Vol.40—No.218
11-11-75
PAGES
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federal register

TUESDAY, NOVEMBER 11, 1975

highlights

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PART II:

reminders

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

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Daily List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

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federal register

Area Code 202 Phone 523–5240

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

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

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Title 3—The President

PROCLAMATION 4409

American Education Week, 1975

By the President of the United States of America

A Proclamation

Our schools are no better than we make them. They can provide a solid educational foundation for our children. They can provide a training ground for leadership development. They can offer an opportunity for expanded technical knowledge and cultural enrichment through continued education. They can become a center for community involvement. But the future our schools provide is in large measure dependent upon our involvement.

We must be concerned for our sake, for our children's sake and for the future of our Republic. This Nation's greatness depends upon the enlightenment of each generation.

Although we can be justly proud of our system of American education, we must not become complacent. What we teach our children in school and what adults continue to learn through advanced courses and community educational opportunities will affect our own future—and our Nation's future.

It is particularly appropriate, therefore, as we celebrate our 200 years of history, to emphasize the importance of American education in the lives of every American.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning November 16, 1975, as American Education Week.

I urge parents to visit their children's schools, to learn what their children are learning and to join with teachers and administrators in providing an enriching environment for their children's educational experience.

I urge all students to recognize the unique opportunity they have in this great Republic to reach out for greater knowledge and deeper understanding of man and his environment.

I urge students, teachers and administrators to plan appropriate activities which encourage participation in student government.

I urge everyone, either informally or in the classroom setting, to take advantage of the growing opportunities for adult education in technical skills, employment skills and cultural and intellectual pursuits.

During American Education Week, I urge every American to recommit himself to the process of continuing education for every man, woman and child.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of November, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.

Gerald R. Ford

[FR Doc.75-30587 Filed 11-10-75;12:07 pm]

rules and regulations

Title 7—Agriculture

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR COMBINED CROP INSURANCE; 1976 CROP

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for combined crop insurance for the 1976 crop year. The crops on which insurance is offered are shown opposite the name of the county.

State and County	*Crop(s)*
North Dakota:	
Barnes	Barley, flax, oats, rye, wheat.
Ransom	Barley, flax, oats, wheat.
Richland	Barley, flax, oats, rye, wheat.
Sargent	Barley, flax, oats, wheat.
Steele	Barley, flax, oats, rye,
Grand Forks	soybeans, wheat.
Pierce	Barley, flax, oats, wheat.
	Do.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75-30304 Filed 11-10-75;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR CORN CROP INSURANCE; 1976 CROP

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for corn crop insurance for the 1976 crop year.

ALABAMA

De Kalb
Jackson
Marshall

COLORADO

Adams
Boulder
Cheyenne
Kit Carson
Larimer
Logan
Morgan
Phillips
Sedgwick
Washington
Weld
Yuma

DELAWARE

Kent
New Castle
Sussex

FLORIDA

Suwannee
Colquitt

GEORGIA

ILLINOIS

Adams
Bond
Boone
Brown
Bureau
Carroll
Cass
Champaign
Christian
Clay
Clark
Clinton
Coles
Crawford
Cumberland
De Kalb
De Witt
Douglas
Edgar
Effingham
Fayette
Ford
Fulton
Greene
Grundy
Hancock
Henderson
Henry
Iroquois
Jasper
Jefferson
Jersey
Jo Daviess
Kankakee
Kendall
Knox
LaSalle
Lawrence
Lee
Livingston
Logan
McDonough
McHenry
McLean
Macon
Macoupin
Madison
Marion
Marshall
Mason
Menard
Mercer
Monroe
Montgomery
Morgan
Moultrie
Ogle
Peoria
Piatt
Pike
Putnam
Randolph
Richland
Rock Island
St. Clair
Sangamon
Schuyler
Scott
Shelby
Stark
Stephenson
Tazewell
Vermilion
Warren
Washington
Wayne
Whiteside
Will
Winnebago
Woodford

INDIANA

Adams
Allen
Bartholomew
Benton
Blackford
Boone
Carroll
Cass
Clay
Clinton
Daviess
Decatur
De Kalb
Delaware
Elkhart
Fayette
Fountain
Fulton
Gibson
Grant
Greene
Hamilton
Hancock
Hendricks
Henry
Howard
Huntington
Jackson
Jasper
Jay
Johnson
Knox
Kosciusko
Lagrange
Madison
Marion
Marshall
Miami
Montgomery
Morgan
Newton
Noble
Parke
Posey
Pulaski
Putnam
Randolph
Ripley
Rush
Shelby
Sullivan
Tippecanoe
Tipton
Union
Vermillion
Vigo
Wabash
Warren
Wayne
Wells
White
Whitley

IOWA

Adair
Adams
Allamakee
Appanoose
Audubon
Benton
Black Hawk
Boone
Bremer
Buchanan
Buena Vista
Butler
Calhoun
Carroll
Cass
Cedar
Cerro Gordo
Cherokee
Chickasaw
Clarke
Clay
Clayton
Clinton
Crawford
Dallas
Decatur
Delaware
Des Moines
Dickinson
Dubuque
Emmet
Fayette
Floyd
Franklin
Fremont
Greene
Grundy
Guthrie
Hamilton
Hancock
Hardin
Harrison
Henry
Howard
Humboldt
Ida
Iowa
Jackson
Jasper
Jefferson
Johnson
Jones
Keokuk
Kossuth
Lee
Linn
Louisa
Lucas
Lyon
Madison
Mahaska
Marion
Marshall
Mills
Mitchell
Monona
Monroe
Montgomery
Muscatine
O'Brien
Osceola
Page
Palo Alto
Plymouth
Pocahontas
Polk
Pottawattamie
Poweshiek
Ringgold
Sac
Scott
Shelby
Sioux
Story
Tama
Taylor
Union
Wapello
Warren
Washington
Webster
Winnebago
Winneshiek
Woodbury
Worth
Wright

KANSAS

Atchison
Bourbon
Brown
Cheyenne
Crawford
Doniphan
Douglas
Finney
Ford
Franklin
Grant
Gray
Haskell
Jackson
Jefferson
Jewell
Johnson
Kearny
Linn
Marshall
Meade
Miami
Morton
Nemaha
Osage
Pottawatomie
Republic
Scott
Seward
Shawnee
Sheridan
Sherman
Stanton
Stevens
Thomas
Wallace
Washington
Wichita

KENTUCKY

Christian
Daviess
Henderson
Hopkins
McLean
Todd
Union

LOUISIANA

Pointe Coupee

MARYLAND

Caroline
Kent
Queen Annes
Talbot

MICHIGAN

Branch
Calhoun
Cass
Clinton
Eaton
Gratiot
Hillsdale
Ingham
Ionia
Jackson
Kalamazoo
Lenawee
Livingston
Monroe
Saginaw
St. Clair
St. Joseph
Shiawassee
Tuscola
Washtenaw

MINNESOTA

Big Stone
Blue Earth
Brown
Carver
Chippewa
Cottonwood
Dakota
Dodge
Douglas
Faribault
Fillmore
Freeborn
Goodhue
Grant
Houston
Jackson
Kandiyohi
Lac qui Parle
Le Sueur
Lincoln
Lyon
McLeod
Martin
Meeker
Mower
Murray
Nicollet
Nobles
Olmsted
Otter Tail
Pipestone
Pope
Redwood
Renville
Rice
Rock
Scott
Sibley
Stearns
Steele
Stevens
Swift
Todd
Traverse
Wabasha
Waseca
Washington
Watonwan
Winona
Wright
Yellow Medicine

MISSISSIPPI

Tippah

MISSOURI

Adair
Andrew
Atchison
Audrain
Barton
Bates
Boone
Buchanan
Butler
Caldwell
Callaway
Cape Girardeau
Carroll
Cass
Chariton
Clark
Clinton
Cooper
Daviess
De Kalb
Dunklin
Franklin
Gentry
Grundy
Harrison
Henry
Holt
Howard
Jackson
Jasper
Johnson
Knox
Lafayette
Lawrence
Lewis
Lincoln
Linn
Livingston
Macon
Marion
Mercer
Mississippi
Monroe
Montgomery
New Madrid
Nodaway
Pemiscot
Pettis
Pike
Platte
Ralls
Randolph
Ray
St. Charles
Saline
Scotland
Scott
Shelby
Stoddard
Sullivan
Vernon
Worth

NEBRASKA

Adams
Antelope
Boone
Buffalo
Burt
Butler
Cass
Cedar
Chase
Clay
Colfax
Cuming
Custer
Dawson
Dixon
Dodge
Fillmore
Gage
Hall
Hamilton
Holt
Howard
Johnson
Kearney
Knox
Lancaster
Lincoln
Madison
Merrick
Nemaha
Otoe
Pawnee
Phelps
Pierce
Platte
Polk
Richardson
Saline
Saunders
Scotts Bluff
Seward
Sherman
Stanton
Thayer
Washington
Wayne
York

NEBRASKA—Continued

NORTH CAROLINA

Anson
Beaufort
Hyde
Nash
Pamlico
Pitt
Robeson
Rowan
Union
Washington

NORTH DAKOTA

Cass
Ransom
Richland
Sargent

OHIO

Allen
Ashland
Auglaize
Butler
Champaign
Clark
Clinton
Crawford
Darke
Defiance
Delaware
Erie
Fairfield
Fayette
Franklin
Fulton
Greene
Hancock
Hardin
Henry
Highland
Huron
Knox
Licking
Logan
Lucas
Madison
Marion
Medina
Mercer
Miami
Montgomery
Morrow
Ottawa
Paulding
Pickaway
Preble
Putnam
Richland
Sandusky
Seneca
Shelby
Union
Van Wert
Wayne
Williams
Wood
Wyandot

OKLAHOMA

Texas

PENNSYLVANIA

Adams
Chester
Cumberland
Dauphin
Franklin
Lancaster
Lebanon
Perry
York

SOUTH DAKOTA

Aurora
Beadle
Bon Homme
Brookings
Charles Mix
Clark
Clay
Codington
Davison
Day
Deuel
Douglas
Grant
Hamlin
Hanson
Hutchinson
Kingsbury
Lake
Lincoln
McCook
Miner
Minnehaha
Moody
Roberts
Sanborn
Turner
Union
Yankton

TENNESSEE

Franklin
Obion

TEXAS

Castro
Moore

VIRGINIA

Nansemond
Southampton

WISCONSIN

Barron
Buffalo
Calumet
Chippewa
Clark
Columbia
Crawford
Dane
Dodge
Dunn
Eau Claire
Fond du Lac
Grant
Green
Iowa
Jackson
Jefferson
Kenosha
La Crosse
Lafayette
Manitowoc
Pepin
Pierce
Polk
Racine
Richland
Rock
St. Croix
Sauk
Sheboygan
Trempealeau
Vernon
Walworth
Waukesha
Winnebago

WYOMING

Goshen

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75-30303 Filed 11-10-75;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR DRY BEAN CROP INSURANCE; 1976 CROP

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for dry bean crop insurance for the 1976 crop year. The class(es) of beans on which insurance is offered is shown opposite the name of the county.

State and County	*Class(es) of dry beans insured*
Colorado:	
Boulder	Pinto.
Larimer	Do.
Logan	Do.
Morgan	Do.
Phillips	Do.
Sedgwick	Do.
Washington	Do.
Weld	Do.
Yuma	Do.
Idaho:	
Ada	Do.
Canyon	Great northern, pink, pinto, red kidney, small Red.[1]
Cassia	Do.[1]
Gooding	Do.[1]
Jerome	Do.[1]
	Do.[1]
Lincoln	Do.
Minidoka	Do.[1]
Owyhee	Do.
Twin Falls	Do.[1]
Michigan:	
Bay	Pea and medium white, light and dark, kidney, cranberry, turtle and pintos.
Gratiot	Do.
Huron	Do.
Saginaw	Do.
Sanilac	Do.
Shiawassee	Do.
Tuscola	Do.

State and county	Class(es) of dry beans insured
Nebraska:	
Box Butte	Great northern, pink, pinto.
Morrill	Do.
Scotts Bluff	Do.
Sheridan	Do.
Washington:	
Adams	Great northern, pink, pinto, small flat whites, small red.
Franklin	Do.
Grant	Do.
Wyoming:	
Big Horn	Great northern, pinto.
Goshen	Do.
Park	Do.
Platte	Do.

[1] Insurance is also provided on bush varieties of garden seed beans.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75-30308 Filed 11-10-75;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR FLAX CROP INSURANCE; 1976 CROP

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for flax crop insurance for the 1976 crop year.

MINNESOTA

Becker	Norman
Big Stone	Otter Tail
Chippewa	Pennington
Clay	Pipestone
Grant	Polk
Kittson	Pope
Lac qui Parle	Red Lake
Lincoln	Redwood
Lyon	Roseau
Mahnomen	Stevens
Marshall	Swift
Murray	Traverse
Nobles	Wilkin
Yellow Medicine	

NORTH DAKOTA

Barnes	Mountrail
Benson	Nelson
Bottineau	Pembina
Burleigh	Pierce
Cass	Ramsey
Cavalier	Ransom
Dickey	Renville
Eddy	Richland
Emmons	Rolette
Foster	Sargent
Grand Forks	Sheridan
Griggs	Steele
Kidder	Stutsman
La Moure	Towner
Logan	Traill
McHenry	Walsh
McIntosh	Ward
McLean	Wells

SOUTH DAKOTA

Brookings	Hamlin
Brown	Kingsbury
Campbell	Lake
Clark	McPherson
Codington	Marshall
Corson	Miner
Day	Moddy
Deuel	Roberts
Edmunds	Walworth
Grant	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75-30302 Filed 11-10-75;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR OAT CROP INSURANCE; 1976 CROP

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for oat crop insurance for the 1976 crop year.

CALIFORNIA

Modoc	

ILLINOIS

Bureau	Jo Daviess
Carroll	Ogle
Henry	Stephenson

IOWA

Adair	Jasper
Adams	Jefferson
Allamakee	Johnson
Appanoose	Jones
Audubon	Keokuk
Benton	Kossuth
Black Hawk	Lee
Boone	Linn
Bremer	Louisa
Buchanan	Lucas
Buena Vista	Lyon
Butler	Madison
Calhoun	Mahaska
Carroll	Marion
Cass	Marshall
Cedar	Mills
Cerro Gordo	Mitchell
Cherokee	Monona
Chickasaw	Monroe
Clarke	Montgomery
Clay	Muscatine
Clayton	O'Brien
Clinton	Osceola
Crawford	Page
Dallas	Palo Alto
Decatur	Plymouth
Delaware	Pottawattamie
Des Moines	Pocahontas
Dickinson	Polk
Dubuque	Poweshiek
Emmet	Sac
Fayette	Scott
Floyd	Shelby
Franklin	Sioux
Fremont	Story
Greene	Tama
Grundy	Taylor
Guthrie	Union
Hamilton	Wapello
Hancock	Warren
Hardin	Washington
Harrison	Webster
Henry	Winnebago
Howard	Winneshiek
Humboldt	Woodbury
Ida	Worth
Iowa	Wright
Jackson	

MINNESOTA

Becker	Dakota
Big Stone	Dodge
Blue Earth	Douglas
Brown	Faribault
Carver	Fillmore
Chippewa	Freeborn
Clay	Goodhue
Cottonwood	Grant

MINNESOTA—Continued

Houston	Pope
Jackson	Red Lake
Kandiyohi	Redwood
Kittson	Renville
Lac qui Parle	Rice
Le Sueur	Rock
Lincoln	Roseau
Lyon	Scott
McLeod	Sibley
Mahnomen	Stearns
Marshall	Steele
Martin	Stevens
Meeker	Swift
Mower	Todd
Murray	Traverse
Nicollet	Wabasha
Nobles	Waseca
Norman	Washington
Olmsted	Watonwan
Otter Tail	Wilkin
Pennington	Winona
Pipestone	Wright
Polk	Yellow Medicine

NORTH DAKOTA

Barnes	Nelson
Benson	Pembina
Burleigh	Pierce
Cass	Ramsey
Cavalier	Ransom
Dickey	Richland
Eddy	Sargent
Foster	Stark
Grand Forks	Steele
Griggs	Stutsman
Kidder	Towner
La Moure	Traill
Logan	Walsh
Morton	

OREGON

Klamath	

PENNSYLVANIA

Chester	Dauphin
Cumberland	Perry

SOUTH DAKOTA

Aurora	Hutchinson
Beadle	Kingsbury
Bon Homme	Lake
Brookings	Lincoln
Brown	McCook
Charles Mix	Marshall
Clark	Miner
Clay	Minnehaha
Codington	Moody
Davison	Roberts
Day	Sanborn
Deuel	Spink
Douglas	Turner
Grant	Union
Hamlin	Yankton
Hanson	

WISCONSIN

Barron	La Crosse
Buffalo	Lafayette
Calumet	Manitowoc
Chippewa	Pepin
Clark	Pierce
Columbia	Polk
Crawford	Racine
Dane	Richland
Dodge	Rock
Dunn	St. Croix
Eau Claire	Sauk
Fond du Lac	Sheboygan
Grant	Trempealeau
Green	Vernon
Iowa	Walworth
Jackson	Waukesha
Jefferson	Winnebago
Kenosha	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75-30301 Filed 11-10-75;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX COUNTIES DESIGNATED FOR PEA (CANNING AND FREEZING) CROP INSURANCE; 1976 CROP

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for pea (canning and freezing) crop insurance for the 1976 crop year.

IDAHO

Franklin — Nez Perce

MINNESOTA

Blue Earth — Nicollet
Brown — Olmsted
Dakota — Redwood
Dodge — Renville
Faribault — Rice
Freeborn — Scott
Goodhue — Sibley
Kandiyohi — Steele
Le Sueur — Wabasha
McLeod — Waseca
Martin — Watonwan
Meeker — Winona
Mower

OREGON

Union — Umatilla

UTAH

Box Elder — Salt Lake
Cache — Weber
Davis

WASHINGTON

Columbia — Whitman
Walla Walla

WISCONSIN

Calumet — Rock
Columbia — Sauk
Dane — Sheboygan
Dodge — Trempealeau
Fond du Lac — Walworth
Manitowoc — Winnebago

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75-30299 Filed 11-10-75;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR PEANUT CROP INSURANCE; 1976 CROP

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for peanut crop insurance for the 1976 crop year. The type(s) of peanuts on which insurance is offered in each county is shown opposite the county name.

ALABAMA

Barbour—Runner, Southeast Spanish, Virginia
Coffee—Runner, Southeast Spanish, Virginia
Conecuh—Runner, Southeast Spanish, Virginia
Covington—Runner, Southeast Spanish, Virginia
Crenshaw—Runner, Southeast Spanish, Virginia
Dale—Runner, Southeast Spanish, Virginia
Geneva—Runner, Southeast Spanish, Virginia
Henry—Runner, Southeast Spanish, Virginia
Houston—Runner, Southeast Spanish, Virginia
Pike—Runner, Southeast Spanish, Virginia

FLORIDA

Jackson—Runner, Southeast Spanish, Virginia

GEORGIA

Baker—Runner, Southeast Spanish, Virginia
Ben Hill—Runner, Southeast Spanish, Virginia
Bulloch—Runner, Southeast Spanish, Virginia
Calhoun—Runner, Southeast Spanish, Virginia
Clay—Runner, Southeast Spanish, Virginia
Coffee—Runner, Southeast Spanish, Virginia
Colquitt—Runner, Southeast Spanish, Virginia
Cook—Runner, Southeast Spanish, Virginia
Crisp—Runner, Southeast Spanish, Virginia
Decatur—Runner, Southeast Spanish, Virginia
Dodge—Runner, Southeast Spanish, Virginia
Dooly—Runner, Southeast Spanish, Virginia
Early—Runner, Southeast Spanish, Virginia
Houston—Runner, Southeast Spanish, Virginia
Irwin—Runner, Southeast Spanish, Virginia
Lee—Runner, Southeast Spanish, Virginia
Miller—Runner, Southeast Spanish, Virginia
Mitchell—Runner, Southeast Spanish, Virginia
Randolph—Runner, Southeast Spanish, Virginia
Seminole—Runner, Southeast Spanish, Virginia
Sumter—Runner, Southeast Spanish, Virginia
Terrell—Runner, Southeast Spanish, Virginia
Thomas—Runner, Southeast Spanish, Virginia
Tift—Runner, Southeast Spanish, Virginia
Toombs—Runner, Southeast Spanish, Virginia
Turner—Runner, Southeast Spanish, Virginia
Worth—Runner, Southeast Spanish, Virginia
Wilcox—Runner, Southeast Spanish, Virginia

NORTH CAROLINA

Bertie—Virginia
Bladen—Virginia
Chowan—Virginia
Edgecombe—Virginia
Gates—Virginia
Halifax—Virginia
Hertford—Virginia
Martin—Virginia
Nash—Virginia
Northampton—Virginia
Pitt—Virginia
Washington—Virginia

OKLAHOMA

Bryan—Southwest Spanish
Caddo—Southwest Spanish
Grady—Southwest Spanish

SOUTH CAROLINA

Lee—Virginia
Sumter—Virginia

TEXAS

Atascosa—Southwest Spanish, Runner
Brown—Southwest Spanish, Runner
Comanche—Southwest Spanish, Runner
Eastland—Southwest Spanish, Runner
Erath—Southwest Spanish, Runner
Fannin—Southwest Spanish, Runner
Frio—Southwest Spanish, Runner
Grayson—Southwest Spanish, Runner
Hood—Southwest Spanish, Runner
Lee—Southwest Spanish, Runner
Wilson—Southwest Spanish, Runner

VIRGINIA

Dinwiddie—Virginia
Greensville—Virginia
Isle of Wight—Virginia
Nansemond—Virginia
Prince George—Virginia
Southampton—Virginia
Surry—Virginia
Sussex—Virginia

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75-30296 Filed 11-10-75;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR PEA (DRY) CROP INSURANCE; 1976 CROP

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for pea (dry) crop insurance for the 1976 crop year.

IDAHO

Benewah — Lewis
Kootenai — Nez Perce
Latah

OREGON

Umatilla — Union

WASHINGTON

Adams — Spokane
Columbia — Walla Walla
Franklin — Whitman
Grant

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75-30298 Filed 11-10-75;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR RICE CROP INSURANCE; 1976 CROP

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for rice crop insurance for the 1976 crop year.

ARKANSAS

Arkansas — Crittenden
Ashley — Cross
Chicot — Desha
Clay — Greene
Craighead — Jackson

ARKANSAS—Continued

Jefferson	Prairie
Lonoke	St. Francis
Monroe	Woodruff
Poinsett	

LOUISIANA

Acadia	Jefferson Davis
Calcasieu	Lafayette
Evangeline	St. Landry

MISSISSIPPI

Bolivar	Washington

TEXAS

Brazoria	Matagorda
Fort Bend	Wharton

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75-30294 Filed 11-10-75;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR SOYBEAN CROP INSURANCE; 1976 CROP

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for soybean crop insurance for the 1976 crop year.

