.802
86.877-3	85.803
86.877-4	[1]
86.877-5	85.874-9
86.877-6	85.874-10
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86.877-9	85.874-13
86.877-10	85.874-14
86.877-11	85.874-15
86.877-12	85.874-16
86.877-13	85.874-17
86.877-14	85.874-18
86.977-1	85.901
86.977-2	85.902
86.977-3	85.903
86.977-4	[1]
86.977-5	85.974-9
86.977-6	85.974-10
86.977-7	85.974-11
86.977-8	85.974-12
86.977-9	85.974-13
86.977-10	85.974-14
86.977-11	85.974-15
86.977-12	Reserved
86.977-13	85.974-16
86.977-14	85.974-17
86.977-15	85.974-18

[1] No corresponding prior section.

[2] Reserved.

Parts 85 and 86 of Chapter I, Title 40 of the Code of Federal Regulations are amended as follows, effective July 30, 1975.

The provisions of these parts 85 and 86 are issued under the authority of sections 202, 206, 207, 208, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857f-1, 1857f-5, 1857f-5a, 1857f-6, 1857g (a)).

Dated: June 20, 1975.

EDWARD F. TUERK,
Acting Assistant Administrator for Air and Waste Management.

1. The title to Subpart A of Part 85 is revised to read as follows:

Subpart A—Emission Regulations for 1976 and Earlier Model Year New Gasoline-Fueled Light Duty Vehicles

2. Section 85.001 is revised to read as follows:

§ 85.001 General applicability.

The provisions of this subpart are applicable to 1976 and earlier model year new gasoline-fueled light duty vehicles.

3. The title to Subpart B of Part 85 is revised to read as follows:

Subpart B—Emission Regulations for 1976 and Earlier Model Year New Diesel Powered Light Duty Vehicles

4. Section 85.101 is revised to read as follows.

§ 85.101 General applicability.

The provisions of this subpart are applicable to 1976 and earlier model year new Diesel light duty vehicles.

5. The title to Subpart C of Part 85 is revised to read as follows:

Subpart C—Emission Regulations for 1976 and Earlier Model Year New Gasoline-Fueled Light Duty Trucks

6. Section 85.201 is revised to read as follows:

§ 85.201 General applicability.

The provisions of this subpart are applicable to 1976 and earlier model year new gasoline-fueled light duty trucks.

7. The title to Subpart D of Part 85 is revised to read as follows:

Subpart D—Emission Regulations for 1976 Model Year New Diesel Light-Duty Trucks

8. Section 85.301 is revised to read as follows:

§ 85.301 General applicability.

The provisions of this subpart are applicable to 1976 model year new Diesel light duty trucks.

9. Sections 85.077-1, 85.077-4, 85.077-5, 85.077-6, 85.077-7, 85.077-10, 85.077-30, 85.077-35, 85.077-38, and 85.078-1 are deleted from subpart A.

10. Sections 85.177-1, 85.177-4, 85.177-5, 85.177-6, 85.177-7, 85.177-30, 85.177-35, 85.177-38 and 85.178-1 are deleted from subpart B.

11. Sections 85.277-1, 85.277-4, 85.277-5, 85.277-6, 85.277-7, 85.277-10, 85.277-30, 85.277-35 and 85.277-38 are deleted from subpart C.

12. Sections 85.377-1, 85.377-4, 85.377-5, 85.377-6, 85.377-7, 85.377-30, 85.377-35 and 85.377-38 are deleted from subpart D.

13. A new Subpart A is added to Part 86 and reads as follows:

Subpart A—General Provisions for Emission Regulations for 1977 and Later Model Year New Light Duty Vehicles, 1977 and Later Model Year Light Duty Trucks for 1977 and Later Model Year New Heavy Duty Engines

Sec.
86.077-1 General applicability.
86.077-2 Definitions.
86.077-3 Abbreviations.
86.077-4 Section numbering; construction.
86.077-5 General standards; increase in emissions; unsafe conditions.
86.077-6 Hearings on certification.
86.077-7 Maintenance of records; submittal of information; right of entry.
86.077-8 Emission standards for 1977 light duty vehicles.
86.077-9 Emission standards for 1977 light duty trucks.
86.077-10 Emission standards for 1977 gasoline-fuel heavy duty engines.
86.077-11 Emission standards for 1977 Diesel heavy duty engines.
86.077-12—86.077-20 [Reserved]
86.077-21 Application for certification.
86.077-22 Approval of application for certification; test fleet selections.
86.077-23 Required data.
86.077-24 Test vehicles and engines.
86.077-25 Maintenance.
86.077-26 Mileage and service accumulation; emission measurements.
86.077-27 Special test procedures.
86.077-28 Compliance with emission standards.
86.077-29 Testing by the Administrator.
86.077-30 Certification.
86.077-31 Separate certification.
86.077-32 Addition of a vehicle or engine after certification.
86.077-33 Changes to a vehicle or engine covered by certification.
86.077-34 Alternative procedure for notification of additions and changes.
86.077-35 Labeling.
86.077-36 Submission of vehicle identification numbers.
86.077-37 Production vehicles and engines.
86.077-38 Maintenance instructions.
86.077-39 Submission of maintenance instructions.
86.078-8 Emission standards for 1978 light duty vehicles.

AUTHORITY: Secs. 202, 206, 207, 208 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857f-1, 1857f-5, 1857f-5a, 1857f-6 1857g(a)).

Subpart A—General Provisions for Emission Regulations for 1977 and Later Model Year New Light Duty Vehicles, 1977 and Later Model Year New Light Duty Trucks and for 1977 and Later Model Year New Heavy Duty Engines

§ 86.077-1 General applicability.

The provisions of this subpart are applicable to 1977 and later model year new light duty vehicles, 1977 and later model year new light duty trucks and 1977 and later model year new heavy duty engines.

§ 86.077-2 Definitions.

(a) The definitions in this section apply to this subpart and also to subparts G, H, I and J.

(b) As used in this subpart all terms not defined herein shall have the meaning given them in the Act:

"Act" means Part A of title II of the Clean Air Act, 42 U.S.C. 1857 f-1 through f-7, as amended by Pub. L. 91-604.

"Administrator" means the Administrator of the Environmental Protection Agency or his authorized representative.

"Auxiliary Emission Control Device (AECD)" means any element of design which senses temperature, vehicle speed, engine RPM, transmission gear, manifold vacuum, or any other parameter for the purpose of activating, modulating, delaying, or deactivating the operation of any part of the emission control system.

"Calibrating gas" means a gas of known concentration which is used to establish the response curve of an analyzer.

"Crankcase emissions" means airborne substances emitted to the atmosphere from any portion of the engine crankcase ventilation or lubrication systems.

"Defeat Device" means an AECD that reduces the effectiveness of the emission control system under conditions which may reasonably be expected to be encountered in normal urban vehicle operation and use, unless (1) such conditions are substantially included in the Federal emission test procedure, or (2) the need for the AECD is justified in terms of protecting the vehicle against damage or accident, or (3) the AECD does not go beyond the requirements of engine starting.

"Diurnal breathing loss" means fuel evaporative emissions as a result of the daily range in temperature to which the fuel system is exposed.

"Engine family" means the basic classification unit of a manufacturer's product line used for the purpose of test fleet selection and determined in accordance with § 86.077-24.

"Engine-system combination" means an engine family-exhaust emission control system-fuel evaporative emission control system (where applicable) combination.

"EPA Enforcement Officer" means any officer or employee of the Environmental Protection Agency so designated in writing by the Administrator (or by his designee).

"Exhaust emissions" means substances emitted to the atmosphere from any opening downstream from the exhaust port of a motor vehicle engine.

"Fuel evaporative emissions" means vaporized fuel emitted into the atmosphere from the fuel system of a motor vehicle.

"Fuel system" means the combination of fuel tank, fuel pump, fuel lines, and carburetor, or fuel injection components, and includes all fuel system vents and fuel evaporative emission control systems.

"Gross vehicle weight" means the manufacturer's gross weight rating for the individual vehicle.

"Heavy duty vehicle" means any motor vehicle either designed primarily for transportation of property and rated at more than 6,000 pounds GVW or designed primarily for transportation of persons and having a capacity of more than 12 persons.

"Heavy duty engine" means any engine which the engine manufacturer could reasonably expect to be used for motive power in a heavy duty vehicle.

"High altitude" means any elevation over 1219 meters (4000 feet).

"High altitude conditions" means a test altitude of 1585 meters (5200 feet) plus or minus 274 meters (900 feet), or equivalent observed barometric test conditions of 83.48 kPa (24.72 inches Hg), plus or minus 2.77 kPa (0.82 inches Hg).

"Hot soak loss" means fuel evaporative emissions during the 1-hour hot soak period which begins immediately after the engine is turned off.

"Intermediate speed" means the peak torque speed or 60 percent of rated speed, whichever is higher.

"Light duty truck" means any motor vehicle rated at 6,000 pounds GVW or less, which is designed primarily for purposes of transportation of property or is a derivative of such a vehicle, or is available with special features enabling off-street of off-highway operation and use.

"Light duty vehicle" means a passenger car or passenger car derivative capable of seating 12 passengers or less.

"Loaded vehicle weight" means the vehicle curb weight of a light duty vehicle plus 300 pounds.

"Maximum rated horsepower" means the maximum brake horsepower output of an engine as stated by the manufacturer in his sales and service literature and his application for certification under § 86.077-21.

"Maximum rated torque" means the maximum torque produced by an engine as stated by the manufacturer in his sales and service literature and his application for certification under § 86.077-21.

"Military engine" means any engine manufactured solely for the Department of Defense to meet military specifications.

"Model year" means the manufacturer's annual production period (as determined by the Administrator) which includes January 1 of such calendar year: *Provided*, That if the manufacturer has no annual production period, the term "model year" shall mean the calendar year.

"Rated speed" means the speed at which the manufacturer specifies the maximum rated horsepower of an engine.

"Opacity" means the fraction of a beam of light, expressed in percent, which fails to penetrate a plume of smoke.

"Oxides of nitrogen" means the sum of the nitric oxide and nitrogen dioxide contained in a gas sample as if the nitric oxide were in the form of nitrogen dioxide.

"Peak torque speed" means the speed at which an engine develops maximum torque.

"Percent load" means the fraction of the maximum available torque at a specified engine speed.

"Rated speed" means the speed at which the manufacturer specifies the maximum rated horsepower of an engine.

"Running loss" means fuel evaporative emissions resulting from an average trip in an urban area or the simulation of such a trip.

"Scheduled maintenance" means any adjustment, repair, removal, disassembly, cleaning, or replacement of vehicle components or systems which is performed on a periodic basis to prevent part failure or vehicle (if the engine were installed in a vehicle) malfunction.

"Smoke" means the matter in the exhaust emissions which obscures the transmission of light.

"Span gas" means a gas of known concentration which is used routinely to set the output level of an analyzer.

"System" includes any motor vehicle engine modification which controls or causes the reduction of substances emitted from motor vehicles.

"Tank fuel volume" means the volume of fuel in the fuel tank, prescribed to be 40 percent of nominal tank capacity rounded to the nearest whole U.S. gallon.

"Throttle" means the mechanical linkage which either directly or indirectly controls the fuel flow to the engine.

"Unscheduled maintenance" means any adjustment, repair, removal, disassembly, cleaning, or replacement of vehicle components or systems which is performed to correct a part failure or vehicle (if the engine were installed in a vehicle) malfunction.

"Useful life" means:

(1) For light duty vehicles and light duty trucks a period of use of 5 years or 50,000 miles, whichever first occurs.

(2) For heavy duty gasoline engines a period of use of 5 years or of 50,000 miles of vehicle operation or 1,500 hours of engine operation (or an equivalent period of 1,500 hours of dynamometer operation), whichever occurs first.

(3) For heavy duty Diesel engines a period of use of 5 years or 100,000 miles of vehicle operation or 3,000 hours of engine operation (or an equivalent period of 1,000 hours of dynamometer operation), whichever first occurs.

"Vehicle curb weight" means the actual or the manufacturer's estimated weight of the vehicle in operational status with all standard equipment, and weight of fuel at nominal tank capacity, and the weight of optional equipment computed in accordance with § 86.077-24.

"Zero (0) hours" means that point after normal assembly line operations and adjustments are completed and before one (1) additional operating hour has been accumulated.

"Zero (0) miles" means that point after initial engine starting (not to exceed 10 miles of vehicle operation, or one hour of engine operation) at which normal assembly line operations and adjustments are completed.

§ 86.077-3 Abbreviations.

(a) The abbreviations in this section apply to this subpart and also to subparts B, H, I and J.

(b) The abbreviations used in this subpart have the following meanings in both capital and lower case:

Accel.—Acceleration.
AECD—Auxiliary Emission Control Device.
API—American Petroleum Institute.
ASTM—American Society for Testing and Materials.
BHP—Brake horsepower.
BSCO—Brake specific carbon monoxide.
BSHC—Brake specific hydrocarbons.
BSNOx—Brake specific oxides of nitrogen.
C—Centigrade.
C.f.h.—Cubic feet per hour.
CO2—Carbon dioxide.
CO—Carbon monoxide.
Conc.—Concentration.
C.f.m.—Cubic feet per minute.
CT—Closed Throttle.
Cu. in.—Cubic inch (es).
Decel.—Deceleration.
EP—End point.
Evap.—Evaporated.
F.—Fahrenheit.
FL—Full load.
Gal.—U.S. gallon (s).
Gm.—Grams.
GVW—Gross Vehicle Weight.
H2O—Water.
HC—Hydrocarbon (s).
Hg—Mercury.
Hi.—High.
Hp.—Horsepower.
Hr.—Hour.
IBP—Initial boiling point.
ID—Internal diameter.
kPa—Kilopascal (s).
Lb.—Pound (s).
Lb.-ft.—Pound-feet.
Max.—Maximum.
Min.—Minimum.
Min.—Minute (s).
Ml.—Milliliter (s).
M.P.H.—Miles per hour.
mm.—Millimeter (s).
Mv.—Millivolt (s).
N2—Nitrogen.
NDIR—Nondispersive infrared.
NO—Nitric oxide.
NO2—Nitrogen dioxide.
NOx—Oxides of nitrogen.
No.—Number.
Pb.—Lead.
P.p.m.—Parts per million by volume.
P.s.i.—Pounds per square inch.
P.s.i.g.—Pounds per square inch gauge.
PTA—Part throttle escalation.
PTD—Part throttle deceleration.
R—Rankin.
R.p.m.—Revolutions per minute.
R.v.p.—Reid vapor pressure.
S.A.E.—Society of Automotive Engineers.
Sec.—Second (s).
Sp.—Speed.
SS—Stainless steel.
TEL—Tetraethyl lead.
TML—Tetramethyl lead.
V.—Volts.
Vs.—Versus.
WF—Weighting factor.
WOT—Wide open throttle.
Wt.—Weight.
′—Feet.
″—Inches.
°—Degrees.
%—Percent.
Σ—Summation.

§ 86.077-4 Section numbering; construction.

(a) *Section numbering.* The model year of initial applicability is indicated by the last two digits of the 5 digit group. A section remains in effect for subsequent model years until it is superseded. The number following the hyphen designates what previous section is replaced by a future regulation.

EXAMPLES: Section 86.077-6 applies to the 1977 and subsequent model years until superseded. If a § 86.080-6 is promulgated it would take effect with the 1980 model year; § 86.077-6 would not apply after the 1979 model year. Section 86.077-10 would be replaced by § 86.078-10 beginning with the 1978 model year.

(b) *Construction.* Except where indicated, the language in this subpart applies to both vehicles and engines. In many instances language referring to engines is enclosed in parentheses and immediately follows the language discussing vehicles.

§ 86.077-5 General standards; increase in emissions; unsafe conditions.

(a) (1) Every new motor vehicle (or new motor vehicle engine) manufactured for sale, sold, offered for sale, introduced or delivered for introduction into commerce, or imported into the United States for sale or resale which is subject to any of the standards prescribed in this subpart shall be covered by a certificate of conformity issued pursuant to §§ 86.077-21 through 86.077-23 and §§ 86.077-29 through 86.077-34 of this subpart.

(2) No heavy duty vehicle manufacturer shall take any of the actions specified in section 203(a) (1) of the Act with respect to any gasoline-fueled or Diesel heavy duty vehicle which uses an engine which has not been certified as meeting applicable standards. Such manufacturer shall provide to the Administrator prior to the beginning of each model year a statement signed by an authorized representative which includes the following information:

(i) A description of the vehicles which will be produced subject to this section;

(ii) Identification of the engines used in the vehicles;

(iii) Projected sales data on each vehicle engine combination;

(iv) A statement that the engines will not be modified by the vehicle manufacturer or a detailed specification of any changes which will be made. Changes made solely for the purpose of mounting an engine in a vehicle need not be included.

(v) A statement that the engine maintenance instruction supplied by the engine manufacturer, in compliance with § 86.077-38, will be furnished to the ultimate purchaser. If these maintenance instructions are modified, a detailed description of the modifications and a justification for each must be provided to the Administrator for review. The Administrator will notify the manufacturer of the determination whether the modified instructions are reasonable and necessary to assure proper functioning of the emission control system.

(b) (1) Any system installed on or incorporated in a new motor vehicle (or new motor vehicle engine) to enable such vehicle (or engine) to conform to standards imposed by this subpart.

(i) Shall not in its operation or function cause the emission into the ambient air of any noxious or toxic substance that would not be emitted in the operation of such vehicle (or engine) without such system, except as specifically permitted by regulation; and

(ii) Shall not in its operation, function, or malfunction result in any unsafe condition endangering the motor vehicle, its occupants, or persons or property in close proximity to the vehicle.

(2) Every manufacturer of new motor vehicles (or new motor vehicle engines) subject to any of the standards imposed by this subpart shall, prior to taking any of the actions specified in section 203(a) (1) of the Act, test or cause to be tested motor vehicles (or motor vehicle engines) in accordance with good engineering practice to ascertain that such test vehicles (or test engines) will meet the requirements of this section for the useful life of the vehicle (or engine).

§ 86.077-6 Hearings on certification.

(a) (1) After granting a request for a hearing under §§ 86.077-22 and 86.077-30 the Administrator will designate a Presiding Officer for the hearing.

(2) The General Counsel will represent the Environmental Protection Agency in any hearing under this section.

(3) If a time and place for the hearing has not been fixed by the Administrator under §§ 86.077-22 or 86.077-30, the hearing shall be held as soon as practicable at a time and place fixed by the Administrator or by the Presiding Officer.

(4) In the case of any hearing requested pursuant to § 86.077-30(c) (5) (i), the Administrator may in his discretion direct that all argument and presentation of evidence be concluded within such fixed period not less than 30 days as he may establish from the date that the first written offer of a hearing is made to the manufacturer. To expedite proceedings, the Administrator may direct that the decision of the Presiding Officer (who may, but need not be the Administrator himself) shall be the final EPA decision.

(b) (1) Upon his appointment pursuant to paragraph (a) of this section, the Presiding Officer will establish a hearing file. The file shall consist of the notice issued by the Administrator under §§ 86.077-22 or 86.077-30 together with any accompanying material, the request for a hearing and the supporting data submitted therewith and all documents relating to the request for certification and all documents submitted therewith, and correspondence and other data material to the hearing.

(2) The appeal file will be available for inspection by the applicant at the office of the Presiding Officer.

(c) An applicant may appear in person, or may be represented by counsel or by any other duly authorized representative.

(d) (1) The Presiding Officer upon the request of any party, or in his discretion, may arrange for a prehearing conference at a time and place specified by him to consider the following:

(i) Simplification of the issues;

(ii) Stipulations, admissions of fact, and the introduction of documents;

(iii) Limitation of the number of expert witnesses;

(iv) Possibility of agreement disposing of all or any of the issues in dispute;

(v) Such other matters as may aid in the disposition of the hearing, including such additional tests as may be agreed upon by the parties.

(2) The results of the conference shall be reduced to writing by the Presiding Officer and made part of the record.

(e)(1) Hearings shall be conducted by the Presiding Officer in an informal but orderly and expeditious manner. The parties may offer oral or written evidence, subject to the exclusion by the Presiding Officer of irrelevant, immaterial and repetitious evidence.

(2) Witnesses will not be required to testify under oath. However, the Presiding Officer shall call to the attention of witnesses that their statements may be subject to the provisions of title 18 U.S.C. 1001 which imposes penalties for knowingly making false statements or representations, or using false documents in any matter within the jurisdiction of any department or agency of the United States.

(3) Any witness may be examined or cross-examined by the Presiding Officer, the parties, or their representatives.

(4) Hearings shall be reported verbatim. Copies of transcripts of proceedings may be purchased by the applicant from the reporter.

(5) All written statements, charts, tabulations, and similar data offered in evidence at the hearing shall, upon a showing satsfactory to the Presiding Officer of their authenticity, relevancy, and materiality, be received in evidence and shall constitute a part of the record.

(6) Oral argument may be permitted in the discretion of the Presiding Officer and shall be reported as part of the record unless otherwise ordered by him.

(f)(1) The Presiding Officer shall make an initial decision which shall include written findings and conclusions and the reasons or basis therefor on all the material issues of fact, law or discretion presented on the record. The findings, conclusions, and written decision shall be provided to the parties and made a part of the record. The initial decision shall become the decision of the Administrator without further proceedings unless there is an appeal to the Administrator or motion for review by the Administrator within 20 days of the date the initial decision was filed.

(2) On appeal from or review of the initial decision the Administrator shall have all the powers which he would have in making the initial decision including the discretion to require or allow briefs, oral argument, the taking of additional evidence or the remanding to the Presiding Officer for additional proceedings. The decision by the Administrator shall include written findings and conclusions and the reasons or basis therefor on all the material issues of fact, law or discretion presented on the appeal or considered in the review.

§ 86.077-7 Maintenance of records; submittal of information; right of entry.

(a) The manufacturer of any new motor vehicle (or new motor vehicle engine) subject to any of the standards or procedures prescribed in this subpart shall establish, maintain and retain the following adequately organized and indexed records.

(1) *General records.* (i)(A) Identification and description of all certification vehicles (or certification engines) for which testing is required under this subpart. (B) A description of all emission control systems which are installed on or incorporated in each certification vehicle (or certification engine). (C) A description of all procedures used to test each such certification vehicle (or certification engine). (ii) A properly filed application for certification, following the format prescribed by the US EPA for the appropriate model year, fulfills each of the requirements of this paragraph (a)(1).

(2) *Individual records.* (i) A brief history of each motor vehicle (or motor vehicle engine) used for certification under this subpart in the form of a separate booklet or other document for each separate vehicle (or each separate engine) in which shall be recorded:

(A) In the case where a current production engine is modified for use in a certification vehicle (or as a certification engine), a description of the process by which the engine was selected and of the modifications made, giving specifically the place of modification and installation of the engine into the certification vehicle and the person(s) in charge of modification and installation, as applicable. In the case where the engine for a certification vehicle (or certification engine) is not derived from a current production engine, a general description of the build up of the engine (e.g., experimental heads were cast and machined according to supplied drawings, etc.) giving specifically the place of engine assembly and installation into a certification vehicle and the person(s) in charge of engine assembly and installation, as applicable. In both cases above, a description of the origin and selection process for the carburetor, distributor, fuel system components, fuel injection components, emission control system components, smoke exhaust emission control system components, and exhaust aftertreatment device, as applicable, shall be included. The required descriptions shall specify the steps taken to assure that the certification vehicle (or certification engine) with respect to its engine, drive train, fuel system, emission control system components, exhaust aftertreatment device, smoke exhaust emission control system components, vehicle weight or any other device or component, as applicable, that can reasonably be expected to influence exhaust or evaporative emissions, as applicable, will be representative of production vehicle (or engines) and that either all components and/or vehicle (or engine) construction processes, component inspection and selection techniques, and assembly techniques employed in constructing such vehicles (or engines) are reasonably likely to be implemented for production vehicles (or engines) or that they are as closely analogous as practicable to planned construction and assembly processes.

(B) A complete record of all emission tests performed under subparts B, H, I and J, as applicable (except tests performed by EPA directly), including all individual worksheets and/or other documentation relating to each such test, or exact copies thereof, the date, time, purpose, and location of each test; the number of miles accumulated on the vehicle (or the number of hours accumulated on the engine) when the tests began and ended, and the names of supervisory personnel responsible for the conduct of the tests.

(C) The date and times of each mileage (or service) accumulation run, listing both the mileage (or number of operating hours) accumulated and the name of each driver or each operator of the automatic mileage accumulation device (or dynamometer operator).

(D) If used, the record of any devices employed to record the speed and/or mileage in relationship to time of the test vehicle (or engine RPM, and/or horsepower and/or torque in relationship to engine operating time).

(E) A record and description of all maintenance and other servicing performed, giving the date and time of the maintenance or service, the reason for it, the person authorizing it, and the names of supervisory personnel responsible for the conduct of the maintenance or service. The description shall indicate whether or not EPA specifically consented to the work and, if EPA did not shall list the provision of this part which authorizes its performance.

(F) A record and description of each test performed to diagnose engine or emissions control system performance, giving the date and time of the tests, the reason for it, the person authorizing it, and the names of supervisory personnel responsible for the conduct of the test.

(G) The dates and times that the vehicle (or engine) was idle in storage, and in transit or transport.

(H) A brief description of any significant events affecting the vehicle (or engine) during any time in the period covered by the history not described by an entry under one of the previous headings including such extraordinary events as vehicle accidents (or accidents involving the engine) or driver speeding citations or warnings (or dynamometer runaway).

(ii) Each such history shall be started on the date that the first of any of the selection or buildup activities in paragraph (a)(2)(i)(A) of this section occurred with respect to the certification vehicle (or engine), shall be updated each time the operational status of the vehicle (or engine) changes or additional work is done on it, and shall be kept in a designated location.

(3) All records required to be maintained under this subpart shall be retained by the manufacturer for a period of six (6) years after issuance of

all certificates of conformity to which they relate. Records may be retained as hard copy or reduced to microfilm, punch cards, etc., depending on the record retention procedures of the manufacturer, provided, that in every case all the information contained in the hard copy shall be retained.

(b) The manufacturer of any new motor vehicle (or new motor vehicle engine) subject to any of the standards prescribed in this subpart shall submit to the Administrator at the time of issuance by the manufacturer copies of all instructions or explanations regarding the use, repair, adjustment, maintenance, or testing of such vehicle (or engine) relevant to the control of crankcase, exhaust or evaporative emissions, as applicable, issued by the manufacturer for use by other manufacturers, assembly plants, distributors, dealers, and ultimate purchasers; provided, that any material not translated into the English language need not be submitted unless specifically requested by the Administrator.

(c)(1) Any manufacturer who has applied for certification of a new motor vehicle (or new motor vehicle engine) subject to certification test under this subpart shall admit or cause to be admitted any EPA Enforcement Officer during operating hours on presentation of credentials to any of the following:

(i) Any facility where any such tests or any procedures or activities connected with such tests are or were performed.

(ii) Any facility where any new motor vehicle (or new motor vehicle engine) which is being, was, or is to be tested is present.

(iii) Any facility where any construction process or assembly process used in the modification or build up of such a vehicle (or engine) into a certification vehicle (or certification engine) is taking place or has taken place.

(iv) Any facility where any record or other document relating to any of the above is located.

(2) Upon admission to any facility referred to in paragraph (c)(1) of this section, any EPA Enforcement Officer shall be allowed:

(i) To inspect and monitor any part or aspect of such procedures, activities, and testing facilities, including, but not limited to, monitoring vehicle (or engine) preconditioning, emissions tests and mileage (or service) accumulation, maintenance, and vehicle soak and storage procedures (or engine storage procedures); and to verify correlation or calibration of test equipment;

(ii) To inspect and make copies of any such records, designs, or other documents; and

(iii) To inspect and/or photograph any part or aspect of any such certification vehicle (or certification engine) and any components to be used in the construction thereof.

(3) In order to allow the Administrator to determine whether or not production motor vehicles (or production motor vehicle engines) conform in all material respects to the design specifications which applied to those vehicles (or engines) described in the application for certification for which a certificate of conformity has been issued and to standards prescribed under section 202 of the Act, any manufacturer shall admit any EPA Enforcement Officer on presentation of credentials to both:

(i) Any facility where any document, design, or procedure relating to the translation of the design and construction of engines and emission related components described in the application for certification or used for certification testing into production vehicles (or production engines) is located or carried on; and

(ii) Any facility where any motor vehicles (or motor vehicle engine) to be introduced into commerce are manufactured or assembled.

(4) On admission to any such facility referred to in paragraph (c)(3) of this section, any EPA Enforcement Officer shall be allowed:

(i) To inspect and monitor any aspects of such manufacture or assembly and other procedures;

(ii) To inspect and make copies of any such records, documents or designs; and

(iii) To inspect and photograph any part or aspect of any such new motor vehicles (or new motor vehicle engines) and any component used in the assembly thereof that are reasonably related to the purpose of his entry.

(5) Any EPA Enforcement Officer shall be furnished by those in charge of a facility being inspected with such reasonable assistance as he may request to help him discharge any function listed in this paragraph. Each applicant for or recipient of certification is required to cause those in charge of a facility operated for its benefit to furnish such reasonable assistance without charge to EPA whether or not the applicant controls the facility.

(6) The duty to admit or cause to be admitted any EPA Enforcement Officer applies whether or not the applicant owns or controls the facility in question and applies both to domestic and to foreign manufacturers and facilities. EPA will not attempt to make any inspections which it has been informed that local law forbids. However, if local law makes it impossible to do what is necessary to insure the accuracy of data generated at a facility, no informed judgment that a vehicle or engine is certifiable or is covered by a certificate can properly be based on that data. It is the responsibility of the manufacturer to locate its testing and manufacturing facilities in jurisdictions where this situation will not arise.

(7) For purposes of this paragraph:

(i) "Presentation of credentials" shall mean display of the document designating a person as an EPA Enforcement Officer.

(ii) Where vehicle, component, or engine storage areas or facilities are concerned, "operating hours" shall mean all times during which personnel other than custodial personnel are at work in the vicinity of the area or facility and have access to it.

(iii) Where facilities or areas other than those covered by paragraph (c)(7)(ii) of this section are concerned, "operating hours" shall mean all times during which an assembly line is in operation or all times during which testing, maintenance, mileage (or service) accumulation, production or compilation of records, or any other procedure or activity related to certification testing, to translation of designs from the test stage to the production stage, or to vehicle (or engine) manufacture or assembly is being carried out in a facility.

(iv) "Reasonable assistance" includes, but is not limited to, clerical, copying, interpretation and translation services, the making available on request of personnel of the facility being inspected during their working hours to inform the EPA Enforcement Officer of how the facility operates and to answer his questions, and the performance on request of emissions tests on any vehicle (or engine) which is being, has been, or will be used for certification testing. Such tests shall be nondestructive, but may require appropriate mileage (or service) accumulation. A manufacturer may be compelled to cause the personal appearance of any employee at such a facility before an EPA Enforcement Officer by written request for his appearance, signed by the Assistant Administrator for Enforcement and General Counsel, served on the manufacturer. Any such employee who has been instructed by the manufacturer to appear will be entitled to be accompanied, represented, and advised by counsel. No counsel who accompanies, represents, or advises an employee compelled to appear may accompany, represent, or advise any other person in the investigation.

(v) Any entry without 24 hour prior written or oral notification to the affected manufacturer shall be authorized in writing by the Assistant Administrator for Enforcement and General Counsel.

§ 86.077–8 Emission standards for 1977 light duty vehicles.

(a)(1) Exhaust emissions from 1977 model year light duty vehicles shall not exceed:

(i) *Hydrocarbons*. 0.41 grams per vehicle mile.

(ii) *Carbon monoxide*. 3.4 grams per vehicle mile.

(iii) *Oxides of nitrogen*. 2.0 grams per vehicle mile.

(2) For those manufacturers who have been granted a suspension of the standards specified in paragraph (a)(1) the following standards for exhaust emissions from 1977 model year light duty vehicles shall apply:

(i) *Hydrocarbons*. 1.5 grams per vehicle mile.

(ii) *Carbon monoxide*. 15 grams per vehicle mile.

(iii) *Oxides of nitrogen*. 2.0 grams per vehicle mile.

(3) The standards set forth in paragraphs (a)(1) and (a)(2) of this section refer to the exhaust emitted over a driving schedule as set forth in subpart B and measured and calculated in accordance with those procedures.

(b) (1) Fuel evaporative emissions from gasoline-fueled light duty vehicles shall not exceed:

(i) *Hydrocarbons*. 2.0 grams per test.

(2) The standard set forth in paragraph (b) (1) of this section refers to a composite sample of the fuel evaporative emissions collected under the conditions set forth in subpart B and measured in accordance with those procedures.

(c) No crankcase emissions shall be discharged into the ambient atmosphere from any 1977 model gasoline fueled light duty vehicle.

§ 86.077-9 Emission standards for 1977 light duty trucks.

(a) (1) Exhaust emissions from 1977 model year light duty trucks shall not exceed:

(i) *Hydrocarbons*. 2.0 grams per vehicle mile.

(ii) *Carbon monoxide*. 20 grams per vehicle mile.

(iii) *Oxides of nitrogen*. 3.1 grams per vehicle mile.

(2) The Standards set forth in paragraph (a) (1) of this section refer to the exhaust emitted over a driving schedule as set forth in subpart B and measured and calculated in accordance with those procedures.

(b) (1) Fuel evaporative emissions from 1977 model year gasoline-fueled light duty trucks shall not exceed:

(i) *Hydrocarbons*. 2 grams per test.

(2) The standard set forth in paragraph (b) (1) of this section refers to a composite sample of the fuel evaporative emissions collected under the conditions set forth in subpart B and measured in accordance with those procedures.

(c) No crankcase emissions shall be discharged into the ambient atmosphere from any 1977 model year gasoline-fueled light duty truck.

§ 86.077-10 Emission standards for 1977 gasoline-fueled heavy duty engines.

(a) (1) Exhaust emissions from new 1977 and later model year gasoline-fueled heavy duty engines shall not exceed:

(i) *Hydrocarbons plus oxides of nitrogen (as NO2)*. 16 grams per brake horsepower hour.

(ii) *Carbon monoxide*. 40 grams per brake horsepower hour.

(2) The standards set forth in paragraph (a) (1) of this section refer to a composite sample representing the operating cycle set forth in subpart H and measured in accordance with those procedures.

(b) [Reserved].

(c) No crankcase emissions shall be discharged into the ambient atmosphere from any new 1977 and later model year gasoline-fueled heavy duty engine.

(d) Every manufacturer of new motor vehicle engines subject to the standards prescribed in this subpart shall, prior to taking any of the actions specified in section 203(a) (1) of the Act, test or cause to be tested motor vehicle engines in accordance with test procedures prescribed in Subpart H to ascertain that such test engines meet the requirements of paragraphs (a) and (c) of this section.

§ 86.077-11 Emission standards for 1977 Diesel heavy duty engines.

(a) (1) The opacity of smoke emissions from new 1977 and later model year Diesel heavy duty engines shall not exceed:

(i) 20 percent during the engine acceleration mode.

(ii) 15 percent during the engine lugging mode.

(iii) 50 percent during the peaks in either mode.

(2) The standards set forth in paragraph (a) (1) of this section refer to exhaust smoke emissions generated under the conditions set forth in subpart I and measured and calculated in accordance with those procedures.

(b) (1) Exhaust gaseous emissions from new 1977 and later model year Diesel heavy duty engines shall not exceed:

(i) *Hydrocarbons plus oxides of nitrogen (as NO2)*. 16 grams per brake horsepower hour.

(ii) *Carbon monoxide*. 40 grams per brake horsepower hour.

(2) The standards set forth in paragraph (b) (1) of this section refer to exhaust gaseous emissions generated under the conditions set forth in subpart J and measured and calculated in accordance with those procedures.

(c)-(d) [Reserved]

(e) Every manufacturer of new motor vehicle engines subject to the standards prescribed in this subpart shall, prior to taking any of the actions specified in section 203(a) (1) of the Act, test or cause to be tested motor vehicle engines in accordance with test procedures prescribed in subparts I and J to ascertain that such test engines meet the requirements of paragraphs (a) and (b) of this section.

§ 86.077-12—§ 86.077-20 [Reserved]

§ 86.077-21 Application for certification.

(a) A separate application for a certificate of conformity shall be made for each set of standards and each class of new motor vehicles or new motor vehicle engines. Such application shall be made to the Administrator by the manufacturer and shall be updated and corrected by amendment.

(b) The application shall be in writing, signed by an authorized representative of the manufacturer, and shall include the following:

(1) Identification and description of the vehicles (or engines) covered by the application and a description of their engine (vehicles only), emission control system and fuel system components. This shall include a detailed description of each auxiliary emission control device (AECD) to be installed in or on any certification test vehicle (or certification test engine).

(2) Projected U.S. sales data sufficient to enable the Administrator to select a test fleet representative of the vehicles (or engines) for which certification is requested.

(3) A description of the test equipment and fuel proposed to be used.

(4) A description of the proposed mileage (or service) accumulation procedure for durability testing.

(5) A statement of recommended maintenance and procedures necessary to assure that the vehicles (or engines) covered by a certificate of conformity in operation conform to the regulations, and a description of the program for training of personnel for such maintenance, and the equipment required.

(6) At the option of the manufacturer, the proposed composition of the emission data and durability data test fleet.

(c) Complete copies of the application and of any amendments thereto, and all notifications under §§ 86.077-32, 86.077-33, and 86.077-34 shall be submitted in such multiple copies as the Administrator may require.

§ 86.077-22 Approval of application for certification; test fleet selections.

(a) After a review of the application for certification and any other information which the Administrator may require, the Administrator may approve the application and select a test fleet in accordance with § 86.077-24.

(b) The Administrator may disapprove in whole or in part an application for certification for reasons including incompleteness, inaccuracy, inappropriate proposed mileage (or service) accumulation procedures, test equipment, or fuel, and incorporation of defeat devices in vehicles (or on engines) described by the application.

(c) Where any part of an application is rejected, the Administrator shall notify the manufacturer in writing and set forth the reasons for such rejection. Within 30 days following receipt of such notification, the manufacturer may request a hearing on the Administrator's determination. The request shall be in writing, signed by an authorized representative of the manufacturer and shall include a statement specifying the manufacturer's objections to the Administrator's determinations, and data in support of such objections. If, after the review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 86.077-6 with respect to such issue.

§ 86.077-23 Required data.

The manufacturer shall perform the tests required by the applicable test procedures, and submit to the Administrator the following information:

(a) Durability data on such vehicles (or engines) tested in accordance with the applicable test procedures and in such numbers as specified, which will show the performance of the systems installed on or incorporated in the vehicle (or engine) for extended mileage (or extended operation), as well as a record of all pertinent maintenance (all maintenance and servicing for Diesel heavy duty engines) performed on the test vehicles (or test engines).

(b) Emission data.

(1) *Certification vehicles.* (i) Emission data on such vehicles tested in accordance with applicable test procedures and in such numbers as specified, which will show their emission after zero kilometers (zero miles) and 6436 kilometers (400 miles) of operation.

(ii) Emission data on those vehicles selected under § 86.077-24(b)(1)(v) and tested in accordance with the applicable test procedures of this part and in such numbers as therein specified, which shall be tested at zero kilometers (zero miles) at any altitude, and under high altitude conditions after 6436 kilometers (400 miles) of operation at any altitude.

(2) *Certification engines.* Emission data on such engines tested in accordance with applicable emission test procedures and in such numbers as specified, which will show their emissions after 0 hours and 125 hours of operation.

(c)(1) For light duty vehicles, light duty trucks and gasoline-fueled heavy duty engines, a description of tests performed to ascertain compliance with the general standards in § 86.077-5(b) and the data derived from such tests.

(2) For Diesel heavy duty engines, a statement that engines for which certification is requested conform to the requirements in § 86.077-5(b) and that the descriptions of tests performed to ascertain compliance with the general standards in § 86.077-5(b) and the data derived from such tests are available to the Administrator upon request.

(d)(1) For light duty vehicles, light duty trucks and gasoline-fueled heavy duty engines, a statement that the test vehicles (or test engines) with respect to which data are submitted have been tested in accordance with the applicable test procedures, that they meet the requirements of such tests, and that, on the basis of such tests, they conform to the requirements of the regulations in this part. If such statements cannot be made with respect to any vehicle (or engine) tested, the vehicle (or engine) shall be identified, and all pertinent test data relating thereto shall be supplied.

(2) For Diesel heavy duty engines, a statement that the test engines with respect to which data are submitted to demonstrate compliance with § 86.077-11 are in all material respects as described in the manufacturer's application for certification, have been tested in accordance with the applicable test procedures utilizing the fuels and equipment described in the application for certification, and that on the basis of such tests the engines conform to the requirements of the regulations in this part. If such statements cannot be made with respect to any engine tested, the engine shall be identified, and all pertinent data relating hereto shall be supplied to the Administrator. If, on the basis of the data supplied and any additional data as required by the Administrator, the Administrator determines that the test engine was not as described in the application for certification or was not tested in accordance with applicable test procedures utilizing the fuels and equipment as described in the application for certification, the Administrator may make the determination that the engine does not meet the applicable standards. The provisions of § 86.077-30(b) shall then be followed.

§ 86.077-24 Test vehicles and engines.

(a)(1) The vehicles or engines covered by an application for certification will be divided into groupings of engines which are expected to have similar emission characteristics throughout their useful life. Each group of engines with similar emission characteristics shall be defined as a separate engine family.

(2) To be classed in the same engine family, engines must be identical in all the following respects:

(i) The cylinder bore center-to-center dimensions.

(ii) The dimension from the centerline of the crankshaft to the centerline of the camshaft.

(iii) The dimension from the centerline of the crankshaft to the top of the cylinder block head face.

(iv) The cylinder block configuration (air cooled or water cooled; L-6, 90° V-8, etc.).

(v) The location of intake and exhaust valves and the valve sizes (within a ⅛-inch range on the valve head diameter).

(vi) The method of air aspiration.

(vii) The combustion cycle.

(viii) Catalytic converter characteristics; gasoline-fueled vehicles and engines only.

(ix) Thermal reactor characteristics; gasoline-fueled vehicles and engines only.

(3) Engines identical in all the respects listed in paragraph (a)(2) of this section may be further divided into different engine families if the Administrator determines that they may be expected to have different emission characteristics. This determination will be based upon a consideration of the following features of each engine.

(i) The bore and stroke.

(ii) The surface-to-volume ratio of the nominally dimensioned cylinder at the top dead center position.

(iii) The intake manifold induction port size and configuration.

(iv) The exhaust manifold port size and configuration.

(v) The intake and exhaust valve sizes.

(vi) The fuel system.

(vii) The camshaft timing and ignition or injection timing characteristics.

(4) Where engines are of a type which cannot be divided into engine families based upon the criteria listed in paragraphs (a)(2) and (3) of this section, the Administrator will establish families for those engines based upon the features most related to their emission characteristics.

(b) Emission data.

(1) *Emission data vehicles.* Paragraph (b)(1) of this section applies to light duty vehicle and light duty truck emission data vehicles.

(i) Vehicles will be chosen to be operated and tested for emission data based upon the engine family groupings. Within each engine family, the requirements of this paragraph must be met.

(ii) Vehicles of each engine family will be divided into engine displacement-exhaust emission control system-evaporative emission control system combinations as applicable. A projected sales volume will be established for each combination for the model year for which certification is sought. One vehicle of each combination will be selected in order of decreasing projected sales volume until 70 percent of the projected sales of a manufacturer's total production of vehicles of that engine family is represented, or until a maximum of four vehicles is selected. If any single combination represents over 70 percent, then two vehicles of that combination may be selected. The vehicle selected for each combination will be specified by the Administrator as to transmission type, fuel system, and inertia weight class.

(iii) The Administrator may select a maximum of four additional vehicles within each engine family based upon features indicating that they may have the highest emission levels of the vehicles in that engine family. In selecting these vehicles, the Administrator will consider such features as the emission control system combination, induction system characteristics, ignition system characteristics, fuel system, rated horsepower, rated torque, compression ratio, inertia weight class, transmission options, and axle ratios.

(iv) If the vehicles selected in accordance with paragraphs (b)(1)(ii) and (iii) of this section do not represent each engine-system combination, then one vehicle of each engine-system combination not represented will be selected by the Administrator. The vehicle selected shall be of the engine displacement with the largest projected sales volume of vehicles with the control system combination in the engine family and will be designated by the Administrator as to transmission type, fuel system, and inertia weight class.

(v) The Administrator will also select one vehicle for each engine-system combination within an engine family for which vehicles are to be sold to ultimate purchasers at high altitude.

(vi) The Administrator may combine testing requirements for any vehicle selected under paragraph (b)(1)(v) of this section with the testing requirements for any similar vehicle in the same engine-system combination selected under paragraphs (b)(1)(ii), (iii), or (iv) of this section by requiring a vehicle selected for testing under paragraphs (b)(1)(ii), (iii), or (iv) of this section to be modified (if necessary) after mileage accumulation and emission testing for the purpose of demonstrating compliance in accordance with § 86.077-23(b)(1)(ii).

(2) *Heavy duty gasoline-fueled emission data engines.* Paragraph (b)(2) of this section applies to heavy duty gasoline-fueled emission data engines.

(i) Engines will be chosen to be run for emission data based upon the engine family groupings. Within each engine

family, the requirements of this paragraph must be met.

(ii) Engines of each engine family will be divided into engine displacement-exhaust emission control system combinations. A projected sales volume will be established for each combination for the applicable model year. One engine of each combination will be selected in order of decreasing projected sales volume until 70 percent of the projected sales of a manufacturer's total production of engines of that family is represented, or until a maximum of four engines is selected. The engines selected for each combination will be specified by the Administrator as to fuel system.

(iii) The Administrator may select a maximum of two additional engines within each engine family based upon features indicating that they may have the highest emission levels of the engines in that engine family. In selecting these engines, the Administrator will consider such features as the exhaust emission control system, induction system characteristics, ignition system characteristics, fuel system rated horsepower, rated torque, and compression ratio.

(iv) If the engines selected in accordance with paragraphs (b)(2) (ii) and (iii) of this section do not represent each engine displacement-exhaust emission control system combination, then one engine of each engine displacement-exhaust emission control system combination not represented shall be selected by the Administrator.

(3) *Heavy duty Diesel emission data engines.* Paragraph (b)(3) of this section applies to heavy duty Diesel emission data engines.

(i) Engines will be chosen to be run for emission data based upon engine family groupings. Within each engine family, the requirements of this paragraph must be met.

(ii) Engines of each engine family will be divided into groups based upon exhaust emission control system. One engine of each engine-system combination shall be run for smoke emission data and gaseous emission data as prescribed in § 86.077-26(c)(3). Either the complete gaseous emission test or the complete smoke test may be conducted first. Within each combination, the engine that features the highest fuel feed per stroke, primarily at the speed of maximum rated torque and secondarily at rated speed, will usually be selected. If there are military engines with higher fuel rates than other engines in the same engine system combination, then one military engine shall be also selected. The engine with the highest fuel feed per stroke will usually be selected.

(iii) The Administrator may select a maximum of one additional engine within each engine system combination based upon features indicating that it may have the highest emission levels of the engines of that combination. In selecting this engine, the Administrator will consider such features as the injection system, fuel system, compression ratio, rated speed, rated horsepower, peak torque speed and peak torque.

(c) Durability data.

(1) *Durability data vehicles.* Paragraph (c)(1) of this section applies to light duty vehicle and light duty truck durability data vehicles.

(i) A durability vehicle will be selected by the Administrator to represent each engine-system combination. The vehicle selected shall be of the engine displacement with the largest projected sales volume of vehicles with that control-system combination in that engine family and will be designated by the Administrator as to transmission type, fuel system, and inertia weight class.

(ii) A manufacturer may elect to operate and test additional vehicles to represent any engine-system combination. The additional vehicles must be of the same engine displacement, transmission type, fuel system, and inertia weight class as the vehicle selected for that engine-system combination in accordance with the provisions of paragraph (c)(1)(i) of this section. Notice of an intent to operate and test additional vehicles shall be given to the Administrator not later than 30 days following notification of the test fleet selection.

(2) *Heavy duty gasoline-fueled durability data engines.* Paragraph (c)(2) of this section applies to heavy duty gasoline-fueled durability data engines.

(i) A durability data engine will be selected by the Administrator to represent each engine-system combination. The engine selected shall be of the displacement with the largest projected sales volume of engines with that exhaust emission control system in that engine family and will be designated by the Administrator as to fuel system.

(ii) [Reserved]

(iii) A manufacturer may elect to operate and test additional engines to represent any engine-system combination. The additional engines must be of the same engine displacement and fuel system as the engine selected for that combination in accordance with the provisions of paragraph (c)(2)(i) of this section. Notice of an intent to run additional engine shall be given to the Administrator not later than 30 days following notification of the test fleet selection. Deterioration factors calculated for each engine-system combination shall be applied separately to military and non-military engines within the same engine system combination.

(3) *Heavy duty Diesel durability data engines.* Paragraph (c)(3) of this section applies to heavy duty Diesel durability data engines.

(i) One engine from each engine-system combination shall be tested as prescribed in § 86.077-26(c)(3)(ii). At each test point, either the complete gaseous emission test or the complete smoke test may be conducted first. Within each combination, the engine which features the highest fuel feed per stroke, primarily at rated speed and secondarily at the speed of maximum rated torque, will usually be selected for durability testing. In the case where more than one engine in an engine-system combination has the highest fuel feed per stroke, the engine with the highest maximum rated horsepower will usually be selected for durability testing. If an engine system combination includes both military and nonmilitary engines, then the nonmilitary engine with the highest maximum rated horsepower will usually be selected for durability testing.

(ii) A manufacturer may elect to operate and test additional engines to represent any engine-system combination. The additional engines must be of the same model and fuel system as the engine selected in accordance with the provisions of paragraph (c)(3)(i) of this section. Notice of an intent to test additional engines shall be given to the Administrator not later than 30 days following notification of the test fleet selection. Deterioration factors calculated for each engine-system combination shall be applied separately to military and nonmilitary engines within the same engine system combination.

(d) For purposes of testing under § 86.077-26(g), the Administrator may require additional emission data vehicles (or emission data engines) and durability data vehicles (or durability data engines) identical in all material respects to vehicles (or engines) selected in accordance with paragraphs (b) and (c) of this section: *Provided,* That the number of vehicles selected shall not increase the size of either the emission data fleet or the durability data fleet by more than 20 percent or one vehicle, whichever is greater.

(e) Any manufacturer whose projected sales for the model year in which certification is sought is less than

(1) 2000 gasoline-fueled light duty vehicles, or

(2) 2000 Diesel powered light duty vehicles, or

(3) 2000 gasoline-fueled light duty trucks, or

(4) 2000 Diesel powered light duty trucks, or

(5) 700 gasoline-fueled heavy duty engines, or

(6) 200 Diesel heavy duty engines,

may request a reduction in the number of test vehicles (or engines) determined in accordance with the foregoing provisions of this section. The Administrator may agree to such lesser number as he determines would meet the objectives of this procedure.

(f) In lieu of testing an emission data or durability data vehicle (or engine) selected under paragraph (b) or (c) of this section, and submitting data therefore, a manufacturer may, with the prior written approval of the Administrator, submit exhaust emission data and/or fuel evaporative emission data, as applicable on a similar vehicle (or engine) for which certification has previously been obtained.

(g)(1) This paragraph applies to light duty vehicles and light duty trucks.

(2) Where it is expected that more than 33 percent of an engine family will be equipped with an optional item, the full estimated weight of that item shall

be included, if required by the Administrator, in the curb weight computation for each vehicle available with that option in the engine family. Where it is expected that 33 percent or less of the vehicle in an engine family will be equipped with an item of optional equipment, no weight for that item will be added in computing curb weight. Option-case of mutually exclusive options, only the weight of the heavier option will be added in computing curb weight. Optional equipment weighing less than 3 pounds per item need not be considered.

(3) Where it is expected that more than 33 percent of an engine family will be equipped with an item of optional equipment that can reasonably be expected to influence emissions, then such items of optional equipment shall actually be installed, unless specifically excluded by the Administrator, on all emission data and durability data vehicles in the engine family on which the option is intended to be offered in production. Optional equipment that can reasonably be expected to influence emissions are the air conditioner, power steering, power brakes and other items determined by the Administrator.

(4) Optional equipment that can reasonably be expected to influence emissions which is utilized on 33 percent or less of the vehicles in the engine family shall not be installed on any vehicle in that engine family unless specifically required under this section.

§ 86.077–25 Maintenance.

(a) (1) *Gasoline-fueled vehicles.* Paragraph (a) of this section applies to gasoline-fueled light duty vehicles and gasoline-fueled light duty trucks.

(2) (i) Scheduled maintenance on the engine, emission control system, and fuel system of durability vehicles shall be scheduled for performance during durability testing at the same mileage intervals that will be specified in the manufacturer's maintenance instructions furnished to the ultimate purchaser of the motor vehicle. Such maintenance shall be performed, except as provided in paragraph (a) (6) (iii) of this section, only under the following provisions.

(A) Scheduled major engine tuneups to manufacturer's specifications may be performed no more frequently than every 12,500 miles of scheduled driving, provided that no tuneup may be performed after 45,000 miles of scheduled driving. A scheduled major engine tuneup shall be restricted to paragraph (a) (2) (i) (A) (*1*) through (*11*) of this section and shall be conducted in a manner consistent with service instructions and specifications provided by the manufacturer for use by customer service personnel. The following items may be inspected, replaced, cleaned, adjusted, and/or serviced as required:

(*1*) Ignition system.

(*2*) Cold starting enrichment system (includes fast idle speed setting).

(*3*) Curb idle speed and air/fuel mixture.

(*4*) Drive belt tension on engine accessories.

(*5*) Valve lash.

(*6*) Inlet air and exhaust gas control valves.

(*7*) Engine bolt torque.

(*8*) Spark plugs.

(*9*) Fuel filter and air filter.

(*10*) Crankcase emission control system.

(*11*) Fuel evaporative emission control system.

(B) Change of engine and transmission oil, and change or service of oil filter will be allowed at the same mileage intervals that will be specified in the manufacturer's maintenance instructions.

(C) Readjustment of the engine idle speed (curb idle and fast idle) may be performed, in addition to during scheduled major engine tuneups, once during the first 5,000 miles of vehicle operation.

(ii) Unscheduled maintenance on the engine, emission control system, and fuel system of durability vehicles may be performed, except as provided in paragraph (a) (2) (v) (A) of this section, only under the following provisions:

(A) Any persistently misfiring spark plug may be replaced, in addition to replacement at scheduled major engine tuneup points.

(B) Readjustment of the engine cold starting enrichment system may be performed if there is a problem of stalling or if there is visible black smoke.

(C) Readjustment of the engine idle-speed (curb idle and fast idle) may be performed, in addition to that performed as scheduled maintenance under paragraph (a) (2) (i) of this section, if the idle speed exceeds the manufacturer's recommended idle speed by 300 r.p.m. or more, or if there is a problem of stalling.

(D) The idle mixture may be reset, other than during scheduled major engine tuneups, only with the advance approval of the Administrator.

(iii) An exhaust gas recirculation (EGR) system may be serviced during durability testing only under one of the following provisions:

(A) Manufacturers may schedule service to the EGR system at the scheduled major engine tuneups if an audible and/or visual signal approved by the Administrator alerts the vehicle operator to the need for EGR system maintenance at each of those mileage points. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test vehicle unrepresentative of vehicles in use.

(B) Manufacturers may service the EGR system as unscheduled maintenance a maximum of three times during the 50,000 miles if failure of the EGR system activates an audible and/or visual signal approved by the Administrator which alerts the vehicle operator to the need for EGR system maintenance. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test vehicle unrepresentative of vehicles in use.

(C) Manufacturers may service the EGR system a maximum of three times during the 50,000 miles either at a scheduled major engine tuneup point or as unscheduled maintenance, if an audible and/or visual signal approved by the Administrator alerts the vehicle operator to the need for EGR system maintenance. The signal may be activated either by EGR system failure (unscheduled maintenance) or need for scheduled periodic maintenance. If maintenance is performed, the signal for scheduled periodic maintenance shall be reset. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test vehicle unrepresentative of vehicles in use.

(D) Manufacturers may schedule service to the EGR system at the scheduled major engine tuneup(s) if failure to perform EGR system maintenance is not likely, as determined by the Administrator, to result in an improvement in vehicle performance. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test vehicle unrepresentative of vehicles in use.

(iv) The catalytic converter may be serviced once during 50,000 miles if an audible and/or visual signal approved by the Administrator alerts the vehicle operator to the need for maintenance. The signal may be activated either by component failure or need for maintenance at a scheduled point.

(v) Any other engine, emission control system, or fuel system adjustment, repair, removal, disassembly, cleaning, or replacement on durability vehicles shall be performed only with the advance approval of the Administrator.

(A) In the case of unscheduled maintenance, such approval will be given if the Administrator:

(*1*) Has made a preliminary determination that part failure or system malfunction, or the repair of such failure or malfunction, does not render the vehicle unrepresentative of vehicles in use, and does not require direct access to the combustion chamber, except for sparkplug, fuel injection component, or removable prechamber removal or replacement; and

(*2*) Has made a determination that the need for maintenance or repairs is indicated by an overt indication of malfunction such as persistent misfire, vehicle stall, overheating, fluid leakage, loss of oil pressure, or charge indicator warning.

(B) Emission measurements may not be used as a means of determining the need for unscheduled maintenance under paragraph (a) (2) (v) (A) (*1*).

(C) Requests for authorization of scheduled maintenance of emission control-related components not specifically authorized to be maintained by these regulations must be made prior to the beginning of durability testing. The Administrator will approve the perform-

ance of such maintenance if the manufacturer makes a satisfactory showing that the maintenance will be performed on vehicles in use.

(vi) If the Administrator determines that part failure or system malfunction occurrence and/or repair rendered the vehicle unrepresentative of vehicles in use, the vehicle shall not be used as a durability vehicle.

(vii) Where the Administrator agrees under § 86.077-26 to a mileage accumulation of less than 50,000 miles for durability testing, he may modify the requirements of this paragraph.

(3) (i) Adjustment of engine idle speed on emission data vehicles may be performed once before the 6436 kilometer (4000 mile) test point. Any other engine, emission control system or fuel system adjustment, repair, removal, disassembly, cleaning, or replacement on emission data vehicles shall be performed only with the advance approval of the Administrator.

(ii) Maintenance on emission data vehicles selected under § 86.077-24(b)(1)(v) and permitted to be tested for purposes of § 86.077-23(b)(1)(ii) under the provisions of § 86.077-24(b)(1)(vi) may be performed in conjunction with emission control system modifications at the 6436 kilometer (4000 mile) test point, and shall be performed in accordance with the maintenance instructions to be provided to the ultimate purchaser required under § 86.077-38.

(iii) Maintenance on those emission data vehicles selected under § 86.077-24(b)(1)(v) which are not capable of being modified in the field for the purpose of complying with emission standards at an altitude other than intended by the original design may be performed in conjunction with the emission control system modifications at the 6436 kilometer (4000 mile) test point, and shall be approved in advance by the Administrator.

(4) Repairs to vehicle components of the durability or emission data vehicle, other than the engine, emission control system, or fuel system, shall be performed only as a result of part failure, vehicle system malfunction, or with the advance approval of the Administrator.

(5) Complete emission tests (see §§ 86.177-5 through 86.177-23) are required, unless waived by the Administrator, before and after any vehicle maintenance which may reasonably be expected to affect emissions. These test data shall be air posted to the Administrator within 24 hours (or delivered within 3 working days), after the tests, along with a complete record of all pertinent maintenance, including a preliminary engineering report of any malfunction diagnosis and the corrective action taken. A complete engineering report shall be delivered or air posted to the Administrator within 10 working days after the tests. In addition, all test data and maintenance reports shall be compiled and provided to the Administrator in accordance with § 86.077-23.

(6) The Administrator shall be given the opportunity to verify the existence of an overt indication of part failure and/or vehicle malfunction (e.g., misfire, stall, black smoke), or an activation of an audible and/or visual signal, prior to the performance of any maintenance to which such overt indication or signal is relevant under the provisions of this section.

(7) Equipment, instruments, or tools may not be used to identify malfunctioning, maladjusted, or defective engine components unless the same or equivalent equipment, instruments, or tools will be available to dealerships and other service outlets and

(i) Are used in conjunction with scheduled maintenance on such components.

(ii) Are used subsequent to the identification of a vehicle or engine malfunction, as provided in paragraph (a)(2)(v)(A) of this section for durability vehicles or paragraph (a)(2)(i) of this section for emission data vehicles, or

(iii) Unless specifically authorized by the Administrator.

(b)(1) *Diesel vehicles.* Paragraph (b) of this section applies to Diesel powered light duty vehicles and Diesel powered light duty trucks.

(2) (i) Scheduled maintenance on the engine, emission control system, and fuel system of durability vehicles shall be scheduled for performance during durability testing at the same mileage intervals that will be specified in the manufacturer's maintenance instructions furnished to the ultimate purchaser of the motor vehicle. Such maintenance shall be performed only under the following provisions:

(A) Scheduled major engine tuneups to manufacturer's specifications may be performed no more frequently than every 12,500 miles of scheduled driving, provided that no tuneup may be performed after 45,000 miles of scheduled driving. A scheduled major engine tuneup shall be conducted in a manner consistent with service instructions and specifications provided by the manufacturer for use by customer service personnel. A major engine tuneup shall be restricted to the following:

(*1*) Adjust low idle speed.

(*2*) Adjust valve lash if required.

(*3*) Adjust injector timing.

(*4*) Adjust governor.

(*5*) Clean and service injector tips.

(*6*) Adjust drive belt tension on engine accessories.

(*7*) Check engine bolt torque and tighten as required.

(B) Injectors may be changed if a persistent misfire is detected.

(C) Normal vehicle lubrication services (engine and transmission oil change and oil filter, fuel filter, and air filter servicing) will be allowed at manufacturer's recommended intervals.

(D) Readjustment of the engine idle settings may be performed only if there is a problem of stalling at stops.

(E) Engine idle speed may be adjusted at the 5,000 mile test point.

(F) Any other engine, emission control system, or fuel system adjustment, repair, removal, disassembly, cleaning, or replacement on durability vehicles shall be performed only with the advance approval of the Administrator.

(ii) Where the Administrator agrees under § 86.077-26 to a mileage accumulation of less than 50,000 miles for durability testing, he may modify the requirement of this paragraph.

(3) (i) Adjustment of engine idle speed on emission data vehicles may be performed once before the 6436 kilometer (4000 mile) test point. Any other engine, emission control system, or fuel system adjustment, repair, removal, disassembly, cleaning, or replacement on emission data vehicles shall be performed only with the advance approval of the Administrator.

(ii) Maintenance on emission data vehicles selected under § 86.077-24(b)(1)(v) and permitted to be tested for purposes of § 86.077-23(b)(1)(ii) under the provisions of § 86.077-24(b)(1)(vi) may be performed in conjunction with emission control system modification at the 6436 kilometer (4000 mile) test point, and shall be performed in accordance with the maintenance instructions to be provided to the ultimate purchaser required under § 86.077-38.

(iii) Maintenance on those emission data vehicles selected under § 86.077-24(b)(1)(v) which are not capable of being modified in the field for the purpose of complying with emission standards at an altitude other than intended by the original design may be performed in conjunction with the emission control system modifications at the 6436 kilometer (4000 mile) test point, and shall be approved in advance by the Administrator.

(4) Repair to vehicle components of the durability or emission data vehicle, other than the engine, emission control system, or fuel system, shall be performed only as a result of part failure or vehicle system malfunction or with the advance approval of the Administrator.

(5) Complete emission tests (see §§ 86.177-5 through 86.177-23) shall be run, unless waived by the Administrator, before and after any vehicle maintenance which may be reasonably be expected to affect emissions. These test data shall be supplied to the Administrator immediately after the tests, along with a complete record of all pertinent maintenance, including an engineering report of any malfunction diagnosis and the corrective action taken. In addition, all test data and maintenance reports shall be compiled and provided to the Administrator in accordance with § 86.-077-23.

(6) If the Administrator determines that component failure or repairs performed have resulted in a substantial change to the engine-system combination, the vehicle shall not be used as a durability or emission data vehicle.

(7) The use of instruments, tools, or emission tests to identify malfunctioning, maladjusted, or defective engine components is not allowed unless specifically authorized by the Administrator.

(c) (1) *Gasoline-fueled heavy duty engines.* Paragraph (c) of this section applies to gasoline-fueled heavy duty engines.

(2) (i) Scheduled maintenance may be performed on durability engines only under the following provisions:

(A) Major engine tuneups to manufacturer's specifications may be performed no more frequently than every 375 hours of scheduled dynamometer operation, provided no tuneups are performed after 1375 hours of scheduled dynamometer operation. The maintenance to be performed on the durability engines shall be requested in the application for certification and shall be specified at the same intervals in the maintenance instructions which will be furnished to the ultimate purchaser of the vehicle in which the engine, which is represented by the test engine, is installed. (For equivalent dynamometer hours engine hours, and mileage intervals, see § 86.077-2.) A scheduled major engine tuneup shall be restricted to paragraphs (c) (2) (i) (A) (*1*) through (*12*) of this section and shall be conducted in a manner consistent with service instructions and specifications provided by the manufacturer for use by the customer service personnel. The following items may be inspected, replaced, cleaned, adjusted, and/or serviced as required:

(*1*) Ignition system.

(*2*) Cold starting enrichment system (includes fast idle speed setting).

(*3*) Curb idle speed and air/fuel mixture.

(*4*) Drive belt tension on engine accessories.

(*5*) Valve lash.

(*6*) Inlet air and exhaust gas control valves.

(*7*) Engine bolt torque.

(*8*) Spark plugs.

(*9*) Fuel filter and air filter.

(*10*) Crankcase emission control system.

(*11*) Fuel evaporative emission control system.

(*12*) Exhaust gas recirculation system.

(B) Change of engine oil, and change or service of oil filter will be allowed at the equivalent intervals that will be specified in the manufacturer's maintenance instructions.

(C) Readjustment of the engine idle speed (curb idle and fast idle) may be performed, in addition to during scheduled major engine tuneups, once during the first 125-hours of engine operation.

(ii) Unscheduled maintenance may be performed on durability engines, except as provided in paragraph (c) (v) (A) of this section, only under the following provisions:

(A) Any persistently misfiring spark plug may be replaced, in addition to replacement at scheduled major engine tuneup points.

(B) Readjustment of the engine cold starting enrichment system may be performed if there is a problem of stalling or if there is visible black smoke.

(C) Readjustment of the engine idle speed (curb idle and fast idle) may be performed, in addition to that performed as scheduled maintenance under paragraph (c) (2) (i) of this section, if the idle speed exceeds the manufacturer's recommended idle speed by 300 r.p.m. or more, if there is a problem of stalling.

(D) The idle mixture may be reset, other than during scheduled major engine tuneups, only with the advance approval of the Administrator.

(iii)—(iv) [Reserved]

(v) Any other engine, emission control system, or fuel system adjustment, repair, removal, disassembly, cleaning or replacement on durability engines shall be performed only with the advance approval of the Administrator.

(A) In the case of unscheduled maintenance such approval will be given if the Administrator:

(*1*) Has made a preliminary determination that part failure or system malfunction, or the repair of such failure or malfunction, does not render the engine unrepresentative of engines in use, and does not require direct access to the combustion chamber, except for spark plug, fuel injection component, or removable prechamber removal or replacement; and

(*2*) Has made a determination that the need for maintenance or repairs is indicated by an overt indication of malfunction such as persistent misfire, engine stall, overheating, fluid leakage, loss of oil pressure, excessive fuel consumption or excessive power loss.

(B) Emission measurements may not be used as a means of determining the need for unscheduled maintenance under paragraph (c) (2) (v) (A) (*1*).

(C) Requests for authorization of scheduled maintenance of emission control-related components not specifically authorized to be maintenanced by these regulations must be made prior to the beginning of durability testing. The Administrator will approve the performance of such maintenance if the manufacturer makes a satisfactory showing that the maintenance will be performed on engines in use.

(vi) If the Administrator determines that part failure or system malfunction occurrence and/or repair rendered the engine unrepresentative of engines in use, the engine shall not be used as a durability engine.

(3) (i) Scheduled maintenance on emission data engines is limited to the adjustment of idle speed once before the 125-hour test point, provided the idle speed is outside the manufacturer's specifications to be shown on the engine label (see § 86.077-35(a) (2) (iii)).

(ii) Any other engine, emission control system, or fuel system adjustment, repair, removal, disassembly, cleaning, or replacement shall be performed only with the advance approval of the Administrator.

(4) [Reserved]

(5) (i) Complete emission tests (see §§ 86.777-5 through 86.777-15) are required unless waived by the Administrator, before and after:

(A) Scheduled maintenance approved for durability engines.

(B) Unscheduled maintenance which may reasonably be expected to affect emissions.

(ii) The tests before and after scheduled maintenance, which are performed on durability engines prior to 117 hours, are waived. The test before scheduled maintenance, which is performed on durability engines after 117 hours and prior to 133 hours, is waived. The after-maintenance test must be run and the results used in the deterioration factor calculation in accordance with § 86.077-28(b) (4) (i) (A) (2).

(iii) The idle speed reset and any scheduled maintenance on the emission data engine shall be performed prior to the 125-hour test. The before maintenance and after-maintenance tests associated with idle speed reset and scheduled maintenance on the emission data engine are waived.

(iv) Test data required by this paragraph shall be air posted to the Administrator within 72 hours (or delivered within five working days), along with a complete record of all pertinent maintenance.

(v) When unscheduled maintenance is approved, a preliminary engineering report, unless waived by the Administrator, shall be supplied within three working days. A final engineering report shall be delivered within ten working days after the completion of the emission tests. The Administrator may approve an extension of the time requirements for the final engineering report.

(vi) All test data, maintenance reports, and required engineering reports shall be compiled and provided to the Administrator in accordance with § 86.077-23.

(6) The Administrator shall be given the opportunity to verify the existence of an overt indication of part failure and/or engine malfunction (e.g., misfire, stall).

(7) Equipment, instruments, or tools may not be used to identify malfunctioning, maladjusted, or defective engine components unless the same or equivalent equipment, instruments, or tools will be available to dealerships and other service outlets, and

(i) Are used in conjunction with scheduled maintenance on such components;

(ii) Are used subsequent to the identification of an engine failure or malfunction, as provided in paragraph (c) (2) (v) (A) of this section for durability engines or paragraph (c) (3) of this section for emission data engines; or

(iii) Unless specifically authorized by the Administrator.