ALABAMA

Baldwin	Lawrence
Dallas	Limestone
Escambia	Madison
Hale	Morgan
Jackson	Shelby
Lauderdale	

ARKANSAS

Arkansas	Lee
Ashley	Lincoln
Chicot	Lonoke
Clay	Mississippi
Craighead	Monroe
Crittenden	Phillips
Cross	Poinsett
Desha	Prairie
Greene	Randolph
Jackson	St. Francis
Jefferson	Woodruff
Lawrence	

DELAWARE

Kent	Sussex
New Castle	

GEORGIA

Bullock	Houston

ILLINOIS

Adams	De Witt
Bond	Douglas
Boone	Edgar
Brown	Effingham
Bureau	Fayette
Carroll	Ford
Cass	Fulton
Champaign	Greene
Christian	Grundy
Clark	Hancock
Clay	Henderson
Clinton	Henry
Coles	Iroquois
Crawford	Jasper
Cumberland	Jefferson
De Kalb	Jersey

ILLINOIS—Continued

Jo Daviess	Ogle
Kankakee	Peoria
Kendall	Piatt
Knox	Pike
La Salle	Putnam
Lawrence	Randolph
Lee	Richland
Livingston	Rock Island
Logan	St. Clair
McDonough	Sangamon
McHenry	Schuyler
McLean	Scott
Macon	Shelby
Macoupin	Stark
Madison	Stephenson
Marion	Tazewell
Marshall	Vermilion
Mason	Warren
Menard	Washington
Mercer	Wayne
Monroe	Whiteside
Montgomery	Will
Morgan	Winnebago
Moultrie	Woodford

INDIANA

Adams	Knox
Allen	Kosciusko
Bartholomew	Lagrange
Benton	Madison
Blackford	Marion
Boone	Marshall
Carroll	Miami
Cass	Montgomery
Clay	Morgan
Clinton	Newton
Daviess	Noble
Decatur	Parke
De Kalb	Posey
Delaware	Pulaski
Elkhart	Putnam
Fayette	Randolph
Fountain	Ripley
Fulton	Rush
Gibson	Shelby
Grant	Sullivan
Greene	Tippecanoe
Hamilton	Tipton
Hancock	Union
Hendricks	Vermillion
Henry	Vigo
Howard	Wabash
Huntington	Warren
Jackson	Wayne
Jasper	Wells
Jay	White
Johnson	Whitley

IOWA

Adair	Dickinson
Adams	Dubuque
Appanoose	Emmet
Allamakee	Fayette
Audubon	Floyd
Benton	Franklin
Black Hawk	Fremont
Boone	Greene
Bremer	Grundy
Buchanan	Guthrie
Buena Vista	Hamilton
Butler	Hancock
Calhoun	Hardin
Carroll	Harrison
Cass	Henry
Cedar	Howard
Cerro Gordo	Humboldt
Cherokee	Ida
Chickasaw	Iowa
Clarke	Jackson
Clay	Jasper
Clayton	Jefferson
Clinton	Johnson
Crawford	Jones
Dallas	Keokuk
Decatur	Kossuth
Delaware	Lee
Des Moines	Linn

IOWA—Continued

Louisa	Pottawattamie
Lucas	Poweshiek
Lyon	Ringgold
Madison	Sac
Mahaska	Scott
Marion	Shelby
Marshall	Sioux
Mills	Story
Mitchell	Tama
Monona	Taylor
Monroe	Union
Montgomery	Wapello
Muscatine	Warren
O'Brien	Washington
Osceola	Webster
Page	Winnebago
Palo Alto	Winneshiek
Plymouth	Woodbury
Pocahontas	Worth
Polk	Wright

KANSAS

Allen	Jefferson
Anderson	Johnson
Atchison	Labette
Bourbon	Linn
Brown	Lyon
Cherokee	Marshall
Coffey	Miami
Crawford	Neosho
Doniphan	Osage
Douglas	Wilson
Franklin	Woodson
Jackson	

KENTUCKY

Calloway	Hopkins
Daviess	McLean
Fulton	Ohio
Graves	Union
Henderson	

LOUISIANA

Acadia	Lafayette
Avoyelles	Madison
Bossier	Morehouse
Caddo	Natchitoches
Calcasieu	Pointe Coupee
Caldwell	Rapides
Catahoula	Red River
Concordia	Richland
East Carroll	St. Landry
Evangeline	Tensas
Franklin	West Carroll
Jefferson Davis	

MARYLAND

Caroline	Queen Annes
Kent	Talbot

MICHIGAN

Branch	Monroe
Cass	Saginaw
Clinton	St. Joseph
Gratiot	Shiawassee
Hillsdale	Washtenaw
Lenawee	

MINNESOTA

Becker	Kandiyohi
Big Stone	Lac qui Parle
Blue Earth	Le Sueur
Brown	Lincoln
Carver	Lyon
Chippewa	McLeod
Clay	Martin
Cottonwood	Meeker
Dakota	Mower
Dodge	Murray
Douglas	Nicollet
Faribault	Nobles
Fillmore	Norman
Freeborn	Olmsted
Goodhue	Otter Tail
Grant	Pipestone
Houston	Pope
Jackson	Redwood

MINNESOTA—Continued

Renville
Rice
Rock
Scott
Sibley
Stearns
Steele
Stevens
Swift
Todd
Traverse
Wabasha
Waseca
Washington
Watonwan
Wilkin
Winona
Wright
Yellow Medicine

MISSISSIPPI

Benton
Bolivar
Calhoun
Carroll
Chickasaw
Coahoma
De Soto
Hinds
Holmes
Humphreys
Issaquena
Lee
Leflore
Madison
Monroe
Panola
Pontotoc
Prentiss
Quitman
Sharkey
Sunflower
Tallahatchie
Tippah
Tunica
Union
Washington
Yazoo

MISSOURI

Adair
Andrew
Atchison
Audrain
Barton
Bates
Boone
Buchanan
Butler
Caldwell
Callaway
Cape Girardeau
Carroll
Cass
Chariton
Clark
Clinton
Cooper
Daviess
De Kalb
Dunklin
Gentry
Grundy
Harrison
Henry
Holt
Howard
Jackson
Jasper
Johnson
Knox
Lafayette
Lewis
Lincoln
Linn
Livingston
Macon
Marion
Mercer
Mississippi
Monroe
Montgomery
New Madrid
Nodaway
Pemiscot
Pettis
Pike
Platte
Ralls
Randolph
Ray
St. Charles
Saline
Scotland
Scott
Shelby
Stoddard
Sullivan
Vernon
Worth

NEBRASKA

Burt
Cass
Cedar
Colfax
Cuming
Dodge
Lancaster
Madison
Nemaha
Otoe
Platte
Richardson
Saunders
Washington
Wayne

NORTH CAROLINA

Anson
Beaufort
Craven
Hyde
Johnston
Jones
Pamlico
Pitt
Robeson
Union
Washington

NORTH DAKOTA

Cass
Richland
Traill

OHIO

Allen
Ashland
Auglaize
Butler
Champaign
Clark
Clinton
Crawford
Darke
Defiance

OHIO—Continued

Delaware
Erie
Fairfield
Fayette
Franklin
Fulton
Greene
Hancock
Hardin
Henry
Highland
Huron
Knox
Licking
Logan
Lucas
Madison
Marion
Medina
Mercer
Miami
Montgomery
Morrow
Ottawa
Paulding
Pickaway
Preble
Putnam
Richland
Sandusky
Seneca
Shelby
Union
Van Wert
Wayne
Williams
Wood
Wyandot

OKLAHOMA

Ottawa

SOUTH CAROLINA

Craig
Aiken
Allendale
Bamberg
Barnwell
Calhoun
Clarendon
Darlington
Dillon
Dorchester
Florence
Hampton
Horry
Kershaw
Lee
Lexington
Marion
Marlboro
Orangeburg
Sumter
Williamsburg

SOUTH DAKOTA

Bon Homme
Brookings
Charles Mix
Clay
Deuel
Grant
Hamlin
Hutchinson
Kingsbury
Lake
Lincoln
McCook
Minnehaha
Moody
Roberts
Turner
Union
Yankton

TENNESSEE

Carroll
Chester
Crockett
Dyer
Fayette
Gibson
Hardeman
Haywood
Lake
Lauderdale
Madison
Obion
Shelby
Tipton
Weakley

VIRGINIA

Nansemond
Southampton

WISCONSIN

Buffalo
Dane
Dunn
Jackson
Jefferson
Kenosha
Pepin
Pierce
Polk
Racine
Rock
St. Croix
Trempealeau
Walworth

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75-30293 Filed 11-10-75;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR SUGAR BEET CROP INSURANCE; 1976 CROP

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for sugar beet crop insurance for the 1976 crop year.

CALIFORNIA

Fresno
Imperial
Kern
Kings
Madera
Merced
San Joaquin
Stanislaus
Tulare

COLORADO

Adams
Boulder
Kit Carson
Larimer
Logan
Morgan
Phillips
Sedgwick
Weld
Yuma

IDAHO

Ada
Bannock
Bingham
Bonneville
Canyon
Cassia
Franklin
Jerome
Minidoka
Owyhee
Power
Twin Falls

KANSAS

Finney
Grant
Kearny
Sherman
Stanton
Wallace

MICHIGAN

Bay
Huron
Saginaw
Tuscola

MINNESOTA

Chippewa
Clay
Faribault
Grant
Kandiyohi
Kittson
Lac qui Parle
Marshall
Norman
Polk
Redwood
Renville
Swift
Traverse
Wilkin
Yellow Medicine

MONTANA

Carbon
Custer
Dawson
Prairie
Richland
Rosebud
Stillwater
Treasure
Yellowstone

NEBRASKA

Box Butte
Morrill
Scotts Bluff

NORTH DAKOTA

Cass
Grand Forks
McKenzie
Pembina
Richland
Traill
Walsh
Williams

OHIO

Hancock
Henry
Lucas
Ottawa
Putnam
Sandusky
Wood

OREGON

Malheur

UTAH

Box Elder
Cache
Davis
Salt Lake
Utah
Weber

WASHINGTON

Adams
Benton
Franklin
Grant
Yakima

WYOMING

Big Horn
Goshen
Park
Washakie

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75-30292 Filed 11-10-75;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR TOBACCO INSURANCE; 1976 CROP

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for tobacco crop insurance for the 1976 crop year. The type(s) of tobacco on which insurance is offered in each county is shown opposite the county name.

Florida:	
Alachua	14
Columbia	14
Hamilton	14
Madison	14
Suwannee	14
Georgia:	
Appling	14
Atkinson	14
Bacon	14
Ben Hill	14
Berrien	14
Brantley	14
Brooks	14
Bulloch	14
Candler	14
Coffee	14
Colquitt	14
Cook	14
Decatur	14
Irwin	14
Jeff Davis	14
Lanier	14
Lowndes	14
Mitchell	14
Pierce	14
Tattnall	14
Thomas	14
Tift	14
Toombs	14
Turner	14
Ware	14
Wayne	14
Worth	14
Kentucky:	
Adair	31
Allen	31, 35
Anderson	31
Barren	31
Bath	31
Boone	31
Bourbon	31
Boyle	31
Bracken	31
Breckinridge	31
Caldwell	22, 31, 35
Calloway	23, 35
Carroll	31
Casey	31
Christian	22, 31, 35
Clark	31
Daviess	31, 36
Fayette	31
Fleming	31
Franklin	31
Garrard	31
Grant	31
Graves	23, 31, 35
Green	31
Harrison	31
Hart	31
Henderson	31, 36
Henry	31
Hopkins	31, 36
Jessamine	31
Larue	31
Lewis	31
Lincoln	31
Logan	22, 31, 35
McLean	31, 36
Madison	31
Marion	31
Marshall	23, 31, 35
Mason	31
Meade	31
Mercer	31
Metcalfe	31
Montgomery	31
Muhlenberg	22, 31, 35
Nelson	31
Nicholas	31
Ohio	31, 36
Owen	31
Pendleton	31
Pulaski	31
Robertson	31
Russell	31
Scott	31
Shelby	31
Simpson	22, 31, 35
Spencer	31
Taylor	31
Todd	22, 31, 35
Trigg	22, 31, 35
Warren	31, 35
Washington	31
Wayne	31
Woodford	31
Missouri:	
Buchanan	31
Platte	31
North Carolina:	
Alamance	11a
Alexander	11a
Beaufort	12
Bertie	12
Bladen	13
Brunswick	13
Buncombe	31
Carteret	12
Caswell	11a
Chatham	11b
Chowan	12
Columbus	13
Craven	12
Cumberland	13
Davidson	11a
Davie	11a
Duplin	12
Durham	11b
Edgecombe	12
Forsyth	11a
Franklin	11b
Gates	12
Granville	11b
Greene	12
Guilford	11a
Halifax	12
Harnett	11b
Haywood	31
Hertford	12
Hoke	13
Iredell	11a
Johnston	12
Jones	12
Lee	11b
Lenoir	12
Madison	31
Martin	12
Mitchell	31
Montgomery	11b
Moore	11b
Nash	12
Northampton	12
Onslow	12
Orange	11b
Pamlico	12
Pender	12
Person	11a
Pitt	12
Randolph	11a
Richmond	11b
Robeson	13
Rockingham	11a
Sampson	12
Scotland	13
Stokes	11a
Surry	11a
Vance	11b
Wake	11b
Warren	11b
Washington	12
Wayne	12
Wilkes	11a
Wilson	12
Yadkin	11a
Yancey	31
Ohio:	
Adams	31
Brown	31
Highland	31
Pennsylvania:	
Lancaster	41
South Carolina:	
Chesterfield	13
Clarendon	13
Darlington	13
Dillon	13
Dorchester	13
Florence	13
Georgetown	13
Horry	13
Kershaw	13
Lee	13
Marion	13
Marlboro	13
Orangeburg	13
Sumter	13
Williamsburg	13
Tennessee:	
Anderson	31
Blount	31
Carter	31
Claiborne	31
Cocke	31
De Kalb	31
Dickson	22
Franklin	31
Giles	31
Grainger	31
Greene	31
Hamblen	31
Hancock	31
Hawkins	31
Jackson	31
Jefferson	31
Johnson	31
Knox	31
Lawrence	31
Lincoln	31
Loudon	31
McMinn	31
Macon	31, 35
Marshall	31
Maury	31
Monroe	31
Montgomery	22, 31
Putnam	31
Robertson	22, 31, 35
Sevier	31
Smith	31
Stewart	22, 31
Sullivan	31
Sumner	22, 31, 35
Trousdale	31
Unicoi	31
Washington	31
Weakley	23, 35
White	31
Williamson	31
Wilson	31
Virginia:	
Amelia	11a, 21
Appomattox	11a, 21
Brunswick	11a, 21
Campbell	11a, 21
Charlotte	11a, 21
Cumberland	11a, 21
Dinwiddie	11a, 21
Franklin	11a
Greensville	11a
Halifax	11a
Lee	31

VIRGINIA—Continued

Lunenberg	11a, 21
Mecklenburg	11a
Nansemond	11a
Nottoway	11a, 21
Patrick	11a
Pittsylvania	11a
Prince Edward	11a, 21
Prince George	11a
Russell	31
Scott	31
Smyth	31
Southampton	11a
Sussex	11a
Washington	31
Wisconsin:	
Crawford	55
Dane	54
LaCrosse	55
Richland	55
Trempealeau	55
Vernon	55

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal
Crop Insurance Corporation.

[FR Doc.75-30291 Filed 11-10-75;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR TOMATO CROP INSURANCE; 1976 CROP

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for tomato crop insurance for the 1976 crop year.

OHIO

Darke	Ottawa
Fulton	Putnam
Henry	Sandusky
Lucas	Wood

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal
Crop Insurance Corporation.

[FR Doc.75-30290 Filed 11-10-75;8:45 am]

PART 402—RAISIN CROP INSURANCE

Subpart—Regulations for the 1966 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR RAISIN CROP INSURANCE; 1976 CROP

Pursuant to authority contained in § 402.1 of the above-identified regulations, as amended, the following counties have been designated for raisin crop insurance for the 1976 crop year.

CALIFORNIA

Fresno	Merced
Kern	Stanislaus
Kings	Tulare
Madera	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal
Crop Insurance Corporation.

[FR Doc.75-30295 Filed 11-10-75;8:45 am]

PART 403—PEACH CROP INSURANCE

Subpart—Regulations for the 1976 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR PEACH CROP INSURANCE; 1976 CROP

Pursuant to authority contained in § 403.40 of the above-identified regulations, as amended, the following counties have been designated for peach crop insurance for the 1976 crop year.

ALABAMA

Chilton

ARKANSAS

Cross	Lee
Johnson	St. Francis

GEORGIA

Houston	Upson
Peach	

SOUTH CAROLINA

Aiken	Greenville
Allendale	Lexington
Barnwell	Spartanburg
Chesterfield	York
Edgefield	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal
Crop Insurance Corporation.

[FR Doc.75-30297 Filed 11-10-75;8:45 am]

PART 404—APPLE CROP INSURANCE

Subpart—Regulations for the 1967 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR APPLE CROP INSURANCE; 1976 CROP

Pursuant to the authority contained in § 404.20 of the above-identified regulations, the following counties have been designated for apple crop insurance for the 1976 crop year.

OREGON

Umatilla

WASHINGTON

Chelan	Douglas
Columbia	Okanogan

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal
Crop Insurance Corporation.

[FR Doc.75-30310 Filed 11-10-75;8:45 am]

PART 406—CALIFORNIA ORANGE CROP INSURANCE

Subpart—Regulations for the 1963 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR ORANGE CROP INSURANCE; 1976 CROP

Pursuant to authority contained in § 406.1 of the above-identified regulations, as amended, the following counties have been designated for orange crop insurance for the 1976 crop year.

CALIFORNIA

Fresno	Tulare
Kern	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal
Crop Insurance Corporation.

[FR Doc.75-30300 Filed 11-10-75;8:45 am]

PART 408—NORTH CAROLINA APPLE CROP INSURANCE

Subpart—Regulations for the 1965 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR APPLE CROP INSURANCE; 1976 CROP

Pursuant to authority contained in § 408.1 of the above-identified regulations, as amended, the following counties have been designated for apple crop insurance for the 1976 crop year.

NORTH CAROLINA

Alexander	Wilkes
Henderson	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal
Crop Insurance Corporation.

[FR Doc.75-30309 Filed 11-10-75;8:45 am]

PART 409—ARIZONA-DESERT VALLEY CITRUS CROP INSURANCE

Subpart—Regulations for the 1974 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR CITRUS CROP INSURANCE; 1976 CROP

Pursuant to authority contained in § 409.30 of the above-identified regulations, the following counties have been designated for citrus crop insurance for the 1976 crop year.

ARIZONA

Maricopa	Yuma

CALIFORNIA

Imperial	Riverside

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal
Crop Insuranee Corporation.

[FR Doc.75-30306 Filed 11-10-75;8:45 am]

PART 410—FLORIDA CITRUS CROP INSURANCE

Subpart—Regulations for the 1970 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR CITRUS CROP INSURANCE; 1976 CROP

Pursuant to authority contained in § 410.1 of the above-identified regulations, the following counties have been designated for citrus crop insurance for the 1976 crop year.

FLORIDA

Brevard	Indian River
De Soto	Lake
Hardee	Manatee
Hernando	Marion
Highlands	Martin
Hillsborough	Orange

FLORIDA—Continued

Osceola	Polk
Palm Beach	St. Lucie
Pasco	Seminole

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75-30307 Filed 11-10-75;8:45 am]

PART 413—TEXAS CITRUS CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR CITRUS CROP INSURANCE; 1976 CROP

Pursuant to authority contained in § 413.20 of the above-identified regulations, the following counties have been designated for citrus crop insurance for the 1976 crop year.

TEXAS

Cameron	Willacy
Hidalgo	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75-30305 Filed 11-10-75;8:45 am]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 728—WHEAT

Wheat Program for Crop Years 1975–1977

On May 20, 1974, a notice of proposed rulemaking regarding determinations with respect to the 1975 crop of wheat was published in the FEDERAL REGISTER (39 FR 17767). Interested persons were invited to submit written data, views, and recommendations regarding the determinations within 30 days. The comments and recommendations received have been duly considered.

This subpart, which is issued pursuant to the Agricultural Act of 1949, as amended by the Agricultural Act of 1970, Public Law 91-524, 84 Stat. 1358, and by the Agriculture and Consumer Protection Act of 1973, Public Law 93-86, 87 Stat. 224, and Public Law 93-228, 87 Stat. 944, supersedes for the crop years 1975–1977 the regulations governing the Wheat Program for crop years 1974–1977, 39 FR 26707, as amended. This subpart, which incorporates the provisions of the existing regulations with the following principal changes, sets forth the conditions under which wheat producers may qualify for program benefits:

(1) No intention to participate in the program is filed. Producers report disasters when they occur, report crop acreages as necessary for program administration, and apply for any applicable payments.

(2) All acreage planted to wheat is defined as wheat acreage and considered to be nonconserving. There is provision for excluding part of the acreage for low yield disaster payment purposes, in such instances as when the acreage is planted solely for pasture, or nonfeed use, or is in excess of the allotment and is timely destroyed without feed benefit.

(3) Allotments are adjusted for low yield payment purposes to reflect underplanting and the substitution of wheat for feed grains.

(4) Wheat payments are computed separately from feed grain and upland cotton payments.

(5) Disaster payments are made for wheat only when wheat has suffered a production loss and are computed on the bushels lost.

Subpart—Wheat Program for Crop Years 1975–1977

AUTHORITY: Sec. 107, 87 Stat. 224 (7 U.S.C. 1445a); sec. 379c, 87 Stat. 227 (7 U.S.C. 1379c); sec. 375(b), 52 Stat. 66 (7 U.S.C. 1375 (b))

Subpart—Wheat Program for Crop Years 1975–1977

§ 728.1 General.

(a) The regulations in this subpart provide terms and conditions for the wheat program for the 1975 through 1977 crops of wheat, respectively, under which producers on farms for which an allotment is established may qualify for payments authorized under the program.

(b) Producers who meet the eligibility requirements in § 728.13(c) may qualify for payments.

(c) In accordance with section 101 of the Agricultural Act of 1970, as amended, and the regulations in Part 795 of this chapter, as amended, the total amount of payments which a person shall be entitled to receive annually under the wheat program, the feed grain program, and the upland cotton program shall not exceed $20,000.

(d) In accordance with the regulations in Part 796 of this chapter, payments are prohibited to program participants who harvest or knowingly permit to be harvested for illegal use marihuana or other such prohibited drug-producing plants on any part of the lands owned or controlled by them.

(e) The program is applicable throughout the United States except Alaska and Hawaii.

§ 728.2 Definitions.

In the regulations in this subpart and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meaning assigned to them herein unless the content or subject matter otherwise requires.

(a) "Annual nonconserving crop" means any annual crop intended for harvest or utilized in any feed form, except for the following:

(1) Grasses regardless of use, including sweet sorghum, millet, and sudan grass.

(2) Legumes, other than peas or beans produced for seed, grain, or processing.

(3) Immature small grains (other than wheat or barley) destroyed by any means or used for other than grain.

(b) "Cropland Adjustment Program" (herein called CAP) means the program authorized under Title VI of the Food and Agriculture Act of 1965, as amended, Part 751 of this chapter, as amended.

(c) "Cropland Conversion Program" (herein called CCP) means the program authorized under section 16(e) of the Soil Conservation and Domestic Allotment Act, as amended, Part 751 of this chapter, as amended.

(d) "Current year" means the calendar year in which the wheat crop with respect to which payment may be made under this subpart would normally be harvested.

(e) "Feed Grain Program" means the program authorized under Title V of the Agricultural Act of 1970, Part 775 of this chapter, as amended.

(f) "Upland Cotton Program" means the program authorized under Title VI of the Agricultural Act of 1970, Part 722 of this chapter, as amended.

(g) "Wheat acreage" means:

(1) Any acreage planted to wheat, and any acreage of volunteer wheat which is harvested as grain.

(2) Any acreage devoted to a mixture of crops if the county committee determines that the predominant crop is wheat and such acreage meets the requirements of paragraph (g)(1) of this section as being wheat acreage.

(h) "Wheat planted and considered planted acreage" means the wheat acreage as defined in paragraph (g) of this section and:

(1) Any acreage which the county committee determines was not planted to wheat because of drought, flood, or

other natural disaster or condition beyond the control of the operator;

(2) Any acreage credited as wheat (except for new farms) under the provisions of Part 719 of this chapter, as amended;

(3) Any acreage which is planted and considered planted to feed grains under Part 775 of this chapter, as amended, in excess of the allotment and which is not credited to cotton: *Provided*, That feed grains in excess of the allotment shall not be considered as planted to wheat for purposes of § 728.7(b)(4)(iii);

(4) Any acreage which is planted and considered planted to cotton under Part 722 of this chapter, as amended, in excess of the allotment and which is not credited to feed grains: *Provided*, That cotton in excess of the allotment shall not be considered as planted to wheat for purposes of § 728.7(b)(4)(iii);

(5) Any other acreage which is planted to annual nonconserving crops or which the county committee determines was not planted because of drought, flood, or other natural disaster or condition beyond the control of the operator, excluding acreage of allotment crops within the applicable allotment and which is not credited to cotton or feed grains: *Provided*, That such nonconserving crops shall not be considered as planted to wheat for purposes of § 728.7(b)(4)(iii); and

(6) An acreage (except for new farms) equal to the amount that the wheat allotment is reduced for the current year as provided in § 728.7(c)(2).

(i) In the regulations in this subpart and in all instructions, forms, and documents in connection therewith, all other words and phrases shall have the meanings assigned to them in the regulations governing reconstitution of farms and allotments, Part 719 of this chapter, as amended.

§ 728.3 Administration.

(a) The program will be administered under the general supervision of the Administrator, Agricultural Stabilization and Conservation Service (ASCS), and shall be carried out in the field by Agricultural Stabilization and Conservation State and county committees (herein called "State and county committees") and the ASCS Data Systems Field Office.

(b) State and county committees, the ASCS Data Systems Field Office, and representatives and employees thereof do not have authority to modify or waive any of the provisions of the regulations in this subpart, as amended or supplemented.

§ 728.4 1975 national wheat allotment.

NOTE: The 1975 wheat allotment is set out in 39 FR 13869.

§ 728.4a 1976 national wheat allotment.

NOTE: The 1976 wheat allotment is set out in 40 FR 16831.

§ 728.4b 1977 national wheat allotment [Reserved]

[To be issued as an amendment to this subpart.]

§ 728.5 Apportionment of the 1975–1977 national wheat allotments among the several States.

The national allotment of wheat is distributed each year on a pro rata basis to the States on the basis of each State's allotment for the preceding year, adjusted for (a) the administrative transfer of farms between States, (b) decreases resulting from farms no longer engaged in agricultural production, farms dropped from the eminent domain pool, farms losing allotment for failure to plant, and farms voluntarily relinquishing their allotment, and (c) established crop-rotation practices in the States of Colorado, Oregon, Utah, and Washington. State allotments are available for inspection in State and county ASCS offices.

§ 728.6 Apportionment of the 1975–1977 State allotments of wheat among their respective counties.

The State allotment for wheat, less reserves for new farms, appeals and corrections, is apportioned each year among the counties in the State on the basis of each county's allotment for the preceding year, adjusted for:

(a) The administrative transfer of farms between counties,

(b) Acreage allocated to new farms from the State reserve,

(c) Acreage removed from farms no longer engaged in agricultural production, farms dropped from eminent domain pool, farms losing allotment for failure to plant, and farms voluntarily relinquishing their allotment, and

(d) Such other relevant factors as determined necessary by the State committee to establish a fair and equitable apportionment base for the county. County allotments are available for inspection in the county ASCS office.

§ 728.7 Farm wheat allotment.

(a) *How obtained.* Except as otherwise provided in this section, the farm wheat allotments for each crop of wheat shall be determined by the county committee by apportioning the county wheat allotment among farms in the county on the basis of the farm wheat allotment for the preceding crop, adjusted to reflect established crop-rotation practices and such other factors as the Deputy Administrator determines should be considered for the purpose of establishing a fair and equitable allotment. Allotments determined as set forth in this paragraph shall be approved by a representative of the State committee.

(b) *New farm allotment*—(1) *Written application.* Each year, the county committee, with the approval of the State committee, shall establish a wheat allotment (herein called "new farm allotment") for each eligible farm for which an allotment is requested in writing by July 1 of the year immediately preceding the current year in the winter wheat area, and by February 15 of the current year in the spring wheat area. The spring wheat area shall include any area where spring wheat is normally grown, even though winter wheat is also grown in such area. Each request shall be made by the farm owner or operator on Form MQ-25, Application for New Farm or Producer Allotment or Quota, which shall contain statements as to location and identification of the farm, name and address of the farm operator, and other data necessary to enable the county committee to determine whether the conditions of eligibility prescribed in paragraph (b)(2) of this section have been met.

(2) *Eligibility requirements for owner or operator.* Eligibility for a new farm allotment shall be conditioned upon the following:

(i) *Allotment for farm.* The farm does not otherwise qualify for a wheat allotment.

(ii) *Interest in another farm.* Neither the farm owner nor the farm operator owns, has an ownership interest in, or operates any other farm in the United States for which a wheat allotment is established for the current year.

(iii) *Previous experience.* The applicant has produced wheat in any year prior to the year for which the request is made for a new farm allotment.

(iv) *Availability of equipment and facilities.* The operator has adequate equipment and other facilities readily available for the successful production of the crop on the farm.

(v) *Income requirement.* The operator expects to obtain during the current year more than 50 percent of his income from the production of agricultural commodities or products from farming.

(a) *Computing operator's income.* The following shall be considered in computing operator's income:

(1) *Income from farming.* Income from farming shall include the estimated return from the production of the requested allotment and from home gardens, livestock and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm(s), but shall exclude payments authorized under the wheat program.

(2) *Income from nonfarming.* Nonfarming income shall include but shall not be limited to salaries, commissions, pensions, social security payments and unemployment compensation.

(3) *Spouse's income.* The spouse's farm and nonfarm income shall be used in the computation.

(b) *Operator a partnership.* If the operator is a partnership, each partner must expect to obtain more than 50 percent of his current year income from farming.

(c) *Operator a corporation.* If the operator is a corporation, it must have no major corporate purpose other than ownership or operation of the farm. Farming must provide its officers and general manager with more than 50 percent of their expected income. Salaries and dividends from the corporation shall be considered as income from farming.

(d) *Special provision for low-income farmers.* The county committee may

waive the income provisions in this section provided the county committee determines that the farm operator's income, from both farm and nonfarm sources, will not provide a reasonable standard of living for the operator and his family, and a State committee representative approves such action. In waiving the income provisions the county committee must exercise good judgment to see that such determination is reasonable in the light of all pertinent factors, and that this special provision is made applicable only to those who qualify. In making such determination, the county committee shall consider such factors as size and type of farming operations, estimated net worth, estimated gross family farm income, estimated family off-farm income, number of dependents, and other factors affecting the individual's ability to provide a reasonable standard of living for himself and his family.

(3) *Eligibility requirements for the farm.* The eligibility requirements for a new farm allotment for the farm are as follows:

(i) *Available land, type of soil, and topography.* The available land, type of soil, and topography of the land on the farm must be suitable for wheat production, and continuous production must not result in an undue erosion hazard.

(ii) *Allotment reduced to zero at the farm owner's request.* At least 3 years must have elapsed from the date the farm wheat allotment is reduced to zero at the farm owner's request, as authorized in paragraph (c) of this section, to the date the request for a new farm allotment is considered.

(iii) *Eminent domain.* A farm which includes land acquired by an agency having the right of eminent domain for which the entire wheat allotment was pooled pursuant to Part 719 of this chapter, as amended, which is subsequently returned to agricultural production, shall not be eligible for a new farm allotment for a period of 3 years from the date the former owner was displaced.

(iv) *Entire allotment designated by owner for a reconstitution.* A farm which includes land which has no allotment because the owner did not designate an allotment for such land when the parent farm was reconstituted pursuant to Part 719 of this chapter, as amended, shall not be eligible for a new farm allotment for a period of 3 years beginning with the year in which the reconstitution became effective.

(4) *Limitations.* (i) *Wheat acreage planned.* The county committee shall limit the wheat allotment to the smaller of the allotment requested or the wheat acreage planned for the farm for the first year to which the allotment would be applicable.

(ii) *Reserve.* The total new farm wheat allotments approved in a State in the current year shall not exceed a reserve established by the State committee of not more than 1 percent of the total wheat allotments for all farms in the State. No part of that 1 percent shall be allocated to a farm to reflect new cropland brought into production after November 30, 1970.

(iii) *Current year wheat acreage.* Notwithstanding any other provision of this subpart, if the wheat planted and considered planted acreage for the year a new farm allotment is established is less than 90 percent of the allotment, the allotment for such year shall be reduced to the acreage planted and considered planted to wheat and payments computed on the basis of such reduced allotment.

(5) *Cancellation of new farm allotment for misrepresentation.* If a new farm allotment is established and it is later determined by the county committee that the applicant unknowingly furnished incomplete or inaccurate information the allotment shall be cancelled effective for the next crop year. If it is determined that the applicant knowingly furnished incomplete or inaccurate information and the State committee concurs in the county committee determination, the allotment shall be cancelled as of the date issued.

(c) *Reduced allotments.* Notwithstanding any other provisions of this subpart, wheat allotments shall be reduced as follows:

(1) *Permanent reductions.*

(i) The allotment shall be reduced:

(*a*) To the extent requested in writing by the farm owner not later than the date established by the State committee, and

(*b*) To the extent acreage of cropland on the farm is permanently removed from agricultural production, as determined by the county committee.

(ii) If the current year's wheat planted and considered planted acreage is less than 90 percent of the allotment, the allotment for the succeeding year shall be reduced by the percentage by which the planted and considered planted acreage is less than the allotment for the current year, but such reduction shall not exceed 20 percent of the allotment. If the wheat planted and considered planted acreage is zero for three consecutive years, the allotment shall be reduced to zero. However, no allotment shall be reduced or lost through failure to plant if all producers elect by September 1 of the current year to limit the acres for deficiency payment to the wheat planted and considered planted acreage as provided in § 728.15(f).

(2) *Reductions for current year.* The following reductions shall be made by reducing the smallest allotment first and continuing in order of the size of the allotment, unless the operator requests in writing that the reduction be in a different order.

(i) Reduce feed grain, wheat, and upland cotton allotments each year to the extent the sum of allotments for all commodities exceeds the cropland for the farm.

(ii) Reduce feed grain and wheat allotments each year to the extent the sum of feed grain and wheat allotments exceeds the cropland which, under normal conditions, could reasonably be expected to produce an allotment crop.

(iii) In the case of a farm participating in the CAP or CCP, reduce feed grain, wheat, and upland cotton allotments that are not partially or completely diverted under the CAP or CCP, to the extent they total more than the number of acres of nonconserving crops permitted under the CAP or CCP.

§ 728.8 County yields.

County yields for the current year are determined for each wheat-producing county in the United States except for counties in Alaska and Hawaii, and New Hampshire, for which no apparent need for such yields exists. The county yield for the current year was determined on the basis of the average yields per harvested acre of wheat for the county for the five-year period immediately preceding the year in which such county yield was determined. Such yield is determined by the Statistical Reporting Service and adjusted as applicable for abnormal weather conditions affecting such yields, for trends in yields, and for any significant changes in production practices. The county yields for the current year are available for inspection in the county ASCS office.

§ 728.9 Farm yields.

(a) *Determining yields.* The per acre farm yield shall be the county yield, adjusted to reflect the farm productivity for the commodity and established in accordance with instructions issued by the Deputy Administrator.

(b) *Provable yields.* Notwithstanding the provisions of paragraph (a) of this section, if reliable records of the actual yield in bushels per acre on the farm for each of the five years immediately preceding the year in which the yield is determined are available to the county committee, the yield established for the farm shall not be less than the average of such yields, with such adjustment as determined necessary to provide a fair and equitable yield. If the actual yield in any one of the five years immediately preceding the year in which the yield is determined is less than two-thirds of the average of the actual yields for the other four years, the operator or other affected producer furnishes a signed and dated statement that the low yield is the result of a natural disaster, and the county committee makes no determination that something other than a natural disaster caused the yield to be low, 93 percent of the average for the other four years shall be used in lieu of the average for the five years in establishing a yield. The operator or other affected producer shall report current year wheat acreage by filing a Report of Acreage (herein called "Form 580") if the foregoing provisions are to apply to any program year for which the five year period includes the current year.

(c) *Yield reduction.* For the purpose determining eligibility for and amount of low yield payment as provided in § 728.17 (b), the established yield for the farm shall be reduced in accordance with instructions issued by the Deputy Administrator to reflect any reduction in the current year yield which is due to causes other than a natural disaster or condition beyond the control of the producer, such as a change in farming practices.

§ 728.10 Payment rates.

Payment rates shall be established separately for deficiency payments and for disaster payments.

(a) *Deficiency payment rates.* The per bushel deficiency payment rate for each crop of wheat shall be the amount by which the higher of

(1) The national weighted average market price received by farmers for wheat during the first five months of the marketing year for such crop beginning July 1 or

(2) The national average loan rate established for such crop is less than the established price of $2.05 per bushel in the case of the 1975 crop, $2.05 per bushel adjusted to reflect any change during the calendar year 1975 in the index of prices paid by farmers for production items, interest, taxes, and wage rates in the case of the 1976 crop, and the established price for the 1976 crop adjusted to reflect any change during the calendar year 1976 in such index in the case of the 1977 crop: *Provided*, That any increase that would otherwise be made in the established price to reflect a change in the index of prices paid by farmers shall be adjusted to reflect any change in:

(i) The national average yield per acre of wheat for the three calendar years preceding the year for which the determination is made, over

(ii) The national average yield per acre of wheat for the three calendar years preceding the year previous to the one for which the determination is made.

(b) *Disaster payment rates.* The per bushel disaster payment rate shall be equal to the larger of the deficiency payment rate or one-third of the established price. The disaster payment rate for the 1975 program year is $.68 per bushel.

§ 728.11 Notice of allotments and yields.

Each operator interested in the wheat crop on a farm for which a wheat allotment is established shall be notified in writing of the allotment and established yield per acre: *Provided*, That the notice shall not be mailed to any producer who has filed a written request that he not be furnished the notice but it shall be filed with the producer's request in the county office. The producer may withdraw his request at any time; however, during the period a request is in effect, the producer shall be considered as having been timely and correctly notified of the contents of this notice. Such notices will be on Form ASCS–476, Notice of Allotments and Yields (herein called "Form 476").

§ 728.12 Reconstitution of farms.

Farms shall be reconstituted and wheat allotments established therefor in accordance with Part 719 of this chapter as amended. Yields for farms which are reconstituted after yields are originally established shall be determined as follows:

(a) *Combination.* Multiply the allotment by the yield for each parent farm, and divide the sum of the results for all parent farms by the sum of allotments on the parent farms.

(b) *Division.* Determine a yield in accordance with § 728.9. The weighted average yields for all the farms resulting from the division are limited to the yield for the parent farm, except for rounding.

§ 728.13 Requirements for program participation.

(a) *General.* A person is eligible for the program if he is a producer on a farm which meets the requirements of paragraph (b) of this section and he fulfills the requirements of paragraph (c) of this section.

(b) *Farm requirements.* (1) For disaster payments, a Form 580 and an Application for Disaster Credit (herein called "Form 574") shall be filed by the operator of an eligible farm with the office of the county committee having jurisdiction over the county where the farm is located. He shall also file a Record of Acreages, Production, and Disposition (herein called "Form 658") when the information thereon is needed for program determinations. These forms shall be filed within the period authorized by the Deputy Administrator.

(2) In the case of any farm participating in the CAP or CCP, the acreage of wheat and other nonconserving crops shall not exceed the number of acres of nonconserving crops permitted under the CAP or CCP.

(3) Land owned by the Federal Government shall be ineligible for participation in the program if it is occupied without a lease, permit, or other right of possession.

(4) Producers on a farm acquired for future development for purposes other than agricultural production shall not be eligible for participation in the program, unless the county committee determines that the farm is actively engaged in the production of crops for harvest other than hay, sod, ornamentals, or timber.

(c) *Producer eligibility requirements.* (1) The producer must be a person who as landowner, landlord, tenant, or sharecropper, shares in the wheat produced in the current year (or the proceeds therefrom) on a farm meeting the requirements of paragraph (b) of this section or would have shared if wheat had been produced on such farm in the current year.

(2) A minor will be eligible to participate in the program only if:

(i) The right of majority has been conferred on him by court proceedings;

(ii) A guardian has been appointed to manage his property and the applicable documents are signed by the guardian; or

(iii) A bond is furnished under which a surety guarantees to protect the Commodity Credit Corporation from any loss incurred for which the minor would be liable had he been an adult. Notwithstanding the foregoing, payment may be made to a minor after December 31 of the current year upon a determination by the county committee that the minor has met the requirements of the program.

§ 728.14 Determination of compliance.

(a) Determination of the acreage devoted to wheat and other annual nonconserving crops shall be made in accordance with Part 718 of this chapter, as amended.

(b) A representative of the county committee or the State committee or any authorized representative of the Secretary shall have the right at any reasonable time to enter a farm, concerning which representations have been made on any forms filed under the program, in order to measure the acreage planted to wheat and other annual nonconserving crops, to examine any records pertaining thereto, and otherwise to determine the accuracy of a producer's representation and the performance of his obligations under the program.

§ 728.15 General payment provisions.

(a) *Issuance.* Payments of any amounts due the producers on a farm shall be made only after they sign an Application for Payment (herein called "Form 516"), and the payments are approved by the county committee or by an authorized representative thereof. A Form 516 signed after May 1 of the year following the current year shall not be accepted by the county committee unless prior approval of the State committee is obtained.

(b) *Failure to fully comply.* Except as otherwise provided herein and in Part 791 of this chapter, as amended, payment shall not be made for a farm or to a producer when there is failure to comply fully with the regulations contained in this subpart, and in Part 718 of this chapter.

(c) *Payment due producer.* Subject to the provisions of the payment limitation regulations in Part 795 of this chapter, as amended, the total earned payment due each eligible producer under the program shall be determined by multiplying the total earned payment for the farm by the producer's share of such payment.

(d) *Payment declined.* If a producer declines to accept all or any part of his share of the payment computed for a farm in accordance with the provisions of this section, such payment or portions thereof shall not become available for any other producer on the farm.

(e) *Idle farms.* Producers on a farm not used for the commercial production of crops or livestock on cropland, or from which only sod, ornamentals, or timber are harvested, shall not be eligible for program payments when the wheat allotment is preserved with vegetative cover as authorized by the regulations in Part 719 of this chapter, as amended.

(f) *Allotment protection.* Producers otherwise eligible for payment may elect by September 1 of the current year to limit the acres for deficiency payment to the wheat planted and considered planted acreage in order to protect the wheat allotment from reduction due to failure to plant.

(g) *Unearned payments.* Payments to any producer which exceed the total payment he earns under the program with respect to any farm shall be refunded to the Commodity Credit Corporation and, if for any reason such earned payment is zero, he shall pay interest at the rate of 6 percent per annum on the amount of the refund from the issue

dates of the sight drafts to the date the payments are refunded. The provisions of the foregoing sentence requiring the payment of interest when no payment is earned shall not apply if the producer earns any feed grain or upland cotton payments for the farm or receives an unearned payment through no fault of his.

§ 728.16 Deficiency payments.

(a) Deficiency payments shall be terminated by multiplying the allotment by the farm yield established as provided in § 728.9 and by the per bushel rate determined in accordance with § 728.10 (a); *Provided*, That no deficiency payment shall be made for any part of the allotment times the yield for which a disaster payment is made.

(b) Deficiency payments will be made to producers as soon as practicable after December 1 of the current year.

§ 728.17 Disaster payments.

Producers may qualify for disaster payments only when the county committee determines that prevented planting or a low yield as hereinafter described in this section occurs because of drought, flood, or other natural disaster or condition beyond the control of the producer. Disaster payments shall be made as soon as practicable after the disaster is reported, the extent of crop loss is determined, and payment is approved.

(a) *Prevented planting.* (1) The acreage for prevented planting payments shall be determined by grouping the farm's wheat and feed grain allotments together and shall equal the smaller of:

(i) The acreage of annual nonconserving crops the producer is prevented from planting, or

(ii) The amount that the sum of feed grain and wheat allotments exceeds the total acreage of annual nonconserving crops, excluding acreage within the applicable allotment of commodities other than feed grains and wheat, acreage disregarded for low yield purposes according to paragraph (b)(1)(i) thru (iii) of this section, and failed upland cotton acreage which could have been replanted but was not.

(2) Prevented planting payments shall be determined by:

(i) Crediting the acreage for payment first to the underplanting of the allotment for the crop with the highest per acre payment rate and continuing in order of the size of the payment rate, but limiting the acreage credited to feed grains to the total feed grain underplanting.

(ii) Reducing the acreage otherwise credited to each crop by the acreage of that crop disregarded for low yield purposes according to paragraph (b)(1)(i) thru (iii) of this section.

(iii) Multiplying the acreage credited to each feed grain by the applicable yield established as provided in § 775.9 and by the applicable per bushel rate determined in accordance with § 775.10(b).

(b) *Low yields.* (1) For the purpose of determining eligibility for low yield payments and the total acreage on which such payments will be made, the "disaster allotment" for wheat means the effective allotment for wheat adjusted downward to the extent it is underplanted or adjusted upward to the extent it is overplanted as a substitute for underplanted feed grain allotment established for the farm: *Provided*, That such adjustment shall disregard

(i) Barley or wheat acreage designated solely for grazing or non-feed use in accordance with instructions issued by the Deputy Administrator, (ii) failed feed grain or wheat acreage which could have been replanted but was not, (iii) barley or wheat acreage planted to a variety bred to produce no grain, and (iv) feed grain or wheat acreage designated solely for wildlife use in accordance with instructions issued by the Deputy Administrator.