(d) (1) *Diesel heavy duty engines.* Paragraph (d) of this section applies to Diesel heavy duty engines.

(2) (i) Scheduled maintenance may be performed on durability engines only under the following provisions:

(A) One major engine servicing manufacturer's specifications may be performed prior to 875 hours (±8 hours) of scheduled dynamometer operation provided such maintenance is requested in the application for certification and is

specified in the maintenance instructions which will be furnished to the ultimate purchaser of the motor vehicle in which the engine, which is represented by the test engine, is installed. (For equivalent dynamometer hours, engine hours, and mileage intervals, see § 86.077-2.) A scheduled major servicing shall be restricted to paragraphs (d) (1) through (7) of this section and shall be conducted in a manner consistent with service instructions and specifications provided by the manufacturer for use by customer service personnel. The following items may be inspected, replaced, cleaned, adjusted, and/or serviced as required:

(*1*) Low idle speed.
(*2*) Drive belt tension.
(*3*) Engine bolt torque.
(*4*) Valve lash.
(*5*) Injection timing.
(*6*) Injector assemblies.
(*7*) Governor settings.

(B) Normal engine servicing such as engine oil change, and oil filter, fuel filter, and air filter cleaning or replacement will be allowed at manufacturer's recommended intervals. If approved in advance by the Administrator, the maintenance for these items may differ from that specified in the manufacturer's maintenance instructions.

(C) Readjustment of the engine low idle speed may be performed once during the first 125-hours of engine operation.

(ii) Unscheduled maintenance may be performed on durability engines, except as provided in paragraph (d) (2) (v) (A) of this section, only under the following provisions:

(A) Injectors may be changed if a persistent misfire is detected.

(B) Readjustment of the engine idle speed (curb idle and fast idle) may be performed, in addition to that performed as scheduled maintenance under paragraph (d) (2) (i) of this section, if the idle speed exceeds the manufacturer's recommended idle speed by 300 r.p.m. or more, or if there is a problem of stalling.

(iii)-(iv) [Reserved]

(v) Any other engine, emission control system, or fuel system adjustment, repair, removal, disassembly, cleaning, or replacement on durability engines shall be performed only with the advance approval of the Administrator.

(A) In the case of unscheduled maintenance such approval will be given if the Administrator:

(*1*) Has made a preliminary determination that part failure of system malfunction, or the repair of such failure or malfunction, does not render the engine unrepresentative of engines in use, and does not require direct access to the combustion chamber, except for fuel injection component, or removable prechamber removal or replacement; and

(*2*) Has made a determination that the need for maintenance or repairs is indicated by an overt indication of malfunction such as persistent misfire, engine stall, overheating, fluid leakage, loss of oil pressure, excessive fuel consumption or excessive power loss.

(B) Emission measurements may not be used as a means of determining the need for unscheduled maintenance under paragraph (d) (2) (v) (A) (*1*).

(C) Requests for authorization of scheduled maintenance of emission control related components not specifically authorized to be maintained by these regulations must be made prior to the beginning of durability testing. The Administrator will approve the performance of such maintenance if the manufacturer makes a satisfactory showing that the maintenance will be performed on engines in use.

(vi) If the Administrator determines that part failure or system malfunction occurrence and/or repair rendered the engine unrepresentative of engines in use, the engine shall not be used as a durability engine.

(3) (i) Scheduled maintenance on emission data engines is limited to the adjustment of idle speed once before the 125-hour test point, provided the idle speed is outside the manufacturer's specifications required to be shown on the engine label (see § 86.077-35(a) (3) (iii)).

(ii) Any other engine, emission control system, or fuel system, adjustment, repair, removal, disassembly, cleaning, servicing, or replacement shall be performed only with the advance approval of the Administrator.

(4) [Reserved]

(5) (i) Complete emission tests (see §§ 86.877-5 through 86.877-14 and §§ 86.977-5 through 86.877-15) are required, unless waived by the Administrator, before and after:

(A) Scheduled maintenance approved for durability engines.

(B) Unscheduled maintenance which may reasonably be expected to affect emissions.

(ii) The tests before and after scheduled maintenance, which are performed on durability engines prior to 117 hours, are waived. The test before scheduled maintenance, which is performed on durability engines after 117 hours and prior to 133 hours, is waived. The after-maintenance test must be run and the results used in the deterioration factor calculation in accordance with § 86.077-28(c) (4) (i) (B) or (C).

(iii) The idle speed reset and any scheduled maintenance on the emission-data engine shall be performed prior to the 125-hour test. The before-maintenance and after-maintenance tests associated with idle speed reset and scheduled maintenance on the emission-data engine are waived.

(iv) Test data required by this paragraph shall be air posted to the Administrator within 72 hours of test completion (or delivered within 5 working days), along with a complete record of all pertinent maintenance.

(v) When unscheduled maintenance is approved, a preliminary engineering report, unless waived by the Administrator, shall be air posted within 24 hours (or delivered within 5 working days). A final engineering report shall be delivered or air posted within ten working days after the completion of the emission tests. The Administrator may approve an extension of the time requirements for the final engineering report.

(vi) All test data, maintenance reports, and required engineering reports shall be compiled and provided to the Administrator in accordance with § 86.077-23.

(6) The Administrator shall be given the opportunity to verify the existence of an overt indication of part failure and/or engine malfunction (e.g., misfire, stall).

(7) Equipment, instruments, or tools may not be used to identify malfunctioning, maladjusted, or defective engine components unless the same or equivalent equipment, instruments, or tools will be available to dealerships and other service outlets and

(i) Are used in conjunction with scheduled maintenance on such components;

(ii) Are used subsequent to the identification of an engine failure or malfunction, as provided in paragraph (d) (2) (v) (A) of this section for durability engines or paragraph (d) (3) of this section for emission data engines; or

(iii) Unless specifically authorized by the Administrator.

§ 86.077-26 **Mileage and service accumulation; emission measurements.**

(a) (1) Paragraph (a) of this section applies to light duty vehicles and light duty trucks.

(2) The procedure for mileage accumulation will be the Durability Driving Schedule as specified in Appendix IV of this part. A modified procedure may also be used if approved in advance by the Administrator. Except with the advance approval of the Administrator, all vehicles will accumulate mileage at a measured curb weight which is within 100 pounds of the estimated curb weight. If the loaded vehicle weight is within 100 pounds of being included in the next higher inertia weight class as specified in § 86.177-11(d), the manufacturer may elect to conduct the respective emission tests at the inertia weight corresponding to the higher loaded vehicle weight.

(3) Emission data vehicles.

(i) *Gasoline-fueled.* (A) Each gasoline-fueled emission data vehicle shall be driven 6436 kilometers (4000 miles) with all emission control systems installed and operating. Complete exhaust emission and fuel evaporative emission tests (see § 86.177-5(a)) shall be conducted at zero kilometers (zero miles) and 6436 kilometers (4000 miles) unless the Administrator determines, based on data submitted under § 86.077-24(f) that only the exhaust emission test (see § 86.177-5(b)) shall be conducted at zero kilometers (zero miles) and 6436 kilometers (4000 miles).

(B) The emission data vehicle(s) selected for testing under § 86.077-24(b) (1) (v) shall be driven 6436 kilometers (4000 miles) at any altitude. Emission tests shall be conducted at zero kilometers (zero miles) at any altitude and 6436 kilometers (4000 miles) under high altitude conditions.

(C) The emission data vehicle(s) selected for testing under § 86.077-24(b) (1) (v) and permitted to be tested for purposes of § 86.077-23(b) (1) (ii) under the provisions of § 86.077-24(b) (1) (vi)

shall be driven 6436 kilometers (4000 miles) at low altitude. Emission tests shall be conducted at zero kilometers (zero miles) at low altitude and 6436 kilometers (4000 miles) under both low and high altitude conditions. For the purposes of this subparagraph, low altitude means any elevation less than 549 meters (1800 feet).

(ii) *Diesel*. (A) Each Diesel emission data vehicle shall be driven 6436 kilometers (4000 miles) with all emission control systems installed and operating. Emission tests shall be conducted at zero kilometers (zero miles) and 6436 kilometers (4000 miles).

(B) The emission data vehicle(s) selected for testing under § 86.077-24(b)(1)(v) shall be driven 6436 kilometers (4000 miles) at any altitude. Emission tests shall be conducted at zero kilometers (zero miles) at any altitude and 6436 kilometers (4000 miles) under high altitude conditions.

(C) The emission data vehicle(s) selected for testing under § 86.077-24(b)(1)(v) and permitted to be tested for purposes of § 86.077-23(b)(1)(ii) under the provisions of § 86.077-24(b)(1)(vi) shall be driven 6436 kilometers (4000 miles) at low altitude. Emission tests shall be conducted at zero kilometers (zero miles) at low altitude and 6436 kilometers (4000 miles) under both low and high altitude conditions. For the purpose of this subparagraph low altitude means any elevation less than 549 meters (1800 feet).

(4) Durability data vehicles.

(i) *Gasoline-fueled*. Each gasoline-fueled durability data vehicle shall be driven, with all emission control systems installed and operating for 50,000 miles or such lesser distance as the Administrator may agree to as meeting the objective of this procedure. Complete exhaust emission and fuel evaporative emission tests (see § 86.177-5(a)) shall be made at the following mileage points: 0, 5,000, 10,000, 15,000, 20,000, 25,000, 30,000, 35,000, 40,000, 45,000 and 50,000, unless the Administrator determines based on data submitted under § 86.077-24(f) that only the exhaust emission tests (see § 86.177-5(b)) shall be made at the mileage points specified in this paragraph.

(ii) *Diesel fueled*. Each Diesel durability vehicle shall be driven, with all emission control systems installed and operating, for 50,000 miles or such lesser distance as the Administrator may agree to as meeting the objectives of this procedure. Complete emission tests (see §§ 86.177-6 through 86.177-23) shall be made at the following mileage points: 0, 5,000, 10,000, 15,000, 20,000, 25,000, 30,000, 35,000, 40,000, 45,000, and 50,000.

(5) All tests required by this subpart to be conducted after every 5,000 miles of driving of durability data vehicles and 4,000 miles for emission data vehicles must be conducted at any accumulated mileage within 250 miles of each of those test points.

(6)(i) The results of each emission test shall be supplied to the Administrator immediately after the test. The manufacturer shall furnish to the Administrator explanation for voiding any test. The Administrator will determine if voiding the test was appropriate based upon the explanation given by the manufacturer for the voided test. If a manufacturer conducts multiple tests at any test point at which the data are intended to be used in the calculation of the deterioration factor, the number of tests must be the same at each point and may not exceed three valid tests. Tests between test points may be conducted as required by the Administrator. Data from all tests (including voided tests) shall be air posted to the Administrator within 24 hours (or delivered within three working days). In addition, all test data shall be compiled and provided to the Administrator in accordance with § 86.077-23. Where the Administrator conducts a test on durability vehicle at a prescribed test point, the results of that test will be used in the calculation of the deterioration factor.

(ii) The results of all emission tests shall be rounded, using the "Rounding Off Method" specified in ASTM E 29-67, to the number of places to the right of the decimal point indicated by expressing the applicable standard in § 86.077-8 or § 86.077-9 to three significant figures.

(7) Whenever the manufacturer proposes to operate and test a vehicle which may be used for emission or durability data, he shall provide the zero mile test data to the Administrator and make the vehicle available for such testing under § 86.077-29 as the Administrator may require before beginning to accumulate mileage on the vehicle. Failure to comply with this requirement will invalidate all test data submitted for this vehicle.

(8) Once a manufacturer begins to operate an emission data or durability data vehicle, as indicated by compliance with paragraph (a)(7) of this section, he shall continue to run the vehicle to 4,000 miles or 50,000 miles, respectively, and the data from the vehicle will be used in the calculations under § 86.077-28. Discontinuation of a vehicle shall be allowed only with the written consent of the Administrator.

(9)(i) The Administrator may elect to operate and test any test vehicle during all or any part of the mileage accumulation and testing procedure. In such cases, the manufacturer shall provide the vehicle(s) to the Administrator with all information necessary to conduct this testing.

(ii) The test procedures in §§ 86.177-5 through 86.177-23 will be followed by the Administrator. The Administrator will test the vehicles at each test point. Maintenance may be performed by the manufacturer under such conditions as the Administrator may prescribe.

(iii) The data developed by the Administrator for the engine-system combination shall be combined with any applicable data supplied by the manufacturer on other vehicles of that combination to determine the applicable deterioration factors for the combination. In the case of a significant discrepancy between data developed by the Administrator and that submitted by the manufacturer, the Administrator's data shall be used in the determination of deterioration factors.

(10) Emission testing of any type with respect to any certification vehicle other than that specified in this part is not allowed except as such testing may be specifically authorized by the Administrator.

(b)(1) Paragraph (b) of this section applies to gasoline-fueled heavy duty engines.

(2) The engine dynamometer service accumulation schedule will consist of several operating conditions which give the same percentage of time at various manifolds vacuums and modes as specified in the emission test cycle. The average speed shall be between 1,650 and 1,700 r.p.m. Subject to the requirements as to average speed, there must be operation at speeds in excess of 3,200 r.p.m. (but not in excess of governed speed for governed engines or rated speed for non-governed engines) for a cumulative maximum of 0.5 percent of the actual cycle time, excluding time in transient conditions. Maximum cycle time shall be 15 minutes. A cycle approved in advance by the Administrator shall be used.

(3) Emission data engines: Each emission data engine shall be operated for 125 hours with all emission control systems installed and operating. Emission tests shall be conducted at zero and 125 hours. Evaporative emission controls need not be connected provided normal operating conditions are maintained the engine induction system.

(4) Durability data engines: Each durability data engine shall be operated, with all emission control systems installed and operating, for 1,500 hours. Emission measurement, as prescribed, shall be made at zero hours and at each 125-hour interval. Evaporative emission control need not be connected provided normal operating conditions are maintained in the induction systems.

(5) All tests required by this subpart to be conducted after 125 hours of operation or at any multiple of 125 hours may be conducted at any accumulated number of hours within 8 hours of 125 hours or the appropriate multiple of 125 hours, respectively.

(6)(i) The results of each emission test shall be supplied to the Administrator within 72 hours (or delivered within five working days). The manufacturer shall furnish to the Administrator an explanation for voiding any test. The Administrator will determine if voiding the test was appropriate based upon the explanation given by the manufacturer for the voided test. If a manufacturer conducts multiple tests at any test point at which the data are intended to be used in the calculation of the deterioration factor, the number of tests must be the same at each point and may not exceed three valid tests. Tests between test points may be conducted as required by the Administrator. Data from all tests (including voided tests) shall be air posted to the Administrator within 72 hours (or delivered within five working days). In addition, all test data shall be

compiled and provided to the Administrator in accordance with § 86.077-23. Where the Administrator conducts a test on a durability engine at a prescribed test point, the results of that test will be used in the calculation of the deterioration factor.

(ii) The results of all emission tests shall be recorded and reported to the Administrator using two places to the right of the decimal point. These numbers shall be rounded in accordance with the "Rounding Off Method" specified in ASTM E 29-67.

(7) Whenever the manufacturer proposes to operate and test an engine which may be used for emission or durability data, he shall provide the zero-hour test data to the Administrator and make the engine available for such testing under § 86.077-29 as the Administrator may require, before beginning to accumulate hours on the engine. Failure to comply with this requirement will invalidate all test data later submitted for this engine.

(8) Once a manufacturer begins to operate an emission data durability data engine, as indicated by compliance with paragraph (b)(7) of this section, he shall continue to run the engine to 125 hours or 1,500 hours, respectively, and the data from the engine will be used in the calculations under § 86.777-15. Discontinuation of an engine shall be allowed only with the prior written consent of the Administrator.

(9)(i) The Administrator may elect to operate and test any test engine during all or any part of the service accumulation and testing procedure. In such cases the manufacturer shall provide the engine(s) to the Administrator with all information necessary to conduct the testing.

(ii) The test procedures (§§ 86.777-5 through 86.777-15) will be followed by the Administrator. The Administrator will test the engines at each test point. Maintenance may be performed by the manufacturer under such conditions as the Administrator may prescribe.

(iii) The data developed by the Administrator for the engine-system combination shall be combined with any applicable data supplied by the manufacturer on other engines of that combination to determine the applicable deterioration factors for the combination. In the case of a significant discrepancy between data developed by the Administrator and that submitted by the manufacturer, the Administrator's data shall be used in the determination of deterioration factors.

(10) Emission testing of any type with respect to any certification engine other than that specified in this subpart is not allowed except as such testing may be specifically authorized by the Administrator.

(c)(1) Paragraph (c) of this section applies to Diesel heavy duty engines.

(2) The procedures set forth in this section describe the service accumulation that shall be accomplished on each test engine and when tests are to be conducted.

(3)(i) Emission data engines: Each engine shall be operated with all emission control systems installed and operating on a dynamometer for 125 hours. haust emission tests shall be conducted at zero and 125 hours of operation.

(ii) Durability data engines: Each engine shall be operated on a dynamometer for 1,000 hours. Exhaust emission measurements, as prescribed, shall be made at zero-hours and at each 125-hour interval.

(4) A break-in procedure, not to exceed 20 hours, may be run if approved in writing in advance by the Administrator. This procedure would run after the zero-hour test, and the hours accumulated would not be counted as part of the service accumulation.

(5) Before service accumulation can begin, the following criteria must be met. Failure to comply with these requirements shall invalidate all test data submitted for an engine.

(i) Each engine shall produce at least 95 percent of the maximum horsepower, corrected to rating conditions, at 95 to 100 percent of the rated speed.

(ii) The fuel rate at maximum horsepower shall be within manufacturer's specifications.

(iii) The zero-hour test data shall be provided to the Administrator and the engine shall be made available for such testing under § 86.077-29 as the Administrator may require.

(6) During service accumulation, hours can be credited toward the required service accumulation hours when the following criteria are met. If these criteria cannot be met, engine operation shall be discontinued and the Administrator shall be notified immediately. (Adjustments to the fuel rate can be approved under the provisions of § 86.077-25).

(i) Each engine shall produce at least 95 percent of the maximum horsepower, at 95 to 100 percent of the rated speed, observed during zero-hour testing. Horsepower values shall be corrected to the rating conditions.

(ii) The engine shall be operated at 75 percent of the inlet and exhaust restrictions specified in § 86.877-8 except that the tolerance will be ±3 inches of water and ±0.5 inches of Hg respectively.

(7) During each emission test the inlet and exhaust restrictions shall be specified in § 86.877-8.

(8) Tests, other than zero hour tests, may be conducted within eight (8) hours of the nominal test point.

(9)(i) The results of each emission test shall be air posted to the Administrator within 72 hours of test completion (or delivered within five working days). The manufacturer shall furnish to the Administrator an explanation for voiding any test. The Administrator will determine if voiding the test was appropriate based upon the explanation given by the manufacturer for the voided test. If a manufacturer conducts multiple tests (not to exceed three valid tests) at any test point, the number of tests must be the same at each point. The data obtained from all valid tests shall be used in the calculation of the deterioration factor. Tests between test points may be conducted as required by the Administrator. Data from all tests (including voided tests) shall be air posted to the Administrator within 72 hours (or delivered within five working days). In addition, all test data shall be compiled and provided to the Administrator in accordance with § 86.077-23. Where the Administrator conducts a test on a durability engine at a prescribed test point, the results of that test will be used in the calculation of the deterioration factor.

(ii) The results of all emission tests shall be recorded and reported to the Administrator using two places to the right of the decimal point. These numbers shall be rounded in accordance with the "Rounding Off Method" specified in ASTM E 29-67.

(10) Once a manufacturer begins to operate an emission data or durability data engine, as indicated by compliance with paragraph (c) of this section, he shall continue to run the engine to 125 hours or 1,000 hours respectively, and the data from the engine shall be used in the calculations under §§ 86.877-14 and 86.977-15. Discontinuation of an engine shall be allowed only with the prior written consent of the Administrator.

(11)(i) The Administrator may elect to operate and test any test engine during all or any part of the service accumulation and testing procedure. In such cases, the manufacturer shall provide the engine(s) to the Administrator with all information necessary to conduct the testing.

(ii) The test procedures (§§ 86.877-5 through 86.877-14 and §§ 86.977-5 through 86.977-15) will be followed by the Administrator. The Administrator will test the engines at each test point. Maintenance may be performed by the manufacturer under such conditions as the Administrator may prescribe.

(iii) The data developed by the Administrator for the engine-system combination shall be combined with any applicable data supplied by the manufacturer on other engines of that combination to determine the applicable deterioration factors for the combination. In the case of a significant discrepancy between data developed by the Administrator and that submitted by the manufacturer, the Administrator's data shall be used in the determination of deterioration factors.

(12) Emission testing of any type with respect to any certification engine other than that specified in this part is not allowed except as such testing may be specifically authorized by the Administrator.

§ 86.077-27 **Special test procedures.**

(a) For light duty vehicles, light duty trucks and gasoline-fueled heavy duty engines, the Administrator may, on the basis of a written application therefore by a manufacturer, prescribe test procedures, other than those set forth in this part, for any motor vehicle (or motor vehicle engine) which he determines is

not susceptible to satisfactory testing by the procedures set forth herein or in subparts B, H, I, and J.

(b) For Diesel heavy duty engines, the Administrator may prescribe test procedures, other than those set forth in this part, for any motor vehicle engine which he determines is not susceptible to satisfactory testing by the procedures set forth herein or in subparts I and J.

§ 86.077-28 Compliance with emission standards.

(a)(1) Paragraph (a) of this section applies to light duty vehicles and light duty trucks.

(2) The applicable exhaust and fuel evaporative emission standards in § 86.077-8 and § 86.077-9 apply to the emissions of vehicles for their useful life.

(3) Since it is expected that emission control efficiency will change with mileage accumulation on the vehicle, the emission level of a vehicle which has accumulated 50,000 miles will be used as the basis for determining compliance with the standards.

(4) The procedure for determining compliance of a new motor vehicle with exhaust and fuel evaporative emission standards, as applicable, is as follows:

(i) Separate emission deterioration factors shall be determined from the emission results of the durability data vehicle(s) for each engine-system combination. A separate factor shall be established for exhaust HC, exhaust CO, exhaust NOx, and fuel evaporative HC, as applicable.

(A) The applicable results to be used in determining the deterioration factors for each combination shall be:

(*1*) All valid emission data from the tests required under § 86.077-26(a)(4), except the zero mile tests. This shall include the official test results, as determined in § 86.077-29 for all tests conducted on all durability data vehicles of the combination selected under § 86.077-24(c) (including all vehicles elected be operated by the manufacturer under § 86.077-24(c)(1)(ii)).

(*2*) All emission data from the tests conducted before and after the scheduled maintenance provided in § 86.077-25(a).

(*3*) All emission data from tests required by maintenance approved under § 86.077-25, in those cases where the Administrator conditioned his approval for the performance of such maintenance on the inclusion of such data in the deterioration factor calculation.

(B) All applicable results shall be plotted as a function of the mileage on the system, rounded to the nearest mile, and the best fit straight lines, fitted by the method of least squares, shall be drawn through all these data points. The interpolated 4,000- and 50,000-mile points on this line must be within the standards provided in §§ 86.077-8 or 86.077-9, as applicable, or the data will not be acceptable for use in calculation of a deterioration factor, unless no applicable data point exceeded the standard.

(C) An exhaust emission deterioration factor shall be calculated for each combination as follows:

Factor=exhaust emissions interpolated to 50,000 miles/exhaust emissions interpolated to 4,000 miles.

These interpolated values shall be carried out to a minimum of four places to the right of the decimal point before dividing one by the other to determine the deterioration factor. The results shall be rounded to three places to the right of the decimal point in accordance with ASTM E 29-67.

(D) For gasoline-fueled vehicles, an evaporative emission deterioration factor shall be calculated for each combination by subtracting the evaporative emissions interpolated to 4,000 miles from the evaporative emissions interpolated to 50,000 miles. These interpolated values shall be carried out, in accordance with ASTM E 29-67, to a minimum of three decimal places to the right of the decimal point before subtracting one from the other to determine the deterioration factor.

(ii)(A) The exhaust emission test results for each emission data vehicle shall be multiplied by the appropriate deterioration factor, provided, that if a deterioration factor as computed in paragraph (a)(4)(i)(C) of this section is less than one, that deterioration factor shall be one for the purposes of this paragraph.

(B) The evaporative emission test results for each combination shall be adjusted by addition of the appropriate deterioration factor, provided, that if a deterioration factor as computed in paragraph (a)(4)(i)(D) of this section is less than zero, that deterioration factor shall be zero for the purposes of this paragraph.

(iii) The emissions to compare with the standard shall be the adjusted emissions of paragraphs (a)(4)(ii)(A) and (B) of this section for each emission data vehicle. Before any emission value is compared with the standard, it shall be rounded, in accordance with ASTM E 29-67, to two significant figures. The rounded emission values may not exceed the standard.

(iv) Every test vehicle of an engine family must comply with all applicable standards, as determined in paragraph (a)(4)(iii) of this section, before any vehicle in that family may be certified.

(b)(1) Paragraph (b) of this section applies to gasoline-fueled heavy duty engines.

(2) The exhaust emission standards in § 86.077-10 apply to the emissions of engines for their useful life.

(3) Since emission control efficiency decreases with the accumulation of hours on the engine, the emission level of an engine which has accumulated 1,500 hours of dynamometer operation will be used as the basis for determining compliance with the standards.

(4) The procedure for determining compliance of a new engine with exhaust emission standards is as follows:

(i) Separate emission deterioration factors shall be determined from the emission results of the durability data engines for each engine-system combination. Separate factors shall be established for CO and for the combined emissions of HC and NOx.

(A) The applicable results to be used in determining the deterioration factors for each combination shall be:

(*1*) All emission data from the test required under § 86.077-26(b)(4), except the zero-hour tests. This shall include the official test results, as determined in § 86.077-29, for all tests conducted on all durability engines of the combination selected under § 86.077-24(c)(2) (including all engines elected to be operated by the manufacturer under § 86.077-24(c)(2)(iii)).

(*2*) All emission data from the test conducted before and after maintenance provided in § 86.077-25(c)(2)(i)(A).

(*3*) All emission data from the test conducted before and after maintenance provided in § 86.077-25(c)(2)(v)(C) if emission tests were conducted.

(B) All applicable emission results for (*1*) HC+NOx and (*2*) CO shall be plotted as a function of durability hours which shall be consistently rounded to the nearest hour. Emission data shall have two figures to the right of the decimal. The best fit straight lines ((*1*) HC+NOx and (*2*) CO), fitted by the method of least squares, shall be drawn through these data points. The interpolated 125-hour and 1500-hour points on each line, rounded to whole numbers in accordance with ASTM E 29-67, must be within the standards specified in § 86.077-10 or the data shall not be used in the calculation of a deterioration factor, unless no applicable data points exceed the standards.

(C) The interpolated values shall be used to calculate a deterioration factor as follows:

Factor=Exhaust emissions interpolated to 1500-hours minus the exhaust emissions interpolated to 125 hours. (Negative deterioration factors shall be considered zero.)

(ii) The appropriate deterioration factor, carried out to two places to the right of the decimal point, shall be added to the exhaust emission test results, carried out to two places to the right of the decimal point, for each emission data engine.

(iii) The emission values to compare with the standards shall be the adjusted emission values of paragraph (b)(4)(ii) of this section rounded to whole numbers in accordance with ASTM E 29-67 for each emission data engine.

(iv) Every test engine of an engine family must comply with all applicable standards, as determined in paragraph (b)(4)(iii) of this section, before any engine in that family will be certified.

(c)(1) Paragraph (c) of this section applies to Diesel heavy duty engines.

(2) The emission standards in § 86.077-11 apply to the emissions of engines for their useful lives.

(3) Since emission control efficiency decreases with accumulation of hours on the engine, the emission level of an engine which has accumulated 1,000 hours of dynamometer operation will be used as the basis for determining compliance with the standards.

(4) The procedure for determining compliance with emission standards in heavy duty Diesel engines is as follows:

(i) Emission deterioration factors for the acceleration mode (designated as "A"), the lugging mode (designated as "B"), the peak opacity (designated as "C"), the CO exhaust emissions, and the HC+NOx exhaust emissions shall be established separately for each engine-system combination.

(A) The applicable results to be used in determining the deterioration factors for each combination shall be:

(*1*) All emission data from the tests required under § 86.077-26(c)(3)(ii), except the zero-hour tests. This shall include the official test results, as determined in § 86.077-29, for all tests conducted on all durability engines of the combination selected under § 86.077-24(c)(3)(i) (including all engines selected to be operated by the manufacturer under § 86.077-24(c)(3)(ii)).

(*2*) All emission data from the tests conducted before and after the maintenance provided in § 86.077-25(d)(2)(i)(A) if emission tests were conducted.

(*3*) All emission data from the tests conducted before and after maintenance provided in § 86.077-25(d)(2)(v)(C) if emission tests were conducted.

(B) All applicable emission results for (1) HC+NOx, (2) CO, (3) acceleration smoke ("a"), (4) lugging smoke ("b"), and (5) peak smoke ("c") shall be plotted as a function of durability hours which shall be consistently rounded to the nearest hour. Emission data shall have two figures to the right of the decimal. The best fit straight lines, fitted by the method of least squares, shall be drawn through these data points. The interpolated 125- and 1000-hour points on each line, rounded to whole numbers in accordance with ASTM E 29-67, must be within the standards specified in § 86.077-11 or the data shall not be used in the calculation of the deterioration factor, unless no applicable data points exceeded the standards.

(C) The interpolated values shall be used to calculate a deterioration factor as follows:

Factor-Exhaust emissions (both smoke and gaseous) interpolated to 1000 hours minus the exhaust emissions interpolated to 125 hours. (Negative deterioration factors shall be considered zero).

(ii) The appropriate deterioration factor, carried out to the two places to the right of the decimal point, shall be added to the exhaust emission test results, carried out to the two places to the right of the decimal point, for each emission data engine.

(iii) The emission values to compare with the standards shall be the adjusted emission values of paragraph (c)(4)(ii) of this section rounded to whole numbers in accordance with ASTM E 29-67 for each emission data engine.

(iv) Every test engine of an engine family must comply with all applicable standards, as determined in paragraph (c)(4)(iii) of this section, before any engine in that family will be certified.

§ 86.077-29 Testing by the Administrator.

(a)(1) Paragraph (a) of this section applies to light duty vehicles and light duty trucks.

(2) The Administrator may require that any one or more of the test vehicles be submitted to him, at such place or places as he may designate, for the purposes of conducting emissions tests. The Administrator may specify that he will conduct such testing at the manufacturer's facility, in which case instrumentation and equipment specified by the Administrator shall be made available by the manufacturer for test operations. Any testing conducted at a manufacturer's facility pursuant to this paragraph shall be scheduled by the manufacturer as promptly as possible.

(3)(i) Whenever the Administrator conducts a test on a test vehicle, the results of that test shall, unless subsequently invalidated by the Administrator, comprise the official data for the vehicle at the prescribed test point and the manufacturer's data for that prescribed test point shall not be used in determining compliance with emission standards.

(ii) Whenever the Administrator does not conduct a test on a test vehicle at a test point, the manufacturer's test data will be accepted as the official data for that test point, provided, that if the Administrator makes a determination based on testing under paragraph (a)(2) of this section, that there is a lack of correlation between the manufacturer's test equipment and the test equipment used by the Administrator, no manufacturer's test data will be accepted for purposes of certification until the reasons for the lack of correlation are determined and the validity of the data is established by the manufacturer, and further provided, that if the Administrator has reasonable basis to believe that any test data submitted by the manufacturer is not accurate or has been obtained in violation of any provisions of this part, the Administrator may refuse to accept that data as the official data pending retesting or submission or further information.

(iii)(A) The emission data vehicle presented to the Administrator for testing shall be calibrated within the production tolerances applicable to the manufacturer's specifications to be shown the vehicle label (see § 86.077-35(a)(1)(iii)(D)) as specified in the application for certification. If the Administrator determines that a vehicle is not within such tolerances, the vehicle shall be adjusted, at the facility designated by the Administrator, prior to the test and an engineering report shall be submitted to the Administrator describing the corrective action taken. Based on the engineering report, the Administrator will determine if the vehicle shall be used as an emission data vehicle.

(B) If the Administrator determines that the test data developed under paragraph (a)(3)(iii)(A) of this section would cause an emission data vehicle to fail due to excessive 4,000 mile emissions or by application of the appropriate deterioration factor, then the following procedure shall be observed:

(*1*) The manufacturer may request a retest. Before the retest, the vehicle may be readjusted to manufacturer's specifications, if these adjustments were made incorrectly prior to the first test, and other maintenance or repairs may be performed in accordance with § 85.077-25. All work on the vehicle shall be done at such location and under such conditions as the Administrator may prescribe.

(*2*) The vehicle will be retested by the Administrator and the results of this test shall comprise the official data for the emission data vehicle.

(iv) If sufficient durability data are not available, at the time of any emission test conducted under paragraph (a)(2) of this section, to enable the Administrator to determine whether an emission data vehicle would fail, the manufacturer may request a retest in accordance with the provisions of paragraphs (a)(3)(iii)(A) and (B) of this section. If the manufacturer does not promptly make such request, he shall be deemed to have waived the right to a retest. A request for retest must be made before the manufacturer removes the vehicle from the test premises.

(b)(1) Paragraph (b) of this section applies to heavy duty engines.

(2) The Administrator may require that any one or more of the test engines be submitted to him, at such place or places as he may designate, for the purpose of conducting emissions tests. The Administrator may specify that he will conduct such testing at the manufacturer's facility, in which case instrumentation and equipment specified by the Administrator shall be made available by the manufacturer for test operations. Any testing conducted at a manufacturer's facility pursuant to this paragraph shall be scheduled by the manufacturer as promptly as possible.

(3)(i) Whenever the Administrator conducts a test on a test engine the results of that test, unless subsequently invalidated by the Administrator, shall comprise the official data for the engine at that prescribed test point and the manufacturer's data for that prescribed test point shall not be used in determining compliance with emission standards.

(ii) Whenever the Administrator does not conduct a test on a test engine at a test point, the manufacturer's test data will be accepted as the official data for that test point, provided, that if the Administrator makes a determination based on testing under paragraph (b)(2) of this section, that there is a lack of correlation between the manufacturer's test equipment and the test equipment used by the Administrator, no manufacturer's test data will be accepted for purposes of certification until the reasons for the lack of correlation are determined and the validity of the data is established by the manufacturer, and further provided, that if the Administrator has reasonable basis to believe that any test data submitted by the manufacturer is not accurate or has been obtained in violation of any provision of this part, the Administrator may refuse to accept that data as the official data pending retesting or submission of further information.

(iii)(A) The emission data engine presented to the Administrator for testing shall be calibrated within the production tolerances applicable to the manufacturer's specifications to be shown on the

engine label (see § 86.077-35(a)(2)(iii)) as specified in the application for certification. If the Administrator determines that an engine is not within such tolerances, the engine shall be adjusted at the facility designated by the Administrator prior to the test and an engineering report shall be submitted to the Administrator describing the corrective action taken. Based on the engineering report the Administrator will determine if the engine shall be used as an emission data engine.

(B) If the Administrator determines that the test data developed under paragraph (b)(3)(iii)(A) of this section would cause the emission data engine to fail due to excessive 125-hour emission values or by the application of the appropriate deterioration factor, then the following procedure shall be observed.