(2) For low yield payment purposes, the county committee shall disregard the production from the disregarded acreage as well as production from acreage in excess of the disaster allotment which is mechanically destroyed without feed benefit prior to the time most of the wheat in the area has headed.

(3) A farm shall not be deemed to have suffered a loss which qualifies it for a low yield payment unless the current year production of wheat is less than the disaster allotment multipled by the yield established as provided in § 728.9 and by a factor determined by dividing the 10-year average county yield by the county yield referred to in § 728.8 and multiplying the result by two-thirds: *Provided*, That if county yields are available for less than 10 years the factor shall be based on the number of years available. No county factor shall exceed 0.6667. A farm may qualify for a low yield payment even though it does not qualify under the foregoing provision if (i) the provisions of § 728.9(c) do not result in a reduction in the established yield and (ii) the current year production is less than two-thirds of what the production would be if computed by multiplying the disaster allotment by one of the following:

(i) The smaller of the yield established as provided in § 728.9 or the actual unadjusted average yield for the preceding five years.

(ii) The yield established as provided in § 728.9 and:

(*a*) There is convincing proof that the loss was due to a sudden and identifiable destruction of the crop.

(*b*) Part of the acreage is substantially unaffected by the disaster, all of which averages at least two-thirds of the established yield, and the county committee determines that but for the disaster the per acre yield for the farm would have been at least two-thirds of the established yield, and

(*c*) Payment is approved in writing by a representative of the State committee.

(4) The wheat production from acreage not harvested shall be appraised and added to the actual production for the purpose of determining eligibility for and amount of low yield payments, in accordance with instructions issued by the Deputy Administrator.

(5) Any wheat acreage destroyed without opportunity for appraisal for which the production was not excluded in paragraph (b)(2) of this section shall be charged with the larger of the established yield or the per acre yield from the harvested acres.

(6) Low yield payments shall be determined by multiplying the disaster allotment by the yield established as provided in § 728.9, subtracting the determined production therefrom, and multiplying the result by the applicable per bushel rate determined in accordance with § 728.10(b).

§ 728.18 Division of payments and additional provisions relating to tenants and sharecroppers.

The regulations relating to the division of payments and additional provisions relating to tenants and sharecroppers are set forth in Part 794 of this chapter, as amended.

§ 728.19 Successors-in-interest.

(a) In the case of the death, incompetency, or disappearance of any producer whose name appears on Form 516, the payment due him shall be made to his successor as determined in accordance with the regulations in Part 707 of this chapter, as amended.

(b) When any person who had an interest as a producer of wheat or would have had an interest as a producer if wheat had been produced (herein called "predecessor") is succeeded on the farm by another producer (herein called "successor") after Form 516 has been filed, the payment to the predecessor and successor shall be divided between them on such basis as they agree is fair and equitable. If such persons are unable to agree to a division of the payment, a fair and equitable division shall be determined by the county committee.

(c) In any case where any payment due any successor producer has previously been paid to the producer who filed Form 516, such payment shall not be paid to the successor producer unless it is recovered from the producer to whom it has been paid or payment is authorized by the Deputy Administrator.

§ 728.20 Misrepresentation and scheme or device.

(a) A producer who is determined by the county committee or the State committee to have erroneously represented any fact affecting a program determination shall not be entitled to payments under the program for the farm with respect to which the representation was made and shall refund to the Commodity Credit Corporation the payments received by him with respect to such farm.

(b) A producer who is determined by the State committee, or the county committee with the approval of the State commitee, to have knowingly (1) adopted any scheme or device which tends to defeat the purpose of the program, (2) made any fraudulent representation, or (3) misrepresented any fact affecting a program determination shall not be entitled to payments for any farm under the program and shall refund to the

Commodity Credit Corporation all payments received by him with respect to the program.

(c) The provisions of this section shall be applicable in addition to any liability under criminal and civil fraud statutes.

§ 728.21 Setoffs and assignments.

(a) *Producer indebtedness.* The regulations issued by the Secretary governing setoffs and withholdings, Part 13 of this chapter, as amended, shall be applicable to this program.

(b) *Assignments.* Payments may be assigned only to the Farmers Home Administration in accordance with instructions issued by the Deputy Administrator.

§ 728.22 Appeals.

A producer may obtain reconsideration and review of determinations made under this subpart in accordance with the Appeal Regulations, Part 780 of this chapter, as amended.

§ 728.23 Performance based upon advice or action of county or State committee.

The provisions of Part 790 of this chapter, as amended, relating to performance based upon action or advice of an authorized representative of the Secretary shall be applicable to this subpart.

§ 728.24 Supervisory authority of State committee.

The State committee may take any action required by these regulations which has not been taken by the county committee. The State committee may also (a) correct, or require a county committee to correct, any action taken by such county committee which is not in accordance with the regulations of this subpart, or (b) require a county committee to withhold taking any action which is not in accordance with the regulations of this subpart.

§ 728.25 Delegation of authority.

No delegation herein to a State or county committee shall preclude the Administrator, ASCS, or his designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee.

Effective date. It is essential that the foregoing regulations governing the Wheat Program for Crop Years 1975–1977 be made effective as soon as possible. It is hereby found and determined that compliance with the notice and public procedure provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, these regulations shall become effective November 11, 1975.

Signed at Washington, D.C., on November 3, 1975.

E. J. PERSON,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75-30378 Filed 11-10-75;8:45 am]

SUBCHAPTER C—SPECIAL PROGRAMS

PART 775—FEED GRAINS

Feed Grain Program for Crop Years 1975–1977

On July 17, 1974, a notice of proposed rulemaking regarding determinations with respect to the 1975 crop of feed grains was published in the FEDERAL REGISTER (39 FR 26159). Interested persons were invited to submit written data, views, and recommendations regarding the determinations within 30 days. The comments and recommendations received have been duly considered.

This subpart, which is issued pursuant to the Agricultural Act of 1949, as amended by the Agricultural Act of 1970, Public Law 91–524, 84 Stat. 1358, and by the Agriculture and Consumer Protection Act of 1973 Public Law 93–86, 87 Stat. 230, and Public Law 93–228, 87 Stat. 944, supersedes for the crop years 1975–1977 the regulations governing the Feed Grain Program for Crop Years 1974–1977, FR 25633, as amended. This subpart, which incorporates the provisions of the existing regulations with the following principal changes, sets forth the conditions under which feed grain producers may qualify for program benefits:

(1) No intention to participate in the program is filed. Producers report disasters when they occur, report crop acreages as necessary for program administration, and apply for any applicable payments.

(2) All acreage planted to feed grains is defined as feed grain acreage and considered to be nonconserving. There is provision for excluding part of the acreage for low yield disaster payment purposes in such instances as when the acreage is planted solely for pasture or nonfeed use or is in excess of the allotment and is timely destroyed without feed benefit.

(3) Allotments are adjusted for low yield payment purposes to reflect underplanting and the substitution of feed grains for wheat.

(4) Feed grain payments are computed separately from wheat and upland cotton payments.

(5) Disaster payments are made for feed grains only when feed grains in total have suffered a production loss and are computed on the bushels lost.

Subpart—Feed Grain Program for Crop Years 1975–1977

Sec.

AUTHORITY: The provisions of this subpart issued under sec. 105, 87 Stat. 230, 7 U.S.C. 1441 note.

§ 775.1 General.

(a) The regulations in this subpart provide terms and conditions for the feed grain programs for the 1975 through 1977 crops of feed grains, respectively, under which producers on farms for which an allotment is established for corn, grain sorghum, or barley (herein called "feed grains") may qualify for payments authorized under the program.

(b) Producers who meet the eligibility requirements in § 775.13(c) may qualify for payments.

(c) In accordance with section 101 of the Agricultural Act of 1970, as amended, and the regulations in Part 795 of this chapter, as amended, the total amount of payments which a person shall be entitled to receive annually under the feed grain program, the wheat program, and the upland cotton program shall not exceed $20,000.

(d) In accordance with the regulations in Part 796 of this chapter, payments are prohibited to program participants who harvest or knowingly permit to be harvested for illegal use marihuana or other such prohibited drug-producing plants on any part of the lands owned or controlled by them.

(e) The program is applicable throughout the United States except Alaska and Hawaii.

§ 775.2 Definitions.

In the regulations in this subpart and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meaning assigned to them herein unless the content or subject matter otherwise requires.

(a) "Annual nonconserving crop" means any annual crop intended for harvest or utilized in any feed form except for the following:

(1) Grasses, regardless of use, including sweet sorghum, millet, and sudan grass.

(2) Legumes, other than peas or beans produced for seed, grain, or processing.

(3) Immature small grains (other than barley or wheat) destroyed by any means or used for other than grain.

(b) "Barley acreage" means:

(1) Any acreage planted to barley, and any acreage of volunteer barley which is harvested as grain.

(2) Any acreage devoted to a mixture of crops if the county committee determines that the predominant crop is barley and such acreage meets the requirements of subparagraph (1) of this paragraph as being barley acreage.

(c) "Corn acreage" means:

(1) Any acreage planted to field corn or sterile high-sugar corn.

(2) Any acreage devoted to a mixture of crops if the county committee determines that the predominant crop is corn and such acreage meets the requirements of subparagraph (1) of this paragraph as being corn acreage.

(d) "Conservation Reserve Program" (herein called CRP) means the program authorized under the Soil Bank Act, as amended, Part 750 of this chapter, as amended.

(e) "Cropland Adjustment Program" (herein called CAP) means the program authorized under Title VI of the Food and Agriculture Act of 1965, as amended, Part 751 of this chapter, as amended.

(f) "Cropland Conversion Program" (herein called CCP) means the program authorized under section 16(e) of the Soil Conservation and Domestic Allotment Act, as amended, Part 751 of this chapter, as amended.

(g) "Current year" means the calendar year in which the feed grain crop with respect to which payment may be made under this subpart would normally be harvested.

(h) "Feed grain acreage" means the sum of the corn, grain sorghum, and barley acreages on the farm.

(i) "Feed grain planted and considered planted acreage" means the sum of the corn, grain sorghum, and barley acreages as defined in paragraphs (b), (c), and (j) of this section, and:

(1) Any acreage which the county committee determines was not planted to feed grains because of drought, flood, or other natural disaster or condition beyond the control of the operator;

(2) Any acreage credited as feed grain acreage (except for new farms) under the provisions of Part 719 of this chapter, as amended;

(3) Any acreage which is planted and considered planted to wheat under Part 728 of this chapter, as amended, in excess of the allotment and which is not credited to cotton: *Provided*, That wheat in excess of the allotment shall not be considered as planted to feed grains for purposes of § 775.7(d)(4)(iii);

(4) Any acreage which is planted and considered planted to cotton under Part 722 of this chapter as amended, in excess of the allotment and which is not credited to wheat: *Provided*, That cotton in excess of the allotment shall not be considered as planted to feed grains for purposes of § 775.7(d)(4)(iii);

(5) Any other acreage which is planted to annual nonconserving crops or which the county committee determines was not planted because of drought, flood, or other natural disaster or condition beyond the control of the operator, excluding acreage of allotment crops within the applicable allotment, and which is not credited to cotton or wheat: *Provided*, That such nonconserving crops shall not be considered as planted to feed grains for purposes of § 775.7(d)(iii); and

(6) An acreage (except for new farms) equal to the amount that a feed grain allotment is reduced for the current year as provided in § 775.7(e)(2).

(j) "Grain sorghum acreage" means:

(1) Any acreage planted to grain sorghums of a feed grain or dual purpose variety (including any cross which, at all stages of growth, has most of the characteristics of a feed grain or dual purpose variety).

(2) Any acreage devoted to a mixture of crops if the county committee determines that the predominant crop is grain sorghums and such acreage meets the requirements of subparagraph (1) of this paragraph as being grain sorghum acreage.

(k) "Great Plains Conservation Program" means the program authorized under section 16(b) of the Soil Conservation and Domestic Allotment Act, as amended, Part 601 of this title, as amended.

(l) "Total feed grain allotment" means the sum of the feed grain allotments established for corn, grain sorghums, and barley for the farm, except that each allotment shall be excluded that is partially or completely diverted under the CAP or CCP.

(m) "Upland Cotton Program" means the program authorized under Title VI of the Agricultural Act of 1970, Part 722 of this chapter, as amended.

(n) "Wheat Program" means the program authorized under Title IV of the Agricultural Act of 1970, Part 728 of this chapter, as amended.

(o) In the regulations in this subpart and in all instructions, forms and documents in connection therewith, all other words and phrases shall have the meanings assigned to them in the regulations governing reconstitution of farms and allotments, Part 719 of this chapter, as amended.

§ 775.3 Administration.

(a) The program will be administered under the general supervision of the Administrator, Agricultural Stabilization and Conservation Service (ASCS), and shall be carried out in the field by Agricultural Stabilization and Conservation State and county committees (herein called "State and county committees") and the ASCS Data Systems Field Office.

(b) State and county committees, the ASCS Data Systems Field Office, and representatives and employees thereof do not have authority to modify or waive any of the provisions of the regulations in this subpart, as amended or supplemented.

§ 775.4 1975 national feed grain allotment.

The 1975 national feed grain allotments are set out in 39 FR 44403.

§ 775.4a 1976 national feed grain allotment [Reserved]

[To be issued as an amendment to this subpart.]

§ 775.4b 1977 national feed grain allotment [Reserved]

[To be issued as an amendment to this subpart.]

§ 775.5 Establishment of the 1975–1977 State feed grain allotments.

The 1975–1977 State feed grain allotments are established each year by apportioning the national feed grain allotment to the States on the basis of each State's feed grain allotment established for the preceding year, adjusted for (a) the administrative transfer of farms between States, (b) decreases resulting from farms no longer engaged in agricultural production, farms dropped from the eminent domain pool, farms losing allotment for failure to plant, and farms voluntarily relinquishing their allotment, and (c) increases resulting from acreage allocated to old feed grain farms from the national feed grain pool. State feed grain allotments are available for inspection in State and county ASCS offices.

§ 775.6 Establishment of the 1975–1977 county feed grain allotments.

The 1975–1977 county feed grain allotments are established each year by apportioning each State's feed grain allotment (less reserves of not to exceed 1 per centum of the State feed grain allotment for new farms and reserves for appeals and corrections) among the counties in the State on the basis of each county's feed grain allotment established for the preceding year, adjusted for (a) the administrative transfer of farms between counties, (b) acreage allocated to new farms from the State reserve, (c) acreage removed from farms no longer engaged in agricultural production, farms dropped from the eminent domain pool, farms losing allotment for failure to plant, and farms voluntarily relinquishing their allotment, and (d) such other relevant factors as determined necessary by the State committee to establish a fair and equitable apportionment base for the county. County feed grain allotments are available for inspection in the county ASCS offices.

§ 775.7 Farm feed grain allotment.

(a) *How obtained.* Except as otherwise provided in this section, the farm allotment for each crop of the commodities—corn, grain sorghums, and barley—shall be the average of the 1959 and 1960 acreages of the commodity produced on the farm, based upon information available to the county committee, as adjusted by the county committee to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop-rotation practices, types of soil, soil and water conservation measures, and topography. On farms with recognized history or irrigated and nonirrigated feed grain acreage in the base period for establishing yields, the allotment

for each applicable commodity shall be established separately for the irrigated acreage and for the nonirrigated acreage. Separate allotments for irrigated acreage and for nonirrigated acreage shall not be established for farms where irrigation is used only in drier years. Allotments determined as set forth in this paragraph shall be approved by a representative of the State committee.

(b) *Adjustment authorized by Administrator.* The Administrator, ASCS, may, upon request of the State committee, authorize the State committee to adjust any feed grain allotment for farms within the State to the extent necessary to establish fair and equitable feed grain allotments within such State.

(c) *Farms with no 1959 and 1960 history.* A farm shall not qualify for payments under the program if there was no feed grain acreage on the farm in 1959 and 1960 unless (1) cropland on the farm was in the conservation reserve program or the great plains conservation program during one or both of the years 1959 and 1960 and either the conservation reserve program contract or the great plains conservation program contract is no longer in effect for all or part of such land, (2) one or more feed grains were grown in 1957 or 1958 and a feed grain allotment was established in accordance with § 775.212(c)(2) of the 1963 feed grain program regulations, or (3) a new farm allotment is established for the current year in accordance with paragraph (d) of this section or in a previous year under a comparable provision of the feed grain program regulations.

(d) *New farm allotment.*—(1) *Written application.* Each year, the county committee, with the approval of the State committee, shall establish a feed grain allotment (herein called "new farm allotment") for each eligible farm for which an allotment is requested in writing by February 15 of the current year. Each request shall be made by the farm owner or operator on Form MQ-25, Application for New Farm or Producer Allotment or Quota, which shall contain statements as to location and identification of the farm, name and address of the farm operator, and other data necessary to enable the county committee to determine whether the conditions of eligibility prescribed in paragraph (d) (2) of this section have been met.

(2) *Eligibility requirements for owner or operator.* Eligibility for a new farm allotment shall be conditioned upon the following:

(i) *Allotment for farm.* The farm does not otherwise qualify for a feed grain allotment.

(ii) *Interest in another farm.* Neither the farm owner nor the farm operator owns, has an ownership interest in, or operates any other farm in the United States for which a feed grain allotment is established for the current year.

(iii) *Availability of equipment and facilities.* The operator has adequate equipment and other facilities readily available for the successful production of the crop on the farm.

(iv) *Income requirement.* The operator expects to obtain during the current year more than 50 percent of his income from the production of agricultural commodities or products from farming.

(a) *Computing operator's income.* The following shall be considered in computing operator's income:

(1) *Income from farming.* Income from farming shall include the estimated return from the production of the requested allotment and from home gardens, livestock and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm(s), but shall exclude payments authorized under the feed grain program.

(2) *Income from nonfarming.* Nonfarming income shall include but shall not be limited to salaries, commissions, pensions, social security payments and unemployment compensation.

(3) *Spouse's income.* The spouse's farm and nonfarm income shall be used in the computation.

(b) *Operator a partnership.* If the operator is a partnership, each partner must expect to obtain more than 50 percent of his current year income from farming.

(c) *Operator a corporation.* If the operator is a corporation, it must have no major corporate purpose other than ownership or operation of the farm. Farming must provide its officers and general manager with more than 50 percent of their expected income. Salaries and dividends from the corporation shall be considered as income from farming.

(d) *Special provision for low-income farmers.* The county committee may waive the income provisions in this section provided the county committee determines that the farm operator's income, from both farm and nonfarm sources, will not provide a reasonable standard of living for the operator and his family, and a State committee representative approves such action. In waiving the income provisions the county committee must exercise good judgment to see that such determination is reasonable in the light of all pertinent factors, and that this special provision is made applicable only to those who qualify. In making such determination, the county committee shall consider such factors as size and type of farming operations, estimated net worth, estimated gross family farm income, estimated family off-farm income, number of dependents, and other factors affecting the individual's ability to provide a reasonable standard of living for himself and his family.

(3) *Eligibility requirements for the farm.* The eligibility requirements for a new farm allotment for the farm are as follows:

(i) *Available land, type of soil, and topography.* The available land, type of soil, and topography of the land on the farm must be suitable for the production of the commodity, and continuous production must not result in an undue erosion hazard.

(ii) *Allotment reduced to zero at the farm owner's request.* At least 3 years must have elapsed from the date the farm feed grain allotment is reduced to zero at the farm owner's request, as authorized in paragraph (e) of this section, to the date the request for a new farm allotment is considered.

(iii) *Eminent domain.* A farm which includes land acquired by an agency having the right of eminent domain for which the total feed grain allotment was pooled pursuant to Part 719 of this chapter, as amended, which is subsequently returned to agricultural production, shall not be eligible for a new farm allotment for a period of 3 years from the date the former owner was displaced.

(iv) *Entire allotment designated by owner for a reconstitution.* A farm which includes land which has no allotment because the owner did not designate an allotment for such land when the parent farm was reconstituted pursuant to Part 719 of this chapter, as amended, shall not be eligible for a new farm allotment for a period of 3 years beginning with the year in which the reconstitution became effective.

(4) *Limitations*—(i) *Feed grain acreage planned.* The county committee shall limit the new feed grain allotment to the smaller of the allotment requested or the feed grain acreage planned for the farm for the first year to which the allotment would be applicable.

(ii) *Reserve.* The total new farm feed grain allotments approved in a State in the current year shall not exceed a reserve established by the State committee of not more than 1 percent of the total feed grain allotments for all farms in the State. No part of that 1 percent shall be allocated to a farm to reflect new cropland brought into production after November 30, 1970.

(iii) *Current year feed grain acreage.* Notwithstanding any other provision of this subpart, if the feed grain planted and considered planted acreage for the year a new farm allotment is established is less than 90 percent of the allotment, the allotment for such year shall be reduced to the acreage planted and considered planted to feed grains and payments computed on the basis of such reduced allotment. Allotments by commodities for the succeeding year shall be established in proportion to the acreage devoted to each feed grain in the prior year.

(5) *Cancellation of new farm allotment for misrepresentation.* If a new farm allotment is established and it is later determined by the county committee that the applicant unknowingly furnished incomplete or inaccurate information the allotment shall be canceled effective for the next crop year. If it is determined that the applicant knowingly furnished incomplete or inaccurate information and the State committee concurs in the county committee determination, the allotment shall be canceled as of the date issued.

(e) *Reduced allotments.* Notwithstanding any other provisions of this

subpart, feed grain allotments shall be reduced as follows:

(1) *Permanent reductions.* (i) The allotment shall be reduced:

(A) To the extent requested in writing by the farm owner not later than the date established by the State committee, and

(B) To the extent acreage of cropland on the farm is permanently removed from agricultural production, as determined by the county committee.

(ii) If the current year's feed grain planted and considered planted acreage is less than 90 percent of the total feed grain allotment, the feed grain allotment for the succeeding year shall be reduced by the percentage by which the planted and considered planted acreage is less than the total feed grain allotment for the current year, but such reduction shall not exceed 20 percent of the total feed grain allotment. In making any such reduction, commodity allotments shall be reduced proportionately. If the feed grain planted and considered planted acreage is zero for three consecutive years, the total feed grain allotment shall be reduced to zero. However, no feed grain allotment shall be reduced or lost through failure to plant if all producers elect by September 1 of the current year to limit the acres for deficiency payment to the feed grain planted and considered planted acreage as provided in § 775.15 (f).

(2) *Reductions for current year.* The following reductions shall be made by reducing the smallest allotment first and continuing in order of the size of the allotment, unless the operator requests in writing that the reduction be in a different order.

(i) Reduce feed grain, wheat, and upland cotton allotments each year to the extent the sum of allotments for all commodities exceeds the cropland for the farm.

(ii) Reduce feed grain and wheat allotments each year to the extent the sum of feed grain and wheat allotments exceeds the cropland which, under normal conditions, could reasonably be expected to produce an allotment crop.

(iii) In the case of a farm participating in the CAP or CCP, reduce feed grain, wheat, and upland cotton allotments that are not partially or completely diverted under the CAP or CCP to the extent they total more than the number of acres of nonconserving crops permitted under the CAP or CCP.