(*1*) The manufacturer may request a retest. Before the retest, the engine may be readjusted to manufacturer's specifications, if these adjustments were made incorrectly prior to the first test, and other maintenance or repairs may be performed in accordance with § 86.077-25. All work on the engine shall be done at such location and under such conditions as the Administrator may prescribe.

(2) The engine will be retested by the Administrator and the results of this test shall comprise the official data for the emission data engine.

(iv) If sufficient durability data are not available at the time of any emission test conducted under paragraph (b)(2) of this section to enable the Administrator to determine whether an emission data engine would fail, the manufacturer may request a retest in accordance with the provisions of paragraphs (b)(3)(iii)(B)(*1*) and (2) of this section. If the manufacturer does not promptly make such request, he shall be deemed to have waived the right to a retest. A request for retest must be made before the manufacturer removes the engine from the test premises.

§ 86.077-30 Certification.

(a)(1) If, after a review of the test reports and data submitted by the manufacturer, data derived from any inspection carried out under § 86.077-7(c) and any other pertinent data or information, the Administrator determines that a test vehicle(s) (or test engine(s)) meets the requirements of the Act and of this subpart, he will issue a certificate of conformity with respect to such vehicle(s) (or engine(s)) except in cases covered by paragraph (c) of this section. If applicable, the certificate will state which vehicles are certified for sale at high altitude.

(2) Such certificate will be issued for such period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle (or new motor vehicle engine) covered by the certificate will meet the requirements of the Act and of this part. Each such certificate shall contain the following language:

This certificate covers only those new motor vehicles (or new motor vehicle engines) which conform, in all material respects, to the design specifications that applied to those vehicles (or engines) described in the application for certification and which are produced during the ____ model year production period of the said manufacturer, as defined in 40 CFR 86.077-2.

It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR 86.077-7(c) which concern either the vehicle (or engine) certified, or any production vehicle (or production engine) covered by this certificate, or any production vehicle (or production engine) which when completed will be claimed to be covered by this certificate. Failure to comply with all the requirements of § 86.077-7(c) with respect to any such vehicle (or engine) may lead to revocation or suspension of this certificate as specified in 40 CFR § 86.077-30(c). It is also a term of this certificate that this certificate may be revoked or suspended for the other reasons stated in § 86.077-30(c).

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

(4) A violation of section 203(a)(1) of the Clean Air Act occurs when any manufacturer sells, offers for sale, or delivers for introduction into commerce at high altitude locations any light duty vehicle or light duty truck subject to the regulations under the Act which is not covered by a certificate of conformity issued under this part, unless such manufacturer has substantial reason to believe that such motor vehicle will not be sold to an ultimate purchaser for use at a high altitude location.

(5) For the purpose of paragraph (a)(4), "high altitude location" means the intended location of registration, licensing, or titling of such motor vehicle by the ultimate purchaser, such location identified by name and altitude.

(6) For the purpose of paragraph (a)(4) of this section determination of "high altitude location" shall rest with the U.S. Geological Survey, as published in that Agency's 1:250,000 scale series of topographic maps, for the United States.

(b)(1) The Administrator will determine whether a vehicle (or engine) covered by the application complies with applicable standards by observing the following relationships:

(i) Light duty vehicles and light duty trucks.

(A) A test vehicle selected under § 86.077-24(b)(1)(ii) or (iv) shall represent all vehicles in the same engine family of the same engine displacement-exhaust emission control system-evaporative emission control system combination, as applicable, to be sold below 1219 meters (4,000 feet) in elevation.

(B) A test vehicle selected under § 86.077-24(b)(1)(iii) shall represent all vehicles in the same engine family of the same engine displacement-exhaust emission control system-transmission type-fuel system combination to be sold below 1219 meters (4,000 feet) in elevation.

(C) A test vehicle selected under § 86.077-24(c)(1)(i) shall represent all vehicles of the same engine-system combination.

(D) A test vehicle selected under § 86.077-24(b)(1)(v) shall represent all vehicles of the same engine-system combination to be sold at high altitude.

(ii) Gasoline-fueled heavy duty engines.

(A) A test engine selected under § 86.077-24(b)(2)(ii) and (iv) shall represent all engines in the same engine family of the same engine displacement-exhaust emission control system combination.

(B) A test engine selected under § 86.077-24(b)(2)(iii) shall represent all engines in the same engine family of the same engine displacement-exhaust emission control system combination.

(C) A test engine selected under § 86.077-24(c)(2)(i) shall represent all engines of the same engine-system combination.

(iii) Diesel heavy duty engines.

(A) A test engine selected under § 86.077-24(b)(3)(ii) shall represent all engines in the same engine-system combination.

(B) A test engine selected under § 86.077-24(b)(3)(iii) shall represent all engines of that emission control system at the rated fuel delivery of the test engine.

(C) A test engine selected under § 86.077-24(c)(3)(i) shall represent all engines of the same engine-system combination.

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

(3) If, after a review of the test reports and data submitted by the manufacturer, data derived from any additional testing conducted pursuant to § 86.077-29, data or information derived from any inspection carried out under § 86.077-7(c) or any other pertinent data or information, the Administrator determines that one or more test vehicles (or test engines) of the certification test fleet do not meet applicable standards, he will notify the manufacturer in writing, setting forth the basis for his determination. Within 30 days following receipt of the notification, the manufacturer may request a hearing on the Administrator's determination. The request shall be in writing, signed by an authorized representative of the manufacturer and shall include a statement specifying the manufacturer's objections to the Administrator's determination and data in support of such objections. If, after a review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 86.077-6 with respect to such issue.

(4) The manufacturer may, at his option, proceed with any of the following alternatives with respect to any engine family represented by a test vehicle(s) (or test engine(s)) determined not in compliance with applicable standards.

(i) Request a hearing under § 86.077-6; or

(ii) Delete from the application for certification the vehicles (or engines) represented by the failing test vehicle (or failing test engine). (Vehicles or engines so deleted may be included in a later request for certification under § 86.077-32.) The Administrator will then select in place of each failing vehicle (or failing engine) an alternate vehicle (or alternate engine) chosen in accordance with selection criteria employed in selecting the vehicle (or engine) that failed; or

(iii) Modify the test vehicle (or test engine) and demonstrate by testing that it meets applicable standards. Another vehicle (or engine) which is in all material respects the same as the first vehicle (or engine) as modified, shall then be operated and tested in accordance with applicable test procedures.

(5) If the manufacturer does not request a hearing or present the required data under paragraph (b)(4) of this section, the Administrator will deny certification.

(c)(1) Notwithstanding the fact that any certification vehicle(s) (or certification engine(s)) may comply with other provisions of this subpart, the Administrator may withhold or deny the issuance of a certificate of conformity (or suspend or revoke any such certificate which has been issued) with respect to any such vehicle(s) (or engine(s)) if:

(i) The manufacturer submits false or incomplete information in his application for certification thereof;

(ii) The manufacturer renders inaccurate or invalid any test data which he submits pertaining thereto or otherwise circumvents the intent of the Act or of this part with respect to such vehicle (or engine);

(iii) Any EPA Enforcement Officer is denied access on the terms specified in § 86.077-7(c) to any facility or portion thereof which contains any of the following:

(A) The vehicle (or engine);

(B) Any components used or considered for use in its modification or build up into a certification vehicle (or certification engine);

(C) Any production vehicle (or production engine) which is or will be claimed by the manufacturer to be covered by the certificate;

(D) Any step in the construction of a vehicle (or engine) described in (C) of this subdivision;

(E) Any records, documents, reports or histories required by this part to be kept concerning any of the above.

(iv) Any EPA Enforcement Officer is denied "reasonable assistance" (as defined in § 86.077-7(c)) in examining any of the items listed in paragraph (c)(1)(iii) of this section.

(2) The sanctions of withholding, denying, revoking, or suspending of a certificate may be imposed for the reasons in paragraphs (c)(1)(i), (ii), (iii), or (iv) of this section only when the infraction is substantial.

(3) In any case in which a manufacturer knowingly submits false or inaccurate information or knowingly renders inaccurate or invalid any test data or commits any other fraudulent acts and such acts contribute substantially to the Administrator's decision to issue a certificate of conformity, the Administrator may deem such certificate void ab initio.

(4) In any case in which certification of a vehicle (or engine) is proposed to be withheld, denied, revoked, or suspended under paragraph (c)(1)(iii), or (c)(1)(iv) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 86.077-7(c) in fact occurred, the manufacturer, if he wishes to contend that, even though the violation occurred, the vehicle (or engine) in question was not involved in the violation to a degree that would warrant withholding denial, revocation, or suspension of certification under either paragraph (c)(1)(iii) or (c)(1)(iv) of this section, shall have the burden of establishing that contention to the satisfaction of the Administrator.

(5) Any revocation or suspension of certification under paragraph (c)(1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 86.077-6 hereof.

(ii) Extend no further than to forbid the introduction into commerce of vehicles (or engines) previously covered by the certification which are still in the hands of the manufacturer, except in cases of such fraud or other misconduct as makes the certification invalid ab initio.

(6) The manufacturer may request in the form and manner specified in paragraph (b)(3) of this section that any determination made by the Administrator under paragraph (c)(1) of this section to withhold or deny certification be reviewed in a hearing conducted in accordance with § 86.077-6. If the Administrator finds, after a review of the request and supporting data, that the request raises a substantial factual issue he will grant the request with respect to such issue.

§ 86.077-31 Separate certification.

Where possible a manufacturer should include in a single application for certification all vehicles (or engines) for which certification is required. A manufacturer may, however, choose to apply separately for certification of part of his product line. The selection of test vehicles (or test engines) and the computation of test results will be determined separately for each application.

§ 86.077-32 Addition of a vehicle or engine after certification.

(a) If a manufacturer proposes to add to his product line a vehicle (or engine) of the same engine-system combination as vehicles (or engines) previously certified but which was not described in the application for certification when the test vehicle(s) (or test engine(s)) representing other vehicles (or engines) of that combination was certified, he shall notify the Administrator. Such notification shall be in advance of the addition unless the manufacturer elects to follow the procedure described in § 86.077-34. This notification shall include a full description of the vehicle (or engine) to be added.

(b) The Administrator may require the manufacturer to perform such tests on the test vehicle(s) (or test engine(s)) representing the vehicle (or engine) to be added which would have been required if the vehicle (or engine) had been included in the original application for certification.

(c) If, after a review of the test reports and data submitted by the manufacturer, and data derived from any testing conducted under § 86.077-29, the Administrator determines that the test vehicle(s) or test engine(s) meets all applicable standards, the appropriate certificate will be amended accordingly. If the Administrator determines that the test vehicle(s) (or test engine(s)) does not meet applicable standards, he will proceed under § 86.077-30(b).

§ 86.077-33 Changes to a vehicle or engine covered by certification.

(a) The manufacturer shall notify the Administrator of any change in production vehicles (or production engines) in respect to any of the parameters listed in § 86.077-24(a)(3), § 86.077-24(b)(1)(ii), § 86.077-24(b)(2)(iii) or § 86.077-24(b)(3)(iii) as applicable, giving a full description of the change. Such notification shall be in advance of the change unless the manufacturer elects to follow the procedure described in § 86.077-34.

(b) Based upon the description of the change, and data derived from such testing as the Administrator may require or conduct, the Administrator will determine whether the vehicle (or engine), as modified, would still be covered by the certificate of conformity then in effect.

(c) If the Administrator determines that the outstanding certificate would cover the modified vehicles (or engines) he will notify the manufacturer in writing. Except as provided in § 86.077-34 the change may not be put into effect prior to the manufacturer's receiving this notification. If the Administrator determines that the modified vehicles (or engines) would not be covered by the certificate then in effect, then the modified vehicles (or engines) shall be treated as additions to the product line subject to § 86.077-32.

§ 86.077-34 Alternative procedure for notification of additions and changes.

(a) A manufacturer may, in lieu of notifying the Administrator in advance of an addition of a vehicle (or engine) under § 86.077-32 or a change in a vehicle (or engine) under § 86.077-33 notify him concurrently with the making of the change if the manufacturer believes the addition or change will not require any testing under the appropriate section. Upon notification to the Administrator, the manufacturer may proceed to put the addition or change into effect.

(b) The manufacturer may continue to produce vehicles (or engines) as described in the notification to the Administrator for a maximum of 30 days, unless the Administrator grants an exten-

sion in writing. This period may be shortened by a notification in accordance with paragraph (c) of this section.

(c) If the Administrator determines, based upon a description of the addition or change, that no test data will be required, he will notify the manufacturer in writing of the acceptability of the addition or change. If the Administrator determines that test data will be required he will notify the manufacturer to rescind the change within 5 days of receipt of the notification. The Administrator will then proceed as in § 86.077-32 (b) and (c), or § 86.077-33 (b) and (c) as appropriate.

(d) Election to produce vehicles (or engines) under this section will be deemed to be a consent to recall all vehicles (or engines) which the Administrator determines under § 86.077-32(c) do not meet applicable standards, and to cause such nonconformity to be remedied at no expense to the owner.

§ 86.077-35 **Labeling.**

(a) The manufacturer of any motor vehicle (or motor vehicle engine) subject to the standards prescribed in §§ 86.077-8 through 86.077-11, as applicable, shall, at the time of manufacture, affix a permanent, legible label, of the type and in the manner described below, containing the information hereinafter provided, to all production models of such vehicles (or engines) available for sale to the public and covered by a certificate of conformity under § 86.077-30(a).

(1) Light duty vehicles and light duty trucks.

(i) A plastic or metal label shall be welded, riveted, or otherwise permanently attached in a readily visible position in the engine compartment.

(ii) The label shall be affixed by the vehicle manufacturer, who has been issued the certificate of conformity for such vehicle, in such a manner that it cannot be removed without destroying or defacing the label, and shall not be affixed to any equipment which is easily detached from such vehicle.

(iii) The label shall contain the following information lettered in the English language in block letters and numerals, which shall be of a color that contrasts with the background of the label:

(A) The label heading: Vehicle Emission Control Information;

(B) Full corporate name and trademark of manufacturer;

(C) Engine displacement (in cubic inches) and engine family identification;

(D) Engine tuneup specifications and adjustments, as recommended by the manufacturer in accordance with the altitude at which the vehicle is to be sold to the ultimate purchaser, including but not limited to idle speed(s), ignition timing, the idle air-fuel mixture setting procedure and value (e.g. idle CO, idle air-fuel ratio, idle speed drop), high idle speed, initial injection timing and valve lash (as applicable) as well as other parameters deemed necessary by the manufacturer. These specifications should indicate the proper transmission position during tuneup and what accessories (e.g., air conditioner), if any, should be in operation;

(E) The statement: "This Vehicle Conforms to U.S.E.P.A. Regulations Applicable to 1977 Model Year New Motor Vehicles."

(F) The altitude at which the vehicle is intended for sale to the public as specified by a certificate of conformity under § 86.077-30.

(2) Heavy duty gasoline-fuel engines.

(i) The plastic or metal label shall be welded, bonded, or otherwise permanently attached to the engine in a position in which it will be readily visible after installation in the vehicle.

(ii) The label shall be attached to an engine part necessary for normal engine operation and not normally requiring replacement during engine life.

(iii) The label shall contain the following information lettered in the English language in block letters and numerals which shall be of a color that contrasts with the background of the label:

(A) The label heading: Engine Exhaust Emission Control Information;

(B) Full corporate name and trademark of manufacturer;

(C) Engine displacement (in cubic inches) and engine family identification;

(D) Date of engine manufacture (month and year);

(E) Engine tuneup specifications and adjustments as recommended by the manufacturer, including idle speed, ignition timing, and the idle air-fuel mixture setting procedure and value (e.g., idle CO, idle air-fuel ratio, idle speed drop) and valve lash. These specifications should indicate the proper transmission position during tuneup and what accessories (e.g., air conditioner), if any, should be in operation;

(F) The statement: "This Engine Conforms to U.S. Environmental Protection Agency Regulations Applicable to 1977 Model Year Gasoline-Fueled Heavy Duty Engines."

(iv) The label may be made up of one or more pieces provided that all pieces are permanently attached to the same engine part.

(3) Heavy duty Diesel engines.

(i) A plastic or metal label shall be welded, bonded, or otherwise permanently attached to the engine in a position in which it will be readily visible after installation in the vehicle.

(ii) The label shall be attached to an engine part necessary for normal engine operation and not normally requiring replacement during engine life.

(iii) The label shall contain the following information lettered in the English language in block letters and numerals which shall be of a color that contrasts with the background of the label:

(A) The label heading: Engine Exhaust Emission Control Information;

(B) Full corporate name and trademark of manufacturer;

(C) Engine family identification and model;

(D) Date of engine manufacture (month and year);

(E) Engine specification:

Advertised hp. ____ at ____ r.p.m.
Fuel rate at advertised hp. ____ m.m.3/stroke.
Valve lash ____ (inches).
Initial injection timing (if adjustable) ____.
(The information applicable to each engine is to be inserted on the appropriate line.)

(F) An unconditional statement of compliance with the appropriate model year U.S. Environmental Protection Agency regulations applicable to Diesel heavy duty engines.

(iv) The label may be made up of one or more pieces provided that all pieces are permanently attached to the same engine or vehicle part as applicable.

(b) The provisions of this section shall not prevent a manufacturer from also reciting on the label that such vehicle (or engine) conforms to any applicable State emission standards for new motor vehicles (or new motor vehicle engines) or any other information that such manufacturer deems necessary for, or useful to, the proper operation and satisfactory maintenance of the vehicle (or engine).

§ 86.077-36 **Submission of vehicle identification numbers.**

(a) The manufacturer of any light duty vehicle or light duty truck covered by a certificate of conformity under § 86.077-30(a) shall, not later than 60 days after its manufacture, submit to the Administrator the vehicle identification number of such vehicle: *Provided*, that this requirement shall not apply with respect to any vehicle manufactured within any State, as defined in section 302(d) of the Act.

(b) The requirements of this section may be waived with respect to any manufacturer who provides information satisfactory to the Administrator which will enable the Administrator to identify those vehicles which are covered by a certificate of conformity.

§ 86.077-37 **Production vehicles and engines.**

(a) Any manufacturer obtaining certification under this part shall supply to the Administrator, upon his request, a reasonable number of production vehicles (or engines) selected by the Administrator which are representative of the engines, emission control systems, fuel systems, and transmissions offered and typical of production models available for sale under the certificate. These vehicles (or engines) shall be supplied for testing at such time and place and for such reasonable periods as the Administrator may require. Heavy duty engines supplied under this paragraph may be required to be mounted in chassis and appropriately equipped for operation on a chassis dynamometer.

(b) Light duty vehicles and light duty trucks.

(1) Any light duty vehicle or light duty truck manufacturer obtaining certification under this part shall notify the Administrator, on a quarterly basis, of the number of vehicles of each engine family-engine displacement-exhaust emission control system-fuel system-

transmission type-inertia weight class combination produced for sale in the United States during the preceding quarter. A manufacturer may elect to provide this information every 60 days instead of quarterly, to combine it with the notification required under § 86.077-36.

(2) All light duty vehicles and light duty trucks covered by a certificate of conformity under § 86.077-30(a) shall be adjusted by the manufacturer to the ignition or injection timing specification detailed in § 86.077-35(a)(i)(iii)(D).

(c) Heavy duty engines: Any heavy duty engine manufacturer obtaining certification under this part shall notify the Administrator, on a quarterly basis, of the number of engines of each engine family-engine displacement-exhaust emission control system-fuel system combination produced for sale in the United States during the preceding quarter.

§ 86.077-38 Maintenance instructions.

(a) The manufacturer shall furnish or cause to be furnished to the purchaser of each new motor vehicle (or motor vehicle engine) subject to the standards prescribed in §§ 86.077-8 through 86.077-11 as applicable, written instructions for the maintenance and use of the vehicle (or engine) by the purchaser as may be reasonable and necessary to assure the proper functioning of emission control systems.

(1) Such instructions shall be provided for those vehicle and engine components listed in Appendix VI to this part (and for any other components) to the extent that maintenance of these components is necessary to assure the proper functioning of emission control systems.

(2) Such instructions shall be in clear, and to the extent practicable, nontechnical language.

(b) The maintenance instructions required by this section shall contain a general description of the documentation which the manufacturer will require from the ultimate purchaser or any subsequent purchaser as evidence of compliance with the instructions.

(c) For gasoline-fueled light duty vehicles and light duty trucks.

(1) Such instructions shall specify the performance of all scheduled maintenance performed by the manufacturer under §§ 86.077-25(a)(2) or 86.077-25(b)(2) as applicable, and shall explain the conditions under which EGR system and catalytic converter maintenance is to be performed (e.g., what type of warning device is being employed and whether the device is activated by component failure or the need for periodic maintenance).

(2) Such instructions shall indicate, for vehicles to be sold to ultimate purchasers at low altitude, what adjustments or modifications, if any, are necessary to allow the vehicle to meet emissions standards at high altitude. The maintenance instructions shall, if applicable, include a statement that the vehicle's emission control system was not designed for conversion to allow the vehicle to meet emissions standards when operated at high altitude.

(3) Such instructions shall indicate, for vehicles to be sold to ultimate purchasers at high altitude, what adjustments or modifications, if any, are necessary to allow the vehicle to meet emissions standards at low altitude. The maintenance instructions shall, if applicable, include a statement that the vehicle's emission control system was not designed for conversion to allow the vehicle to meet emissions standards when operated at low altitude.

(d) For Diesel powered light duty vehicles and light duty trucks.

(1) Such instructions shall indicate, for vehicles to be sold to ultimate purchasers at low altitude, what adjustments or modifications, if any, are necessary to allow the vehicle to meet emissions standards at high altitude. The maintenance instructions shall, if applicable, include a statement that the vehicle's emission control system was not designed for conversion to allow the vehicle to meet emissions standards when operated at high altitude.

(2) Such instructions shall indicate, for vehicles to be sold to ultimate purchasers at high altitude, what adjustments or modifications, if any, are necessary to allow the vehicle to meet emissions standards at low altitude. The maintenance instructions shall, if applicable, include a statement that the vehicle's emission control system was not designed for conversion to allow the vehicle to meet emissions standards when operated at low altitude.

(e) For gasoline-fueled heavy duty engines such instructions shall specify the performance of all scheduled maintenance performed by the manufacturer under § 86.077-25(c)(2). Scheduled maintenance in addition to that performed on the durability engine under § 86.077-25(d)(2). Scheduled maintenfor reasons such as to offset the effects of operating conditions which differ from the dynamometer durability cycle or to increase the life of the engine beyond 1500 hours (or the equivalent). The instructions may schedule maintenance on a calendar time basis and/or mileage basis in addition to the engine service time basis that was followed by the manufacturer under § 86.077-25(c)(2).

(f) For Diesel heavy duty engines such instructions shall specify the performance of all scheduled maintenance performed by the manufacturer under § 86.077-25(d)(2). Scheduled maintenance in addition to that performed on the durability engine under § 86.077-25(d)(2) may be recommended for reasons such as to offset the effects of operating conditions which differ from the dynamometer durability cycle or to increase the life of the engine beyond 1,000 hours (or its equivalent). The instructions may schedule maintenance on a calendar time basis, mileage basis, engine service time basis, or combinations of each.

§ 86.077-39 Submission of maintenance instructions.

(a) The manufacturer shall provide to the Administrator, no later than the time of the submission required by § 86.077-23 a copy of the maintenance instructions which the manufacturer proposes to supply to the ultimate purchaser in accordance with § 86.077-38(a). The Administrator will review such instructions to determine whether they are reasonable and necessary to assure the proper functioning of the vehicle's (or engine's) emission control systems. The Administrator will notify the manufacturer of his determination whether such instructions are reasonable and necessary to assure the proper functioning of the emission control systems.

(b) Any revision to the maintenance instructions which will affect emissions shall be supplied to the Administrator at least 30 days before being supplied to the ultimate purchaser unless the Administrator consents to a lesser period of time

§ 86.078-8 Emission standards for 1978 light duty vehicles.

(a)(1) Exhaust emissions from 1978 model year light duty vehicles shall not exceed:

(i) *Hydrocarbons*. 0.41 grams per vehicle mile.

(ii) *Carbon monoxide*. 3.4 grams per vehicle mile.

(iii) *Oxides of nitrogen*. 0.4 grams per vehicle mile.

(2) The standards set forth in paragraph (a)(1) of this section refer to the exhaust emitted over a driving schedule as set forth in subpart B and measured and calculated in accordance with those procedures.

(b)(1) Fuel evaporative emissions from gasoline-fueled light duty vehicles shall not exceed:

(i) *Hydrocarbons*. 2.0 grams per test.

(2) The standard set forth in paragraph (b)(1) of this section refers to a composite sample of the fuel evaporative emissions collected under the conditions set forth in subpart B and measured in accordance with those procedures.

(c) No crankcase emissions shall be discharged into the ambient atmosphere from any 1978 model gasoline-fueled light duty vehicle.

14. A new Subpart B is added to Part 86 and reads as follows:

Subpart B—Emission Regulations for 1977 and Later Model Year New Light Duty Vehicles and New Light Duty Trucks; Test Procedures

Sec.
86.177-1 General applicability.
86.177-2 Definitions.
86.177-3 Abbreviations.
86.177-4 Section numbering; construction.
86.177-5 Test procedures.
86.177-6 Fuel specifications.
86.177-7 Gasoline-fueled vehicle and engine preparation.
86.177-8 Vehicle preconditioning.
86.177-9 Evaporative emission collection procedure for gasoline-fueled vehicles.
86.177-10 Dynamometer driving schedule.
86.177-11 Dynamometer procedures.
86.177-12 Three-speed manual transmissions.
86.177-13 Four-speed and five-speed manual transmissions.
86.177-14 Automatic transmissions.
86.177-15 Engine starting and restarting.
86.177-16 Sampling and analytical system (exhaust emissions).

Sec.
86.177-17 Sampling analytical system (fuel evaporative emissions, gasoline-fueled vehicles).
86.177-18 Information to be recorded.
86.177-19 Analytical system calibration and sample handling.
86.177-20 Dynamometer test runs.
86.177-21 Chart reading.
86.177-22 Calculations (exhaust emissions).
86.177-23 Calculations (fuel evaporative emissions, gasoline-fueled vehicles.

AUTHORITY: Sec. 202, 206, 207, 208, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857f-1, 1857f-5, 1857f-5a, 1857f-6, 1857g(a)).

Subpart B—Emission Regulations for 1977 and Later Model Year New Light Duty Vehicles and New Light Duty Trucks; Test Procedures

§ 86.177-1 General applicability.

The provisions of this subpart are applicable to 1977 and later model year new light duty vehicles and light duty trucks.

§ 86.177-2 Definitions.

The definitions in § 86.077-2 apply to this subpart.

§ 86.177-3 Abbreviations.

The abbreviations in § 86.077-3 apply to this subpart.

§ 86.177-4 Section numbering, construction.

(a) The section numbering procedure specified in § 86.177-4(a) applies to this subpart.

(b) Unless indicated, all provisions in this subpart apply to both gasoline-fueled and Diesel vehicles.

§ 86.177-5 Test procedures.

The procedures described in this and subsequent sections will be the test program to determine the conformity of vehicles with the standards set forth in §§ 86.077-8 and 86.077-9.

(a) Vehicles which are required to be tested for compliance with the exhaust and fuel evaporative emission standards of this subpart shall be tested according to the following procedures:

(1) The test consists of prescribed sequences of fueling, parking, and operating conditions. The exhaust gases generated during vehicle operation are diluted with air and sampled continuously for subsequent analysis of specific components by prescribed analytical techniques. The fuel evaporative emissions are collected for subsequent weighing during both vehicle parking and operating events. The test applies to vehicles equipped with catalytic or direct-flame afterburners, induction system modifications, or other systems or to uncontrolled vehicles and engines.

(2) The exhaust emission test is designed to determine hydrocarbon, carbon monoxide, and oxides of nitrogen mass emissions while simulating an average trip in an urban area of 7.5 miles. The test consists of engine startups and vehicle operation on a chassis dynamometer through a specified driving schedule, as described in Appendix I to this part. A proportional part of the diluted exhaust emissions is collected continuously, for subsequent analysis using a constant volume (variable dilution) sampler.

(3) The fuel evaporative emission test is designed to determine fuel hydrocarbon evaporative emissions to the atmosphere as a consequence of urban driving and diurnal temperature fluctuations during parking. It is associated with a series of events representative of a motor vehicle's operation which result in fuel vapor losses directly from the fuel tank and carburetor. Activated carbon traps are employed in collecting the vaporized fuel. The test procedure is specifically aimed at collecting and weighing:

(i) Diurnal breathing losses from the fuel tank and other parts of the fuel system when the fuel tank is subjected to a temperature increase representative of the diurnal range;

(ii) Running losses from the fuel tank and carburetor resulting from a simulated trip on a chassis dynamometer; and

(iii) Hot soak losses from the fuel tank and carburetor which result when the vehicle is parked and the hot engine is turned off.

(4) Except in cases of component malfunction or failure, all emission control systems installed on or incorporated in a new motor vehicle shall be functioning during all procedures in this subpart. Maintenence to correct component malfunction or failure shall be authorized in accordance with § 86.077-25.

(b) Vehicles which are required to be tested for compliance only with the exhaust emission standards of this subpart shall be tested according to the following procedures:

(1) Gasoline-fueled vehicles.

(i) The test consists of prescribed sequences of fueling, parking, and operating conditions. The exhaust gases generated during vehicle operation are diluted with air and sampled continuously for subsequent analysis of specific components by prescribed analytical techniques. The test applies to vehicles equipped with catalytic or direct-flame afterburners, induction system modifications, or other systems or to uncontrolled vehicles and engines.

(ii) The exhaust emission test is designed to determine hydrocarbon, carbon monoxide, and oxides of nitrogen mass emissions while simulating an average trip in an urban area of 7.5 miles. The test consists of engine startups and vehicle operation on a chassis dynamometer through a specified driving schedule, as described in Appendix I to this part. A proportional part of the diluted exhaust emissions is collected continuously, for subsequent analysis, using a constant volume (variable dilution) sampler.

(iii) Except in cases of component malfunction or failure, all emission control systems installed on or incorporated in a new motor vehicle shall be functioning during all procedures in this subpart. Maintenance to correct component malfunction or failure shall be authorized in accordance with § 86.077-25.

(2) Diesel vehicles.

(i) The test consists of prescribed sequences of fueling, parking, and operating conditions. The exhaust gases generated during vehicle operation are diluted with air and sampled continuously for analysis of Diesel exhaust hydrocarbon and subsequent analysis of other specific components by prescribed techniques.

The test applies to vehicles equipped with catalytic or direct flame afterburners, other control systems or to uncontrolled vehicles and engines. All test phases are conducted with an ambient temperature range between 68° and 86° F.

(ii) The exhaust emission test is designed to determine hydrocarbon, carbon monoxide, and oxides of nitrogen mass emissions while simulating an average trip in an urban area of 7.5 miles. The test consists of engine startups and vehicle operation on a chassis dynamometer through a specified driving schedule, as described in Appendix I to this part. Using a constant volume (variable dilution) sampler, a proportional part of the diluted exhaust gas is analyzed continuously for hydrocarbons and an additional proportional part of the diluted exhaust gas is collected in a bag for subsequent analysis of the other components.

(iii) Except for component malfunction or failure, all emission control systems installed on or incorporated in a new motor vehicle shall be functioning during all procedures in this subpart. Component malfunction or failure shall be repaired in accordance with § 86.077-25.

§ 86.177-6 Fuel specifications.

(a) Gasoline.

(1) Gasoline having the following specifications will be used by the Administrator in exhaust and evaporative emission testing. Gasoline having the following specifications or substantially equivalent specifications approved by the Administrator, shall be used by the manufacturer in exhaust and evaporative testing, except that the lead and octane specifications do not apply.

Item designation	ASTM	Leaded	Unleaded
Octane, research, minimum	D1656	100	96
Pb. (organic), grams/U.S. gallon		11.4	0.00-0.5
Distillation range:			
IBP,[1] °F	D86	75.95	75-95
10 percent point, °F	D86	120-135	120-135
50 percent point, °F	D86	200-230	200-230
90 percent point, °F	D86	300-325	300-325
EP, °F (maximum)	D86	415	415
Sulfur, weight percent, maximum	D1266	0.10	.10
Phosphorus, grams/U.S. gallon, maximum		.01	.005
RVP,[2 3] pounds	D323	8.7-9.2	8.7-9.2
Hydrocarbon composition:			
Olefins, percent, maximum	D1319	10	10
Aromatics, percent, maximum	D1319	35	35
Saturates	D1319	Remainder	Remainder

[1] For testing at altitudes above 1,219 meters (4,000 feet) the specified range is 75-105.
[2] For testing which is unrelated to fuel evaporative emission control, the specified range is 8-9.2.
[3] For testing at altitudes above 1,219 meters (4,000 feet) the specified range is 7.9-9.2.

(2) Gasoline representative of commercial gasoline which will be generally available through retail outlets shall be used in mileage accumulation. For unleaded gasoline the minimum lead content shall be 0.02 grams per U.S. gallon and the minimum phosphorus content shall be 0.002 grams per U.S. gallon. For leaded gasoline, the minimum lead content shall be 1.4 grams per U.S. gallon, except that where the Administrator determines that vehicles represented by a test vehicle will be operated using gasoline of different lead content than that prescribed in this paragraph, he may consent in writing to use of a gasoline with a different lead content. The octane rating of the gasoline used shall be no higher than 4.0 research octane numbers above the minimum recommended by the manufacturer. The Reid Vapor Pressure of the gasoline used shall be characteristic of the motor fuel during the season which the mileage accumulation takes place.

(3) The specification range of the gasoline to be used under paragraph (a) (2) of this section shall be reported in accordance with § 86.077-21(b)(3).

(b) Diesel fuel.

(1) The diesel fuels employed for testing shall be clean and bright, with pour and cloud points adequate for operability. The diesel fuel may contain nonmetallic additives as follows: Cetane improver, metal deactivator, antioxidant, dehazer, antirust, pour depressant, dye, and dispersant.

(2) Diesel fuel meeting the following specifications, or substantially equivalent specifications approved by the Administrator, shall be used in exhaust emissions testing. The grade of diesel fuel recommended by the engine manufacturer commercially designated as "Type 1-D" or "Type 2-D", shall be used.

(3) Other petroleum distillation fuel specifications.

(i) Other petroleum distillate fuels may be used for testing and service accumulation provided they are commercially available, and

(ii) Information, acceptable to the Administrator, is provided to show that only the designated fuel would be used in customer service, and

(iii) Use of a fuel listed under paragraphs (b)(1) and (b)(2) of this section would have a detrimental effect on emissions or durability, and

(iv) Written approval from the Administrator of the fuel specifications was provided prior to the start of testing.

(4) The specification range of the fuels to be used under paragraphs (b)(1), (b)(2), and (b)(3) of this section shall be reported in accordance with § 86.077-21(b)(3).

§ 86.177-7 Gasoline-fueled vehicle and engine preparation.