(f) *National pool.* Allotments eliminated from farms under the provisions of paragraph (e) of this section and acreage removed from the eminent domain pool pursuant to Part 719 of this chapter, as amended, shall be placed in a national pool for distribution and adjustments in accordance with instructions issued by the Deputy Administrator.

§ 775.8 County yields.

County yields for the current year are determined for each feed grain producing county in the United States, except for counties in Alaska and Hawaii. They are determined on the basis of the yields established for the county for the preceding crop with such adjustments as are determined necessary to provide fair and equitable yields. The county yields for the current year are available for inspection in the county ASCS office.

§ 775.9 Farm yields.

(a) *Determining yields.* The per acre farm yield for corn, grain sorghums, and barley shall be the county yield for the commodity, adjusted to reflect the farm productivity for the commodity and established in accordance with instructions issued by the Deputy Administrator.

(b) *Yield reduction.* For the purpose of determining eligibility for and amount of low yield payment as provided in § 775.17(b), the established yield for the farm shall be reduced in accordance with instructions issued by the Deputy Administrator to reflect any reduction in the current year yield which is due to causes other than a natural disaster or condition beyond the control of the producer, such as a change in farming practices.

§ 775.10 Payment rates.

Payment rates shall be established separately for deficiency payments and for disaster payments.

(a) *Deficiency payment rates.* The per bushel deficiency payment rate for each crop of corn shall be the amount by which the higher of (1) the national weighted average market price received by farmers for corn during the first five months of the marketing year for such crop beginning October 1 or (2) the national average loan rate established for such crop is less than the established price of $1.38 per bushel in the case of the 1975 crop, $1.38 per bushel adjusted to reflect any change during the calendar year 1975 in the index of prices paid by farmers for production items, interest, taxes, and wage rates in the case of the 1976 crop, and the established price for the 1976 crop adjusted to reflect any change during the calendar year 1976 in such index in the case of the 1977 crop: *Provided*, That any increase that would otherwise be made in the established price to reflect a change in the index of prices paid by farmers shall be adjusted to reflect any change in (i) the national average yield per acre of feed grains for the three calendar years preceding the year for which the determination is made, over (ii) the national average yield per acre of feed grains for the three calendar years preceding the year previous to the one for which the determination is made. Per bushel rates shall be established in like manner for grain sorghum and barley based on marketing years beginning October 1 for grain sorghum and July 1 for barley, and on prices established each program year. The established prices for the 1975 program year are $1.31 per bushel for grain sorghum and $1.13 per bushel for barley.

(b) *Disaster payment rates.* The per bushel disaster payment rate for each feed grain shall be equal to the larger of the deficiency payment rate or one-third of the established price. Disaster payment rates for the 1975 program year are $.46 per bushel for corn, $.44 per bushel for grain sorghums, and $.38 per bushel for barley.

§ 775.11 Notice of allotments and yields.

Each operator interested in the feed grain crop on a farm for which a feed grain allotment is established shall be notified in writing of the allotment and established yield per acre for corn, grain sorghums, and barley, as applicable: *Provided*, That the notice shall not be mailed to any producer who has filed a written request that he not be furnished the notice but it shall be filed with the producer's request in the county office. The producer may withdraw his request at any time; however, during the period a request is in effect, the producer shall be considered as having been timely and correctly notified of the contents of this notice. Such notices will be on Form ASCS–476, Notice of Allotments and Yields, (herein called "Form 476").

§ 775.12 Reconstitution of farms.

Farms shall be reconstituted and feed grain allotments established therefor in accordance with Part 719 of this chapter, as amended. Yields for farms which are reconstituted after yields are originally established shall be determined as follows:

(a) *Combination.* Multiply the commodity allotment by the yield for each parent farm, and divide the sum of the results for all parent farms by the sum of allotments for the commodity on the parent farms.

(b) *Division.* Determine a yield in accordance with § 775.9. The weighted average yields for all the farms resulting from the division are limited to the yield for the parent farm, except for rounding.

§ 775.13 Requirements for program participation.

(a) *General.* A person is eligible for the program if he is a producer on a farm which meets the requirements of paragraph (b) of this section and he fulfills the requirements of paragraph (c) of this section.

(b) *Farm requirements.* (1) For disaster payments, a Report of Acreage (herein called "Form 580") and an Application for Disaster Credit (herein called "Form 574") shall be filed by the operator of an eligible farm with the office of the county committee having jurisdiction over the county where the farm is located. He shall also file a Record of Acreages, Production and Disposition (herein called "Form 658") when the information thereon is needed for program determinations. These forms shall be filed within the period authorized by the Deputy Administrator.

(2) In the case of any farm participating in the CAP or CCP, the acreage of feed grains and other nonconserving crops shall not exceed the number of acres of nonconserving crops permitted under the CAP or CCP.

(3) Land owned by the Federal Government shall be ineligible for participation in the program if it is occupied without a lease, permit, or other right of possession.

(4) Producers on a farm acquired for future development for purposes other than agricultural production shall not be eligible for participation in the program, unless the county committee determines that the farm is actively engaged in the production of crops for harvest other than hay, sod, ornamentals, or timber.

(c) *Producer eligibility requirements.* (1) The producer must be a person who as landowner, landlord, tenant, or sharecropper shares in the corn, grain sorghums, or barley produced in the current year (or the proceeds therefrom) on a farm meeting the requirements of paragraph (b) of this section or would have shared in one or more of these commodities if feed grains had been produced on such farm in the current year.

(2) A minor will be eligible to participate in the program only if (i) the right of majority has been conferred on him by court proceedings; (ii) a guardian has been appointed to manage his property and the applicable documents are signed by the guardian; or (iii) a bond is furnished under which a surety guarantees to protect the Commodity Credit Corporation from any loss incurred for which the minor would be liable had he been an adult. Nothwithstanding the foregoing, payment may be made to a minor after December 31 of the current year upon a determination by the county committee that the minor has met the requirements of the program.

§ 775.14 Determination of compliance.

(a) Determination of the acreage devoted to feed grains and other annual nonconserving crops shall be made in accordance with Part 718 of this chapter, as amended.

(b) A representative of the county committee or the State committee or any authorized representative of the Secretary shall have the right at any reasonable time to enter a farm, concerning which representations have been made on any forms filed under the program, in order to measure the acreage planted to feed grains and other annual nonconserving crops, to examine any records pertaining thereto, and otherwise to determine the accuracy of a producer's representation and the performance of his obligations under the program.

§ 775.15 General payment provisions.

(a) *Issuance.* Payments of any amounts due the producers on a farm shall be made only after they sign an Application for Payment (herein called "Form 516"), and the payments are approved by the county committee or by an authorized representative thereof. A Form 516 signed after May 1 of the year following the current year shall not be accepted by the county committee unless prior approval of the State committee is obtained.

(b) *Failure to fully comply.* Except as otherwise provided herein and in Part 791 of this chapter, as amended, payment shall not be made for a farm or to a producer when there is failure to comply fully with the regulations contained in this subpart, and in Part 718 of this chapter.

(c) *Payment due producer.* Subject to the provisions of the payment limitation regulations in Part 795 of this chapter, as amended, the total earned payment due each eligible producer under the program shall be determined by multiplying the total earned payment for the farm by the producer's share of such payment.

(d) *Payment declined.* If a producer declines to accept all or any part of his share of the payment computed for a farm in accordance with the provisions of this section, such payment or portions thereof shall not become available for any other producer on the farm.

(e) *Idle farms.* Producers on a farm not used for the commercial production of crops or livestock on cropland, or from which only sod, ornamentals, or timber are harvested, shall not be eligible for program payments when the feed grain allotment is preserved with vegetative cover as authorized by the regulations in Part 719 of this chapter, as amended.

(f) *Allotment protection.* Producers otherwise eligible for payment may elect by September 1 of the current year to limit the acres for deficiency payment to the feed grain planted and considered planted acreage in order to protect the feed grain allotment from reduction due to failure to plant. The acres of each feed grain on which payment will be made shall be proportionate to the allotment for each such feed grain.

(g) *Unearned payments.* Payments to any producer which exceed the total payment he earns under the program with respect to any farm shall be refunded to the Commodity Credit Corporation, and, if for any reason such earned payment is zero, he shall pay interest at the rate of 6 percent per annum on the amount of the refund from the issue dates of the sight drafts to the date the payments are refunded. The provisions of the foregoing sentence requiring the payment of interest when no payment is earned shall not apply if the producer earns any wheat or upland cotton payments for the farm or receives an unearned payment through no fault of his own.

§ 775.16 Deficiency payments.

(a) Deficiency payments shall be determined by multiplying the allotment for each commodity by the applicable farm yield established as provided in § 775.9 and by the applicable per bushel rate determined in accordance with § 775.10(a): *Provided*, That no deficiency payment shall be made for any part of the allotment times the yield for which a disaster payment is made.

(b) Deficiency payments will be made to producers as soon as practicable after March 1 following the current year.

§ 775.17 Disaster payments.

Producers may qualify for disaster payments only when the county committee determines that prevented planting or a low yield as hereinafter described in this section occurs because of drought, flood, or other natural disaster or condition beyond the control of the producer. Disaster payments shall be made as soon as practicable after the disaster is reported, the extent of the crop loss is determined, and payment is approved.

(a) *Prevented planting.* (1) The acreage for prevented planting payments shall be determined by grouping the farm's feed grain and wheat allotments together and shall equal the smaller of:

(i) the acreage of annual nonconserving crops the producer is prevented from planting; or

(ii) the amount that the sum of feed grain and wheat allotments exceeds the total acreage of annual nonconserving crops, excluding acreage within the applicable allotment of commodities other than feed grains and wheat, acreage disregarded for low yield purposes according to paragraph (b)(1) (i) thru (iii) of this section, and failed upland cotton acreage which could have been replanted but was not.

(2) Prevented planting payments shall be determined by:

(i) Crediting the acreage for payment first to the underplanting of the allotment for the crop with the highest per acre payment rate and continuing in order of the size of the payment rate, but limiting the acreage credited to feed grains to the total feed grain underplanting.

(ii) Reducing the acreage otherwise credited to each crop by the acreage of that crop disregarded for low yield purposes according to paragraph (b)(1)(i) thru (iii) of this section.

(iii) Multiplying the acreage credited to each feed grain by the applicable yield established as provided in § 775.9 and by the applicable per bushel rate determined in accordance with § 775.10(b).

(b) *Low Yields.* (1) For the purpose of determining eligibility for low yield payments and the total acreage on which such payments will be made, the "disaster allotment" for each feed grain means the effective allotment for such feed grain adjusted downward to the extent it is underplanted or adjusted upward to the extent it is overplanted as a substitute for an underplanted feed grain or wheat allotment established for the farm: *Provided*, That such adjustment shall disregard:

(i) Barley or wheat acreage designated solely for grazing or nonfeed used in accordance with instructions issued by the Deputy Administrator,

(ii) Failed feed grain or wheat acreage which could have been replanted but was not,

(iii) Barley or wheat acreage planted to a variety bred to produce no grain, and

(iv) Feed grain or wheat acreage designated solely for wildlife use in accordance with instructions issued by the Deputy Administrator.

(2) For low yield payment purposes, the county committee shall disregard the production from the disregarded acreage as well as production from acreage in excess of the disaster allotment which is mechanically destroyed without feed benefit prior to the time most of the crop in the area has reached the following stage of growth:

(i) *Barley.* Headed.
(ii) *Corn.* Ear shoots begin to emerge.
(iii) *Grain Sorghum.* Early boot stage.

(3) A farm shall not be deemed to have suffered a loss which qualifies it for a low yield payment unless the current year production of feed grains totals less than the disaster allotments multiplied by the applicable yields established as provided in § 775.9 and by a factor determined by dividing the 10-year average county yield by the county yield referred to in § 775.8 and multiplying the result by two-thirds: *Provided,* That if county yields are available for less than 10 years the factor shall be based on the number of years available. No county factor shall exceed 0:6667. A farm may qualify for a low yield payment even though it does not qualify under the foregoing provision if (i) the provisions of § 775.9(b) do not result in a reduction in the established yield and (ii) the current year production is less than two-thirds of what the production would be if computed by multiplying the disaster allotment by one of the following:

(*a*) The smaller of the applicable yield established as provided in § 775.9 or the actual unadjusted average yield for the preceding five years.

(*b*) The applicable yield established as provided in § 775.9 and:

(*1*) There is convincing proof that the loss was due to a sudden and identifiable destruction of the crop,

(2) Part of the acreage is substantially unaffected by the disaster, all of which averages at least two-thirds of the established yield, and the county committee determines that but for the disaster the per acre yield for the farm would have been at least two-thirds of the established yield, and

(3) Payment is approved in writing by a representative of the State committee.

(4) The feed grain production from acreage not harvested shall be appraised and added to the actual production for the purpose of determining eligibility for and amount of low yield payments, in accordance with instructions issued by the Deputy Administrator.

(5) Any feed grain acreage destroyed without opportunity for appraisal for which the production was not excluded in paragraph (b)(2) of this section shall be charged with the larger of the established yield or the per acre yield from the harvested acres.

(6) Low yield payments shall be determined for each feed grain by multiplying the disaster allotment by the applicable yield established as provided in § 775.9, subtracting the determined production therefrom, and multiplying the result by the applicable per bushel rate determined in accordance with § 775.10(b): *Provided,* That any production of a feed grain in excess of its disaster allotment times established yield shall reduce the bushels for payment by the same amount for another feed grain, beginning first with the feed grain with underproduction that has the highest per bushel payment rate.

§ 775.18 Division of payments and additional provisions relating to tenants and sharecroppers.

The regulations relating to the division of payments and additional provisions relating to tenants and sharecroppers are set forth in Part 794 of this chapter, as amended.

§ 775.19 Successors-in-interest.

(a) In the case of the death, incompetency, or disappearance of any producer whose name appears on Form 516, the payment due him shall be made to his successor as determined in accordance with the regulations in Part 707 of this chapter, as amended.

(b) When any person who had an interest as a producer of feed grains or would have had an interest as a producer if feed grains had been planted (herein called "predecessor") is succeeded on the farm by another producer (herein called "successor") after Form 516 has been filed, the payment to the predecessor and successor shall be divided between them on such basis as they agree is fair and equitable. If such persons are unable to agree to a division of the payment, a fair and equitable division shall be determined by the county committee.

(c) In any case where any payment due any successor producer has previously been paid to the producer who filed Form 516, such payment shall not be paid to the successor producer unless it is recovered from the producer to whom it has been paid or payment is authorized by the Deputy Administrator.

§ 775.20 Misrepresentation and scheme or device.

(a) A producer who is determined by the county committee or the State committee to have erroneously represented any fact affecting a program determination shall not be entitled to payments under the program for the farm with respect to which the representation was made and shall refund to the Commodity Credit Corporation the payments received by him with respect to such farm.

(b) A producer who is determined by the State committee or the county committee with the approval of the State committee, to have knowingly (1) adopted any scheme or device which tends to defeat the purpose of the program, (2) made any fraudulent representation, or (3) misrepresented any fact affecting a program determination shall not be entitled to payments for any farm under the program and shall refund to the Commodity Credit Corporation all payments received by him with respect to the program.

(c) The provisions of this section shall be applicable in addition to any liability under criminal and civil fraud statutes.

§ 775.21 Setoffs and assignments.

(a) *Producer indebtedness.* The regulations issued by the Secretary governing setoffs and withholdings, Part 13 of this chapter, as amended, shall be applicable to this program.

(b) *Assignments.* Payments may be assigned only to the Farmers Home Administration in accordance with instructions issued by the Deputy Administrator.

§ 775.22 Appeals.

A producer may obtain reconsideration and review of determinations made under this subpart in accordance with the Appeal Regulations, Part 780 of this chapter, as amended.

§ 775.23 Performance based upon advice or action of county or State committee.

The provisions of Part 790 of this chapter, as amended, relating to performance based upon action or advice of an authorized representative of the Secretary shall be applicable to this subpart.

§ 775.24 Supervisory authority of State committee.

The State committee may take any action required by these regulations which has not been taken by the county committee. The State committee may also (a) Correct, or require a county committee to correct, any action taken by such county committee which is not in accordance with the regulations of this subpart, or (b) Require a county committee to withhold taking any action which is not in accordance with the regulations of this subpart.

§ 775.25 Delegation of authority.

No delegation herein to a State or county committee shall preclude the Administrator, ASCS, or his designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee.

Effective date. It is essential that the foregoing regulations governing the Feed Grain Program for Crop Years 1975–77 be made effective as soon as possible. It is hereby found and determined that compliance with the notice and public procedure provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, these regulations shall become effective November 11, 1975.

Signed at Washington, D.C. on November 3, 1975.

E. J. PERSON,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75-30377 Filed 11-10-75;8:45 am]

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

[Docket No. AO-267-A8]

PART 911—HANDLING OF LIMES GROWN IN FLORIDA

Order Amending Order

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed amendment of the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida.

Upon the basis of the record it is found that:

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

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

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

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

(5) All handling of limes grown in the production area as defined in the marketing agreement and order, as amended, and as hereby further amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

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

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

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

ORDER RELATIVE TO HANDLING

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

1. Revise paragraphs (b) (1), (2), and (3) of § 911.22 *Nomination* to read as follows:

§ 911.22 Nomination.

* * * * *

(b) *Successor members.* (1) The committee shall hold or cause to be held a meeting or meetings of growers and handlers in each district to designate nominees for successor members and alternate members of the committee, or the committee may conduct nominations by mail in District 2 in a manner recommended by the committee and approved by the Secretary. Such nominations shall be submitted to the Secretary by the committee not later than February 15 of each year. The committee shall prescribe procedural rules, not inconsistent with the provisions of this section, for the conduct of nominations.

(2) Only growers may participate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in the district in which he produces limes. No grower shall participate in the election of nominees in more than one district in any one fiscal year.

(3) Only handlers may participate in the nomination and election of nominees for handler members and their alternates. Each handler shall be entitled to cast only one vote for each nominee to be elected in the district in which he handles limes, which vote shall be weighted by the volume of limes shipped by such handler during the immediately preceding twelve month period January through December. No handler shall participate in the election of nominees in more than one district in any one fiscal year.

2. Revise § 911.41(b) *Assessments* to read as follows:

§ 911.41 Assessments.

* * * * *

(b) The Secretary shall fix the rate of assessment not in excess of 20 cents per 55 pounds of fruit to be paid by each such person. At any time during or after a fiscal year, the Secretary may, subject to the limitations in this paragraph, increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expense which may be incurred. Such increase shall be applied to all fruit handled during the applicable fiscal year. In order to provide funds for the administration of the provisions of this part, the committee may accept the payment of assessments in advance.

3. Revise § 911.45 *Marketing research and development* to read as follows:

§ 911.45 Production research, marketing research and development.

The committee may, with the approval of the Secretary, establish or provide for the establishment of production research, marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of limes. Such projects may provide for any form of marketing promotion, including paid advertising. The expenses of such projects shall be paid from funds collected pursuant to the applicable provisions of § 911.41.

4. Amend § 911.48 *Issuance of regulation* as follows:

Renumber paragraphs (a)(3), (a)(4), and (a)(5), as paragraphs (a)(4), (a)(5), and (a)(6), and insert a new paragraph (a)(3) to read as follows:

§ 911.48 Issuance of regulation.

* * * * *

(a) * * *

(3) Limit the shipment of the total quantity of limes by prohibiting the shipment thereof: *Provided,* That no such prohibition shall be effective during any fiscal period other than for four periods not exceeding six days each immediately prior to, including, or following July 4, Labor Day, Thanksgiving Day, and Christmas Day.

* * * * *

5. Revise § 911.57 *Overshipments* to read as follows:

§ 911.57 Overshipments.

During any week for which the Secretary has fixed the total quantity of limes which may be handled, any person who has received an allotment including any handler who received zero allotment computed pursuant to §§ 911.55 and 911.56 may handle, in addition to the total allotment available to him, an amount of limes equal to 50 bushels or two percent of such total allotment, whichever is the greater, except that during two weeks of each regulatory period any handler may overship his total allotment by more than such amount: *Provided,* That such overship-

ment shall not exceed an amount equal to 10 percent of such total allotment: *And provided, further,* That each handler who intends to so overship notifies the committee of his intended overshipment no later than the close of business on Thursday during the week of such intended overshipment.

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

Effective date: December 22, 1975.

Signed at Washington, D.C., on November 5, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-30311 Filed 11-10-75;8:45 am]

[Docket No. AO-254-A7]

PART 915—HANDLING OF AVOCADOS GROWN IN SOUTH FLORIDA

Order Amending Order

FINDINGS AND DETERMINATIONS

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed amendment of the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida.

Upon the basis of the record it is found that:

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

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

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

(4) The marketing agreement and order prescribe, so far as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the difference in the production and marketing of avocados grown in the production area; and

(5) All handling of avocados grown in the production area as defined in the marketing agreement and order, as amended, and as hereby further amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

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

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

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

ORDER RELATIVE TO HANDLING

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

1. Revise paragraphs (b) (1), (2) and (3) of § 915.22 *Nomination* to read as follows:

§ 915.22 Nomination.

* * * * *

(b) *Successor members.* (1) The committee shall hold or cause to be held a meeting or meetings of growers and handlers in each district to designate nominees for successor members and alternate members of the committee; or the committee not later than February 15 mail in District 2 in a manner recommended by the committee and approved by the Secretary. Such nominations shall be submitted to the Secretary by the committee not later than February 15 of each year. The committee shall prescribe procedural rules, not inconsistent with the provisions of this section, for the conduct of nomination.

(2) Only growers may participate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in the district in which he produced avocados. No grower shall participate in the election of nominees in more than one district in any one fiscal year.

(3) Only handlers may participate in the nomination and election of nominees for handler members and their alternates. Each handler shall be entitled to cast only one vote for each nominee to be elected in the district in which he handles avocados, which vote shall be weighted by the volume of avocados shipped by such handler during the immediately preceding twelve month period January through December. No handler shall participate in the election of nominees in more than one district in any one fiscal year.

2. Amend § 915.41(b) *Assessments* to read as follows:

§ 915.41 Assessments.

* * * * *

(b) The Secretary shall fix the rate of assessment not in excess of 20 cents per 55 pounds of fruit to be paid by each such person. At any time during or after a fiscal year, the Secretary may, subject to the limitation in this paragraph, increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expense which may be incurred. Such increase shall be applied to all fruit handled during the applicable fiscal year. In order to provide funds for the administration of the provisions of this part, the committee may accept the payment of assessments in advance.

3. Revise § 915.45 *Marketing research and development* to read as follows:

§ 915.45 Production research, marketing research and development.

The committee may, with the approval of the Secretary, establish or provide for the establishment of production research, marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of avocados. Such projects may provide for any form of marketing promotion, including paid advertising. The expenses of such projects shall be paid from funds collected pursuant to the applicable provisions of § 915.41.

4. The following new section is added immediately following § 911.45:

§ 915.49 Marketing policy.

Each season prior to making any recommendations pursuant to § 915.50, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing season. Such marketing policy report shall contain information relative to (a) the estimated total production of avocados within the

production area; (b) the expected general quality and maturity of avocados in the production area and in competing areas; (c) the expected demand conditions for avocados in different market outlets; (d) the expected shipments of avocados produced in the production area and competing areas; (e) supplies of competing commodities; (f) trend and level of consumer income; (g) other factors having a bearing on the marketing of avocados; and (h) the type of regulations expected to be recommended during the season. In the event it becomes advisable, because of changes in the supply and demand situation for avocados, to modify substantially such marketing policy, the committee shall submit to the Secretary a revised marketing policy report setting forth the information prescribed in this section. The committee shall publicly announce the contents of each marketing policy report and copies thereof shall be maintained in the offices of the committee where they shall be available for examination by growers and handlers.

5. Amend § 915.51 *Issuance of regulations* as follows:

Renumber paragraphs (a)(3), (a)(4), and (a)(5) as paragraphs (a)(4), (a)(5), and (a)(6), and insert a new paragraph (a)(3) to read as follows:

§ 915.51 Issuance of regulations.

* * * * *

(a) * * *

(3) Limit the shipment of the total quantity of avocados by prohibiting the shipment thereof: *Provided*, That no such prohibition shall be effective during any fiscal period, other than for four periods not exceeding six days each immediately prior to, including, or following July 4, Labor Day, Thanksgiving Day, and Christmas Day.

* * * * *

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

Effective date: December 22, 1975.

Signed at Washington, D.C., on November 5, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-30312 Filed 11-10-75;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

[CCC Grain Price Support Regulations, 1970 and Subsequent Crops Grain Sorghum Supplement, Amendment 4]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 and Subsequent Crops Grain Sorghum Loan and Purchase Program

ADJUSTMENT IN SUPPORT RATES FOR SHIPMENT

The regulations issued by the Commodity Credit Corporation (CCC), published in the FEDERAL REGISTER at 35 FR 10745, as amended, containing provisions for price support loans and purchases applicable to the 1970 and subsequent crops grain sorghum are further amended as follows:

1. Section 1421.214(d) is revised to delete "at not to exceed the USGA rates", to read as follows:

§ 1421.214 Warehouse receipts.

* * * * *

(d) LIENS. Warehouse receipts and sorghum represented thereby stored in an approved warehouse operating under the Uniform Grain Storage Agreement (UGSA) may be subject to liens only for warehouse handling charges. However, in no event shall a warehouseman be entitled to satisfy the lien by sale of the sorghum when CCC is holder of the warehouse receipt.

* * * * *

2. Since storage is no longer on a uniform-rate basis, it is desirable to delete all references to UGSA rates and insert "truck receiving and rail loading-out charges in effect for the shipping warehouse". Accordingly § 1421.218(b) is revised to read as follows, and § 1421.218(c)(2) is revised to increase the add-on rate for grain stored within the switching limits of designated terminal markets, to read as follows:

§ 1421.218 Support rates.

* * * * *

(b) *Basic support rates for warehouse-stored grain sorghum received by rail or utilizing combination barge-rail rates*—(1) *When shipped by rail and stored in-transit at interior locations.* The applicable basic support rate for warehouse-storage loans on grain sorghum which was received by rail and stored in an approved warehouse at other than a port terminal market shall be determined by adding to the basic support rate established for the county from which the grain sorghum was shipped, the amount of freight charges per hundred weight actually paid in and an amount equal to the truck receiving and rail loading-out charges in effect for the shipping warehouse, computed on a hundredweight basis to the nearest one-half cent. The freight rate paid into the storage point shall not exceed the lowest rate which will permit the storage intransit privilege and protect the lowest single car rate applying from origin through point of storage to a terminal market designated in paragraph (c)(2) of this section that would be used in commercial channels of trade. If the grain sorghum is stored in an approved warehouse at a transit point which takes a penalty by reason of backhaul or out-of-line movement when destined to a designated terminal market that would be used in commercial channels of trade, such penalty or cost by reason of such movement shall be deducted from the support rates as determined in this paragraph.

(2) *When shipped by rail and stored at designated port terminal market locations.* The applicable basic support rate for warehouse-storage loans on grain sorghum which was received by rail and stored in an approved warehouse at a port terminal market designated in paragraph (c)(2)(iii) of this section shall be determined by adding to the basic support rate established for the county from which the grain sorghum was shipped, the amount of freight charges per hundredweight actually paid in and an amount equal to the truck receiving and rail loading-out charges in effect for the shipping warehouse computed on a hundredweight basis to the nearest one-half cent. The freight rate paid into the storage point shall not exceed the lowest applicable freight rate to the port terminal market that would be used in commercial channels of trade.

(3) *When shipped utilizing combination barge-rail rates.* The applicable basic support rate for warehouse-storage loans on grain sorghum which was shipped utilizing combination barge-rail freight rates which are published and on file with the Interstate Commerce Commission and stored in an approved warehouse shall be determined by adding to the basic support rate established for the county from which the grain sorghum was shipped, the amount of freight charges per hundredweight actually paid in and an amount equal to the truck receiving and rail loading-out charges in effect for the shipping warehouse, computed on a hundredweight basis to the nearest one-half cent. The freight rate paid into the storage point shall be a rate which will permit the storage intransit privilege and protect the lowest single car or barge freight rate applying from origin point through point of storage to one of the interior or port terminal markets designated in paragraph (c)(2) of this section that would be used in commercial channels of trade. If the grain sorghum is stored in an approved warehouse at a transit point which takes a penalty by reason of backhaul or out-of-line movement when destined to the designated interior or port terminal market that would be used in commercial channels of trade, such penalty or cost by reason of such movement shall be deducted from the support rates as determined in this paragraph.

(4) *When shipped by rail through an unapproved warehouse.* The applicable basic support rate for warehouse storage loans on sorghum which was received by rail, shipped through an unapproved warehouse and stored in an approved warehouse at a terminal market designated in paragraph (c)(2)(iii) of this section shall be determined by adding to the basic support rate established for the county from which the sorghum was shipped, the amount of freight charges per hundredweight actually paid in and truck receiving and rail loading-out charges. The county office shall determine receiving and loading-out charges by obtaining the truck receiving and rail loading-out charges from approved warehouses in the local area from which the sorghum was shipped. An average of these charges shall become the truck receiving and rail loading-out charge to be added on. The freight paid into the storage point shall be the lowest applicable

freight rate to the port terminal market that would be used in commercial channels of trade.

(c) *Basic support rates for warehouse-stored grain sorghum received by truck or nontariff barge.* * * *

(2) *Stored within the switching limits of designated terminal markets.* (i) The applicable basic county support rate for warehouse-storage loans on grain sorghum which was received by truck or by barge not utilizing combination barge-rail freight rates, and stored in an approved warehouse located within the switching limits of a terminal market designated in subdivision (ii) or (iii) of this subparagraph shall be determined by adding 14.25 cents per hundredweight to the basic county support rate established for the county (or city) in which the terminal market is located.

* * * * *

Since grain sorghum is currently being harvested in many parts of the sorghum-producing area and the provisions of this amendment are needed to carry out the loan program more effectively, compliance with the notice of proposed rulemaking would be impractical and contrary to the public interest. Therefore, this amendment is issued without following such procedure.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714b and c); secs. 105, 401, 63 Stat. 1051, as amended (7 U.S.C. 1411 Note and 1421))

Effective date: November 11, 1975.

Signed at Washington, D.C., on November 3, 1975.

E. J. Person,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.75-30379 Filed 11-10-75;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—LOANS PRIMARILY FOR PRODUCTION PURPOSES

[FmHA Instruction 441.1]

PART 1831—OPERATING LOANS

Subpart A—Operating Loan Policies and Authorizations

YOUTH LOAN PROGRAM

On June 5, 1975, there was published in the FEDERAL REGISTER (40 FR 24204) a notice of proposed rulemaking to revise §§ 1831.4(e), 1831.5(h), and 1831.12 (g) of Subpart A of Part 1831, Title 7, Code of Federal Regulations. Interested persons were invited to submit written comments, suggestions or objections regarding the proposed amendment. All comments submitted with respect to the proposed revisions were given due consideration.

As a result of the comments received, certain proposed changes published in the FEDERAL REGISTER notice of proposed rulemaking of June 5, 1975 (40 FR 24204) are being adopted without change, except § 1831.5 was changed to grant an exception to recipients of youth loans from the general eligibility requirement for operating loans that the recipient must be operating not larger than the equivalent of a family farm as an owner or tenant and § 1831.12 was changed to require a cosigner for all youth loans greater than $2,500.

Accordingly, with this change the proposed revisions are adopted as set forth below:

Effective date. This revision is effective November 11, 1975.

Dated: November 4, 1975.

It is hereby certified that the economic and inflationary effects of this proposal have been carefully evaluated in accordance with Executive Order 11821.

FRANK W. NAYLOR, Jr.,
Acting Administrator,
Farmers Home Administration.

1. Sections 1831.4(e), 1831.5(h), and 1831.12(g), are revised to read as follows:

§ 1831.4 Definition of a family farm.

* * * * *

(e) *Rural youths.* Applicants who have reached the age of 10 years but have not reached the age of 21 and who do not reside in any area in any city or town which has a population in excess of ten thousand inhabitants.

* * * * *

§ 1831.5 Eligibility requirements.

* * * * *

(h) Loans may be made to rural youths without regard to the requirements of paragraphs (c) and (f) of this section. All youth projects must be recommended by their project advisor. In addition, youths who have not reached their majority, as set forth by State regulations will obtain their parent's or guardian's favorable recommendation for the loan. All recommendations will be in writing and filed with the application in the County Office case file.

* * * * *

§ 1831.12 Security policies.

* * * * *

(g) The security requirements for loans to rural youths will be the same as required for other Operating loans. In addition, all youth loans greater than $2,500 will be cosigned. In exceptional cases the loan approval official may require a cosigner for loans of $2,500 and less if he determines such action is necessary to assure repayment of the loan.

(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.)

[FR Doc.75-30380 Filed 11-10-75;8:45 am.]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-NW-36-AD; Amdt. 39-2421]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707-300, -300B, -300C, and -400 Series Airplanes

Amendment 39-2074 (40 FR 3287) AD 75-03-01 requires inspections of the upper wing skin splice plate at W.S. 360 on Boeing 707-300, -300B, -300C, and -400 series airplanes, with more than a specified number of landings since new, or since fastener holes were oversized. After issuing Amendment 39-2074, two six foot cracks and a 13 inch crack were found after the required inspections failed to detect these cracks. A telegraphic AD was issued on October 17, 1975, to require a one time inspection in accordance with improved inspection techniques on airplanes with more than the specific hours since new. This telegraphic AD included airplanes previously exempted from Amendment 39-2074 because of fastener hole oversizing. Accordingly, Amendment 39-2074 which requires repetitive inspections of the upper wing skin splice plate is being amended to require the improved inspection techniques on 707-300/400 with 13,000 or more landings since new, on 707-300B with 11,000 or more landings since new and on 707-300C with 8,000 or more landings since new. Airplanes which had fastener holes oversized per Boeing Service Bulletin No. 2510, Part IV will no longer be exempted.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697) § 39.13 of the Federal Aviation Regulations, Amendment 39-2074, AD 75-03-01 is amended by superseding the applicability block, paragraph A and B with the following. Paragraphs C, D, and E of Amendment 39-2074 remain unchanged.

BOEING: Applies to all Boeing Model 707-300, -300B, -300C, and -400 series airplanes listed in Boeing Service Bulletin No. 3157, Revision 4, or later FAA approved revisions upon the accumulation of the following number of landings since new:

Models: 707-300, -400, 13,000 or more landings; 707-300B, 11,000 or more landings; 707-300C, 8,000 or more landings.

Compliance required as indicated.

To detect cracks in the upper wing skin splice plate at W.S. 360, accomplish the following:

A. Within the next 50 landings, unless accomplished with the last 350 landings, and at intervals thereafter not to exceed 400 landings, inspect the upper wing splice plate at station 360 in accordance with (1), (2), or (3) below. Special attention should be focused in the area of stringer 11 as it is in the high stressed area of the splice plate. If cracks are found, repair prior to further flight in accordance with paragraph B below.

(1) X-ray inspect per Boeing Service Bulletin No. 3157, Revision 3 and visually inspect the splice plate by removing the aerodynamic sealant between the wing skins from front to rear spar. This inspection method is acceptable for only two successive inspections after the effective date of this amendment.

(2) Low frequency eddy current inspect as specified in Boeing Service Bulletin No. 3157, Revision 4, or later FAA approved revisions.

(3) Inspect in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

B. If cracks are found, repair prior to further flight in accordance with Boeing Serv-

ice Bulletin No. 2510, Revision 3, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. The repetitive inspections of paragraph A must be accomplished in areas not covered by repairs per Part VII of Boeing Service Bulletin No. 2510, Revision 3, or later FAA approved revisions.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective December 4, 1975.

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

J. H. TANNER,
Acting Director,
Northwest Region.

(The incorporation by reference provisions in the document were approved by the Director of the FEDERAL REGISTER on June 19, 1967.)

Issued in Seattle, Washington, November 3, 1975.

[FR Doc.75-30249 Filed 11-10-75;8:45 am]

[Docket No. 75-NW-35-AD; Amendment 39-2429]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing 747-200C and 747-200F Series Airplanes

Pursuant to the authority delegated to me by the Administrator a telegraphic airworthiness directive was adopted on October 23, 1975, and made effective 24 hours after receipt of the AD. The directive requires a visual inspection of the latch condition on the nose cargo door after each door operation.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately. These conditions still exist, and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to Section 39.13 of the Federal Aviation Regulations. This amendment contains the provisions for terminating action which was not available at time of the telegraphic AD.

BOEING: Applies to all Boeing 747-200C and 747-200F series airplanes certificated in all categories. Compliance required as indicated.

In addition to the door warning light procedures in Boeing B-747 Operations Manual Bulletin 74-13, the following procedures are required to provide assurance of latch system integrity. Before further flight, and thereafter following each nose cargo door operation, accomplish the following:

A. Close door electrically or manually until each latch pin is extended and the green, latches closed, light is illuminated on the nose door control panel at the loadmaster's station.

B. Pull and collar circuit breakers C1407/28V DC "control nose cargo door." Circuit breakers are located on the P15 panel on the right hand side of the electronics bay. Access to this area is either from the ground through the electronics bay hatch or through the main deck floor. Optional to pulling and collaring C1407 and C1572 circuit breakers, pull and collar C1629, C1630, C1631, C1632, C1633, and C1634 circuit breakers on the H122 cargo door power panel.

C. Placard the nose door control panel H121 and the nose wheel well control panel P37, "POWER REMOVED PER AD—CIRCUIT BREAKERS C1407 AND C1572 PULLED:" If optional circuit breakers procedure is used, placard the H122 cargo door power panel, "POWER REMOVED—CIRCUIT BREAKERS PULLED."

D. Verify that all 16 latches are closed for dispatch by noting that each latch pin is fully extended into the latch fitting, per Boeing B-747 Dispatch Deviation Procedures Guide, Document D6-33391, page 2.52.6B, View B.

Boeing Service Bulletin 747-52-2117 will be released in the near future which will give instructions for the modification of the nose cargo door latch and lock system. Incorporation of this FAA approved modification will constitute terminating action under the inspection provisions of this AD.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated October 23, 1975.

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

Issued in Seattle, Washington, November 3, 1975.

J. H. TANNER,
Acting Director,
Northwest Region.

(The incorporation by reference provisions in the document were approved by the Director of the FEDERAL REGISTER on June 19, 1967.)

[FR Doc.75-30250 Filed 11-10-75;8:45 am]

[Airspace Docket No. 75-GL-38]

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

Designation of Transition Area

On page 23765 of the FEDERAL REGISTER dated June 2, 1975, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Cambridge, Minnesota.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

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

This amendment shall be effective 0901 G.m.t., December 11, 1975.

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

Issued in Des Plaines, Illinois on October 24, 1975.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

In § 71.181 (40 F.R. 441), the following transition area is added:

CAMBRIDGE, MINNESOTA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Cambridge Municipal Airport (latitude 45°33'35" N., longitude 93°15'49" W.); and within 3 miles each side of the 173° bearing from the airport, extending from the 5 mile radius area to 8 miles south of the airport.

[FR Doc.75-30252 Filed 11-10-75;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 75F-0189]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RESINOUS AND POLYMERIC COATINGS FOR POLYOLEFIN FILMS

The Commissioner of Food and Drugs is amending the food additive regulations in § 121.2569 *Resinous and polymeric coatings for polyolefin films* (21 CFR 121.2569) to provide for an increase in the permitted level of petroleum alicyclic hydrocarbon resins for use as a component of coatings on polyolefin fabrics intended for bulk packaging of fruits and vegetables; effective November 11, 1975; objections by December 11, 1975. The amendment increases the permitted use level of the additive from 25 percent to 30 percent by weight of coating solids.

Notice was given by publication in the FEDERAL REGISTER of August 18, 1975 (40 FR 34623) that a petition (FAP 6B3123) had been filed by Exxon Corp., P.O. Box 45, Linden, N.J. 07036, proposing that § 121.2569 (21 CFR 121.2569) be amended to provide for an increased use level of petroleum alicyclic hydrocarbon resins as a component of coatings on polyolefin fabrics intended for the bulk packaging of fruits and vegetables.

The Commissioner, having evaluated the data in the petition, and other rele-

vant material, concludes that § 121.2569 should be amended, as set forth below, to provide for the safe use of up to 30 percent by weight of coating solids of petroleum alicyclic hydrocarbon resins blended with butyl rubber. The additive is to be used as a component of coatings on polyolefin fabrics intended for bulk packaging of fruits and vegetables.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2569 is amended in paragraph (b)(3)(i) by revising the listing for petroleum alicyclic hydrocarbon resins as follows:

§ 121.2569 Resinous and polymeric coatings for polyolefin films.

* * * * *

(b) * * *

(3) ** *

List of substances	*Limitations*
(i) Resins and polymers: Petroleum alicyclic hydrocarbon resins.	As defined in § 121.2526. Blended with butyl rubber for use as a component of coatings on polyolefin fabric for bulk packaging of raw fruits and vegetables and used at a level not to exceed 30 percent by weight of the total coating solids.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before December 11, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective November 11, 1976.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)).)

Dated November 5, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-30268 Filed 11-10-75;8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

[Docket No. 75N-0288]

PART 514—NEW ANIMAL DRUG APPLICATIONS

Submission of Applications

The Commissioner of Food and Drugs is amending the regulations (21 CFR Part 514) concerning submission of new animal drug applications (NADA's) to delete the provision for the distribution, by the Food and Drug Administration, of folders intended for the binding and submission of NADA's and to add a new provision prescribing certain procedures for numbering the pages of NADA's, effective December 11, 1975.

In a notice published in the FEDERAL REGISTER of November 4, 1974 (39 FR 38909), the Commissioner proposed these amendments to the new animal drug regulations concerning NADA's submitted to the Food and Drug Administration pursuant to section 512(b) of the Federal Food, Drug, and Cosmetic Act. The proposal allowed for filing of comments by January 3, 1975.

The two comments received in response to the proposal and the Commissioner's conclusions are as follows:

1. One comment, while agreeing with the proposal in principle, stated that the amendment was unnecessarily restrictive and suggested that it be revised "To eliminate the problem of illegible page numbers without restricting the flexibility that is desirable and sometimes necessary * * *."

The Commissioner agrees and has amended the final regulation to permit the numbering of pages in locations other than in the upper right hand corner if such numbering is clearly legible following binding of the NADA.

2. One comment stated that the provision for sequential numbering of the pages of an NADA should be broadened to permit, in the case of multivolume NADA's, sequential numbering of the pages in each volume.

The Commissioner agrees and has amended the final regulation to permit sequential numbering of pages either on the basis of the entire NADA or on a volume-by-volume basis.

For clarity, the Commissioner has also made some editorial changes in the final regulation.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343 et seq. (21 U.S.C. 360b, 371(a))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 514 is amended by revising § 514.1(b)(15) to read as follows:

§ 514.1 Applications.

* * * * *

(b) * * *

(15) *Assembling and binding the application.* Assemble and bind an original and two copies of the application as follows:

(i) Bind the original or ribbon copy of the application as copy No. 1.

(ii) Bind two identical copies as copy No. 2 and copy No. 3.

(iii) Identify each front cover with the name of the applicant, new animal drug, and the copy number.

(iv) Number each page of the application sequentially in the upper right hand corner or in another location so that the page numbers remain legible after the application has been bound, and organize the application consistent with paragraph (b)(1) through (14) of this section. Each copy should bear the same page numbering, whether sequential in each volume or continuous and sequential throughout the application.

(v) Include complete labeling in each of the copies. It is suggested that labeling be identified by date of printing or date of preparation.

(vi) Submit separate applications for each different dosage form of the drug proposed. Repeating basic information pertinent to all dosage forms in each application is unnecessary if reference is made to the application containing such information. Include in each application information applicable to the specific dosage form, such as labeling, composition, stability data, and method of manufacture.

(vii) Submit in folders amendments, supplements, and other correspondence sent after submission of an original application. The front cover of these submissions should be identified with the name of the applicant, new animal drug, copy number, and the new animal drug application number, if known.

* * * * *

Effective date. This regulation is effective December 11, 1975.

(Secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343 et seq. (21 U.S.C. 360b, 371(a)).)

Dated: November 4, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-30267 Filed 11-10-75;8:45 am]

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Librax and Menrium; Excepted From Schedule IV

On May 29, 1975, the Administrator of the Drug Enforcement Administration issued an order placing chlordiazepoxide (Librium) into Schedule IV of the Comprehensive Drug Abuse Prevention and Control Act of 1970. (40 FR 23998, June 4,

1975). Application of this order was reserved in part as to the prescription products Librax and Menrium, which contain chlordiazepoxide. (40 FR 26675–76, June 25, 1975).

In addition to the May 29, 1975 order controlling chlordiazepoxide, the Administrator also issued on that date a notice of proposed rulemaking to amend section 1308.32(b) of Title 21 of the Code of Federal Regulations (CFR) by adding Librax and Menrium to the list of excepted prescription drugs. (40 FR 24216–17, June 5, 1975). In that notice, the Administrator set forth his determinations and findings justifying the proposed rulemaking, and invited all interested persons to submit comments or objections in response thereto, no later than July 15, 1975. One comment was received. It was submitted by the Pharmacy Examining Board, Department of Regulation & Licensing, State of Wisconsin, which stated that it supports the proposed rulemaking regarding Librax and Menrium. No other comments, and no objections, were received in response to the notice.

Therefore, having determined and found that Librax and Menrium are preparations which contain chlordiazepoxide, a depressant listed in 21 CFR 1308.14(b) as amended, and other ingredients in such combinations, quantity, preparation or concentration so as to vitiate the potential for abuse of chlordiazepoxide, by virtue thereof, and in accordance with and pursuant to section 202(d) of the Comprehensive Drug Abuse Prevention and Control Act of 1970, and under the authority vested in the Attorney General by sections 301 and 501(b) of the Act (21 U.S.C. 821, 871(b)) and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations (See 38 FR 18380, July 2, 1973), and redelegated to the Deputy Administrator of the Drug Enforcement Administration by 28 CFR § 0.104 [Appendix to Subpart R] Sec. 6(g), the Deputy Administrator of the Drug Enforcement Administration hereby orders that Part 1308 of Title 21 of the Code of Federal Regulations be amended as follows:

Section 1308.32(b) is amended by adding, in appropriate alphabetical order, the following excepted prescription drugs:

§ 1308.32 Excepted compounds.