(a) Gasoline-fueled vehicles to be tested for compliance with the exhaust and fuel evaporative emissions standards of this subpart shall be prepared as follows:

(1)(i) Apply appropriate leak proof fittings to all fuel system external vents to permit collection of effluent vapors from these vents during the course of the prescribed tests. Since the prescribed test requires the temporary plugging of the inlet pipe to the air cleaner, it will be necessary to install a probe for collecting the normal effluents from this source. Where antisurge/vent filler caps are employed on the fuel tank, plug off the normal vent if it does not conveniently lend itself to the collection of vapors which emanate from it, and introduce a separate vent, with appropriate fitting on the cap. Where the fuel tank vent line terminus is inaccessible, sever the line at a convenient point near the fuel tank and install the collection system in a closed circuit assembly with the severed ends. All fittings shall terminate in 5/16-inch ID tube sections for ready connection to the collection systems and shall be designed for minimum dead space.

(ii) The design and installation of the necessary fittings shall not disturb the normal function of the fuel system components or the normal pressure relationships in the system.

(2)(i) Inspect the fuel system carefully to insure the absence of any leaks to the atmosphere of either liquid or vapor which might affect the accuracy of the test or the performance of the control system. Corrective action, if required, shall be performed in accordance with § 86.077-25 and be reported with the test results under § 86.077-23.

(ii) Care should be exercised in the application of any pressure tests, neither to purge nor load the evaporative emission control system.

(3) Prepare fuel tank for recording the temperature of the prescribed test fuel at its approximate midvolume.

(4) Provide additional fittings and adapters as required, to accommodate a fuel drain at the lowest point possible in the tank as installed on the vehicle.

(b) Gasoline-fueled vehicles to be tested for compliance only with the exhaust emission standards of this subpart shall be prepared as follows:

(1)(i) Inspect the fuel system carefully to insure the absence of any leaks to the atmosphere of either liquid or vapor which might affect the accuracy of the test or the performance of the control system. Such inspection shall include the application of a pressure of 14.5 inches of water (plus or minus 0.5 inches of water) to the fuel system. The pressure should be applied and allowed to stabilize and the fuel system isolated from the pressure source. The fuel system may not lose more than 2.0 inches of water for five minutes beginning with the isolation of the fuel system. Corrective action, if required, shall be performed in accordance with § 86.077-25 and be reported with the test results under § 86.077-23.

(ii) Care should be exercised, in the application of any pressure tests, neither to purge nor load the evaporative emission control system.

§ 86.177-8 Vehicle preconditioning.

(a) Gasoline-fueled vehicles to be tested for compliance with the exhaust and fuel evaporative emissions standard of this part shall be preconditioned as follows:

(1) The test vehicle shall be operated under the conditions prescribed for mileage accumulation, § 86.077-26, for one hour immediately prior to the operation prescribed below.

(2) The fuel tank shall be drained and specified test fuel (§ 86.177-6(a)) added. The evaporative emission control system or device shall not be abnormally purged or loaded as a result of draining or fueling the tank.

(3) The test vehicle shall be placed on the dynamometer and operated over a simulated trip, according to the applicable requirements and procedures of §§ 86.177-10 through 86.177-15 except that the engine need not be cold when starting the run on the dynamometer and only a single trip of 7.5 miles shall be run. The test vehicle may be used to set dynamometer horsepower, if necessary. During this operation the ambient temperature shall be between 68° F and 86° F.

(4) The engine and cooling fan shall be stopped upon completion of the dynamometer operation and the vehicle permitted to soak either on or off the dynamometer stand at an ambient temperature between 76° F and 86° F for a period of not less than one hour prior to the soak period prescribed in § 86.177-9(a)(1).

(b) Gasoline-fueled vehicles to be tested for compliance only with the exhaust emissions standards of this part shall be preconditioned as follows:

(1) The fuel tank(s) shall be drained and filled with the specified test fuel (§ 86.177-6(a)) to the prescribed tank(s) fuel volume, defined in § 86.077-2. The fuel added to the vehicle tank(s) shall

have an initial temperature of no more than 86°F. The evaporative emission control system or device shall not be abnormally purged or loaded as a result of draining or fueling the tank(s).

(2) The test vehicle shall be placed on the dynamometer and operated over a simulated trip, according to the applicable requirements and procedures of §§ 86.177-10 through 86.177-15 except that the engine need not be cold when starting the run on the dynamometer and only a single trip of 7.5 miles shall be run. Longer preconditioning may be permitted with advance approval of the Administrator. The test vehicle may be used to set dynamometer horsepower, if necessary. During this operation the ambient temperature shall be between 68°F and 86°F.

(3) The engine and cooling fan shall be stopped upon completion of the dynamometer operation and the vehicle permitted to soak either on or off the dynamometer stand at an ambient temperature between 76°F and 86°F for a period of not less than one hour prior to the soak period prescribed in § 86.177-9(a)(1).

(4) The test vehicle shall be allowed to soak in an area where the ambient temperature is maintained between 60°F and 86°F for a period of not less than 11 (eleven) hours prior to the dynamometer operation prescribed in §§ 86.177-10 through 86.177-20.

(5) The vehicle shall be operated on the dynamometer according to the requirements and procedures of § 86.177-20. This operation completes the test.

(c) Diesel vehicles to be tested for compliance with the exhaust emission standards of this part shall be preconditioned as follows:

(1) The fuel tank of the test vehicle shall be drained and charged with the specified test fuel, § 86.177-6(b)(2) to the prescribed "tank fuel volume," defined in § 86.077-2. The vehicle manufacturer shall provide additional fittings and adapters, as required to accommodate a fuel drain at the lowest point possible in the tank as installed on the vehicle. Test fuel, when charged to the tank shall be at ambient temperature, § 86.177-5(b)(2)(i).

(2) The test vehicle shall be placed on the dynamometer and operated over a simulated trip, according to the applicable requirements and procedures of §§ 86.177-10 through 86.177-15 except that the engine need not be cold when starting the run on the dynamometer and only a single trip of 7.5 miles shall be run. The test vehicle may be used to set dynamometer horsepower, if necessary.

(3) The engine and cooling fan shall be stopped upon completion of the dynamometer operation and the vehicle permitted to soak either on or off the dynamometer stand for a period of not less than 12 hours prior to the dynamometer test.

§ 86.177-9 Evaporative emission collection procedure for gasoline-fueled vehicles.

The standard test procedure consists of three parts described below which shall be performed in sequence and without any interruption in the test conditions prescribed.

(a) Diurnal breathing loss test. (1) The test vehicle shall be allowed to "soak" in an area where the ambient temperature is maintained between 60°F and 86°F, for a period of not less than 10 hours. (The vehicle preparation requirements of § 86.177-7 may be performed during this period.) It shall then be transferred to a soak area where the ambient temperature is maintained between 76°F and 86°F. Upon admittance to the 76°F-86°F soak area, the prescribed fuel tank thermocouple shall be connected to the recorder and the fuel and ambient temperature recorded at a chart speed of approximately 12 inches per hour (or equivalent record).

(2) The fuel tank of the prepared test vehicle, preconditioned according to § 86.177-8, shall be drained and recharged with the specified test fuel, § 86.177-6, to the prescribed "tank fuel volume," defined in § 86.077-2. The temperature of the fuel following the charge to the tank shall be 60°F±2°F. Care should be exercised against abnormal loading of the evaporative emission control system or device as a result of fueling the tank.

(3) Immediately following the fuel charge to the tank, the exhaust pipe(s) and inlet pipe to the air cleaner shall be plugged and the prescribed vapor collection systems installed on all fuel system external vents. Multiple vents may be connected to a single collection trap provided that, where there is more than one external vent on a fuel system distinguishing between carburetor and tank vapors, separate collection systems shall be employed to trap the vapors from the separate sources. Every precaution shall be taken to minimize the lengths of the collection tubing employed and to avoid sharp bends across the entire system.

(4) Artificial means shall be employed to heat the fuel in the tank to 84°F±2°F. The prescribed temperature of the fuel shall be achieved over a period of 60 minutes ±10 minutes at a constant rate of change of temperature with respect to time. After a minimum of 1 hour following admittance to the 76°F-86°F soak area, the vehicle shall be moved onto the dynamometer stand for the subsequent part of the test. The fuel tank thermocouple may be temporarily disconnected to permit moving the test vehicle. Plugs shall be removed from the exhaust pipe(s) and inlet pipe to the air cleaner.

(b) Running loss test. (1) The vehicle shall be placed on the dynamometer.

(2) Where an external vent is located such that any "running loss" emissions would be inducted into the engine, the vapor loss measurement system shall be temporarily disconnected from that vent and clamped. Vapor losses from this vent need not be measured during this part of the test.

(3) The vehicle shall be operated on the dynamometer according to the requirements and procedures of §§ 86.177-10 through 86.177-20. The engine and fan shall be turned off upon completion of the dynamometer run and the exhaust and air cleaner inlet pipes shall be replugged.

(4) Vapor losses need not be measured during the 10-minute soak or 505-second "hot" start test. Any vapor loss collection system used during the cold start shall be temporarily disconnected and clamped. At the end of the hot start test, the vapor collection systems shall be reconnected for the following phase.

(c) Hot soak test. Upon completion of the dynamometer run, the test vehicle shall be permitted to soak with hood down for a period of 1 hour at an ambient temperature between 76°F and 86°F. This operation completes the test. The traps are disconnected and weighed according to § 86.177-17.

(d) Alternate to paragraph (a) of this section: Diurnal breathing loss test. (1) The test vehicle shall be allowed to "soak" in an area where the ambient temperature is maintained between 60°F and 86°F for a period of not less than 10 hours. (The vehicle preparation requirements of § 86.177-7 may be performed during this period.) It shall then be transferred to a soak area where the ambient temperature is maintained between 76°F and 86°F.

(2) The fuel tank of the prepared test vehicle, preconditioned according to § 86.177-8, shall be drained and recharged with the specified test fuel, § 86.177-6, to the prescribed "tank fuel volume," defined in § 86.077-2. The temperature of the fuel prior to delivery to the fuel tank shall be between 50°F and 60°F. Care should be exercised against abnormal loading of the evaporative emission control system or device as a result of fueling the tank.

(3) Connect the prescribed fuel tank thermocouple to the recorder and record the fuel and ambient temperatures at a chart speed of approximately 12 inches per hour (or equivalent record). Plug the exhaust pipe(s) and inlet pipe to the air cleaner and when the fuel temperature reaches 60°F±2°F install the prescribed vapor collection systems on all fuel system external vents. Multiple vents may be connected to a single collection trap provided that, where there is more than one external vent on a fuel system distinguishing between carburetor and tank vapors, separate collection systems shall be employed to trap the vapors from the separate sources. Every precaution shall be taken to minimize the lengths of the collection tubing employed and to avoid sharp bends across the entire system.

(4) Artificial means shall be employed to heat the fuel in the tank to 84°F±2°F. The prescribed temperature of the fuel shall be achieved over a period of 60

minutes ±10 minutes at a constant rate of change of temperature with respect to time. After a minimum of 1 hour following admittance to the 76°F–86°F soak area, the vehicle shall be moved onto the dynamometer stand for the subsequent part of the test. The fuel tank thermocouple may be temporarily disconnected to permit moving the test vehicle. Plugs shall be removed from the exhaust pipe(s) and inlet pipe to the air cleaner.

§ 86.177–10 Dynamometer driving schedule.

(a) The dynamometer driving schedule to be followed consists of a nonrepetitive series of idle, acceleration, cruise, and deceleration modes of various time sequences and rates. The driving schedule is defined by a smooth transition through the speed vs. time relationships listed in Appendix I. The time sequence begins upon starting the vehicle according to the startup procedure described in § 86.177–15.

(b) The speed tolerance at any given time on the dynamometer driving schedule prescribed in Appendix I or as printed on a driver's aid chart approved by the Administrator, when conducted to meet the requirements of § 86.177–11, is defined by upper and lower limits. The upper limit is 2 m.p.h. higher than the highest point on the trace within 1 second of the given time. The lower limit is 2 m.p.h. lower than the lowest point on the trace within 1 second of the given time. Speed variations greater than the tolerances (such as occur when shifting manual transmission vehicles) are acceptable provided they occur for less than 2 seconds on any one occasion. Speeds lower than those prescribed are acceptable provided the vehicle is operated at maximum available power during such occurrences. Further, speed deviations from those prescribed due to stalling are acceptable provided the provisions of § 86.177–15(d) are adhered to. When conducted to meet the requirements of § 86.177–8, the speed tolerance shall be as specified above, except that the upper and lower limits shall be 4 m.p.h.

§ 86.177–11 Dynamometer procedure.

(a) The dynamometer run consists of two tests, a "cold" start test after a minimum 12-hour soak (according to the provisions of §§ 86.177–8, and 86.-177–9 for gasoline-fueled vehicles) and a "hot" start test with a 10-minute soak between the two tests. Engine startup (with all accessories turned off), operation over the driving schedule, and engine shutdown make a complete cold start test. Engine startup and operation over the first 505 seconds of the driving schedule complete the hot start test. The exhaust emissions are diluted with air to a constant volume and a portion is sampled continuously during each test. (Diesel hydrocarbons are analyzed continuously). The composite (flow integrated) samples collected in bags are analyzed for hydrocarbons, (except Diesel), carbon monoxide, carbon dioxide, and oxides of nitrogen. A parallel sample of the dilution air is similarly analyzed for hydrocarbon, carbon monoxide, and oxides of nitrogen.

(b) During the dynamometer operation, a fixed speed cooling fan shall be positioned so as to direct cooling air to the vehicle in an appropriate manner with the engine compartment cover open. The fan capacity shall normally not exceed 5,300 c.f.m. If, however, the manufacturer can show that during field operation the vehicle receives additional cooling, the fan capacity may be increased or additional fans used if approved in advance by the Administrator. In the case of vehicles with front engine compartments, the fan(s) shall be squarely positioned between 8 and 12 inches in front of the cooling air inlets (grill). In the case of vehicles with rear engine compartments (or if special designs make the above impractical), the cooling fan(s) shall be placed in a position to provide sufficient air to maintain engine cooling.

(c) The vehicle shall be nearly level when tested in order to prevent abnormal fuel distribution.

(d) Flywheels, electrical or other means of simulating inertia as shown in the following table shall be used. If the equivalent inertia specified is not available on the dynamometer being used, the next higher equivalent inertia (not to exceed 250 lbs.) available shall be used.

Loaded vehicle weight (pounds)	Equivalent interia weight (pounds)	Road load power at 50 m.p.h. (horsepower)
Up to 1,125	1,000	5.9
1,126 to 1,375	1,250	6.5
1,376 to 1,625	1,500	7.1
1,626 to 1,875	1,750	7.7
1,876 to 2,125	2,000	8.3
2,126 to 2,375	2,250	8.8
2,376 to 2,625	2,500	9.4
2,626 to 2,875	2,750	9.9
2,876 to 3,250	3,000	10.3
3,251 to 3,750	3,500	11.2
3,751 to 4,250	4,000	12.0
4,251 to 4,750	4,500	12.7
4,751 to 5,250	5,000	13.4
5,251 to 5,750	5,500	13.9
5,751 to above	5,500	14.4

(e) Power absorption unit adjustment.

(1) The power absorption unit shall be adjusted to reproduce road load power at 50 m.p.h. true speed. The indicated road load power setting shall take into account the dynamometer friction. The relationship between road load (absorbed) power and indicated road load power for a particular dynamometer shall be determined by the procedure outlined in Appendix II or other suitable means.

(2) The road load power listed in the table above shall be used or the vehicle manufacturer may determine the road load power by an alternate procedure requested by the manufacturer and approved in advance by the Administrator, or the vehicle manufacturer may determine the road load power by the following procedure and request its use:

(i) Gasoline-fueled vehicles.

(A) Measuring the absolute manifold pressure of a representative vehicle, of the same equivalent inertia weight class, when operated on a level road under balaced wind conditions at a true speed of 50 m.p.h., and

(B) Noting the dynamometer indicated road load horsepower setting required to reproduce that manifold pressure when the same vehicle is operated on the dynamometer at a true speed of 50 m.p.h. The tests on the road and on the dynamometer shall be performed with the same vehicle ambient absolute pressure (usually barometric), i.e., within ±5 mm. Hg.

(C) The road load power shall be determined according to the procedure outlined in Appendix II and adjusted according to the following if applicable.

(ii) Diesel vehicles.

(A) Measuring the fuel flow rate of a representative vehicle of the same equivalent inertia weight class, when operated on a level road under balanced wind conditions at a true speed of 50 m.p.h., and

(B) Noting the dynamometer indicated road load horsepower setting required to reproduce that fuel flow rate when the same vehicle is operated on the dynamometer at a true speed of 50 m.p.h. The tests on the road and on the dynamometer shall be performed with the same vehicle ambient absolute pressure (usually barometric), i.e. within ±5 mm. Hg.

(C) The road load power shall be determined according to the procedure outlined in Appendix II and adjusted according to the following if applicabe.

(3) Where it is expected that more than 33 percent of the vehicles in an engine family will be equipped with air conditioning, the road load power listed above or as determined in paragraph (e)(2) of this section shall be increased by 10 percent for testing all test vehicles representing such engine family if those vehicles are intended to be offered with air conditioning in production.

(f) The vehicle speed (m.p.h.) as measured from the dynamometer rolls shall be used for all conditions. A speed vs. time recording, as evidence of dynamometer test validity, shall be supplied on request of the Administrator.

(g) Practice runs over the prescribed driving schedule may be performed at test points, provided an emission sample is not taken, for the purpose of finding the minimum accelerator pedal action to maintain the proper speed-time relationship, or to permit sampling system adjustments to comply with § 86.177–16(a)(2)(ii) or § 86.177–16(b)(2)(ii).

NOTE: When using two-roll dynamometers a truer speed-time trace may be obtained by minimizing the rocking of the vehicle in the rolls. The rocking of the vehicle changes the tire rolling radius on each roll. The rocking may be minimized by restraining the vehicle horizontally (or nearly so) by using a cable and winch.

(h) The drive wheel tires may be inflated up to 45 p.s.i.g. in order to prevent tire damage. The drive wheel tire pressure shall be reported with the test results.

(i) If the dynamometer has not been operated during the 2-hour period im-

mediately preceding the test it shall be warmed up for 15 minutes by operating it at 30 m.p.h. using a nontest vehicle.

(j) If the dynamometer horsepower must be adjusted manually, it shall be set within 1 hour prior to the exhaust emissions test phase. The test vehicle shall not be used to make this adjustment. Dynamometers using automatic control of preselectable power settings may be set anytime prior to the beginning of the emissions test.

§ 86.177-12 Three-speed manual transmissions.

(a) All test conditions except as noted shall be run in highest gear.

(b) Cars equipped with free wheeling or overdrive units shall be tested with this unit (free wheeling or overdrive) locked out of operation.

(c) Idle shall be run with transmission in gear and with clutch disengaged (except first idle; see § 86.177-15).

(d) The vehicle shall be driven with minimum accelerator pedal movement to maintain the desired speed.

(e) Acceleration modes shall be driven smoothly with the shift speeds as recommended by the manufacturer. If the manufacturer does not recommend shift speeds, the vehicle shall be shifted from first to second gear at 15 m.p.h. and from second to third gear at 25 m.p.h. The operator shall release the accelerator pedal during the shift, and accomplish the shift with minimum closed throttle time. If the vehicle cannot accelerate at the specified rates, the vehicle shall be operated with accelerator pedal fully depressed until the vehicle speed reaches the speed at which it should be at that time during the test.

(f) The deceleraton modes shall be run with clutch engaged and without shifting gears from the previous mode, using brakes or accelerator pedal as necessary to maintain the desired speed. For those modes which decelerate to zero, the clutch shall be depressed when the speed drops below 15 m.p.h., when engine roughness is evident, or when engine stalling is imminent.

(g) Downshifting is allowed at the beginning of or during a power mode if recommended by the manufacturer or if the engine obviously is lugging.

§ 86.177-13 Four-speed and five-speed manual transmissions.

(a) Use the same procedure as for three-speed manual transmissions for shifting from first to second gear and from second to third gear. If the manufacturer does not recommend shift speeds, the vehicle shall be shifted from third to fourth gear at 40 m.p.h. Fifth gear may be used at the manufacturer's option.

(b) If transmission ratio in first gear exceeds 5:1, follow the procedure for three- or four-speed manual transmission vehicles as if the first gear did not exist.

§ 86.177-14 Automatic transmissions.

(a) All test conditions shall be run with the transmission in "Drive" (highest gear). Automatic stick-shift transmissions may be shifted as manual transmissions at the option of the manufacturer.

(b) Idle modes shall be run with the transmission in "Drive" and the wheels braked (except first idle; see § 86.177-15).

(c) The vehicle shall be driven with minimum accelerator pedal movement to maintain the desired speed.

(d) Acceleration modes shall be driven smoothly allowing the transmission to shift automatically through the normal sequence of gears. If the vehicle cannot accelerate at the specified rates, the vehicle shall be operated with accelerator pedal fully depressed until the vehicle speed reaches the speed at which it should be at that time during the driving schedule.

(e) The deceleration modes shall be run in gear using brakes or accelerator pedal as necessary to maintain the desired speed.

§ 86.177-15 Engine starting and restarting.

(a) Gasoline-fueled vehicles. Paragraph (a) of this section applies to gasoline-fueled vehicles.

(1) The engines shall be started according to the manufacturer's recommended starting procedures. The initial 20-second idle period shall begin when the engine starts.

(2) Choke operation.

(i) Vehicles equipped with automatic chokes shall be operated according to the instructions which will be included in the manufacturer's operating instructions or owner's manual including choke setting and "kick-down" from cold fast idle. The transmission shall be placed in gear 15 seconds after the engine is started. If necessary, braking may be employed to keep the drive wheels from turning.

(ii) Vehicles equipped with manual chokes shall be operated according to the manufacturer's operating instructions or owner's manual.

(3) The operator may use the choke, accelerator pedal, etc. where necessary to keep the engine running.

(4) If the manufacturer's operating or owner's manual does not specify a warm engine starting procedure, the engine (automatic and manual choke engines) shall be started by depressing the accelerator pedal about half way and cranking the engine until it starts.

(b) Diesel vehicles. Paragraph (b) of this section applies to Diesel vehicles.

(1) The engine shall be started according to the manufacturer's recommended starting procedures. The initial 20-second idle period shall begin when the engine starts. The transmission shall be placed in gear 15 seconds after the engine is started. If necessary, braking may be employed to keep the drive wheels from turning.

(c) If the vehicle does not start after 10 seconds of cranking, cranking shall cease and the reason for failure to start shall be determined. The revolution counter on the constant volume sampler (and the hydrocarbon integrator when testing Diesel vehicles, see § 86.177-20) shall be turned off and the sample solenoid valves placed in the "dump" position during this diagnostic period. In addition, either the positive displacement pump should be turned off or the exhaust tube disconnected from the tailpipe during the diagnostic period. If failure to start is an operational error, the vehicle shall be rescheduled for testing from a cold start. If failure to start is caused by vehicle malfunction, corrective action of less than 30 minutes duration may be taken and the test continued. The sampling system shall be reactivated at the same time cranking is started. When the engine starts, the driving schedule timing sequence shall begin. If failure to start is caused by vehicle malfunction and the vehicle cannot be started, the test shall be voided, the vehicle removed from the dynamometer, corrective action taken, and the vehicle rescheduled for test. The reason for the malfunction (if determined) and the corrective action taken shall be reported.

(d) If the engine "false starts", the operator shall repeat the recommended starting procedure (such as resetting the choke, etc.)

(e) Stalling.

(1) If the engine stalls during an idle period, the engine shall be restarted immediately and the test continued. If the engine cannot be started soon enough to allow the vehicle to follow the next acceleration as prescribed, the driving schedule indicator shall be stopped. When the vehicle restarts the driving schedule indicator shall be reactivated.

(2) If the engine stalls during some operating mode other than idle, the driving scheduled indicator shall be stopped, the vehicle restarted, accelerated to the speed required at that point in the driving schedule and the test continued.

(3) If the vehicle will not restart within 1 minute, the test shall be voided, the vehicle removed from the dynamometer, corrective action taken, and the vehicle rescheduled for test. The reason for the malfunction (if determined) and the corrective action taken shall be reported.

§ 86.177-16 Sampling and analytical system (exhaust emissions).

(a) *Gasoline-fueled vehicles.* The sampling and analytical systems for gasoline-fueled vehicles shall comply with paragraph (a) of this section:

(1) Schematic drawings. The following figures (Figs. B77-1 and B77-2) are schematic drawings of the exhaust gas sampling and analytical systems which will be used for testing under the regulations in this part. Since various configurations of the required components can produce accurate results, these schematic drawings are not to be interpreted literally and exact conformance is not mandatory. Additional components such as instruments, valves, solenoids, pumps, and switches may be used to provide additional information and coordinate the functions of the component systems.

(2) Component description (exhaust gas sampling system). The following components will be used in the exhaust gas sampling systems for testing under the regulations in this subpart. See figure B77-1. Other types of constant volume samplers may be used if shown to yield equivalent results and if approved in advance by the Administrator.

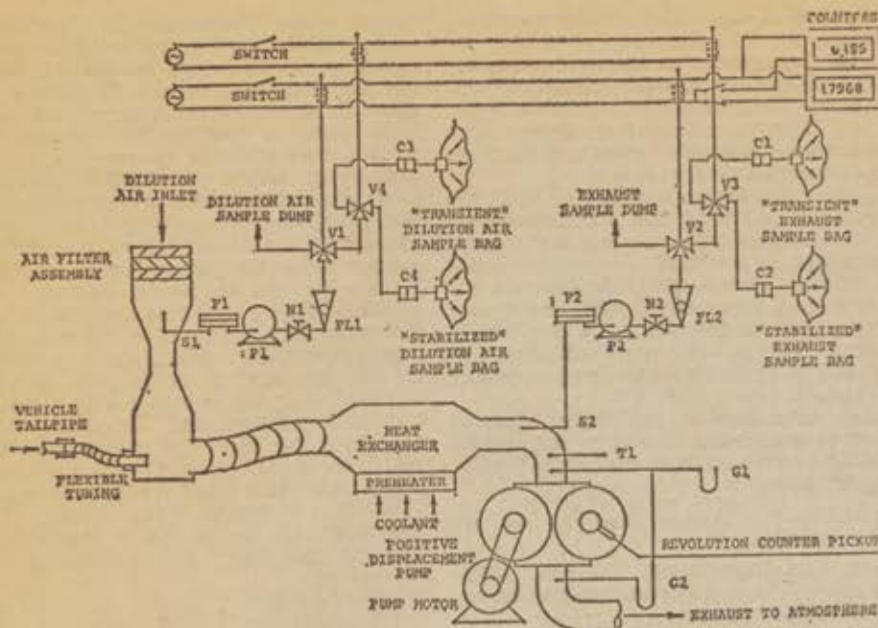

Figure B 77-1 - Exhaust Gas Sampling System

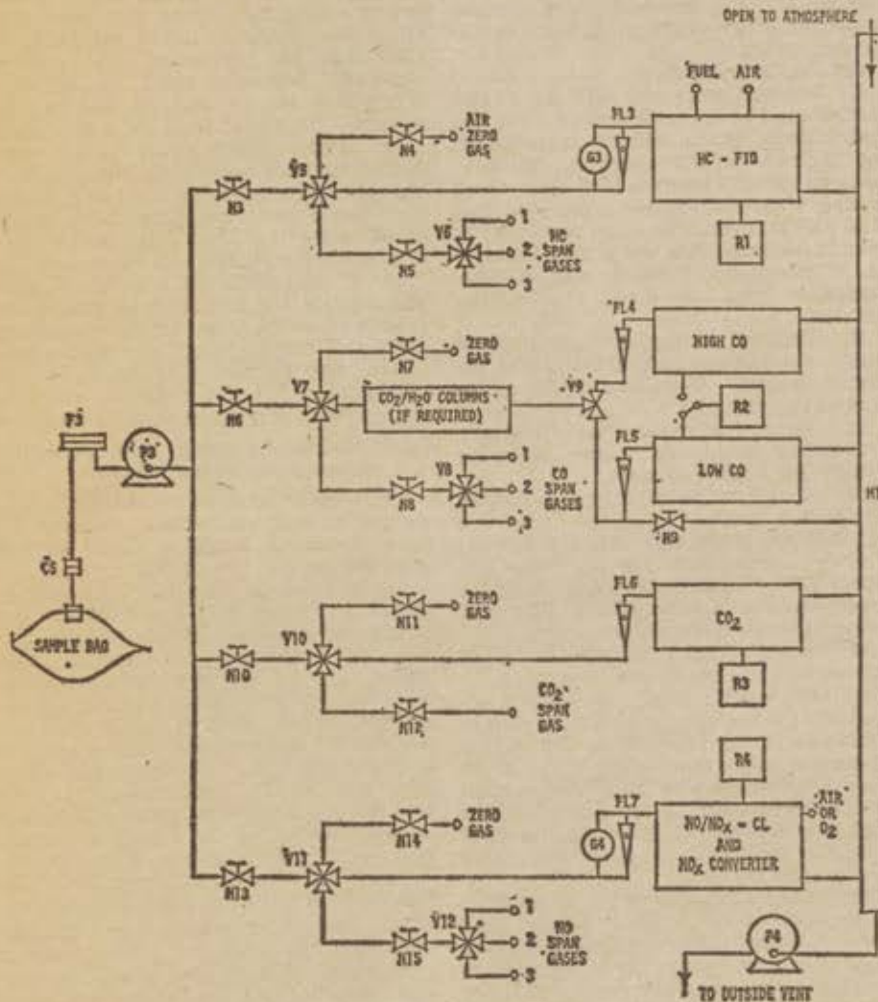

Figure B 77-2 Exhaust Gas Analytical System

(i) A dilution air filter assembly consisting of a particulate (paper) filter to remove solid matter from the dilution air and thus increase the life of the charcoal filter; a charcoal filter to reduce and stabilize the background hydrocarbon level; and a second particulate filter to remove charcoal particles from the air stream.

(ii) A leak-tight connector and tube to the vehicle tailpipe. The tubing shall be sized and connected in such a manner that the static pressure variations in the vehicle tailpipe(s) remain within ± 5 inches of water of the static pressure variations measured during a dynamometer driving cycle with no connection to the tailpipe(s). Sampling systems capable of tolerances of ± 1 inch of water will be used by the Administrator if a written request by the manufacturer substantiates the need for this closer tolerance.

(iii) A heating system to preheat exchanger to within ± 10°F of its operating temperature before the test begins.

(iv) A heat exchanger capable of limiting the gas mixture temperature variation during the entire test to ± 10°F as measured at a point immediately ahead of the positive displacement pump.

(v) A positive displacement pump to pump the dilute exhaust mixture. The pump capacity (300 to 350 c.f.m. is sufficient for testing most vehicles) shall be large enough to virtually eliminate water condensation in the system. See Appendix III for one flow calibration technique. Other suitable calibration techniques may be used if approved in advance by the Administrator.

(vi) Temperature sensor (T1) with an accuracy of ± 2°F to allow continuous recording of the temperature of the dilute exhaust mixture entering the positive displacement pump. (See § 86.177–18(1)).

(vii) Gauge (G1) with an accuracy of ± 3 mm. Hg to measure the pressure depression of the dilute exhaust mixture entering the positive displacement pump, relative to atmospheric pressure.

(viii) Gauge (G2) with an accuracy of ± 3 mm. Hg to measure the pressure increase across the positive displacement pump.

(ix) Sample probes (S1 and S2) pointed upstream to collect samples from the dilution airstream and the dilute exhaust mixture.

(x) Filters (F1 and F2) to remove particulate matter from dilution air and dilute exhaust samples.

(xi) Pumps (P1 and P2) to pump the dilution air and dilute exhaust into their respective sample collection bags.

(xii) Flow control valves (N1 and N2) to regulate flows to sample collection bags, at constant flow rates. The minimum sample flow rate shall be 10 c.f.h.

(xiii) Flowmeters (FL1 and FL2) to insure, by visual observation, that constant flow rates are maintained throughout the test.

(xiv) Three-way solenoid valves (V1, V2, V3, and V4) to direct sample streams to either their respective bags or overboard.

(xv) Quick-connect, leak-tight fittings (C1, C2, C3, and C4) with automatic shutoff on bag side to attach sample bags to sample system.

(xvi) Sample collection bags for dilution air and exhaust samples of sufficient capacity so as not to impede sample flow.

(xvii) Revolution counters to count the revolutions of the positive displacement pump while each test phase is in progress and samples are being collected.

(3) Component description (exhaust gas analytical system). The following components will be used in the exhaust gas analytical system for testing under the regulations in this part. The analytical system provides for the determination of hydrocarbon concentrations by flame ionization detector (FID) analysis, the determination of carbon monoxide and carbon dioxide concentrations by nondispersive infrared (NDIR) analysis and the determination of oxides of nitrogen concentrations by chemiluminescence (CL) analysis in dilute exhaust samples. The chemiluminescence method of analysis requires that the nitrogen dioxide present in the sample be converted to nitric oxide before analysis. See Appendix V. Other types of analyzers may be used if shown to yield equivalent results and if approved in advance by the Administrator. See Figure B77-2.

(i) Quick-connect leak-tight fitting (C5) to attach sample bags to analytical system.

(ii) Filter (F3) to remove any residual particulate matter from the collected sample.

(iii) Pump (P3) to transfer samples from the sample bags to the analyzers.

(iv) Selector valves (V5, V6, V7, V8, V9, V10, V11, and V12) for directing samples, span gases or zeroing gases to the analyzers.

(v) Flow control valves (N3, N4, N5, N6, N7, N8, N9, N10, N11, N12, N13, N14, and N15) to regulate the gas flow rates.

(vi) Flowmeters (FL3, FL4, FL5, FL6, and FL7) to indicate gas flow rates.

(vii) Pressure gauges (G3 and G4) to facilitate greater precision in setting and reading flowrates.

(viii) Manifold (M1) to collect the expelled gases from the analyzers.

(ix) Pump (P4) to transfer expelled gases from the collection manifold to a vent external to the test room (optional).

(x) Analyzers to determine hydrocarbon, carbon monoxide, carbon dioxide and oxides of nitrogen concentrations. See § 86.177-19(a).

(xi) Sample conditioning column containing $CaSO_4$ or indicating silica gel to remove water vapor and containing ascarite to remove carbon dioxide from the CO analysis stream.

NOTE: If CO instruments which are essentially free of CO2 and water vapor interference are used, the use of the conditioning column may be deleted. See § 86.177-18(h) and 86.177-22(c). A CO instrument will be considered to be essentially free of CO2 and water vapor interference if its response to a mixture of 3 percent CO2 and N2, which has been bubbled through water at room temperature (68°-86°F), produces an equivalent CO response, as measured on the most sensitive CO range, which is less than 1 percent of full scale CO concentration on instrument ranges above 300 ppm CO or less than 3 ppm on instrument ranges below 300 ppm CO.

(xii) Recorders (R1, R2, R3, and R4) or digital printers to provide permanent records of calibration, spanning and sample measurements; or in those facilities where computerized data acquisition systems are incorporated, the computer facility printout may be used.

(b) Diesel vehicles. The sampling and analytical systems for exhaust emissions tests on Diesel light duty vehicles and Diesel light duty trucks shall comply with paragraph (b) of this section:

(1) Schematic drawings. The following figures B77-3, B77-4 and B77-5 are schematic drawings of the exhaust gas sampling and analytical systems which will be used for testing under the regulations in this part. Since various configurations of the required components can produce accurate results, these schematic drawings are not to be interpreted literally and exact conformance is not mandatory. Additional components such as instruments, valves, solenoids, pumps, and switches may be used to provide additional information and coordinate the functions of the component systems.

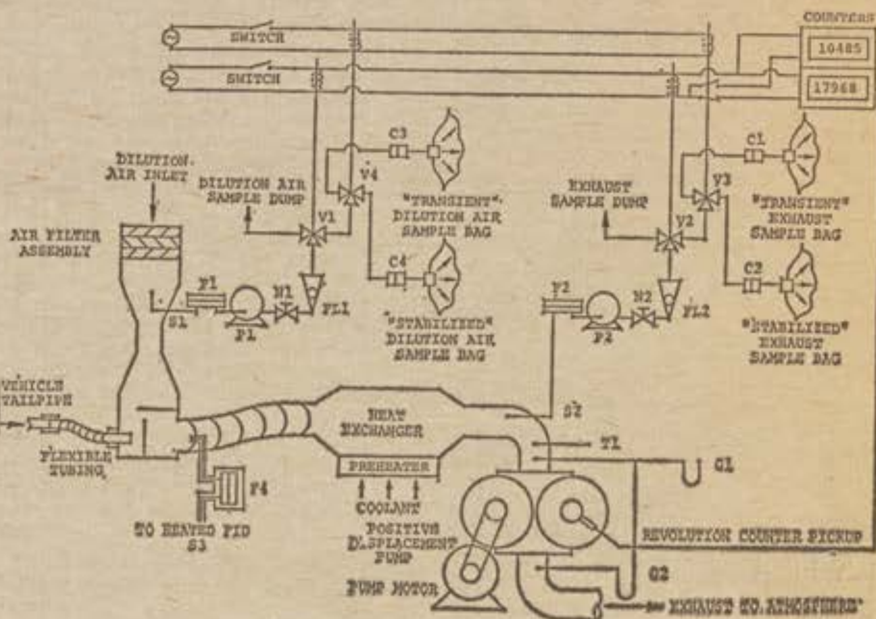

Figure B 77-3 · Exhaust Gas Sampling System

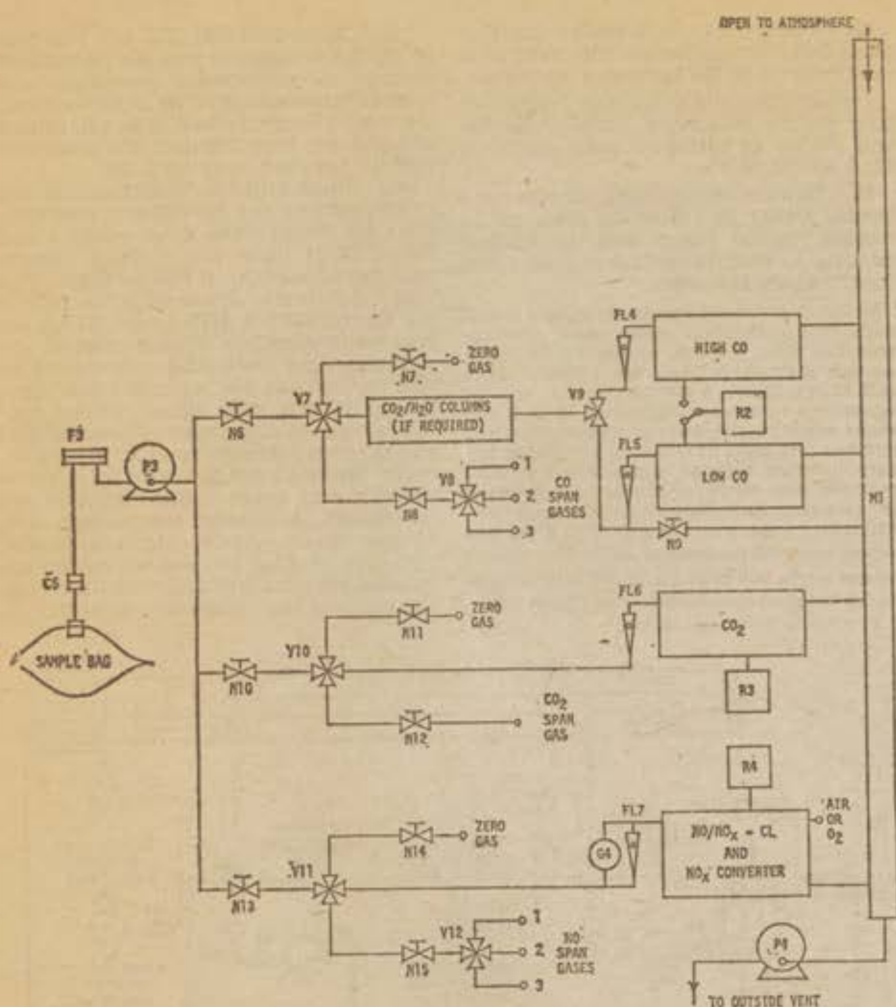

Figure B 77-4 Exhaust Gas Analytical System

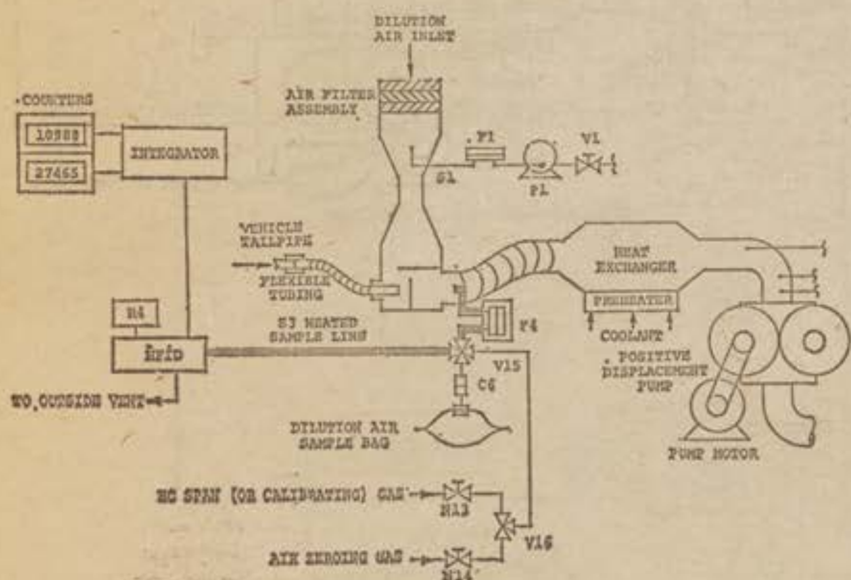

Figure B 77-5 Diesel Hydrocarbon Continuous Analysis System

(2) Component description (exhaust gas sampling system). The following components will be used in the exhaust gas sampling system for testing under the regulations in this part. See Figure B77-3. Other types of constant volume samplers may be used if shown to yield equivalent results, and if approved in advance by the Administrator.

(i) A dilution air filter assembly consisting of a particulate (paper) filter to remove solid matter from the dilution air and thus increase the life of the charcoal filter; a charcoal filter to reduce and stabilize the background hydrocarbon level; and a second particulate filter to remove charcoal particles from the air stream.

(ii) A leak-tight connector and tube to the vehicle tailpipe. The tubing shall be sized and connected in such a manner that the static pressure variations in the vehicle tailpipe(s) remain within ±5 inches of water of the static pressure variations measured during a dynamometer driving cycle with no connection to the tailpipe(s). Sampling systems capable of tolerances of ±1 inch of water will be used by the Administrator if a written request by the manufacturer substantiates the need for this closer tolerance.

(iii) A heating system to preheat the heat exchanger to within ±10°F of its operating temperature before the test begins.

(iv) A heat exchanger capable of limiting the gas mixture temperature variation during the entire test to ±10°F as measured at a point immediately ahead of the positive displacement pump.

(v) A positive displacement pump to pump dilute exhaust mixture. The pump capacity (300 to 350 c.f.m. is sufficient for testing most vehicles) shall be large enough to virtually eliminate water condensation in the system. See Appendix III to this part for one flow calibration technique. Other suitable calibration techniques may be used if approved in advance by the Administrator.

(vi) Temperature sensor (T1) with an accuracy of ±2°F to allow continuous recording of the temperature of the dilute exhaust mixture entering positive displacement pump. (See § 86.177-18(1)).

(vii) Gage (G1) with an accuracy of ±3mm. Hg to measure the pressure depression of the dilute exhaust mixture entering the positive displacement pump, relative to atmospheric pressure.

(viii) Gage (G2) with an accuracy of ±3mm. Hg to measure the pressure increase across the positive displacement pump.

(ix) Sample probes (S1, S2, and S3) pointed upstream to collect samples from the dilution air steam and the dilute exhaust mixture. Additional sample probes may be used, for example, to obtain continuous concentration traces of the dilute exhaust stream. In such case the sample flow rate, in standard cubic feet per test phase, must be added to the calculated

dilute exhaust volume. The position of the sample probes in Figure B77-3 is pictorial only. The heated sample line (S3) between the sampling point and the analyzer shall be as short as possible.

(x) Filters (F1 and F2) to remove particulater matter from dilution air and dilute exhaust samples.

(xi) Pumps (P1 and P2) to pump the dilution air and dilute exhaust into their respective sample collection bags.

(xii) Flow control valves (N1 and N2) to regulate flows to sample collection bags, at constant flow rates. The minimum sample flow rate shall be 10 c.f.h.

(xiii) Flowmeters (FL1 and FL2) to insure, by visual observation, that constant flow rates are maintained throughout the test.

(xiv) Three-way solenoid valves (V1, V2, V3, and V4) to direct sample streams to either their respective bags or overboard.

(xv) Quick-connect, leak-tight fittings (C1, C2, C3, and C4) with automatic shutoff on bag side to attach sample bags to sample system.

(xvi) Sample collection bags for dilution air and exhaust samples of sufficient capacity so as not to impede sample flow.

(xvii) Revolution counters to count the revolutions of the positive displacement pump while each test phase is in progress and samples are being collected.

(3) Component description (exhaust gas batch analytical system). The following components will be used in the exhaust gas batch analytical system for testing under the regulations in this part. The analytical system provides for the determination of carbon monoxide and carbon dioxide concentrations by nondispersive infrared (NDIR) analysis and the determination of oxides of nitrogen concentrations by chemiluminescence (CL) analysis in dilute exhaust samples. The chemiluminescence method of analysis requires that the nitrogen dioxide present in the sample be converted to nitric oxide before analysis. Other type of analyzers may be used if shown to yield equivalent results and if approved in advance by the Administrator. See Figure B77-4.

(i) Quick-connect, leak-tight fitting (C5) to attach sample bags to analytical system.

(ii) Filter (F3) to remove any residual particulate matter from the collected sample.

(iii) Pump (P3) to transfer samples from the sample bags to the analyzers.

(iv) Selector valves (V7, V8, V9, V10, V11, and V12) for directing samples, span gases or zeroing gases to the analyzers.

(v) Flow control valves (N6, N7, N8, N9, N10, N11, N12, N13, N14, and N15) to regulate the gas flow rates.

(vi) Flowmeters (FL4, FL5, FL6, and FL7) to indicate gas flow rates.

(vii) Pressure gauge (G4) to facilitate greater precision in setting and reading flow rate.

(viii) Manifold (M1) to collect the expelled gases from the analyzers.

(ix) Pump (P4) to transfer expelled gases from the collection manifold to a vent external to the testroom (optional).

(x) Analyzers to determine carbon monoxide, carbon dioxide and oxides of nitrogen concentrations (See § 86.177-19 (a)).

(xi) Sample conditioning column containing $CaSO_4$, or indicating silica gel to remove water vapor and containing ascraite to remove carbon dioxide from the CO analyses stream.

NOTE: If CO instruments which are essentially free of CO2 and water vapor interference are used, the use of the conditioning column may be deleted. See §§ 86.177-18(n) and 86.177-22(c).

A CO instrument will be considered to be essentially free of CO2 and water vapor interference if its response to a mixture of 3 percent CO2 in N2, which has been bubbled through water at room temperature (68°-86°F), produces an equivalent CO response, as measured on the most sensitive CO range, which is less than 1 percent of full scale CO concentration on instrument ranges above 300 ppm CO or less than 3 ppm on instrument ranges below 300 ppm CO.

(xii) Recorders (R1, R2, and R3) or digital printers to provide permanent records of calibration, spanning and sample measurements; or in those facilities where computerized data acquisition systems are incorporated, the computer facility printout may be used.

(4) Component description (exhaust gas continuous analytical system). The following components will be used in the exhaust gas continuous analytical system for testing under the regulations in this part. This analytical system provides for the continuous determination of exhaust hydrocarbon concentration by heated flame ionization detector (HFID) analysis. Other types of analyzers may be used if shown to yield equivalent results and if approved in advance by the Administrator. See Figure B77-5.

(i) Heated continuous sampling line (S3).

(ii) Heated filter (F4) to remove particulate matter from heated hydrocarbon sample.

(iii) Selector valves (V5 and V6) for directing the continuous dilute exhaust sample, dilution air bag sample, span or zeroing gases to the analyzers.

(iv) Quick-connect, leak-tight fitting (C6) to attach dilution air sample bag to analytical system.

(v) Heated hydrocarbon analyzer (HFID) complete with heated pump, filter, and flow control system. The response time of this instrument shall be less than 1 second for 90 percent of full scale response. Sample transport time from sampling point to inlet of instrument shall be less than 4 seconds.

(vi) Chart recorder (R1) and analog integrator with two readouts, or chart recorder (R1) and on-line digital computer for manual or electronic integration of analyzer output signal during the three operating phases of the test.

(vii) Flow control valves (N4 and N5) to regulate the gas flow rates.

§ 86.177-17 Sampling and analytical system (fuel evaporative emissions, gasoline-fueled vehicles).

(a) *Schematic drawing.* (1) The following figures (Figures B77-6, B77-7, B77-8) are flow diagrams of typical evaporative loss collection applications.

(2) Figure B77-6 represents an arrangement for collecting losses which emanate from the carburetor. Figure B77-7 depicts the means for separately collecting the vapors which emanate from the fuel tank vent line and filler cap. Figure B77-8 shows an arrangement for collecting the losses from a closed fuel system, vented to the atmosphere solely through the air cleaner, as might be the case with certain fuel evaporative emission control devices.

(3) Schematic drawings of arrangements to be employed shall be submitted in accordance with § 86.077-21(b)(3).

(b) *Collection equipment.* The following equipment shall be used for this collection of fuel evaporative emissions. (Item quantities are determined by individual test needs.)

(1) *Activated carbon trap.* See Figure B77-9 for specifications of one design; other configurations may be used: Provided, That they give demonstrably equivalent results.

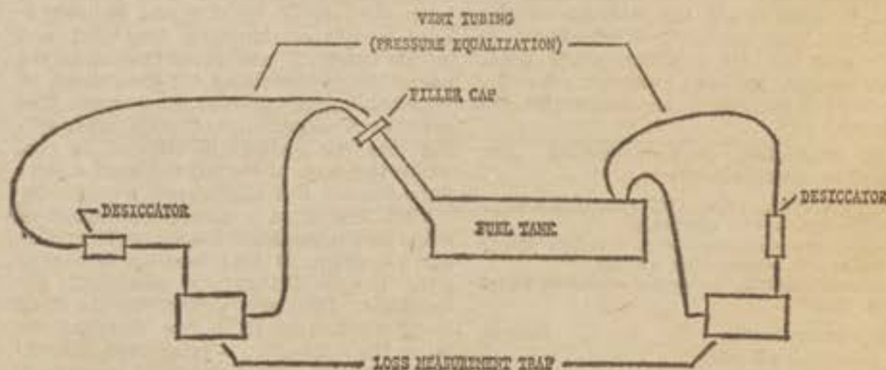

FIGURE B 77-7 — Typical fuel tank evaporative loss collection arrangement (schematic).

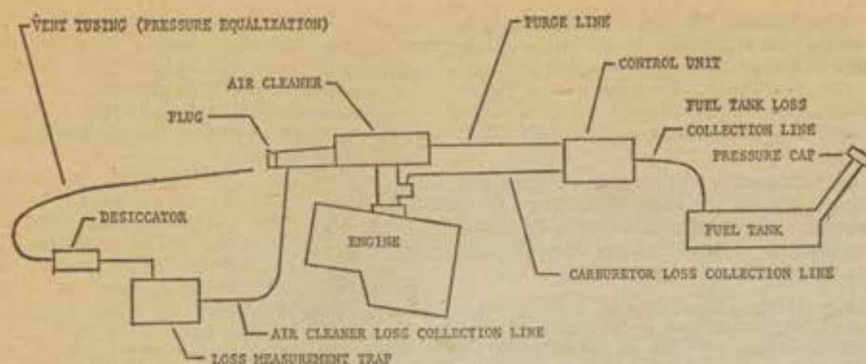

FIGURE B 77-8 - Typical fuel evaporative loss collection arrangement for vehicle equipped with evaporative emission control system (schematic).

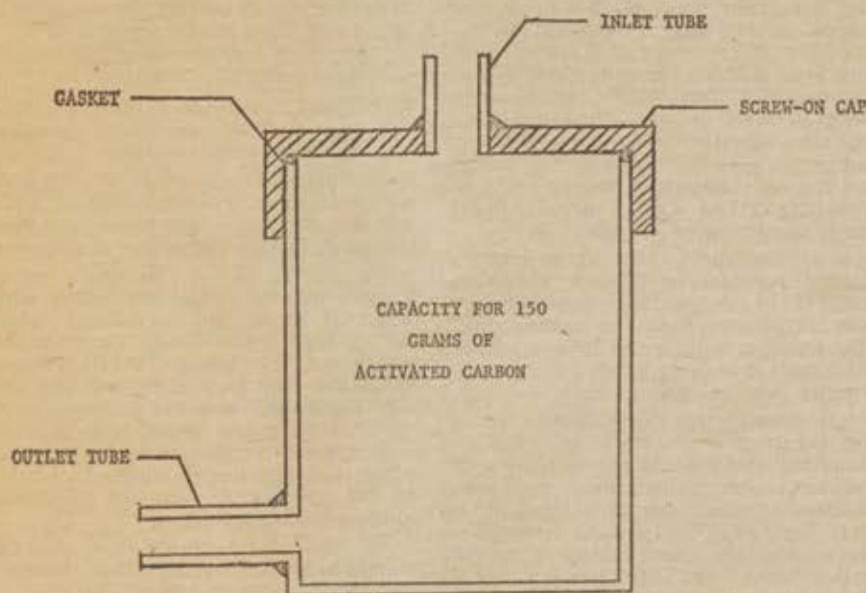

FIGURE B 77-9 - Typical activated carbon trap (schematic).

(i) Canister —300±25 ml., cylindrical container having a length to diameter ratio of 1.4+0.1. An inlet tube, 5/16-inch ID and 1 inch long is sealed into the top of the canister, at its geometric center. A similar outlet tube is sealed into the wall ¼ inch from the bottom of the canister. The canister is designed to withstand an air pressure of 2 p.s.i., when sealed, without evidence of leaking when immersed in water for 30 seconds.

(ii) Activated carbon-meeting the following specifications:

Surface area, min. (N2 BET method),[1] 1,000 square meters per gram.

Adsorption capacity, min. (carbon tetrachloride), 60 percent, by weight.

Volatile material including adsorbed water vapor, None.

Screen analysis size:	Percent
Less than 1.4 mm	0
1.7 to 2.4 mm	90-100
More than 3 mm	0

[1] Brunauer, Emmett & Teller: Journal of the American Chemical Society, Vol. 60, p. 309, 1938.

The activated carbon trap is prepared for the test by attaching clamped sections of vinyl tubing to the inlet and outlet tubes of the canister. The canister is then filled with 150±10 gm. hot activated carbon which had previously been oven-dried for 3 hours at 300° F. Loss of carbon through the inlet and outlet tubes is prevented through the use of wire screens of 0.7 mm. mesh or wads of loosely packed glass wool. The canister is closed immediately after filling and the carbon is allowed to cool while the trap is vented through a drying tube via the unclamped outlet arm.

(iii) The trap is sealed and weighed after cooling and the weight, to the nearest 0.1 gram, is inscribed on the canister body. Within 12 hours of the scheduled test, the weight of the trap is checked and if it has changed by more than 0.5 gm., it is redried to constant weight. This redrying operation is performed by passing dry nitrogen, heated to 275° F, through the trap, via the inlet tube, at a rate of 1 liter per minute until checks made at 30-minute intervals do not vary by more than 0.1 percent of the gross weight. The trap and its contents are allowed to cool to room temperature, while vented through a drying tube via the outlet arm, before use.

(2) *Auxiliary collection equipment*. (i) Drying tube—transparent, tubular body ¾-inch ID, 6 inches long, with serrated tips and removable caps.

(ii) Desiccant—indicating variety, 8 mesh. The drying tube is attached to the outlet tube of the collection traps to prevent ambient moisture from entering the trap. It is prepared by filling the empty drying tube with fresh desiccant using a loose wad of glass wool to hold the desiccant in place. The desiccant is renewed when three-quarters spent, as indicated by color change.

(iii) Collection tubing—stainless steel, aluminum, or other suitable material approved by the Administrator, 5/16-inch ID, for connecting the collection traps to the fuel system vents.

(iv) Polyvinyl chloride (vinyl) tubing—flexible tubing, 5/16-inch ID, for sealing butt-to-butt joints.

(v) Laboratory tubing—air tight flexible tubing 5/16-inch ID, attached to the outlet end of the drying tubes to equalize collection system pressure.

(vi) Clamps—hosecock, openside, for pinching off flexible tubing.

(c) *Weighing equipment*. The balance and weights used shall be capable of determining the net weight of the activated carbon trap within an accuracy of ±75 mg.

(d) *Temperature measuring equipment*. (1) Temperature recorder—multichannel, variable speed, potentiometric, or substantially equivalent, recorder with a temperature range of 50° F. to 100° F. and capable of either simultaneous or sequential recording of the ambient air and fuel temperatures within an accuracy of ±1° F.

(2) Fuel tank thermocouples—iron-constantan (type J) construction.

(3) Other types of temperature sensing systems may be provided by the manufacturer if they record the information specified in paragraph (d) (1) of this section with the required accuracy and if they are self-contained. Type J thermocouples are required for compatibility with recording instruments used in Federal certification facilities.

(e) *Assembly and use of the activated carbon vapor collection system*. (1) The prepared activated carbon trap, dried to constant weight, cooled to the ambient temperature and sealed with clamped sections of vinyl tubing is carefully weighed to the nearest 20 milligrams and the weight recorded as the "tare weight."

(2) A drying tube is attached to the outlet tube and the clamp released, but not removed. A length of flexible tubing, for pressure equalization, is connected to the other end of the drying tube.

(3) The inlet of the adsorption trap and external vent(s) of the fuel system will be connected by minimal lengths of stainless steel or aluminum tubing and short sections of vinyl tubing. Butt-to-butt joints shall be made wherever possible and precautions taken against sharp bends in the connection lines, including

any manifold systems employed to connect multiple vents to a single trap.

(4) The clamp on the inlet tube of the trap shall be released but not removed. Care shall be exercised to prevent heating the vapor collection trap by radiant or conductive heat from the engine.

(5) Upon completion of the collection sequence, the vinyl tubing sections on each arm of the collection trap shall be clamped tight and the collection system dismantled.

(6) The sealed vapor collection trap shall be weighed carefully to the nearest 20 milligrams. This constitutes the "gross weight," which is appropriately recorded. The difference between the "gross weight" and "tare weight" represents the "net weight" for purposes of calculating the fuel vapor losses.

§ 86.177-18 Information to be recorded.

The following information shall be recorded with respect to each test:

(a) Test number.

(b) System or device tested (brief description).

(c) Date and time of day for each part of the test schedule.

(d) Instrument operator.

(e) Driver or operator.

(f) Vehicle: Make—Vehicle identification number—Model year—Transmission type—Odometer reading—Engine displacement—Engine family—Idle r.p.m.—Fuel system (fuel injection, nominal fuel tank capacity, fuel tank location, number of carburetors, number of carburetor barrels, as applicable)—Inertia loading—Actual curb weight recorded at 0 miles—Actual road load horsepower at 50 m.p.h. and drive wheel tire pressure.

(g) Indicated road load power absorption at 50 m.p.h. and dynamometer serial number. As an alternative to recording the dynamometer serial number, a reference to a vehicle test cell number may be used, with the advance approval of the Administrator, provided, the test cell records show the pertinent information.

(h) All pertinent instrument information such as tuning—gain—serial number—detector number—range. As an alternative, a reference to a vehicle test cell number may be used, with the advance approval of the Administrator, provided test cell calibration records show the pertinent instrument information.

(i) Recorder charts: Identify zero, span, exhaust gas, and dilution air sample traces.

(j) Test cell barometric pressure, ambient temperature, and humidity.

NOTE: A central laboratory barometer may be used, provided, that individual test cell barometric pressures are shown to be within ±0.1 percent of the barometric pressure at the central barometer location.

(k) Fuel temperatures, as prescribed (gasoline fueled only).

(l) Pressure of the mixture of exhaust and dilution air entering the positive displacement pump, the pressure increase across the pump, and the temperature set point of the temperature control system. The sample temperature at the inlet to the pump may be measured, if desired, to verify that the temperature variations are within 5° F, of the set point.

(m) The number of revolutions of the positive displacement pump accumulated while the test is in progress and exhaust flow samples are being collected.

(n) The humidity of the dilution air.

NOTE: If conditioning columns are not used (see § 86.177-16(a)(3)(xi) and § 86.177-16(b)(3)(xi)), this measurement can be deleted. If the conditioning columns are used and the dilution air is taken from the test cell, the ambient humidity can be used for this measurement.

(o) Temperature set point of the heated sample line and heated hydrocarbon detector temperature control system (for Diesel vehicles only).

§ 86.177-19 Analytical system calibration and sample handling.

(a) Calibrate the analytical assembly at least once every 30 days. Use the same flow rate as when analyzing samples.

(1) Adjust analyzers to optimize performance. For Diesel vehicles, operate the heated hydrocarbon analyzer, sampling line and filter to ±10° F in the temperature range of 300 to 390° F.

(2) Zero the hydrocarbon analyzer with zero grade air and the carbon monoxide, carbon dioxide, and oxides of nitrogen analyzers with zero grade air or zero grade nitrogen. The allowable zero gas impurity concentrations should not exceed 1 p.p.m. equivalent carbon response, 1 p.p.m. carbon monoxide, 400 p.p.m. (0.04 mole percent) carbon dioxide, and 0.1 p.p.m. nitric oxide.

(3) Set the CO and CO2 analyzer gains to give the desired ranges. Select the dedesired attenuation scale of the HC analyzer, set the sample capillary flow rate by adjusting the back pressure regulator, and adjust the electronic gain control, if provided, to give the desired range. Select the desired scale of the NOx analyzer and adjust the phototube high voltage supply or amplifier gain to give the desired range.

(4) Calibrate the HC analyzer with propane (air diluent) gases having nominal concentrations equal to 50 and 100 percent of full scale. Calibrate the CO analyzer with carbon monoxide (nitrogen diluent) gases and the CO2 analyzer with carbon dioxide (nitrogen diluent) gases having nominal concentrations equal to 10, 25, 40, 50, 60, 70, 85, and 100 percent of full scale. Calibrate the NOx analyzer with nitric oxide (nitrogen diluent) gases having nominal concentrations equal to 50 and 100 percent of full scale. The actual concentrations should be known to within ±2 percent of the true values.

(5) Compare values obtained on the CO and CO2 analyzers with previous calibration curves. Any significant change reflects some problem in the system. Locate and correct problem, and recalibrate. Use best judgement in selecting curves for data reduction.

(6) NOx converter efficiency determination: The apparatus described and illustrated in Figure B 77-10 or Figure B 77-11 is to be used to determine the conversion efficiency of devices that convert NOx to NO. The following procedure is to be used for determining the values to be used in Equation (A).

(i) Attach the NO/N2 supply (150–250 p.p.m.) at C2, the 02 supply at C1 and the analyzer inlet connection to the efficiency detector at C3. If lower concentrations of NO are used, air may be used in place of 02 to facilitate better control of the NO2 generated during step (iv).

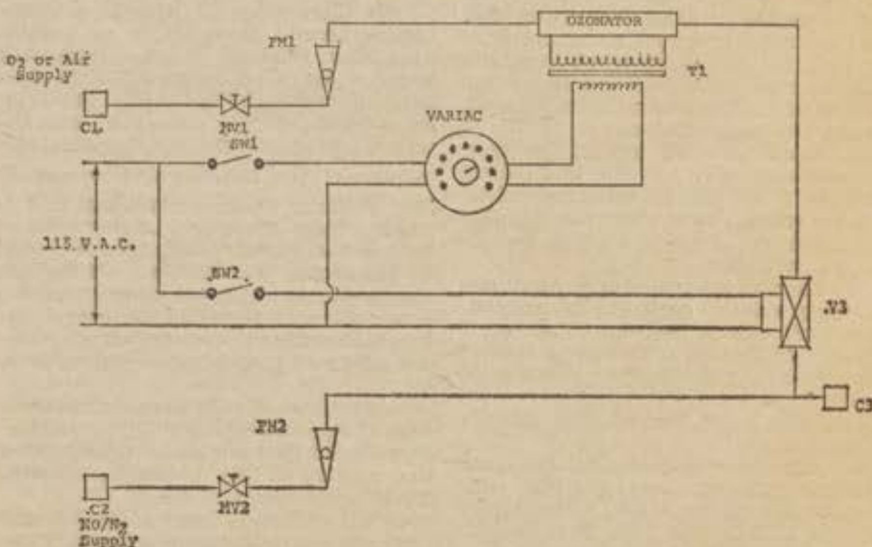

Figure: B 77-10 - NOx Converter Efficiency Detector

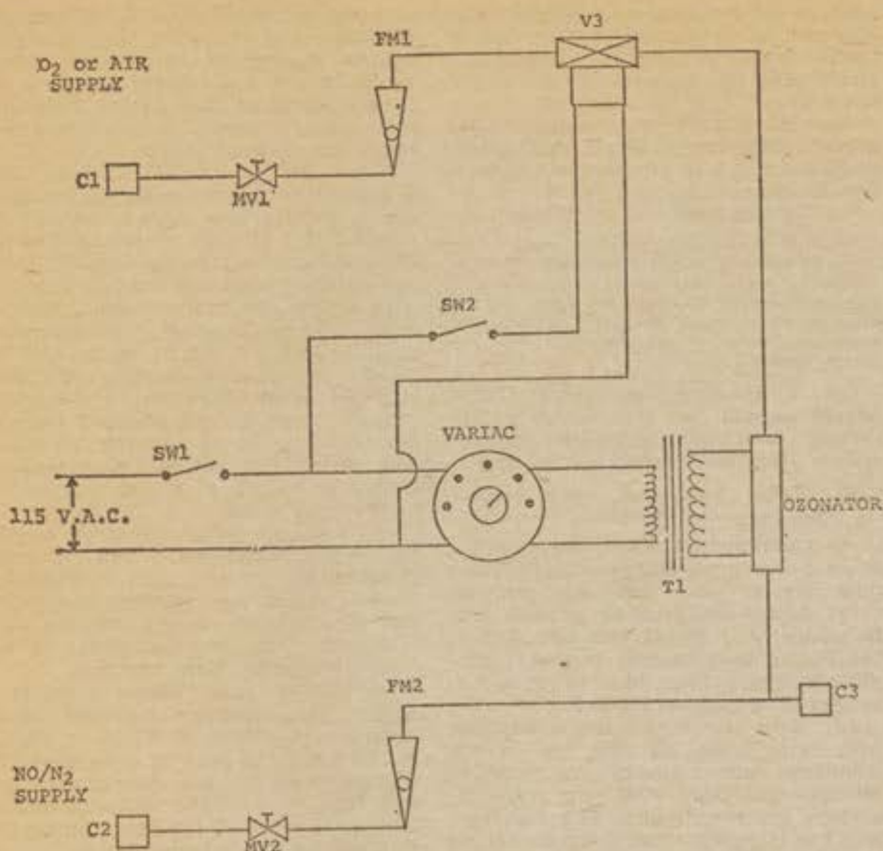

Figure B 77-11 - NOx Converter Efficiency Detector

(ii) With the efficiency detector variac off, place the NOx converter in bypass mode and close valve V3. Open valve MV2 until sufficient flow and stable readings are obtained at the analyzer. Zero and span the analyzer output to indicate the value of the NO concentration being used. Record this concentration.

(iii) Open valve V3 (on/off flow control solenoid valve for 02) and adjust valve MV1 (02 supply metering valve) to blend enough 02 to lower the NO concentration (ii) about 10 percent. Record this concentration.

(iv) Turn on the ozonator and increase its supply voltage until the NO concentration of (iii) is reduced to about 20 percent of (ii). NO2 is now being formed from the NO +03 reaction. There must always be at least 10 percent unreacted NO at this point. Record this concentration.

(v) When a stable reading has been obtained from (iv), place the NOx converter in the convert mode. The analyzer will now indicate the total NOx concentration. Record this concentration.

(vi) Turn off the ozonator and allow the analyzer reading to stabilizer. The mixture NO +02 is still passing through the converter. This reading is the total NOx contration of the dilute NO span gas used at step (iii). Record this concentration.

(vii) Close valve V3. The NO concentration should be equal to or greater than the reading of (ii) indicating whether the NO contains any NO2. Calculate the efficiency of the NOx converter by substituting the concentrations obtained during the test into Equation (A).

% Eff.=(v)-(iv)/(vi)-(iv) ×100 percent (A)

The efficiency of the converter should be greater than 90 percent. Adjustment of the converter temperature may be needed to maximize the efficiency. Efficiency checks should be made on each analyzer range using an NO span gas concentration appropriate to the instrument range. See alternate procedure in paragraph (a) (6) (viii).

(viii) Alternative to paragraph (a) (6) (vii): Close valve V3. The NO concentration should be equal to or greater than the reading of (ii) indicating whether the NO contains any NO2.

Calculate the efficiency of the NO converter by substituting the concentrations obtained during the test into Equation (B).

% Eff.=1+(v-vi)/(iii-iv) ×100% (B)

The efficiency of the converter should be greater than 90 percent. Adjusting the converter temperature may be needed to maximize the efficiency. Although steps (ii) and (vii) are not used in the calculations, their values should be recorded to complete the data set for the test sequence. This procedure does not depend on the amount of NO2 in the span gas nor the equivalence of flows in the bypass and converter modes; however, to be consistent with good operating practice, flows should be nominally the same, and the NO2 concentration. Efficiency checks should be made at a frequency (daily to weekly) consistent with good quality assurance provisions.

(7) Check the efficiency of the sample conditioning system, if used, by the following procedure:

(i) Zero and span the CO instrument on its most sensitive scale.

(ii) Recheck zero.

(iii) Bubble a mixture of 3% CO2 in N2 through water at room temperature (68°-86° F), through the conditioning column into the CO instrument. If the response meets the criteria of § 86.177-16(a)(3)(xi) or § 86.177-16(b)(3)(xi) as applicable, then the conditioning column is functioning acceptably. If the response is higher than the specified limit, a new conditioning column should be installed and the test repeated.

(iv) Sample conditioning systems should be checked at a frequency consistent with observed column life or when the indicator of the column packing begins to show deterioration.