* * * * *

(b) * * *

Excepted prescription drugs

Trade name or other designation	Composition	Manufacturer or supplier
*	*	*
Librax	Capsule: Chlordiazepoxide hydrochloride 5 mg and clidinium bromide 2.5 mg	Roche Laboratories.
*	*	*
Menrium 5-2	Tablet: Chlordiazepoxide 5 mg and water-soluble esterified estrogens 0.2 mg	Do.
Menrium 5-4	Tablet: Chlordiazepoxide 5 mg and water-soluble esterified estrogens 0.4 mg	Do.
Menrium 10-4	Tablet: Chlordiazepoxide 10 mg and water-soluble esterified estrogens 0.4 mg	Do.
*	*	*

This order is effective on November 28, 1975.

Dated: October 24, 1975.

JERRY N. JENSON,
Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.75-30314 Filed 11-10-75;8:45 am]

Title 25—Indians

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

PART 221—OPERATION AND MAINTENANCE CHARGES

San Xavier Indian Irrigation Project, Arizona

On page 43513 of the FEDERAL REGISTER of September 22, 1975, there was published a notice of proposal to modify §§ 221.170 and 221.171 of Title 25, Code of Federal Regulations, dealing with operation and maintenance assessments and excess water charges on the San Xavier Indian Irrigation Project, Arizona.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendments. No comments, suggestions, nor objections were received, and the proposed revisions are hereby adopted without changes, as set forth below.

The revised sections will read as follows:

§ 221.170 Charges.

The annual basic operation and maintenance assessment rate for land to which water can be delivered under the San Xavier Indian Irrigation Project, Arizona, is hereby fixed at $60.00 per acre whether the water is used or not. Non-Indian owned land and Indian owned land leased to non-Indians shall pay the full assessment rate. Indian owned and operated land and Indian land leased and operated by Indians shall pay a minimum rate determined by the Superintendent based on the Indian owner's financial ability to pay but not to exceed the established basic assessment rate and shall be fixed prior to the beginning of the calendar year for which it is effective. The payment of the assessment rate shall entitle the water user to his pro-rated share of the water as determined by the production capacity of the wells and/or the availability of funds available to pay the pumping operation and maintenance costs. The foregoing assessment rates shall become effective for the calendar year 1976 and continue in effect thereafter until further notice.

§ 221.171 Payments.

The annual basic water charge fixed in § 221.170 shall become due and payable on or before March 1 of each year, and any unpaid charges shall stand as a first lien against the land without penalty until paid.

CHARLES D. WORTHMAN,
Assistant Area Director.

[FR Doc.75-30337 Filed 11-10-75;8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 870—RESTRICTION ON GARNISHMENT

Disposable Earnings Subject to Garnishment

By the Fair Labor Standards Amendments of 1974 (P.L. 93-259) section 6(a)(1) of the Fair Labor Standards Act was amended to provide a minimum rate of $2.30 per hour, commencing January 1, 1976. By the Consumer Credit Protection Act (§ 303, P.L. 90-321, 80 Stat. 837; 15 U.S.C. 1673) the minimum amount of disposable earnings which is exempt from garnishment is increased with each increase in the minimum wage rate set forth in section 6(a)(1) of the Fair Labor Standards Act. Accordingly, it is necessary to revise § 870.10 to include in our regulations the revised dollar amounts of disposable earnings exempted from garnishment.

Inasmuch as these changes are made to conform our regulations to the Fair Labor Standards Act as amended by the Fair Labor Standards Amendments of 1974, no notice of proposed rule making nor delay in the effective date is required. Accordingly, these regulations shall be effective on January 1, 1976.

In § 870.10, paragraphs (b) through (d) are revised to read as follows and paragraphs (e)–(f) are deleted.

§ 870.10 Maximum part of aggregate disposable earnings subject to garnishment.

* * * * *

(b) *Weekly pay period.* The statutory exemption formula applies directly to the aggregate disposable earnings paid or payable for a pay period of 1 workweek, or a lesser period. Its intent is to protect from garnishment, and save to an individual earner, the specified amount of compensation for his personal services rendered in the workweek, or a lesser period. Thus, so long as the Federal minimum wage prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938 is $2.30 an hour—

(1) If an individual's disposable earnings for a workweek or lesser period are $69 ($30\times\$2.30$) or less his earnings may not be garnished in any amount.

(2) If an individual's disposable earnings for a workweek or lesser period are more than $69, but less than $92 only the amount above $69 is subject to garnishment.

(3) If an individual's disposable earnings for a workweek or lesser period are

$92 or more, 25 percent of his disposable earnings is subject to garnishment.

(c) *Pay for a period longer than 1 week.* In the case of disposable earnings which compensate for personal services rendered in a pay period longer than 1 workweek, the weekly statutory exemption formula must be transformed to a formula applicable to such earnings providing equivalent restrictions on wage garnishment.

(1) The 25 percent part of the formula would apply to the aggregate disposable earnings for all the workweeks or fractions thereof compensated by the pay for such pay period.

(2) The "multiple" of the Federal minimum hourly wage equivalent to that applicable to the disposable earnings for 1 week is represented by the following formula: The number of workweeks, or fractions thereof (x) ×30× the applicable Federal minimum wage ($2.30). For the purpose of this formula, a calendar month is considered to consist of 4⅓ workweeks. Thus, so long as the Federal minimum hourly wage is $2.30 an hour, the "multiple" applicable to the disposable earnings for a 2-week period is $138 (2×30×$2.30); for a monthly period, $299 (4⅓×30×$2.30); and for a semimonthly period, $149.50 (2⅙×30×$2.30). The "multiple" for any other pay period longer than 1 week shall be computed in a manner consistent with section 303(a) of the Act and with this paragraph.

(d) *Date wages paid or payable controlling.* The date that disposable earnings are paid or payable, and not the date the Court issues the garnishment order, is controlling in determining the amount of disposable earnings that may be garnished. Thus, a garnishment order issued in September, 1975, providing for withholding from wages over a period of time, based on exemptions computed at the minimum rate then in effect, would be modified by operation of the change in the law so that wages paid after January 1, 1976, would be subject to garnishment only to the extent described in paragraphs (b) and (c) of this section which are based on a $2.30 minimum wage.

(Sec. 303, 82 Stat. 163 (15 U.S.C. 1673); Sec. 2, Pub. L 93-259, 84 Stat 55)

Signed at Washington, D.C., on this 5th day of November, 1975.

WARREN D. LANDIS,
Acting Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.75-30367 Filed 11-10-75;8:45 am]

Title 36—Parks, Forests and Public Property

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 212—ADMINISTRATION OF THE FOREST DEVELOPMENT

Transportation System

INGRESS AND EGRESS

This is an amendment to Part 212 making minor changes in § 212.8 to clarify the meaning.

The last sentence of paragraph (a) has been deleted and a new sentence substituted which states more clearly the requirement for written authorization in order to construct, reconstruct or maintain a road or highway on lands and easements administered by the Forest Service.

The words "forest development" have been inserted between the words "existing" and "roads" in the first sentence of paragraphs (b) and (c). The revision makes clear that permission to use roads applies to existing forest development roads and not to all existing roads.

The revision does not constitute a substantive change in the regulations. In accordance with exceptions to rulemaking procedures in 5 U.S.C. 553 and USDA policy (36 FR 13804) it has been found and determined that advance notice and request for comments would be unnecessary.

Part 212 is amended by revising § 212.8 to read as follows:

§ 212.8 Ingress and egress.

(a) *Policy in acquiring and granting access.* To assure effective protection, management, and utilization of lands administered by the Forest Service and intermingled and adjacent private and public lands, and for the use and development of the resources upon which communities within or adjacent to the National Forests are dependent, the Chief shall as promptly as is feasible obtain needed access thereto and shall grant appropriate access across National Forest and other lands and easements administered by the Forest Service to intermingled or adjacent landowners. Construction, reconstruction or maintenance of a road or highway without written authorization is prohibited.

(b) *Actual settlers and other persons residing within the National Forests and other areas administered by the Forest Service.* Actual settlers and other persons residing within the National Forests and other areas administered by the Forest Service shall be permitted ingress and egress over the same and use of existing forest development roads and trails in order to reach their homes and to utilize their property: Provided, such ingress and egress or use shall conform to rules and regulations governing the protection and administration of the lands and the roads or trails to be used.

(c) *Others.* Entering upon the National Forests and other lands administered by the Forest Service and use of existing forest development roads and trails shall be permitted for all proper and lawful purposes, subject to compliance with rules and regulations governing the lands and the roads or trails to be used.

(25 Stat. 357, 26 Stat. 1103, 30 Stat. 35-36, 1233 38 Stat. 430, 46 Stat. 1421, 64 Stat. 82, 72 Stat. 885, as amended, 74 Stat. 215, 78 Stat. 1089; 16 U.S.C. 471, 478, 498, 525, 528-531, 532, 538, 551, 572, 23 U.S.C. 101, 205, 40 U.S.C. 257, 258a et seq.; 42 Atty. Gen. Op. No. 7; Comp. Gen. B-65972, May 19, 1947; 40 Comp. Gen. 372; 41 Comp. Gen. 1; 41 Comp. Gen. 576, and 42 Comp. Gen. 590)

Effective date. This revision takes effect November 11, 1975.

ROBERT W. LONG,
Assistant Secretary.

NOVEMBER 5, 1975.

[FR Doc.75-30289 Filed 11-10-75;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5544; AA-5671]

ALASKA

Withdrawal of Lands for Classification and Protection of the Public Interest; Partial Revocation of Public Land Order No. 960

Correction

In FR Doc. 75-29383, appearing at page 51038 in the issue for Monday, November 3, 1975, the headings should read as set forth above.

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 1224]

PART 1033—CAR SERVICE

Distribution of Grain Cars

NOVEMBER 6, 1975.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 5th day of November,1975.

It appearing, That there is an acute shortage of cars for transporting shipments of grain, grain products, and soybeans; that certain tariff provisions require minimum shipments of 180,000 lbs. or more; that many carriers are unable to furnish sufficient cars to transport shipments of such weights; that cars of lesser capacity are available; that such cars cannot be used because of certain tariff provisions; that there is immediate need to use every available car for transportation of grain; that the inability of the carriers to furnish sufficient grain cars results in great economic loss; and that present regulations and practices with respect to the use, supply, control, movement, and distribution of grain cars are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1224 Service Order 1224.

(a) *Distribution of grain cars.* Each common carrier by railroad subject to the Interstate Commerce Act may furnish not more than two cars of smaller capacity for each car of 180,000 lbs. or

greater capacity ordered by any shipper for loading with grain, grain products, soy beans or soy bean products subject to the conditions and exceptions provided in paragraphs (e) and (f) of this section.

(b) *Rates and minimum weights applicable.* The rates to be applied and the minimum weights applicable to shipments of two smaller cars furnished and loaded as authorized by paragraph (a) of this section shall be the rate and minimum weight applicable to the larger single car ordered.

(c) *Billing to be endorsed.* The carrier substituting two smaller cars for one larger car as authorized by paragraph (a) of this section shall place the following endorsement on the bill of lading and on the waybills authorizing movement of the car:

"Car of 180,000 lbs. or greater capacity ordered. Two smaller cars furnished authority ICC Service Order No. 1224."

(d) *Concurrence of shipper required.* Two smaller cars shall not be furnished in lieu of a single car of 180,000 lbs. or greater capacity without the consent of the shipper.

(e) *Cars subject to Service Order No. 1223 excluded.* This order shall not apply to cars used in unit-grain-train services subject to the provisions of Service Order No. 1223.

(f) *Exceptions.* Exceptions to this order, including extension of its application to elevators located in other states, may be authorized to railroads by the Railroad Service Board, Washington, D.C. 20423. Requests for such extension must be submitted in writing, or confirmed in writing, and must clearly state the points at which such exceptions are requested and the reason therefor.

(g) *Rules and regulations suspended.* The operation of all rules, regulations, or tariff provisions is suspended insofar as they conflict with the provisions of this order.

(h) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(i) *Effective date.* This order shall become effective at 11:59 p.m., November 6, 1975.

(j) *Expiration date.* This order shall expire at 11:59 p.m., February 29, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

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

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-30384 Filed 11-10-75;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 33—SPORT FISHING

Lake Ilo National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on November 11, 1975.

§ 33.5 Special regulation; sport fishing, for individual wildlife refuge areas.

NORTH DAKOTA

LAKE ILO NATIONAL WILDLIFE REFUGE

Winter Sport Fishing on the Lake Ilo National Wildlife Refuge, Dunn Center, North Dakota is permitted in accordance with all applicable State regulations through March 28, 1976. The area open to fishing comprises 1050 acres, and is delineated on maps available at refuge headquarters, 1 mile west of Dunn Center, North Dakota and from the Area Manager, U.S. Fish and Wildlife Service, Post Office Box 1897, Bismarck, North Dakota 58501. Sport fishing shall be in accordance with all applicable State regulations, subject to the following conditions.

(1) Fishing at all times shall be limited to daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through March 28, 1976.

ROLLAND J. KRIEGER,
Asst. Refuge Manager,
Lake Ilo National Wildlife Refuge.

NOVEMBER 3, 1975.

[FR Doc.75-30245 Filed 11-10-75;8:45 am]

proposed rules

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco, and Firearms

[27 CFR Parts 4, 5, 7]

[Notice No. 285]

INGREDIENT LABELING OF MALT BEVERAGES, DISTILLED SPIRTS AND WINE

Withdrawal of Notices of Proposed Rulemaking

The purpose of this document is to announce that FEDERAL REGISTER notices 74-17720, 75-3719 and 75-3720 (39 FR 27812, 40 FR 6354 and 40 FR 6349 respectively) in which the Bureau of Alcohol, Tobacco and Firearms (ATF) published proposed amendments to 27 CFR Parts 7, 5 and 4, respectively, regarding ingredient labeling of malt beverages, distilled spirits and wine are hereby withdrawn. All of the oral representations received during the three public hearings held on the ingredient labeling proposals and all of the written comments, numbering in excess of 1,000, received by the Bureau of Alcohol, Tobacco, and Firearms regarding the proposals have been considered.

From these representations it was determined, first, that it appears the cost of ingredient labeling to the industry, and ultimately to the consumer, would be excessive in relation to the benefit received. While the evidence presented at these hearings did not conclusively establish the ultimate cost that would have been borne by the industry, there would without doubt have been substantial costs involved had the proposals been implemented. We do not feel that the benefits to be derived from ingredient labeling are significant enough to warrant imposition of the added costs upon the general consumer.

Second, the content of alcoholic beverages is extensively regulated at the present time. Currently the Bureau will approve no additive to an alcoholic beverage unless the Food and Drug Administration first authorizes its use.

Third, the uniqueness of manufacturing processes of alcoholic beverages is such that it makes labeling of their ingredients of little value and, in certain cases, even misleading. For example, the ingredient listing for malt beverages would have contained yeast, even though that substance is not present in the finished product. As brewers yeast is commonly sold as a health product, some consumers might have erroneouly been led to think that malt beverages were healthy for that reason. Similarly, the term "cereal grains" in a distilled spirits ingredient list might have led some consumers to believe that they were getting more nourishment than is actually available in this product.

Fourth, representations were made that ingredient labeling requirements would hinder the on-going multilateral trade negotiations in expanding international trade. In fact, the Deputy Special Representative for Trade Negotiations (of the U.S.) formally stated his objection to the proposal on this basis. Testimony at the hearings indicated that if the proposals were implemented, the United States would be the only country in the world to require ingredient labeling of alcoholic beverages, even though a few (e.g., Canada) have formally considered and rejected such a requirement.

Finally, ingredient labeling is supported by only a small segment of the public. Although numerous comments were received from consumers and consumer advocate groups, we have not found any strong indication that the average consumer of alcoholic beverages is in favor of ingredient labeling.

In view of the foregoing, we have concluded that the public interest would not be served by the adoption of the proposed amendments at this time.

Signed: November 3, 1975.

REX D. DAVIS,
Director.

Approved: November 4, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-30260 Filed 11-10-75;8:40 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 729]

PEANUTS

Proposed Proclamation of 1976 National Marketing Quota

The Secretary of Agriculture is required by § 358(a) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1358(a)), to proclaim, between July 1 and December 1 of each calendar year, the amount of the national marketing quota for peanuts for the crop produced in the next succeeding calendar year. The amount of such quota is the total quantity of peanuts which will make available for marketing a supply of peanuts from the crop with respect to which the quota is proclaimed equal to the average quantity of peanuts harvested for nuts during the five years immediately preceding the year in which such quota is proclaimed, adjusted for current trends and prospective demand conditions.

Section 358(a) of the act further provides that the national marketing quota for peanuts shall be converted to a national acreage allotment by dividing such quota by the normal yield per acre of peanuts for the United States determined by the Secretary on the basis of the average yield per acre of peanuts in the five years preceding the year in which the quota is proclaimed, with such adjustment as may be found necessary to correct for trends in yields and for abnormal conditions of production affecting yields.

Section 358(a) of the act also requires that the national marketing quota be a quantity of peanuts sufficient to provide a national acreage allotment of not less than 1,610,000 acres.

Section 358(c)(1) of the act (7 U.S.C. 1358(c)(1) provides that the national acreage allotment for any year shall be apportioned among the States on the basis of their shares of the national acreage allotment for the most recent year in which such apportionment was made. Pursuant to this provision of the Act, the national acreage allotment for the 1976 crop of peanuts will be apportioned to States on the basis of their shares of the 1975 national acreage allotment.

The subjects and issues involved in the proposed determinations are:

1. The amount of the national marketing quota.

2. The amount of the national acreage allotment.

Consideration will be given to data, views, and recommendations pertaining to the proposed determinations covered by this notice which are submitted in writing to the Director, Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C., 20250. All written submissions made pursuant to this notice will be made available for public inspection in Room 6753-South Building, U.S. Department of Agriculture, 14th and Independence Avenue, S.W., Washington, D.C., Monday through Friday from 8:15 a.m. to 4:45 p.m. (7 CFR 1.27(b)). All submissions must, in order to be sure of consideration, be postmarked not later than November 26, 1975.

Signed at Washington, D.C. on: November 7, 1975.

E. J. PERSON,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75-30395 Filed 11-10-75;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Parts 318, 381]

Nitrates, Nitrites, and Salt

NOTICE OF PROPOSED RULEMAKING

● Purpose: The purpose of this document is to propose modifications in the use of nitrates, nitrites, and salt in meat and poultry products. It will also advise that work must continue on the removal of preformed nitrosamines from bacon and that the extent of progress will be reviewed during and after the end of 1 year. ●

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553 that the Animal and Plant Health Inspection Service is considering amending the Federal meat inspection regulations, pursuant to the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*), and the poultry products inspection regulations, pursuant to the Poultry Products Inspection Act (21 U.S.C. 451 *et seq.*), for the purposes set forth above.

Statement of considerations. As used in the opening paragraph of this document, and in this statement of considerations, unless otherwise noted, the term "nitrate" shall mean sodium nitrate, the term "nitrite" shall mean sodium nitrite, and the term "salt" shall mean sodium chloride (common table salt).

The curing of meat and poultry products today is based partly on the art as practiced over thousands of years and partly on sound scientific principles developed within the last 80 years. Meat was first preserved with salt as the curing agent in the saline deserts of Hither Asia and coastal areas. These desert salts contained nitrates as impurities. Even in Homer's time (900 B.C.), curing meat with salt, followed by smoking, was an established practice. Cato (234–149 B.C.) wrote careful instructions for dry-curing hams. It included rubbing with salt, overhauling with salt, rubbing with oil, smoking, and rubbing the ham again with a mixture of oil and vinegar. However, it was not until Roman times that the reddening effect now attributed to nitrite was mentioned. The Romans had learned from the Greeks the technique of curing pork and fish with salt, and they were probably the first to establish a trade market for cured meats. Meat cured with salt containing nitrate, and even nitrite impurities, developed a characteristic cured flavor and color, as well as the properties of a preserved product. In time, the cured flavor and color became highly desirable to many people.

Reference to the use of nitrate itself can be traced back several hundred years. Its use continued after passage of the Federal Meat Inspection Act of 1906.

Chemists and meat scientists in the early 1900's determined that the active agent responsible for the color and flavor changes was nitric oxide, which was formed from nitrate during the curing process. Nitrite, in turn, is formed from nitrate, but the formation process is difficult to control. Therefore, once this mechanism was understood, the Department in 1925, formally authorized the direct addition of nitrite, permitting no more than 200 parts per million (ppm) of residual nitrite in finished product. This limit has been in force unchanged since then.

In the late 1960's, questions were raised as to the use of nitrites in food and their combination with other compounds in the food or in the body to form nitrosamines. The Federal Food and Drug Administration (FDA), Department of Health, Education, and Welfare, and the Department of Agriculture organized a scientific study group to carefully review information and data concerning the matter. This group has met regularly since its organization in 1970. In 1971, the House Intergovernmental Relations Subcommittee conducted hearings on the issue of nitrosamine formation and the possible involvement of nitrite in cured foods. The matter was widely discussed by the public and the media, and further studies were carried out by the scientific community. Numerous conferences were held during 1972, to discuss available information on the role of nitrite in curing and preserving, and to determine what new information was needed. Again, further research was scheduled cooperatively among industry, FDA, and the Department.

Early in 1972, the Department was petitioned to ban, or greatly reduce the amount of nitrite used in the curing process. The Department denied the petition, indicating additional information was needed on the chemistry associated with nitrosamine formation. Another factor associated with the problem, and one which could not be ignored, was the recognized role of nitrite in inhibiting the growth of *Clostridium botulinum*. These bacteria, under favorable conditions, can produce the deadly toxin responsible for the food poisoning known as botulism. Information in literature indicates that in the 1920's, scientists were demonstrating the antimicrobial effect of nitrite, and further investigation continued through the years. In the early 1970's, concentrated research studies were begun to learn more precisely the antimicrobial role of nitrite in modern forms of meat products. In a short time, sufficient data were gathered to satisfactorily confirm the inhibitory action of nitrite to the growth of *Clostridium botulinum*, as well as the levels required to accomplish the desired effect. The studies clearly showed that the amount of nitrite needed to inhibit botulinal toxin formation was dependent upon the quantity of nitrite introduced into the product, rather than the residual level of nitrite in the finished product. It has been necessary for the Department to act carefully and deliberately in this matter, since it recognizes that, in the desire to reduce levels to eliminate the possibility of nitrosamine formation, the very real public health hazard of botulism cannot be ignored.