(b) HC, CO, CO2, and NOx measurements: (When testing Diesel vehicles allow the HC analyzer sample line and filter to heat to a set point ±10° F between 300 and 390° F.) Allow a minimum of 20 minutes warmup for the HC analyzer and 2 hours for the CO, CO2, and NOx analyzers. (Power is normally left on infrared and chemiluminescence analyzers; but when not in use, the chopper motors of the infrared analyzers are turned off and the phototube high voltage supply of the chemiluminescence analyzer is placed in the standby position.) The following sequence of operations should be performed in conjunction with each series of measurements:

(1) Zero the analyzers. Obtain a stable zero on each amplifier meter and recorder. Recheck after tests.

(2) Introduce span gases and set the CO and CO2 analyzer gains, the HC analyzer sample capillary flow rate and the NOx analyzer high voltage supply or amplifier gain to match the calibration curves. In order to avoid corrections, span and calibrate at the same flow rates used to analyze the test samples. Span gases should have concentrations equal to approximately 80 percent of full scale. If gain has shifted significantly on the CO or CO2 analyzers, check tuning. If necessary, check calibration. Recheck after test. Show actual concentrations on chart.

(3) Check zeros; repeat the procedure in paragraphs (b)(1) and (2) of this section if required.

(4) Check flow rates and pressures.

(5) For Diesel vehicles continuously record (and integrate electronically if de-

sired) dilute hydrocarbon emission levels during test.

(6) Measure CO, CO2, and NO_x concentrations of samples, also HC for gasoline-fueled vehicles. Care should be exercised to prevent moisture from condensing in the sample collection bag.

(7) Check zero and span points.

(c) For the purposes of this section, the term "zero grade air" includes artificial "air" consisting of a blend of nitrogen and oxygen with oxygen concentrations between 18 and 21 mole percent.

§ 86.177–20 Dynamometer test runs.

(a) The vehicle shall be allowed to stand with the engine turned off for a period of not less than 12 hours before the cold start exhaust emission test (gasoline-fueled vehicles shall be stored at an ambient temperature specified in § 86.177–8 and § 86.177–9). The vehicle shall be stored prior to the emission tests in such a manner that precipitation (e.g. rain or dew) does not occur on the vehicle. The complete dynamometer test consists of a cold start drive of 7.5 miles and simulates a hot start drive of 7.5 miles. The vehicle is allowed to stand on the dynamometer during the 10-minute time period between the cold and hot start tests. The cold start test is divided into two periods. The first period representing the cold start "transient" phase, terminates at the end of the deceleration which is scheduled to occur at 505 seconds of the driving schedule. The second period, representing the "stabilized" phase, consists of the remainder of driving schedule including engine shutdown. The hot start test similarly consists of two periods. The first period, representing the hot start "transient" phase, terminates at the same point in the driving schedule as the first phase of the cold start test. The second period of the hot start test, "stabilized" phase, is assumed to be identical to the second period of the cold start test. Therefore, the hot start test terminates after the first period (505 seconds) is run. During the tests the ambient temperature shall be between 68° F. and 86° F.

(b) The following steps shall be taken for each test:

(1) Place drive wheels of vehicle on dynamometer without starting engine.

(2) Open the vehicle engine compartment cover and start the cooling fan.

(3) With the sample solenoid valves in the "dump" position connect evacuated sample collection bags to the two dilute exhaust sample connectors and to the two dilution air sample line connectors.

(4) Start the positive displacement pump (if not already on), the sample pumps, heated hydrocarbon analysis recorder (Diesel only) and the temperature recorded. (The heat exchanger of the constant volume sampler, the Diesel hydrocarbon analyzer continuous sample line and filter (if applicable) should be preheated to their respective operating temperatures before the test begins.)

(5) Adjust the sample flow rates to the desired flow rate (minimum of 10 c.f.h.) and set the revolution counters to zero. Also set Diesel hydrocarbon integrator counters to zero, if applicable.

(6) Attach the flexible exhaust tube to the vehicle tailpipe(s).

(7) Simultaneously start the revolution counter for the positive displacement pump, position the sample solenoid valves to direct the sample flow into the "transient" exhaust sample bag and the "transient" dilution air sample bag, (turn on the Diesel hydrocarbon analyzer system integrator and mark the recorder chart, if applicable) and start cranking the engine.

(8) Fifteen seconds after the engine starts, place the transmission in gear.

(9) Twenty seconds after the engine starts, begin the initial vehicle acceleration of the driving schedule.

(10) Operate the vehicle according to the dynamometer driving schedule (§ 86.177–10).

(11) At the end of the deceleration which is scheduled to occur at 505 seconds, simultaneously switch the sample flows from the "transient" bags to the "stabilized" bags, switch off revolution counter No. 1 (and the Diesel hydrocarbon integrator No. 1, mark the Diesel hydrocarbon recorder chart) and start counter No. 2 (and the Diesel hydrocarbon integrator No. 2). As soon as possible and in no case longer than 20 minutes after the end of this portion of the test disconnect the "transient" exhaust and dillution air sample bags, transfer them to the analytical system and process the samples according to § 86.177–19.

(12) Turn the engine off 2 seconds after the end of the last deceleration (at 1,369 seconds).

(13) Five seconds after the engine stops running, simultaneously turn off revolution counter No. 2 (and the Diesel hydrocarbon integrator No. 2, mark the hydrocarbon recorder chart, if applicable) and position the sample solenoid valves to the "dump" position. As soon as possible and in no case longer than 20 minutes after the end of this portion of the test disconnect the "stabilized" exhaust and dilution air sample bags, transfer them to the analytical system and process the samples according to § 86.177–19.

(14) Immediately after the end of the sample period turn off the cooling fan and close the engine compartment cover.

(15) Turn off the positive displacement pump or disconnect the exhaust tube from the tailpipe(s) of the vehicle.

(16) Repeat the steps in paragraphs (b)(2) through (10) of this section for the hot start test except only one evacuated sample bag is required for sampling exhaust gas and one for dilution air. The step in paragraph (b)(7) of this section shall begin between 9 and 11 minutes after the end of the sample period for the cold start test.

(17) At the end of the deceleration which is scheduled to occur at 505 seconds, simultaneously turn off the No. 1 revolution counter (and Diesel hydrocarbon integrator No. 1, mark the Diesel hydrocarbon recorder chart, if applicable) and position the sample solenoid valve to the "dump" position. (Engine shutdown is not part of the hot start test sample period.)

(18) As soon as possible and in no case longer than 20 minutes after the end of this portion of the test disconnect the hot start "transient" exhaust and dilution air sample bags, transfer them to the analytical system and process the samples according to § 86.177–19.

(19) Disconnect the exhaust tube from the vehicle tailpipe(s) and remove vehicle from dynamometer.

(20) The positive displacement pump may be turned off, if desired.

§ 86.177–21 Chart reading.

(a) Gasoline-fueled light duty vehicles and light duty trucks.

(1) Determine the HC, CO, CO2, and NOx concentrations of the dilution air and dilute exhaust sample bags from the instrument deflections or recordings making use of appropriate calibration charts.

(2) Determine the average dilute exhaust mixture temperatures from the temperature recorder trace if the recorder is used.

(b) Diesel light duty vehicles and light duty trucks.

(1) Determine the HC, CO, CO2, and NOx concentrations of the dilution air and the CO, CO2, and NOx concentration of the dilute exhaust sample bags from the instrument deflections, computer printout, or recordings making use of appropriate calibration charts.

(2) Record integrated HC results, or manually integrate continuous chart. This chart provides a permanent record and can be graphically integrated if verification of the results of electronic integration is required.

(3) Determine the average dilute exhaust mixture temperatures from the temperature recorder trace if a recorder is used.

§ 86.177–22 Calculations (exhaust emissions).

The final reported test results shall be computed by use of the following formula:

(a) For light duty vehicles and light duty trucks:

$$Ywm = (0.43\ Yct + 0.57\ Yht + Ys)/7.5$$

Where:

Ywm = Weighted mass emissions of each pollutant, i.e. HC, CO, or NOx, in grams per vehicle mile.
YCT = Mass emissions as calculated from the "transient" phase of the cold start test, in grams per test phase.
Yht = Mass emissions as calculated from the "transient" phase of the hot start test, in grams per test phase.
Ys = Mass emissions as calculated from the "stabilized" phase of the cold start test, in grams per test phase.

(b) The mass of each pollutant for each phase of both the cold start test and hot start test is determined from the following:

(1) Hydrocarbon Mass:

$$HCmass = Vmix \times DensityHC \times HCconc / 1{,}000{,}000$$

(2) Oxides of nitrogen Mass:

NOxmass = Vmix x DensityNO2 x (NOxconc/1,000,000) x KH

(3) Carbon monoxide Mass:

COmass = Vmix x DensityCO x COconc/1,000,000

(c) Meaning of symbols:

HCmass = Hydrocarbon emissions, in grams per test phase.

DensityHC = Density of hydrocarbons in the exhaust gas, assuming an average carbon to hydrogen ratio of 1:1.85, in grams per cubic foot at 68° F. and 760 mm. Hg. pressure (16.33 gm./cu. ft.).

HCconc = Hydrocarbon concentration of the dilute exhaust sample corrected for background, in p.p.m. carbon equivalent, i.e. equivalent propane x 3.

HCconc = HCe—HCd (1-1/DF)

Where:

HCe = Average hydrocarbon concentrations of the dilute exhaust sample as measured from the sample bag or as calculated from the integrated HC traces, in p.p.m. carbon equivalent.

HCd = Hydrocarbon concentration of the dilution air as measured in p.p.m. carbon equivalent.

NOxmass = Oxides of nitrogen emissions, in grams per test phase.

DensityNO2 = Density of oxides of nitrogen in the exhaust gas, assuming they are in the form of nitrogen dioxide, in grams per cubic foot at 68° F. and 760 mm. Hg. pressure (54.16 gm./cu. ft.).

NOxconc = Oxides of nitrogen concentration of the dilute exhaust sample corrected for background, in p.p.m.

NOxconc = NOxe-NOxd (1-1/DF)

Where:

NOxe = Oxides of nitrogen concentration of the dilute exhaust sample as measured, in p.p.m.

NOxd = Oxides of nitrogen concentration of the dilution air as measured, in p.p.m.

COmass = Carbon monoxide emissions, in grams per test phase.

DensityCO = Density of carbon monoxide in grams per cubic foot at 68° F. and 760 mm. Hg pressure (32.97 gm./cu. ft.).

COconc = Carbon monoxide concentration of the dilute exhaust sample corrected for background, water vapor and CO2 extraction, in p.p.m.

COconc = COe—COd (1-1/DF)

Where:

COe = Carbon monoxide concentration of the dilute exhaust sample volume corrected for water vapor and carbon dioxide extraction, in p.p.m. The calculation assumes the carbon to hydrogen ratio of the fuel is 1:1.85.

COe = (1-0.01925 CO2e-0.000323R) COem

Where:

COem = Carbon monoxide concentration of the dilute exhaust sample as measured in p.p.m.

CO2e = Carbon dioxide concentration of the dilute exhaust sample, in mole percent.

R = Relative humidity of the dilution air, in percent. (see § 86.177-18(n).)

COd = Carbon monoxide concentration of the dilution air corrected for water vapor extraction, in p.p.m.

COd = (1-0.000323R) COdm

Where:

COdm = Carbon monoxide concentration of the dilution air sample as measured, in p.p.m.

NOTE: If a CO instrument which meets the criteria specified in § 86.177-16(a)(3)(xi) or § 86.177-16(b)(3)(xi) is used and the conditioning column has been deleted, COem can be substituted directly for COe and COdm can be substituted directly for COd.

$$DF = \frac{13.4}{CO_{2e} + (HC_e + CO_e) \times 10^{-4}}$$

Vmix = Total dilute exhaust volume in cubic feet per test phase corrected to standard conditions (528°R and 760 mm. Hg).

$$Vmix = Vo \times \frac{N (P_B - P_4)(528°R)}{(760 \text{ mm. Hg})(Tp)}$$

Where:

Vo = Volume of gas pumped by the positive displacement pump, in cubic feet per revolution. This volume is dependent on the pressure differential across the positive displacement pump. (See calibration techniques in Appendix III).

N = Number of revolutions of the positive displacement pump during the test phase while samples are being collected.

PB = Barometric pressure in mm. Hg.

P4 = Pressure depression below atmospheric measured at the inlet to the positive displacement pump.

Tp = Average temperature of dilute exhaust entering positive displacement pump during test while samples are being collected, in degrees Rankine.

KH = Humidity correction factor.

KH = 1/1-0.0047 (H-75)

NOTE: The constant 0.0047 will be updated to reflect any data which becomes available on Light-Duty Diesel engine tests.

Where:

H = Absolute humidity in grains of water per pound of dry air.

H = ((43.478) Ra X Pd)/(PB-(Pd X Ra/100))

Ra = Relative humidity of the ambient air, in percent.

Pd = Saturated vapor pressure, in mm. Hg at the ambient dry bulb temperature.

(d) Example calculation of mass emmissions values:

(1) For the "transient" phase of the cold start test assume Vo = 0.29344 cu. ft. per revolution; N = 10,485; R = 48.0 percent; Ra = 48.2 percent; PB = 762 mm. Hg; Pd = 22.225 mm. Hg; P4 = 70 mm. Hg; Tp = 570° R; HCe = 105.8 p.p.m. carbon equivalent; NOxe = 11.2 p.p.m.; COem = 306.6 p.p.m.; CO_2e = 1.43 percent; HCd = 12.1 p.p.m.; NOxd = 0.8 p.p.m.; COdm = 15.3 p.p.m. Then:

Vmix = (0.29344) (10,485) (762-70) (528)/(760) (570) = 2595.0 cu. ft. per test phase.

H = (43.478) (48.2) (22.225)/762-(22.225X48.2/100)

Kh = 1/1-0.0047(62-75) = .9424.

COe = (1-0.01925(1.43)-0.000323(48)) 306.0 = 293.4 p.p.m.

COd = (1-0.000323(48)) 15.3 = 15.1 p.p.m.

DF = 13.4/1.43 + (105.8 + 293.4) X10-4 = 9.116.

HCconc = 105.8-12.1(1-1/9.116) = 95.03.

HCmass = (2595) (16.33) (95.03/1,000,000) = 4.027 grams per test phase.

NOxconc = 11.2-0.8(1-1/9.116) = 10.49.

NOxmass = (2595) (54.16) (10.49/1,000,000) (0.9424) = 1.389 grams per test phase.

COconc = 293.4-15.1(11/9.116) = 280.

COmass = (2595) (32.97) (280.1,000,000) = 23.96 grams per test phase.

(2) For the "stabilized" portion of the cold start test assume that similar calculations resulted in HCmass = 0.62 grams per test phase; NOxmass = 1.27 grams per test phase; and COmass = 5.98 grams per test phase.

(3) For the "transient" portion of the hot start test assume that similar calculations resulted in HCmass = 0.51 grams per test phase; NOxmass = 1.38 grams per test phase; and COmass = 5.01 grams per test phase.

(4) Results:

HCwm = ((0.43) (4.027) + (0.57) (0.51) + 0.62)/7.5 = 0.3[illegible]2 grams per vehicle mile.

NOxwm = ((0.43) (1.389) + (0.57) (1.38) + 1.27)/7.5 = 0.354 grams per vehicle mile.

COwm = ((0.43) (23.96) + (0.57) (5.01) + 5.98)/7.5 = 2.55 grams per vehicle mile.

§ 86.177-23 Calculations (fuel evaporative emissions, gasoline-fueled vehicles).

The net weights of the individual collection traps employed in § 86.177-9 shall be added together to determine compliance with the fuel evaporative emission standard.

Subparts C through G—[Reserved]

15. A new Subpart H is added to Part 86 and reads as follows:

Subpart H—Emission Regulations for New Gasoline-Fueled Heavy Duty Engines; Test Procedures

Sec.
86.777-1 General applicability.
86.777-2 Definitions.
86.777-3 Abbreviations.
86.777-4 Section numbering.
86.777-5 Test procedures.
86.777-6 Gasoline specifications.
86.777-7 Dynamometer operation cycle and equipment.
86.777-8 Dynamometer procedures.
86.777-9 Sampling and analytical system for measuring exhaust emissions.
86.777-10 Information to be recorded.
86.777-11 Calibration and instrument checks.
86.777-12 [Reserved]
86.777-13 Dynamometer test run.
86.777-14 Chart reading.
86.777-15 Calculations.

AUTHORITY: Secs. 202, 206, 207, 208, 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857f-1, 1857f-5, 1857f-5a, 1857f-6 1857g(a)).

Subpart H—Emission Regulations for New Gasoline-Fueled Heavy Duty Engines; Test Procedures

§ 86.777-1 General applicability.

The provisions of this subpart are applicable to new gasoline-fueled heavy duty engines beginning with the 1977 model year.

§ 86.777-2 Definitions.

The definitions in § 86.077-2 apply to this subpart.

§ 86.777-3 Abbreviations.

The abbreviations in § 86.077-3 apply to this subpart.

§ 86.777-4 Section numbering.

The section numbering system set forth in § 85.077-4(a) applies to this subpart.

§ 86.777-5 Test procedures.

The procedures described in this and subsequent sections will be the test program to determine the conformity of en-

gines with the standards set forth in § 86.077-10.

(a) The test consists of prescribed sequences of engine operating conditions to be conducted on an engine dynamometer. The exhaust gases generated during engine operation are sampled continuously for specific component analysis through the analytical train. The test is applicable to engines equipped with catalytic or direct-flame afterburners, induction system modifications, or other systems, or to uncontrolled engines.

(b) The test is designed to determine the brake-specific emissions of hydrocarbons, carbon monoxide, and oxides of nitrogen during a truck driving pattern in a metropolitan area as simulated on an engine dynamometer. The test consists of two warmup cycles and two hot cycles. The average brake-specific emission values for the warmup cycles and the hot cycles are combined to yield the reported values.

(c) When an engine is tested for exhaust emissions or is operated for durability testing on an engine dynamometer, the fan and optional belt driven accessories will not be installed. Evaporative emission controls need not be connected if data are provided to show that normal operating conditions are maintained in the engine induction system.

(d) Except in cases of component malfunction or failure, all emission control systems installed on or incorporated in a new motor vehicle engine shall be functioning during all procedures in this subpart. Maintenance to correct component failure or malfunction shall be authorized in accordance with § 86.077-24.

§ 86.777-6 Gasoline specifications.

(a) Fuel having the following specifications will be used by the Administrator in exhaust emission testing. Fuels having the following specifications or substantially equivalent specifications approved by the Administrator shall be used by the manufacturer in exhaust testing, except that the lead and octane specifications do not apply.

Item	ASTM designation	Leaded	Unleaded
Octane, Research minimum	D1656	100	96.
Pb. (organic) grams/U.S. gallons		1.4 minimum	0.00-0.05.
Distillation range	D86		
IBP, ° F		75-95	75-95.
10 percent point, ° F		120-135	120-135.
50 percent point, ° F		200-230	200-230.
90 percent point, ° F		300-325	300-325.
EP, ° F (maximum)		415	415.
Sulfur, weight percent, maximum	D1266	0.10	0.10.
Phosphorous, grams/U.S. gallons, maximum		0.01	0.005.
RVP, pound	D323	8.0-9.2	8.0-9.2.
Hydrocarbon composition	D1319		
Olefins, percent, maximum		10	10.
Aromatics, percent, maximum		35	35.
Saturates		Remainder	Remainder.

(b) Fuels representative of commercial fuels which will be generally available through retail outlets shall be used in service accumulation. For unleaded fuel, the minimum lead content shall be 0.02 grams per U.S. gallon and the minimum phosphorus content shall be 0.002 grams per U.S. gallon. For leaded fuel, the minimum lead content shall be 1.4 grams per U.S. gallon, except that where the Administrator determines that engines represented by a test engine will be operated using fuels of different lead content than that prescribed in this paragraph, he may consent in writing to use of a fuel with a different lead content. The octane rating of the fuel used shall be no higher than 4.0 research octane numbers above the minimum recommended by the manufacturer.

§ 86.777-7 Dynamometer operation cycle and equipment.

(a) (1) The following nine-mode cycle shall be followed in dynamometer operation tests of gasoline-fueled heavy duty engines.

Sequence No.	Mode	Manifold vacuum	Time in mode-seconds	Cumulative time-seconds	Weighting factors
1	Idle		70	70	0.232
2	Cruise	16 in. Hg	23	93	.077
3	PTA	10 in. Hg	44	137	.147
4	Cruise	16 in. Hg	23	160	.077
5	PTD	19 in. Hg	17	177	.057
6	Cruise	16 in. Hg	23	200	.077
7	FL	3 in. Hg	34	234	.113
8	Cruise	16 in. Hg	23	257	.077
9	CT		43	300	.143

(2) The engine dynamometer shall be operated at a constant speed of 2,000 r.p.m. ±100 r.p.m. (Speed deviations, not to exceed 200 r.p.m., will be allowed during the first four seconds of each mode).

(3) The idle operating mode shall be carried out at the manufacturer's recommended engine speed. The CT operating mode shall be carried out at the same engine speed as in paragraph (b) (2) of this section.

(4) If the specified manifold vacuum cannot be reached during the PTD mode, the engine shall be operated at closed throttle during that mode. If the specified manifold vacuum cannot be reached during the FL mode, the engine shall be operated at wide open throttle during that mode.

(b) The following equipment shall be used for dynamometer tests.

(1) An engine dynamometer capable of maintaining constant speed ±100 r.p.m. from full throttle to closed throttle motoring.

(2) A chassis-type exhaust system or substantially equivalent exhaust system shall be used.

(3) A radiator typical of that used with the engine in a vehicle, or other means of engine cooling which will maintain the engine operating temperatures at approximately the same temperature as would the radiator, shall be used. An auxiliary fixed speed fan may be used to maintain engine cooling during sustained operation on the dynamometer.

§ 86.777-8 Dynamometer procedures.

An initial 5-minute idle, two warmup cycles, and two hot cycles constitute a complete dynamometer run. Idle modes may be run at the beginning and end of each test, thus eliminating the need to change speed between cycles. One idle mode preceding the first cycle and one following the fourth cycle is sufficient. The results of the first idle shall be used for calculation of the second cycle emissions and the fourth idle results shall be used for calculation of the third cycle emissions.

§ 86.777-9 Sampling and analytical system for measuring exhaust emissions.

(a) *Schematic drawing.* The following (fig. H777-1) is a schematic drawing of the exhaust gas sampling and analytical system which shall be used for testing under the regulations in this subpart. Since various configurations of the required components can produce accurate results, exact conformance with this schematic is not required.

(b) *Component description.* The following components shall be used in sampling and analytical systems for testing under the regulations in this subpart. Other types of sampling and analytical systems may be used if shown to yield equivalent results and if approved in advance by the Administrator.

(1) Flowmeters FL1, FL2, FL3, FL4, and FL5 for indicating the sample flow rate through the analyzers.

(2) Nitric oxide NDIR analyzer.

(3) Carbon monoxide NDIR analyzer.

(4) Carbon dioxide NDIR analyzer.

(5) High-range hydrocarbon NDIR analyzer.

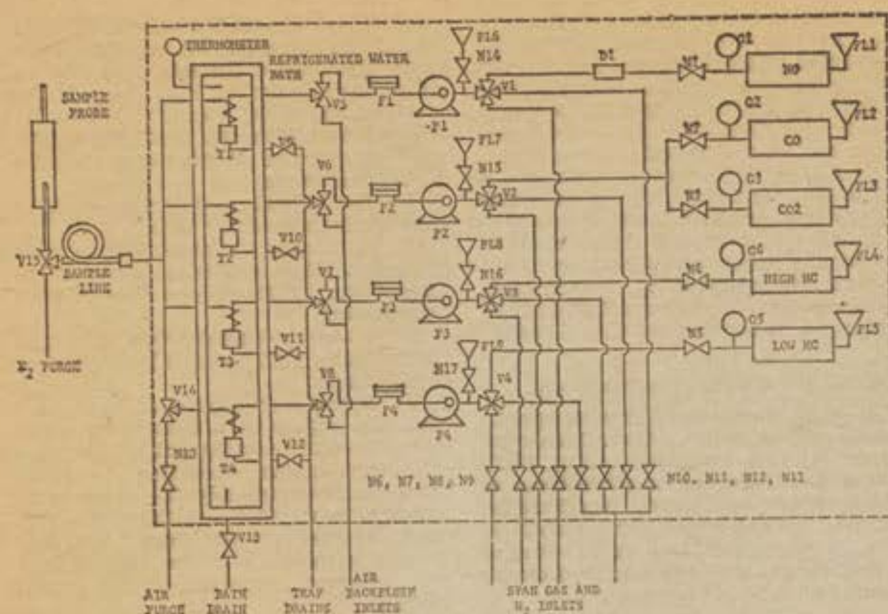

Figure 877-1. -- Flow schematic of exhaust gas analysis system employed in Federal facilities.

(6) Low-range hydrocarbon NDIR analyzer.

(7) Pressure guages G1, G2, G3, G4, and G5 for indicating the analyzer sample pressure.

(8) Needle valves N1, N2, N3, N4, and N5 for regulating the sample flow rate to the analyzers.

(9) Drier D1 for removing water vapor from the sample.

(10) Needle valves N6, N7, N8, N9, N10, N11, N12, and N13 for regulating the flow rates of N2 and span gases to the analyzers.

(11) Ball valves V1, V2, V3, and V4 for directing either sample or span gases to the analyzers.

(12) Needle valves N14, N15, N16, and N17 regulate the sample flow rate through the bypass system.

(13) Flowmeters FL6, FL7, FL8, and FL9 for indicating the flow rate through the bypass system.

(14) Pumps P1, P2, P3, and P4 for forcing the sample through the analyzers.

(15) Filters F1, F2, F3, and F4 for removing contaminants from sample prior to analysis.

(16) Ball valves V5, V6, V7, and V8 for directing sample gas to the analyzers or for backflushing the sampling system with air or nitrogen.

(17) Toggle valves V9, V10, V11, V12, and V13 for draining the condensate traps and the refrigerated bath.

(18) Traps T1, T2, T3, and T4 for separating condensed water vapor from the cooled sample gases.

(19) Ball valve V14 for diverting air to the low-range hydrocarbon analyzer during periods of high hydrocarbon concentrations in the exhaust sample.

(20) Needle valve N18 for regulating the air flow to the low-range hydrocarbon analyzer during purge conditions.

(21) Thermometer for indicating the bath temperature.

(22) Refrigerated water bath for cooling the sample gases.

(23) Sample line for connecting the analysis system to the sample probe.

(24) Sample probe for extracting a sample of the exhaust downstream of the muffler.

(25) Ball valve V15 for directing nitrogen through the sampling system.

§ 86.777-10 **Information to be recorded.**

The following information shall be recorded with respect to each test:

(a) Test number.

(b) System tested (brief description).

(c) Date and time of day for each part of the test schedule.

(d) Instrument Operator.

(e) Driver or Operator.

(f) Engine Make—identification number—date of manufacture—number of hours — engine displacement — engine family—idle r.p.m.—number of carburetors—number of carburetor venturis.

(g) All pertinent instrument information such as tuning—gain—serial numbers—detector numbers—range.

(h) Barometric pressure, intake air temperature and humidity and, as applicable, the temperature of the air in front of the radiator during the test.

(i) Brake horsepower and fuel consumption during each mode.

(j) Analyzer responses, continuously recorded with zero, span and sample traces identified on each chart.

(k) Intake manifold vacuum and engine r.p.m. continuously recorded on the same chart.

(l) The analyzer recorders and the manifold vacuum-engine r.p.m. recorder shall be provided with automatic markers which indicate one-second intervals. Chart paper preprinted with one-second intervals may be used in lieu of the automatic markers provided the use of the correct chart speeds is verified on the charts for each test run.

§ 86.777-11 **Calibration and instrument checks.**

(a) The instrument assembly shall be calibrated at least once every 30 days using the same flow rate as when sampling exhaust and proceeding as follows:

(1) Tune analyzers.

(2) Zero the analyzers with zero grade air or nitrogen. The allowable zero gas impurity concentrations should not exceed 10 p.p.m. equivalent carbon response, 10 p.p.m. carbon monoxide and 1 p.p.m. nitric oxide. Set the instrument gain to give the desired range. Normal operating ranges as as follows:

Low-range hydrocarbon analyzer.	0-1,000 p.p.m. hexane equivalent.
High-range hydrocarbon analyzer.	0-10,000 p.p.m. hexane equivalent.
CO analyzer	0-10 percent CO.
CO_2 analyzer	0-16 percent CO.
NO analyzer	0-4,000 p.p.m. NO.

Lower operating ranges may be used as required.

(3) Calibrate with the following calibration gases. Flow rates should be set as 10 c.f.h. on the hydrocarbon and nitric oxide analyzers and 5 c.f.h. on the carbon monoxide and carbon dioxide analyzers. The concentrations given indicate nominal concentrations, and actual concentrations should be known to within ±2 percent of true value. Prepurified N2 is used as the diluent.

Low Range HC[1] analyzer, hexane equivalent (parts per minute)	High range HC analyzer, hexane equivalent (parts per minute)	NO analyzer, NO (parts per minute)	CO and CO_2 analyzers, Blend of CO and CO_2 containing CO plus CO_2 (mole percent)	
100	600	250	0.5	16.0
200	1,000	500	1.0	15.0
300	1,500	750	2.0	14.0
400	2,500	1,000	3.0	13.0
600	4,000	1,500	4.0	12.0
800	6,000	2,000	6.0	10.0
1,000	8,000	2,500	8.0	8.0
	10,000	3,000	10.0	6.0
		3,500		
		4,000		

[1] The hexane equivalent of propane, when used as the normalizing gas for calibrating nondispersive infrared analyzers, is prescribed to be .52 (propane concentration × 0.52 = hexane equivalent concentration). Minimum storage temperature of the cylinders shall be 60° F; minimum use temperature shall be 68° F.

(4) Compare values with previous curves. Any significant change reflects some problem in the system. Locate and correct problem, and calibrate. Use best judgment in selecting curve for data reduction.

(5) Check response of hydrocarbon analyzer to 100 percent CO2. If response is greater than 0.5 percent full scale, refill filter cells with 100 percent CO2 and recheck. Note any remaining response on chart. If response still exceeds 0.5 percent, replace detector.

(6) Check response of hydrocarbon analyzers to nitrogen saturated with water at ambient temperature. Record ambient temperature. If the low-range instrument response exceeds 5 percent of full scale with saturated nitrogen at 75° F., replace the detector. If the high-range response exceeds 0.5 percent of full scale, check detector on low-range instrument, then reject if response exceeds 5 percent of full scale at 75° F.

(b) The following daily instrument check shall be performed, allowing a minimum of 2 hours warmup for infrared analyzers. (Power is normally left on continuously; but, when instruments are not in use, chopper motor is turned off.):

(1) Zero on clean nitrogen introduced at analyzer inlet. Obtain a stable zero on the amplifier meter and recorder. Recheck after test.

(2) Introduce the span gas and set the analyzer gain to match the response to the value indicated by the calibration curve. In order to avoid a correction for sample cell pressure, use the same flow rate as that used to calibrate the analyzer. The span gas should produce a signal from 80 to 100 percent of the full scale response. The concentration of the span gas should be known within ±2 percent of the actual gain. If gain has shifted by more than 3 percent of scale, check tuning. If necessary, check calibration. Recheck after test. Record actual concentrations on chart.

(3) Check nitrogen zero, repeat the procedure in paragraphs (b) (1) and (2) of this section if required.

(4) Check flow rates and pressures.

§ 86.777–12 [Reserved]

§ 86.777–13 Dynamometer test run.

(a) (1) Mount test engine on the engine dynamometer.

(2) Start the engine and precondition it by operation over one or more cycles prescribed for service accumulation (§ 86.077–25) or dynamometer operation (§ 86.777–8) until the engine has reached normal operating conditions. The engine shall not be exposed to precipitation or condensation after preconditioning.

(3) The engine shall be turned off and allowed to stand for at least 1 hour, but not more than 2 hours, at an ambient temperature of 60° F to 86° F.

(b) The following steps shall be taken for each test:

(1) Maintain the ambient temperature between 68° F and 86° F.

(2) Calibrate exhaust emission analyzer assembly.

(3) Check the condition of the drier in the nitric oxide analyzer sampling line. Replace the drying agent if necessary.

(4) Insert the sample line at least 2 feet into the tailpipe. When this is not possible, a tailpipe extension should be used. Where dual exhaust tailpipes are employed, a sample probe shall be inserted in each exhaust tailpipe and the two probes shall be connected to form a common sample line. The variation between the two sample probe lengths shall be no greater than four inches. The sample probes shall be inserted in the same manner, made from the same material, and have the same diameter and configuration.

(5) Start cooling system if it is to be used.

(6) Start the engine and operate within the manufacture's r.p.m. specifications for off-idle operation.

(7) Return the engine throttle control to the normal idle position, start sample flow and recorders. A minimum chart speed of 6 inches per minute shall be used.

(8) Run for nine-mode cycles.

(c) Upon completion of the test, purge the sample line with nitrogen to establish a constant hydrocarbon "hangup" shall drop to 5 percent or less of full scale within 10 seconds and 3 percent or less of full scale within 3 minutes or the test is invalid. Check calibration of exhaust emission instruments. A drift in excess of 2 percent of full scale in the calibration of any one of the exhaust emission analyzers will invalidate the test results.

§ 86.777–14 Chart reading.

The exhaust gas analyzer recorder response always lags the engine's operation because of a variable exhaust system delay and a fixed sample system delay. Therefore, the analyzer responses for each mode may not be located on the charts at a point corresponding to the exact time of the mode. For each warm-up or hot cycle to be evaluated, proceed as follows:

(a) Determine whether the cycle was run in accordance with the procedure specified in § 86.777–8 by observing either chart pips, speed trace, manifold vacuum trace, or concentration traces. The test will be invalidated if there is a deviation by more than:

(1) Two seconds from the specified time for the CT mode, or

(2) 0.3 inch Hg during the cruise and PTD modes, or more than 0.2 inch Hg during the PTA and FL modes from the specified mode vacuums during the last ten seconds of a mode, or

(3) 200 r.p.m. during the first four seconds of each mode, or 100 r.p.m. during the remainder of each mode.

(b) Time correlate the hydrocarbon, carbon monoxide, carbon dioxide, and nitric oxide charts. Determine the location on the chart of analyzer response corresponding to each mode. Determine and compensate for trace abnormalities.

(c) Locate the last 3 seconds of the HC, CO, CO2 and NO traces obtained from the 3 inch, 10 inch, 16 inch, 19 inch and idle modes. Divide this portion of each trace into a minimum of three segments of equal length. Determine the chart reading at the end of each segment to within 0.5 percent of full scale. Convert these readings into concentration values. Determine the average of these values.

(d) The values recorded for the initial idle mode are used for both warmup cycle 1 and 2. The final idle mode values are applied to hot cycles 3 and 4.

(e) Locate the HC, CO, CO^2, and NO closed throttle mode traces. Divide each trace into a minimum of 43 segments of equal length. Determine the chart reading at the end of each segment to within 0.5 percent of full scale. Convert these readings into concentration values. Determine the average of these values.

(f) Direct computer analysis of analyzer output may be utilized provided that the analysis is sufficiently similar to the above procedures to result in comparable data results and the analyzer output is continuously recorded at a chart speed of at least 3 inches per minute with an automatic marker being used to identify the time intervals during which data are accepted by the computer for processing.

§ 86.777–15 Calculations.

The final reported test results shall be derived through the following steps:

(a) Determine total carbon (TC) equivalent concentration in accordance with the following:

$$TC = \%CO2 + \%CO + (1.8 \times 6)\ \%HC$$

(b) Calculate the mass emission for HC (HCmass), CO (COmass), and NOx (NOxmass) in grams per hour for each mode as follows:

(1)
$$HCmass = \frac{10.8 \times 10^{-4} \times HCconc\ (p.p.m.) \times Fuel\ consumption\ (gms./hr.)}{TC}$$

(2) $$COmass = \frac{2.02 \times COconc(\%) \times \text{Fuel consumption (gms./hr.)}}{TC}$$

(3) $$NOxmass = \frac{3.32 \times 10^{-4} \times NOconc\ (p.p.m.) \times \text{Fuel consumption (gms./hr.)}}{TC}$$

(c) Multiply the HCmass, COmass, and NOxmass values for each mode by the appropriate weighting factors.

(d) Multiply the measured brake horsepower values for each mode by the appropriate weighting factors. Horsepower for the idle and closed throttle mode shall be defined as "zero" for calculation purposes. (Negative values are not used.)

(e) Calculate the brake specific emissions for HC, CO, and NOx for each cycle as follows:

(1) $$BSHC = \frac{\Sigma(HCmass \times WF)}{\Sigma(\text{Measured } BHP \times WF)}$$

(2) $$BSCO = \frac{\Sigma(COmass \times WF)}{\Sigma(\text{Measured } BHP \times WF)}$$

(3) $$BSNOx = \frac{\Sigma(COmass \times WF)}{\Sigma(\text{Measured } BHP \times WF)}$$

(f) Average the composite BSHC, BSCO, BSNOx emissions of the first and second cycles.

(g) Average the composite BSHC, BSCO, and BSNOx emissions of the third and fourth cycles.

(h) Combine the results of (f) and (g) according to the formula: $0.35 \times$ composite of (f) $+ 0.65 \times$ composite of (g).

(i) Correct the BSNOx value for the humidity at test conditions by multiplying by conversion factor "K" where:

$K = 0.634 + 0.00654H - 0.0000222H^2$
H = Humidity at test conditions, grain H20/lb. dry air.

16. A new Subpart I is added to Part 86 and reads as follows:

Subpart I—Emission Regulations for New Diesel Heavy Duty Engines; Smoke Exhaust Test Procedure

Sec.
86.877-1 General applicability.
86.877-2 Definitions.
86.877-3 Abbreviations.
86.877-4 Section numbering.
86.877-5 Test procedure.
86.877-6 Diesel fuel specifications.
86.877-7 Dynamometer operation cycle for smoke emission tests.
86.877-8 Dynamometer and engine equipment.
86.877-9 Smoke measurement system.
86.877-10 Information to be recorded.
86.877-11 Instrument checks.
86.877-12 Test run.
86.877-13 Chart reading.
86.877-14 Calculations.

AUTHORITY: Secs. 202, 206, 207, 208, 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857f-1, 1857f-5, 1857f-5a, 1857f-6, 1857g(a)).

Subpart I—Emission Regulations for New Diesel Heavy Duty Engines; Smoke Exhaust Test Procedure

§ 86.877-1 General applicability.

The provisions of this subpart are applicable to new Diesel heavy duty engines beginning with the 1977 model year.

§ 86.877-2 Definitions.

The definitions in § 86.077-2 apply to this subpart.

§ 86.877-3 Abbreviations.

The abbreviations in § 86.077-3 apply to this subpart.

§ 86.877-4 Section numbering.

The section numbering system set forth in § 86.877-4(a) applies to this subpart.

§ 86.877-5 Test procedures.

The procedures described in this and subsequent sections will be the test program to determine the conformity of engines with the standard set forth in § 86.077-11(a).

(a) The test consists of a prescribed sequence of engine operating conditions on an engine dynamometer with continuous examination of the exhaust gases. The test is applicable equally to controlled engines equipped with means for preventing, controlling, or eliminating smoke emissions and to uncontrolled engines.

(b) The test is designed to determine the opacity of smoke in exhaust emissions during those engine operating conditions which tend to promote smoke from Diesel-powered vehicles.

(c) The test procedure begins with a warm engine which is then run through preloading and preconditioning operations. After an idling period, the engine is operated through acceleration and lugging modes during which smoke emission measurements are made to compare with the standards. The engine is then returned to the idle condition and the acceleration and lugging modes are repeated. Three sequences of acceleration and lugging constitute the full set of operating conditions for smoke emission measurement.

(d) Except in cases of component malfunction or failure, all emission control systems installed on or incorporated in a new motor vehicle engine shall be functioning during all procedures in this subpart. Maintenance to correct component malfunction or failure shall be authorized in accordance with § 86.077-24.

§ 86.877-6 Diesel fuel specifications.

(a) The Diesel fuels employed shall be clean and bright, with pour and cloud points adequate for operability. The fuels may contain nonmetallic additives as follows: cetane improver, metal deactivator, antioxidant, dehazer, antirust, pour depressant, dye, and dispersant.

(b) Fuel meeting the following specifications, or substantially equivalent specifications approved by the Administrator, shall be used in exhaust emission testing. The grade of fuel recommended by the engine manufacturer, commercially designated as "Type 1-D" or "Type 2-D" shall be used.

Item	ASTM test method No.	Type 1-D	Type 2-D
Cetane	D613	48-54	42-50
Distillation Range	D86		
IBP, °F		330-390	340-400
10 percent point, °F		370-430	400-460
50 percent point, °F		410-480	470-540
90 percent point, °F		460-520	550-610
EP, °F		500-560	580-660
Gravity, °API	D287	40-44	33-37
Total sulfur, percent	D129 or D2622	0.05-0.20	0.2-0.5
Hydrocarbon composition	D1319		
Aromatics, percent		8-15	27 (Min.)
Paraffins, Naphthenes, Olefins		Remainder	Remainder
Flash point, °F (Min.)	D93	120	130
Viscosity, centistokes	D445	1.6-2.0	2.0-3.2

(c) Fuel meeting the following specifications, or substantially equivalent specifications approved by the Administrator, shall be used in service accumulation. The grade of fuel recommended by the engine manufacturer, commercially designated as "Type 1-D" or "Type 2-D", shall be used.

Item	ASTM test method No.	Type 1-D	Type 2-D
Cetane	D613	48-54	42-55
Distillation range	D86		
IBP, °F		330-390	340-410
10 percent point, °F		370-430	400-470
50 percent point, °F		410-480	470-540
90 percent point, °F		460-520	550-610
EP, °F		500-560	580-660
Gravity, °API	D287	40-44	33-40
Tptal sulfur, percent	D129 or D2622	0.05-0.20	0.2-0.5
Flash point, °F (min.)	D93	120	130
Viscosity, centistokes	D445	1.6-2.0	2.0-3.2

(d) The type fuel, including additive and other specifications, used under paragraphs (b) and (c) of this section shall be reported in accordance with § 86.077-21(b)(3).

§ 86.877-7 Dynamometer operation cycle for smoke emission tests.

(a) The following sequence of operations shall be performed during engine dynamometer testing of smoke emissions, starting with the dynamometer preloading deterimned and the engine preconditioned (§ 85.877-12(c)).

(1) *Idle mode*. The engine is caused to idle for 5 to 5.5 minutes at the manufacturer's recommended low idle speed. The dynamometer controls shall be set to provide minimum load by turning the load switch to the "off" position or by

adjusting the controls to the minimum load position.

(2) *Acceleration mode.* (i) The engine speed shall be increased to 200±50 r.p.m. above the manufacturer's recommended low idle speed within 3 seconds.

(ii) Immediately upon completion of the mode specified in paragraph (a) (2) (i) of this section, the throttle shall be moved rapidly to, and held in, the fully-open position. The inertia of the engine and the dynamometer, or alternately a preselected dynamometer load, shall be used to control the acceleration of the engine so that the speed increases to 85 percent of the rated speed in 5±1.5 seconds. This acceleration shall be linear within 100 r.p.m. as specified in § 86.877-13(c).

(iii) After the engine reaches the speed required in paragraph (a) (2) (ii) of this section, but before the speed exceeds 90 percent of the rated speed, the throttle shall be moved rapidly to, and held in, the fully-closed position. Immediately after the throttle is closed, the preselected load required to perform the acceleration in paragraph (a) (2) (iv) of this section shall be applied.

(iv) When the engine decelerates to the maximum torque speed or 60 percent of rated speed (within 50 r.p.m.), whichever is higher, the throttle shall be moved rapidly to, and held in, the fully-open position. The preselected dynamometer load which was applied during the preceding transition period shall be used to control the acceleration of the engine so that the speed increases to at least 95 percent of the rated speed in 10±2 seconds.

(3) *Lugging mode.* (i) Immediately upon completion of the preceding acceleration mode, the dynamometer controls shall be adjusted to permit the engine to develop maximum horsepower at rated speed. This transition period shall be 50 to 60 seconds in duration. During the last ten seconds of this period, the engine speed shall be maintained within 50 r.p.m. of the rated speed, and the power (corrected, if necessary, to rating conditions) shall be no less than 95 percent of the maximum horsepower developed during zero-hour testing.

(ii) With the throttle remaining in the fully-open position, the dynamometer controls shall be adjusted gradually so that the engine speed is reduced to the maximum torque speed or to 60 percent of the rated speed (within 50 r.p.m.), whichever is higher. This lugging operation shall be performed smoothly over a period of 35±5 seconds. The rate of slowing of the engine shall be linear, within 100 r.p.m., as specified in § 86.877-13(c).

(4) *Engine unloading.* Immediately upon completion of the preceding lugging mode, the dynamometer and engine shall be returned to the idle condition described in paragraph (a) (1) of this section.

(b) The procedures described in paragraphs (a) (1) through (a) (4) of this section shall be repeated until three consecutive valid cycles have been completed. If three valid cycles have not been completed after a total of six consecutive cycles have been run, the engine shall be preconditioned by operation at maximum horsepower at rated speed for 10 minutes before the test sequence is repeated.

§ 86.877-8 Dynamometer and engine equipment.

The following equipment shall be used for smoke emission testing of engines on engine dynamometers.

(a) An engine dynamometer with adequate characteristics to perform the test cycle described in § 86.877-7.

(b) An engine cooling system having sufficient capacity to maintain the engine at normal operating temperatures during conduct of the prescribed engine tests.

(c) A noninsulated exhaust system extending 15±5 feet from the exhaust manifold, or the crossover junction in the case of Vee engines, and presenting an exhaust back pressure within ±0.2 inch Hg. of the upper limit at maximum rated horsepower, as established by the engine manufacturer in his sales and service literature for vehicle application. A conventional automotive muffler of a size and type commonly used with the engine being tested shall be employed in the exhaust system during smoke emission testing. The terminal 2 feet of the exhaust pipe shall be circular cross section and be free of elbows and bends. The end of the pipe shall be cut off squarely. The terminal 2 feet of the exhaust pipe shall have a diameter in accordance with the engine being tested, as specified below:

Maximum rated horsepower:	*Exhaust pipe diameter (inches)*
Less than 101	2
101 to 200	3
201 to 300	4
301 or more	5

(d) An engine air inlet system presenting an air inlet restriction within ±1 inch of water of the upper limit for the engine operating condition which results in maximum air flow, as established by the engine manufacturer in his sales and service literature, for the engine being tested.

§ 86.877-9 Smoke measurement system.

(a) *Schematic drawing.* The following figure (fig. I877-1) is a schematic drawing of the optical system of the light extinction meter.

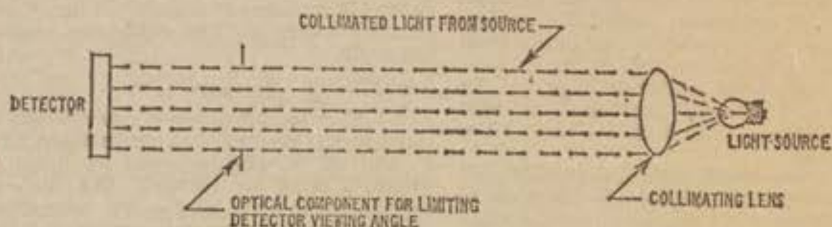

Figure I877-1. - EPA smokemeter optical system (schematic).

(b) *Equipment.* The following equipment shall be used in the system:

(1) Adapter—the smokemeter optical unit may be mounted on a fixed or movable frame. The normal unrestricted shape of the exhaust plume shall not be modified by the adapter, the meter, or any ventilator system used to remove the exhaust from the test site.

(2) Smokemeter (light extinction meter)—continuous recording, full-flow light obscuration meter. It shall be positioned near the end of the exhaust pipe so that a built-in light beam traverses the exhaust smoke plume which issues from the pipe at right angles to the axis of the plume. The light source is an incandescent lamp operated at a constant voltage of not less than 15 percent of the manufacturer's specified voltage. The lamp output is collimated to a beam with a nominal diameter of 1.125 inches. The angle of divergence of the collimated beam shall be within 4° included angle. A light detector, directly opposed to the light source, measures the amount of light blocked by the smoke in the exhaust. The detector sensitivity is restricted to the visual range and comparable to that of the human eye. A collimating tube with apertures equal to the beam diameter is attached to the detector. It restricts the viewing angle of the detector to within 16° included angle. An amplified signal corresponding to the amount of light blocked is recorded continuously on a remote recorder. An air curtain across the light source and detector window assemblies may be used to minimize deposition of smoke particles on those surfaces provided that it does not measurably affect the opacity of the plume. The meter consists of two units, an optical unit and a remote control unit. Light extinction meters employing substantially identical measurement principles and producing substantially equivalent results but which employ other electronic and optical techniques may be used only after having been approved in advance by the Administrator.

(3) Recorder—a continuous recorder, with variable chart speed over a minimal range of 0.5 to 8.0 inches per minute (or equivalent) and an automatic marker indicating 1-second intervals shall be used for continuously recording the exhaust gas opacity, engine r.p.m. and throttle position. The recorder shall be equipped to indicate only when the throttle is in the fully-open or fully-closed position. The recorder scale for opacity shall be linear and calibrated to read from 0 to 100 percent opacity full scale. The opacity trace shall have a resolution within 1 percent opacity. The recorder scale for

engine r.p.m. shall be linear and have a resolution of 30 r.p.m. The throttle position trace must clearly indicate when the throttle is in the fully-open and fully-closed positions. Any means other than a strip-chart recorder may be used provided it produced a permanent visual data record of quality equal to or better than that described above.

(4) The recorder used with the smokemeter shall be capable of full-scale deflection in 0.5 second or less. The smokemeter-recorder combination may be damped so that signals with a frequency higher than 10 cycles per second are attenuated. A separate low-pass electronic filter with the following performance characteristics may be installed between the smokemeter and the recorder to achieve the high-frequency attenuation.

(i) 3 decibel point—10 cycles per second.

(ii) Insertion loss-zero ±0.5 decibels.

(iii) Selectivity—12 decibels per octave above 10 cycles per second.

(iv) Attenuation—27 decibels down at 40 cycles per second minimum.

(c) *Assembling equipment.* (1) The optical unit of the smokemeter shall be mounted radially to the exhaust pipe so that the measurement will be made at right angles to the axis of the exhaust plume. The distance from the optical centerline to the exhaust pipe outlet shall be 5±1 inch. The full flow of the exhaust stream shall be centered between the source and detector apertures (or windows and lenses) and on the axis of the light beam.

(2) Power shall be supplied to the control unit of the smokemeter in time to allow at least 15 minutes for stabilization prior to testing.

§ 86.877-10 Information to be recorded.

The following information shall be recorded with respect to each test:

(a) Test number.

(b) Date and time of day.

(c) Instrument operator.

(d) Engine operator.

(e) Engine Identification numbers—Date of manufacture—Number of hours of operation accumulated on engine—Engine family—Exhaust pipe diameter—Fuel injector type—Maximum measured fuel rate at maximum measured torque and horsepower—Air aspiration system—Low idle r.p.m.—Maximum governed r.p.m.—Maximum measured horsepower at r.p.m.—Maximum measured torque at r.p.m.—Exhaust system back pressure—Air inlet restriction.

(f) Smokemeter: Number—Zero control setting—Calibration control setting—Gain.

(g) Recorder chart: Identify zero traces—Calibration traces—Idle traces—Closed throttle trace, open throttle trace—Acceleration and lugdown test traces—Start and finish of each test.

(h) Ambient temperature in dynamometer testing room.

(i) Engine intake air temperature and humidity.

(j) Barometric pressure.

(k) Observed engine torque and speed during the steady-state test conditions specified in § 86.877-7(a)(3)(i).

§ 86.877-11 Instrument checks.

(a) The smokemeter shall be checked according to the following procedure prior to each test:

(1) The optical surfaces of the optical section shall be checked to verify that they are clean and free of foreign material and fingerprints.

(2) The zero control shall be adjusted under conditions of "no smoke" to give a recorder trace of zero.

(3) Calibrated neutral density filters having approximately 10, 20, and 40 percent opacity shall be employed to check the linearity of the instrument. The filter(s) shall be inserted in the light path perpendicular to the axis of the beam and adjacent to the opening from which the beam of light from the light source emanates, and the recorder response shall be noted. The nominal opacity value of the filter will be confirmed by the Administrator. Deviations in excess of 1 percent of the nominal opacity shall be corrected.

(b) The instruments for measuring and recording engine r.p.m., engine torque, air inlet restrictions, exhaust system back pressure, throttle position, etc., which are used in the tests prescribed herein, shall be calibrated in accordance with good engineering practice. Opacity filters shall be calibrated semiannually.

§ 86.877-12 Test run.

(a) The temperature of the air supplied to the engine shall be between 68° F. and 86° F. The observed barometric pressure shall be between 28.5 inches and 31 inches Hg. Higher air temperature or lower barometric pressure may be used, if desired, but no allowance will be made for possible increased smoke emissions because of such conditions.

(b) The governor and fuel system shall have been adjusted to provide engine performance at the levels specified by the engine manufacturer for maximum rated horsepower and maximum rated torque. These specifications shall be reported in accordance with § 86.077-21(b)(3).

(c) The following steps shall be taken for each test:

(1) Start cooling system.

(2) Starting with a warmed engine, determine by experimentation the dynamometer inertia and dynamometer load required to perform the acceleration in the dynamometer cycle for smoke emission tests (§ 86.877-7(a)(2)). In a manner appropriate for the dynamometer and controls being used, arrange to conduct the acceleration mode.

(3) Install smokemeter optical unit and connect it to the recorder. Connect the engine r.p.m. and torque sensing devices to the recorder.

(4) Turn on purge air to the optical unit of the smokemeter, if purge air is used.

(5) Check and record zero and span settings of the smokemeter recorder at a chart speed of approximately 1 inch per minute. (The optical unit shall be retracted from its position about the exhaust stream if the engine is left running.)

(6) Precondition the engine by operating it for 10 minutes at maximum rated horsepower.

(7) Proceed with the sequence of smoke emission measurements on the engine dynamometer as prescribed in § 86.877-7.

(8) During the test sequence of § 86.877-7, continuously record smoke measurements, engine r.p.m., and throttle position at a minimum chart speed of 1 inch per minute during the idle mode and transitional periods and 8 inches per minute during the acceleration and lugging modes. The smokemeter zero and full scale recorder deflections may be rechecked during the idle mode of each test sequence. If either zero or full scale drift is in excess of 2 percent opacity, the smokemeter controls must be readjusted and the test must be repeated.

(9) Turn off engine.

(10) Check zero and reset if necessary and check span of the smokemeter recorder by inserting neutral density filters. If either zero or span drift is in excess of 2 percent opacity, the test results shall be invalidated.

§ 86.877-13 Chart reading.

The following procedure shall be used to analyze the recorder chart.

(a) Locate the modes specified in § 86.877-7(a)(1) through (a)(4) by applying the following starting and ending criteria.

(1) The idle mode specified in § 86.877-7(a)(1) starts when engine preconditioning or the lugging mode of a preceding cycle has been completed and ends when the engine speed is raised above the idle speed.

(2) The acceleration mode specified in § 86.877-7(a)(2)(i) starts when the preceding idle mode has been completed and ends when the throttle is in the fully-open position as indicated by the throttle position trace.

(3) The acceleration mode specified in § 86.877-7(a)(2)(ii) starts when the preceding acceleration mode has been completed and ends when the engine speed reaches 85 percent of the rated speed.

(4) The transition period specified in § 86.877-7(a)(2)(iii) starts when the throttle is in the fully-closed position and ends when the throttle is in the fully-open position as indicated by the throttle position trace.

(5) The acceleration mode specified in § 86.877-7(a)(2)(iv) starts when the preceding transition period has been completed and ends when the engine speed reaches 95 percent of the rated speed.

(6) The transition period specified in § 86.877-7(a)(3)(i) starts when the preceding acceleration mode has been completed and ends when the engine speed is 50 r.p.m. below the rated speed and the provisions of § 86.877-7(a)(3)(i) are met.

(7) The lugging mode specified in § 86.877-7(a)(3)(ii) starts when the preceding transition period has been completed and ends when the engine speed is at the maximum torque speed

or at 60 percent of the rated speed, whichever is higher.

(b) Determine if the test requirements of § 86.877-7 are met by applying the following modal criteria.

(1) Idle mode as specified in § 86.877-7(a)(1):

(i) Duration: 5 to 5.5 minutes.

(ii) Speed: within specifications.

(2) Acceleration mode as specified in § 86.877-7(a)(2)(i):

(i) Duration: 3 seconds or less.

(ii) Speed increase: 200±50 r.p.m.

(3) Acceleration mode as specified in § 86.877-7(a)(2)(ii):

(i) Linearity: ±100 r.p.m. as specified in paragraph (c) of this section.

(ii) Duration: 3.5 to 6.5 seconds.

(iii) Throttle position: fully-open until speed is at least 85 percent of the rated speed.

(4) Transition period as specified in § 86.877-7(a)(2)(iii):

(i) Throttle position: fully-closed before speed exceeds 90 percent of the rated speed.

(5) Acceleration mode as specified in § 86.877-7(a)(2)(iv):

(i) Duration: 8 to 12 seconds.

(ii) Throttle position: fully-open when speed is at maximum torque speed or at 60 percent of rated speed (within 50 r.p.m.), whichever is higher.

(6) Transition period as specified in § 86.877-7(a)(3)(i):

(i) Duration: 50 to 60 seconds.

(ii) Speed during last 10 seconds within ±50 r.p.m. of rated speed.

(iii) Corrected power during last 10 seconds: at least 95 percent of horsepower developed during zero-hour testing.

(7) Lugging mode as specified in § 86.877-7(a)(3)(ii):

(i) Linearity: ±100 r.p.m. as specified in paragraph (c) of this section.

(ii) Duration: 30 to 40 seconds.

(iii) Speed at end: maximum torque speed or 60 percent of rated speed, whichever is higher.

(c) Determine if the linearity requirements of §86.877-7 were met by means of the following procedure.

(1) For the acceleration mode specified in § 86.877-7(a)(2)(ii), note the maximum deflection of the r.p.m. trace from a straight line drawn between the starting and ending points specified in paragraph (a)(3) of this section.

(2) For the lugging mode specified in § 86.877-7(a)(3)(ii), note the maximum deflection of the r.p.m. trace from a straight line drawn from the starting and ending points specified in paragraph (a)(7) of this section.

(3) The test results will be invalid if any deflection is greater than 100 r.p.m.

(d) Analyze the smoke trace by means of the following procedure.

(1) Starting at the beginning of the first acceleration, as defined in paragraph (a)(2) of this section, and stopping at the end of the second acceleration, as defined in paragraph (a)(3) of this section, divide the smoke trace into ½-second intervals. Similarly, subdivide into ½-second intervals the third acceleration mode and the lugging mode as defined by paragraphs (a)(5) and (7) of this section respectively, of this section.

(2) Determine the average smoke reading during each ½-second interval.

(3) Locate and record the 15 highest ½-second readings during the acceleration mode of each dynamometer cycle.

(4) Locate and record the five highest ½-second readings during the lugging mode of each dynamometer cycle.

(5) Examine the average ½-second values which were determined in paragraphs (3) and (4) above and record the three highest values for each dynamometer cycle.

§ 86.877-14 Calculations.

(a) Average the 45 readings in § 86.-877-13(d)(3) and designate the value as "a".

(b) Average the 15 readings in § 86.-877-13(d)(4) and designate the value as "b".

(c) Average the nine readings in § 86.-877-13(d)(5) and designate the value as "c".

17. A new Subpart J is added to Part 86 and reads as follows:

Subpart J—Emission Regulations for New Diesel Heavy Duty Engines; Smoke Exhaust Test Procedure

Sec.
86.977-1 General applicability.
86.977-2 Definitions.
86.977-3 Abbreviations.
86.977-4 Section numbering.
86.977-5 Test procedures.
86.977-6 Diesel fuel specifications.
86.977-7 Dynamometer procedure.
86.977-8 Dynamometer and engine equipment.
86.977-9 Sampling and analytical methods.
86.977-10 Information to be recorded.
86.977-11 Calibration and instrument checks.
86.977-12 [Reserved]
86.977-13 Test run.
86.977-14 Chart reading.
86.977-15 Calculations.

AUTHORITY: Secs. 202, 206, 207, 208, 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857f-1, 1857f-5, 1857f-5a, 1857f-6, 1857g(a)).

Subpart J—Emission Regulations for New Diesel Heavy Duty Engines; Gaseous Exhaust Test Procedure

§ 86.977-1 General applicability.

The provisions of this subpart are applicable to new Diesel heavy duty engines beginning with the 1977 model year.

§ 86.977-2 Definitions.

The definitions in § 86.077-2 apply to this subpart.

§ 86.977-3 Abbreviations.

The abbreviations in § 86.077-3 apply to this subpart.

§ 86.977-4 Section numbering.

The section numbering system set forth in § 86.077-4(a) applies to this subpart.

§ 86.977-5 Test procedures.

The test procedures described in this and subsequent sections will be the test program to determine the conformity of engines with the standards set forth in § 86.077-11.

(a) The test procedure begins with a warm engine and consists of a prescribed sequence of engine operating conditions on an engine dynamometer with continuous examination of the exhaust gases.

(b) The test is designed to determine the brake-specific emissions of hydrocarbons, carbon monoxide and oxides of nitrogen when an engine is operated through a cycle which consists of three idle modes and five power modes at each of two speeds which span the typical operating range of Diesel engines. The procedure requires the determination of the concentration of each pollutant, the exhaust flow and the power output during each mode. The measured values are weighted and used to calculate the grams of each pollutant emitted per brake-horsepower hour.

(c) When an engine is tested for exhaust emissions or is operated for durability testing on an engine dynamometer, the complete engine shall be tested with all standard accessories which might reasonably be expected to influence emissions to the atmosphere installed and functioning.

(d) Except in cases of component malfunction or failure, all emission control systems installed on or incorporated in a new motor vehicle engine shall be functioning during all procedures in this subpart. Maintenance to correct component malfunction or failure shall be authorized in accordance with § 86.077-25.

(e)—(f) [Reserved]

(g) All emission control systems installed on or incorporated in a new motor vehicle engine shall be functioning during all test procedures in this subpart.

§ 86.977-6 Diesel fuel specifications.

The requirements of this section are set forth in § 86.877-6.

§ 86.977-7 Dynamometer procedure.

(a) The following 13 mode cycle shall be followed in dynamometer operation tests of heavy-duty Diesel engines:

Mode No.	Engine speed	Percent load
1	Low idle	0
2	Intermediate	2
3	do	25
4	do	50
5	do	75
6	do	100
7	Low idle	0
8	Rated	100
9	do	75
10	do	50
11	do	25
12	do	2
13	Low idle	0

(b) During each mode the specified speed shall be held to within 50 r.p.m. and the specified torque shall be held to within 2 percent of the maximum torque at the test speed. For example, the torque for mode 4 shall be between 48 and 52 percent of the maximum torque measured at the intermediate speed.

(c) If the operating conditions specified in paragraph (b) of this section for modes 3, 4, 5, 9, 10, and 11 cannot be maintained, the Administrator may authorize deviations from the specified load conditions. Such deviations shall not ex-

ceed 10 percent of the maximum torque at the test speed. The minimum deviations, above and below the specified load, necessary for stable operation shall be determined and approved by the Administrator prior to the test run specified in § 86.977-13. Emission tests will be performed at each of the approved load settings, one above and one below the operating conditions specified in paragraph (b) of this section. The emission values obtained will be calculated in accordance with § 86.977-15 except that the weighting factor specified in § 86.977-15(e)(2) will be 0.04.

§ 86.977-8 Dynamometer and engine equipment.

The requirements of this section are set forth in § 86.877-8.

§ 86.977-9 Sampling and analytical methods.

(a) The determination of the carbon monoxide and nitric oxide concentrations shall be accomplished using sampling and analysis components as specified in Sections 2.1 and 2.2 of the SAE Recommended Practice No. J177 titled "Measurement of Carbon Dioxide, Carbon Monoxide and Oxides of Nitrogen in Diesel Exhaust," dated June 1970. Other sampling and analysis components may be used if shown to yield equivalent results and if approved in advance by the Administrator.

(b) The determination of the hydrocarbon concentrations shall be accomplished using sampling and analysis components as specified in sections 2.1 and 2.2 of SAE Recommended Practice No. J215 titled, "Continuous Hydrocarbon Analysis of Diesel Exhaust," dated November 1970.

(c) The determination of the intake airflow or exhaust flow shall be accomplished using SAE Recommended Practice No. J244 titled, "The Measurement of Intake or Exhaust Flow in Diesel Engines," dated May 1971.

§ 86.977-10 Information to be recorded.

The following information shall be recorded:

(a) Test number.

(b) Date and time of day.

(c) Instrument operator.

(d) Engine operator.

(e) Engine identification numbers—date of manufacture—number of hours of operation accumulated on engine—engine family—exhaust pipe diameter—fuel injector type—low idle r.p.m., governed speed, maximum power and torque speeds—maximum horsepower and torque—fuel consumption at maximum power and torque—air aspiration system—exhaust system back pressure—air inlet restriction.

(f) All pertinent instrument information such as tuning—gain—serial numbers—detector numbers—range.

(g) Recorder chart. Identify zero traces—calibration or span traces—emission concentration traces for each test mode—start and finish of each test.

(h) Ambient temperature in dynamometer testing room.

(i) Engine intake air temperature and humidity for each mode.

(j) Barometric pressure.

(k) Observed engine torque for each mode.

(l) Intake airflow or exhaust flow for each mode.

(m) Fuel flow and temperature for each mode.

§ 86.977-11 Calibration and instrument checks.

Calibration and instrument checks shall be performed according to section 2.3.1 of SAE Recommended Practice No. J177, dated November 1970, except that the instrument zeros need not be checked after each analysis but as necessary to maintain test validity. Calibration and checks of other instruments used for the test shall be performed as necessary according to good practice.

§ 86.977-12 [Reserved]

§ 86.977-13 Test run.

(a) The temperature of the air supplied to the engine shall be between 68° F and 86° F. The fuel temperature at the pump inlet shall be 100° F±10° F. The observed barometric pressure shall be between 28.5 inches and 31 inches Hg. Higher air temperature or lower barometric pressure may be used, if desired, but no allowance shall be made for increased emissions because of such conditions.

(b) The governor and fuel system shall have been adjusted to provide engine performance at the levels specified by the engine manufacturer for maximum rated horsepower and maximum rated torque. These specifications shall be reported in accordance with § 86.077-21(b)(3).

(c) The following steps shall be taken for each test:

(1) Install instrumentation and sample probes as required.

(2) Start cooling system.

(3) Start the engine, warm it up and precondition it by running it at rated speed and maximum horsepower for 10 minutes or until all temperatures and pressures have reached equilibrium.

(4) Determine by experimentation the maximum torque at rated speed and intermediate speed to calculate the torque values for the specified test modes.

(5) Zero and span the emission analyzers on each range used during the test run.

(6) Start the test sequence of § 86.977-7. Operate the engine for 10 minutes in each mode, completing engine speed and load changes in the first minute. If a delay of more than 10 minutes occurs between the end of one mode and the start of the next mode, discontinue the sequence and repeat the test from Mode No. 1. Record the response of the analyzers on a strip chart recorder for the full 10 minutes with exhaust gas flowing through the analyzers at least during the last 5 minutes. Record the engine speed and load, intake air temperature and restriction, exhaust back pressure, fuel flow and air or exhaust flow during the last 5 minutes of each mode, making certain that the speed and load requirements of § 86.977-7(b) are met during the last minute of each mode. Fuel flow during idle or 2 percent load conditions may be determined just prior to or immediately following the dynamometer sequence, if longer times are required for accurate measurements.

(7) Read and record any additional data as required for § 86.977-10.

(8) Check and reset the zero and span settings of the emission analyzers as required, but at least at the end of the second idle mode (mode No. 7) and at the test. If a change of over 2 percent of full-scale response is observed, make necessary adjustments to the analyzers and repeat all test modes since the last zero and span check.

(9) Backflush condensate trap and replace filters as required.

§ 86.977-14 Chart reading.

(a) Locate the last 60 seconds of each mode and determine the average chart reading for HC, CO, and NO over the 1-minute period.

(b) Determine the concentration of HC, CO, NO during each mode from the average chart readings and the corresponding calibration data.

§ 86.977-15 Calculations.

The final reported test results shall be derived through the following steps:

(a) Determine the exhaust gas massflow rate for each mode according to the SAE Recommended Practice No. J244 dated May 1971.

(b) Convert the measured carbon monoxide and nitric oxide concentrations to a wet basis according to sections 4 and 5.4 of SAE Recommended Practice No. J177 (See § 86.977-9(a)).

(c) Multiply the corrected nitric oxide values by the following humidity correction factor:

$$\frac{1}{1+A(H-75)+B(T-85)}$$

Where:

A=0.044 (F/A)−0.0038.
B=−0.116 (F/A)+0.0053.
H=Humidity of the inlet air in grains of water per pound of dry air.
T=Temperature of the air in °F.
F/A=Fuel-air ratio (dry air basis).

(d) Calculate the mass emissions of HC (HCmass,) CO(COmass), and NOx (NOx-mass) in grams per hour for each mode as follows:

(1) HCmass + 0.0132 × HCconc × exhaust mass (lb./min.).

(2) COmass = 0.0263 × COconc × exhaust mass (lb./min.).

(3) NOxmass = 0.0432 × NOconc × exhaust mass (lb./min.).

(e) Calculate the weighted brake horsepower and HC, CO, and NOxmass values as follows:

(1) Multiply the average of the three idle values by a weighting factor of 0.2.

(2) Multiply the values for all of the other modes by a weighting factor of 0.08.

(f) Calculate the brake specific emissions for HC, CO, and NOx for each set of data as follows:

$$BSHC = \frac{(HCmass \times WF)}{(Measured\ BHP \times WF)}$$

$$BSNOx = \frac{(COmass \times WF)}{(Measured\ BHP \times WF)}$$

$$BSCO = \frac{(NOxmass \times WF)}{(Measured\ BHP \times WF)}$$

18. The following appendices are added to Part 86:

Appendix I —EPA Urban Dynamometer Driving Schedule (see Appendix I, Part 85).

Appendix II —Procedure for Dynamometer Road Horsepower Calibration (see Appendix II, Part 85).

Appendix III—CVS Calibration (See Appendix III, Part 85).

Appendix IV—Durability Driving Schedule (see Appendix IV, Part 85).

Appendix V —Reserved

Appendix VI—Vehicle and Engine Components (see Appendix VI, Part 85).

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