Late in 1973, the Secretary of Agriculture appointed an Expert Panel on Nitrites and Nitrosamines to advise him on this difficult and controversial subject. The Panel consisted of six well-qualified scientists who represent various disciplines considered most important to the evaluation of the problem. The first three meetings were devoted to presentations by scientists to help the Panel build the proper foundation for its deliberations. Papers were presented on the occurrence of nitrite and nitrate in various foods, and a detailed report given on the meat curing process and its chemistry. The Panel also heard discussions on the toxicology, chemistry, and microbiology of nitrite, and on the toxicology and chemistry of nitrosamines. In addition, the role of ascorbates (salts of Vitamin C) in curing was discussed. Notice of time and place of each meeting was published in the Federal Register at least 15 days prior to the meeting. The meetings were open to the public and were attended by a large number of participants from industry, the research community, and the media. All persons in attendance were given an opportunity to ask questions and participate in the deliberations. Copies of all papers presented and the minutes of the meetings were distributed, upon request, and are now on file with the Hearing Clerk of the Department and available for inspection during regular hours of business.

At its fourth meeting, the Panel formulated three recommendations. After review and approval of these recommendations at the fifth Panel meeting, a report was made to the Secretary. The recommendations of the Panel were:

"1. That use of nitrate salts in the curing process be discontinued in all meat and poultry products with two exceptions, dry-cured products and fermented sausage products. These two product categories will be addressed at a later date when additional data are available.

"2. That the level of nitrite salt permitted to be added for curing of meat and poultry be limited to 156 parts per million (ppm) in all processed products, with the exception of bacon and dry-cured products. Recommendation for these latter products will be deferred, pending availability of further research data.

"3. That the current permitted 200 ppm residual nitrite salt level be reduced in various product categories to reflect what is achievable with current technology. The Panel believes that 100 ppm in cooked sausage products, 125 ppm in canned cured and pickle cured products, and 50 ppm in canned cured sterile product would be sufficient to maintain product safety. Action on bacon, fermented sausage products, and dry-cured products is deferred until additional research data being developed become available.

"It is the consensus of the Panel members that these recommendations are consistent with all safety considerations. Levels of nitrate and nitrite are decreased, thus reducing the consumers' exposure to the potential hazards of nitrosamines, nitrosamides, and related chemicals; at the same time, sufficient

levels of nitrite are maintained to protect the consumer against the very real hazard of botulinal poisoning."

To date, no substitute for nitrite has been discovered. No compound or treatment has been found that will produce the characteristic product and that possesses nitrite's antibotulinal properties. Researchers are still trying to find a replacement.

The work of the Expert Panel is not concluded at this point. The Panel will continue to review pertinent research findings, such as will be developed in current studies on dry-cured products and fermented sausages, and they will determine whether to recommend further changes in permitted levels of nitrate or nitrite. The Expert Panel will meet again during the comment period on this proposal. The Panel's comments on those portions of this proposal which go beyond their present recommendations will become part of the record and will receive consideration.

As recognized by the Panel, a special problem exists with bacon. The fact that a nitrosamine is formed during its frying is apparently unique to this product. The levels found have been decreasing steadily and are now in the range of 10 to 20 parts per billion. The meat industry has furthered this reduction through its research efforts and through voluntary adjustments in curing procedures.

The Department, however, recognizes that greater efforts need to be directed toward the removal of nitrosamines from bacon. The problem has been discussed with the meat industry and the Food and Drug Administration. The meat processing industry has already begun studies designed to develop a possible solution to the problem and has indicated its intent to commit additional resources to the work. New processing procedures are, and will be, explored which are directed toward preventing the formation of nitrosamines in bacon during frying. An assessment of the need for further action will be carried out both during and at the termination of a 1-year period. Also, the Department is considering the establishment of maximum levels of nitrite and minimum levels of ascorbate or erythorbate in the curing of bacon. Data available to the Department indicates that the proposed levels lead to reduced amounts of preformed nitrosamines in bacon.

As a result of the Panel's recommendations, the Department proposes that other related matters warrant discussion. Thus far, most of the attention with respect to nitrates and nitrites has been directed toward red meat products. However, for several years, a considerable number of products have been developed, using poultry in lieu of red meat. Such products have the same basic characteristics as the red meat items, and have comparable need for protection from botulinal toxin formation. Therefore, the Department believes it is necessary to make the same proposal with respect to poultry products as that set forth for meat products.

The Department is aware that some consumers have expressed a desire to purchase products cured solely with salt. This should be considered, and every person should be given an opportunity to comment. Accordingly, the Department is proposing that salt (sodium chloride) be included in the list of approved curing agents. Such use would be for salt-cured products, with sufficient brine concentration, or a water activity level such that *Clostridium botulinum* will not grow. Based upon current information, the Department believes the finished product should have a minimum brine concentration of 10 percent, or a maximum water activity of 0.92. This brine concentration can usually be attained by using 7 pounds of salt per 100 pounds of meat. It is determined in the finished product by analyzing for salt and moisture, and dividing the salt content by the moisture content. Water activity (usually abbreviated A_w) refers to the available water in a product which microorganisms depend on for growth, since their nutrients must be in solution. The A_w for fresh meat is 0.99 or above, as compared to an A_w of 1.0 for pure water. This A_w for meat is near the optimum for many varieties of microorganisms, although many can grow with a lower A_w. As the A_w decreases, the conditions favoring microbial growth also decrease. An A_w of 0.92 or lower will provide ample assurance that *Clostridium botulinum* will not grow.

An additional consideration of this proposed rulemaking relates to the use of curing agents in foods for babies. The greater toxicity of nitrite to infants in relation to adults has been recognized for several years. For that reason, the addition of nitrite to baby foods has not been practiced for some time, although some products generally marketed as toddler foods do contain some cured product as ingredients. Therefore, to clarify this matter, the Department is proposing to deny the use of nitrates or nitrites, or meat ingredients containing nitrates or nitrites, in meat and poultry food products intended for very small children. These are usually marketed as infant (strained) and junior (chopped) foods.

To this point, this document has discussed sodium nitrate or nitrite. However, potassium nitrate and nitrite are used on a limited basis. These agents produce the same results as their sodium counterparts. Because the potassium nitrate and potassium nitrite salts are heavier than their sodium counterparts, it is necessary to permit greater amounts of the potassium salts in order to obtain the same amount of nitrate and nitrite. This proposal makes a distinction in quantities permitted on that basis.

In establishing the required levels of nitrite to be introduced into product, the wording of the Panel's recommendations imply a concern that the maximum quantities not be exceeded. While this is true, it is not the only point of interest. The Secretary cannot ignore the bacteriostatic properties of nitrite and the amount necessary to inhibit the growth of *Clostridium botulinum*, since, in the absence of nitrites, it appears that certain meat and poultry products could become adulterated. What those exact levels are will vary, depending on the product and its microflora, method of preparation, packaging and other handling practices. Processors need to exercise special care in keeping with good manufacturing practices to assure adequate introduction of nitrite into product. This means that careful control will be necessary in cases where pickle is recirculated, cleaned, and reused, so that it will not be diluted. Pickle solutions held for several hours will also require special attention by the processor to determine the extent of nitrite dissipation. Further considerations by the Panel or Department, or both, may be necessary in this connection.

Another consideration with respect to this proposal concerns the level of nitrite introduced into pickle cured products. For the purpose of determining compliance with the requirements, the quantity of curing agent introduced into product would be determined on the quantity of curing pickle injected into the product, regardless of the quantity which may subsequently drain out.

Because of the necessity to maintain strict control over the quantity of curing agents introduced into product, it would no longer be permissible to submerge injected product in curing pickle (cover pickle), or to totally pickle cure product by submerging it in curing pickle. However, processors could use brine solutions provided the finished product is in compliance with other requirements. A prohibition on curing by submerging in pickle could affect some small processors of cured products who live in cold regions of the country. The temperature of their facilities is influenced considerably by external temperatures. Because product may freeze and not cure, it has been necessary to employ the use of pickle in the curing process to successfully cure product. This processing procedure would have to be changed.

This proposal, for purposes of defining permissible levels of residual nitrite, makes a distinction between shelf stable canned cured product and commercially sterile canned cured product. The shelf stable product depends upon a mixture of nitrite, salt, and heat pasteurization to prevent the germination of *Clostridium botulinum* spores. Commercially sterile product receives heat treatments sufficient to destroy *Clostridium botulinum* spores.

Based on the data and information available to the Department at this time, it is proposed to implement the Expert Panel's recommendations by limiting the use of sodium and potassium nitrite and nitrates as follows:

A limit would be established of 2183 part per million (ppm) of sodium nitrate or 2597 ppm of potassium nitrate (3.5 oz. sodium nitrate or 4.2 oz. of potassium nitrate per 100 lbs. of meat) to be added

in dry cured products; and 1716 ppm of sodium nitrate or 2042 ppm of potassium nitrate (2.75 oz. sodium nitrate or 3.3 oz. potassium nitrate per 100 lbs. of meat) to be added in fermented sausages;

A limit would be established of 624 ppm of sodium nitrite or 768 ppm of potassium nitrite (1 oz. sodium nitrite or 1.23 oz. potassium nitrite per 100 lbs. of meat) to be added in dry cured products and 156 ppm of sodium nitrite of 192 ppm of potassium nitrite (0.25 oz. of sodium nitrite or 0.31 potassium nitrite in 100 lbs. of meat) to be added in fermented sausages;

Whether nitrate, nitrite, or a combination of both are used in dry cured and fermented sausage products, the residual nitrite calculated as sodium nitrite would be limited to 200 ppm; and

In canned cured product, whether perishable, shelf stable, or sterile; in cooked sausages; and other cured perishable products (other than bacon), a limit would be established of 156 ppm of sodium nitrite or 192 ppm of potassium nitrite introduced by pumping of solid pices of meat or otherwise incorporated into comminuted products. Canned cured sterile products would be limited to a residual nitrite of 50 ppm calculated as sodium nitrite; all other canned cured products, and products prepared with curing solutions, to 125 ppm; and cooked sausage products to 100 ppm.

In addition to the above which are in connection with the Expert Panel's recommendations, the following also are being proposed by the Department:

Use of sodium or potassium nitrites and nitrates would not be permitted in meats used in the commercial preparation of infant (strained) or junior (chopped) foods;

The maximum amount of nitrite permitted to be added to bacon would be limited to 125 ppm and a requirement would be established that ascorbate or erythorbate be used at the maximum rate currently permitted by regulation:

Salt would be permitted as a preservative when added to products in an amount sufficient so that the finished product has a minimum brine concentration of 10 percent or a water activity (A_w) no greater than 0.92;

The foregoing requirements with respect to nitrates, nitrites, and salt would also apply to poultry and poultry products which are prepared in a manner similar to those prescribed for red meats.

As stated previously, it is recognized that a special problem exists with bacon. In this regard, the Department has been assured by the meat industry that it is accelerating studies underway concerning processing procedures which are directed toward preventing nitrosamine formation in fried bacon. At the same time, the hazard of botulism will have to remain an important consideration throughout. The Department will continue to cooperate with the industry and FDA in developing this needed information. This work should be substantially completed within 1 year's time from the date of publication of this document (on or before November 11, 1976). Both during and at the end of this period progress on achieving a nitrosamine-free product will be evaluated and a determination as to need for further action will be made. The Department recognizes that 1 year may not be adequate to resolve this matter entirely, but believes that sufficient information can be developed to better define what further steps might be necessary.

Any person wishing to submit written data, views, or arguments concerning the proposed amendment may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by January 12, 1976.

Any person desiring opportunity for oral presentation of views should address such request to the Product Standards Staff, Scientific and Technical Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submissions and records of oral views made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business, unless the person makes the submission to the Staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure could adversely affect such person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on: October 30, 1975.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.75-30331 Filed 11-10-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 102]

[Docket No. 75P-0260]

FRUIT FLAVORED SWEETENED SPREADS

Proposed Common or Usual Name

The Food and Drug Administration is proposing a common or usual name for fruit flavored sweetened spreads not conforming to the definitions and standards of identity established for fruit jams and jellies because of the absence of fruit or the use of less fruit than is required by a standard. The common or usual name proposed is "sweetened spread," accompanied by a declaration of the characterizing flavor. A statement of the percentage of fruit content would also be required. Interested persons have until January 12, 1976, to submit comments.

The Commissioner of Food and Drugs has received a petition on behalf of the National Preservers Association (NPA), Atlanta, GA, as well as a subsequent clarifying letter, proposing that a new regulation be issued under the provisions of 21 CFR Part 102 establishing a common or usual name for such fruit flavored spreads not conforming to the standards of identity for fruit jams and jellies. The petitioner's proposed regulation is as follows:

§ 102. ____ *Fruit flavored spreads.*

The common or usual name for a fruit flavored spread not conforming to the standards of identity for jams and jellies shall be:

(a) When the spread contains no fruit, '---------- Spread: Contains No Fruit.'—the blank being filled in with the name of the flavor of the spread in accordance with section 1.12 of this chapter.

(b) When the spread contains fruit, '---------- Spread: Contains ---------- percent ('%') less fruit than ----------.'—The initial blank shall be filled in with the name of the flavor of the spread in accordance with section 1.12 of this chapter; the second blank shall be filled in with the appropriate numerical percent, in 5 percent increments, that is not less than the percentage deetrmined in accordance with the formula in paragraph (c) of this section; and the last blank shall be filled in with the word 'jam' or 'jelly' as applicable.

(c) For purposes of this section, the percent reducton in fruit content shall be determined by the formula:

$PR=[.50-(FI-Y)]\times 200$ where—

(1) PR=percent reduction in fruit content;

(2) FI=fruit input in part by weight;

(3) Y=finished batch yield in parts by weight;

(4) 0.50 is deemd the percent fruit content of standardized jams and jellies on a finished basis at 65% soluble solids, expressed as a decimal."

As grounds in support of the proposal, NPA set forth the following:

Both NPA and FDA recognize that non-standard fruit flavored spreads are marketed, although standards do exist for jams, jellies and preserves. FDA has, however, with the adoption of 21 CFR 1.8(e) changed its regulatory position on the conditions under which non-standard products can be marketed. Recently, by letters to Orleans, Ltd., FDA has confirmed that non-standard spreads may be sold if properly labeled as "spread" with a declaration of fruit content, but that imitation labeling is not required.

NPA does not urge that these spreads be barred from the marketplace. We believe, however, that it is crucial, in order to protect the existing standards for preserves, jams and jellies, that non-conforming products be clearly labeled to indicate their nonconformity. The promulgation of a common

or usual name regulation governing these products will assure their differentiation from the standardized products which they purport to resemble.

Although 21 CFR 102.1(b) envisages a declaration of the total percentage content of the characterizing ingredient, conformity with the procedure would, in this instance, be uninformative rather than beneficial to the consumer. A total percentage declaration can only convey the needed information if the optimal percentage involved is 100 percent; in such a case, the declaration of, for example, 61 percent of the characterizing ingredients tells the consumer that the product contains 39 percent less than optimal. In the case of jams and jellies, of course, the input fruit content percentage is fixed at 45 or 47 parts by weight of fruit per 55 parts by weight of sweetner solids. The consumer, however, is unlikely to know this. Thus, to tell the customer, for example, that a spread product contains 39 percent fruit does not convey the information desired and needed. Of key importance to the consumer is knowledge of how much less of an ingredient than optimal the product contains.

Section 102.1(b) foresees that a different approach may well be needed under certain circumstances and, therefore, provides for modification by a specific regulation in Subpart B. NPA believes that the proposal which we make here will convey the maximum information to the consumer and will also afford needed protection to the existing standards for jams and jellies. Any other approach would denigrate the existing standards, and indeed suggest the lack of need for any standard or benchmark of excellence.

The Commissioner has also received correspondence from two manufacturers (members of NPA) who did not agree with the suggestion in the petition that such spreads be labeled, "_____ Spread: Contains _____% less fruit than _____." These manufacturers stated that this requirement "would have a negative effect on the shelf-appeal of the product . . . when such a product could contain more whole fruit and more fresh flavor than the standardized product." Both of the manufacturers contended that the statement "_____% fruit," based on the actual weight of input fruit, would be a more meaningful qualifying statement.

The petition from NPA, the subsequent clarifying letter, and the correspondence from the two manufacturers are available for inspection in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

The Commissioner does not agree that the name proposed by the petitioner describes the nonstandardized product adequately to differentiate it from the standardized product. The Commissioner proposes that the common or usual name for the nonstandardized product be "sweetened spread" followed by a qualifying statement concerning the amount of fruit present or the absence thereof. In addition, the product would be required to be labeled in accordance with the provisions in 21 CFR 1.12(i), which concerns the labeling of products for which direct or indirect representations are made about flavor. In applying the provisions of § 1.12(i)(1)(i), the proposed regulation provides that the nonstandardized spread will be considered as having an amount of characterizing ingredient insufficient independently to characterize the food. This determination is appropriate to distinguish the nonstandardized food from the standardized food because the nonstandardized spread has less characterizing fruit ingredient than is currently expected to be present in a standardized jam or jelly. The effect of this determination is to require the word "flavored" to be part of the flavor declaration, e.g., "grape flavored sweetened spread," when additional flavor is added to the product.

Furthermore, inclusion of the term "sweetened" in the proposed common or usual name is appropriate because the reduction of the fruit ingredient necessarily results in the sweetener ingredient becoming a characterizing component of the food. Since the fruit ingredient constitutes about 50 percent of the product in the standardized food, reduction of the fruit ingredient results in the sweetener becoming predominant compared to the fruit, which would otherwise be the characterizing ingredient.

The Commissioner does not agree with the petition than the method prescribed in § 102.1(b) for declaration of the percentage of a characterizing ingredient would be inappropriate for this product. The Commissioner is of the opinion that the percentage declaration of a characterizing ingredient should be the same for all nonstandardized foods made to resembled standardized foods; the use of different methods of declaration in similar situations would lead to consumer confusion. For several reasons, the preferable method is that prescribed in § 102.1(b), rather than the method recommended by the petition.

First, a consumer who wishes to compare fruit flavored swetened products containing varying amounts of fruit would receive little guidance from a declaration such as "contains 20 percent less fruit than jam" in determining which product was the better value. The value of a product labeled "contains 20 percent less fruit than jam" cannot be easily compared to a product that is labeled "contains 10 percent less fruit than jam" because the amount of fruit actually present cannot be ascertained. Although the approach suggested by the petitioner does adequately distinguish the nonstandardized product from the standardized food, its lack of usefulness in comparing one nonstandardized product with another, an equally important factor, makes the approach unacceptable. When the ingredient proportions required by standards no longer apply, information about the content of the product must be easily understandable.

Second, the comparative statement requested by the petition erroneously implies that the standardized product enjoys a higher legal status than a nonstandardized spread because a similar comparative statement would not be required to appear on the standardized food.

Third, a statement comparing a nonstandardized product to a standardized food would often be inaccurate because standards ordinarily establish minimum required proportions of characterizing ingredients and marketed products often exceed the established minimum. A manufacturer of a standardized product containing more characterizing ingredient than is required by the standard of identity may wish voluntarily to declare the percentage of characterizing ingredient present in his product; in which case, the percentage of fruit actually present in the nonstandardized product should be stated to permit accurate comparison.

The manufacturer of a standardized food who believes that consumers are not adequately informed about the fruit content of his product compared to nonstandardized products may declare the fruit content. A proposal to establish a uniform method for such declarations was published in the FEDERAL REGISTER of June 14, 1974 (39 FR 20885).

The Commissioner therefore proposes that the method established in § 102.1(b) of the regulations be used without modification for the declaration of the percentage of fruit ingredient in the final product.

The Commissioner is also of the opinion that the qualifying statement, "_____% fruit," as suggested by the two manufacturers discussed above, would be misleading if the percentage were based solely on the actual weight of input fruit, ignoring any processing necessary to achieve the finished product, e.g., concentration or dilution. In such cases, the actual weight of input fruit would have to be adjusted for the percentage declaration accurately to reflect the percentage of fruit in the finished product.

The Commissioner proposes that the percentage of fruit in the final product be determined by using the following formula which is based on the weight of the fruit ingredient used (weight of input fruit or weight of fruit based on the juice used) divided by the weight of the finished batch (yield weight). Thus, the formula proposed is as follows:

$$\frac{\text{Weight of fruit ingredient (or equivalent)} \times \text{Percent soluble solids in the finished product}}{\text{Total weight of soluble solids before concentration or dilution} \times 100 - \text{Percentage of fruit ingredient in finished product}}$$

Products that meet the requirements of the standards of identity for jams and jellies, 45 parts fruit plus 55 parts sweetener ingredient, will contain about 50 percent fruit when the percentage of fruit in the finished product is calculated by the proposed formula, based on the soluble solids content of the fruit and finished product.

The Commissioner advises that this proposed formula is useful only for determining the percentage of fruit in the finished product and cannot be applied to both fruit and nonfruit ingredients.

Since the calculation of the percentage of fruit is based on the ratio of the weight of input fruit (based on a constant soluble solids content for the fruit) to yield weight (based on the adjustment of the total soluble solids of the mix to a specific soluble solids content in the final product), the application of the formula to the calculation of the percentage of each ingredient in the finished product would result in an apparent total of more than 100 percent when the mix is concentrated and less than 100 percent when the mix is diluted to achieve the final product.

The Commissioner also proposes that the percentage declaration of the fruit content should be stated in 10-percent increments, i.e., "less than 10 percent", "10 percent", "20 percent", etc., expressed as a multiple of 10 not greater than the percentage of fruit in the product.

Utilization of 10-percent increments based on an average soluble solids content of the fruit ingredient allows for natural variations in the actual soluble solids content of the fruit ingredients and for analytical limitations. The Commissioner is of the opinion that manufacturers, using reasonable controls and operating in accordance with good manufacturing practices, will be able to label their products accurately using the 10-percent increments.

The Commissioner is aware that the percentage declaration for those products for which a common or usual name is prescribed presents a problem of enforcement, in that analytical means alone may not be sufficient to determine the accuracy of such a percentage declaration. However, such analytical problems have existed for years, and experience suggests that through the use of a combination of establishment inspections and product analyses, it will be possible to enforce this regulation in the same manner as are the requirements for a particular fruit content of standardized jams and jellies.

A food that substitutes for and resembles another food is required to be labeled as an imitation of that food, in accordance with section 403(e) of the act (21 U.S.C. 343(e)) and § 1.8(e) of the regulations (21 CFR 1.8(e)), unless it is nutritionally equivalent to the food for which it substitutes and which it resembles. However, in accordance with § 1.8 (e)(4) a nonstandardized fruit flavored sweetened spread would not be nutritionally inferior to a standardized jam, jelly, or preserve because the standardized foods do not contain measurable amounts of any essential nutrient, i.e., at least 2 percent of the U.S. Recommended Daily Allowance. Therefore, no requirements are established in this proposed regulation to define nutritional equivalence to standardized jams, jellies, or preserves.

The Commissioner proposes to make the regulation effective for products shipped in interstate commerce after December 31, 1977.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. The Commissioner has also carefully considered the inflation impact of the proposed regulation and no major inflation impact has been found, as defined in Executive Order 11821, OMB circular A-107, and interim guidelines issued April 1, 1975 by the Department of Health, Education, and Welfare. Copies of the FDA environmental and inflation impact assessments are on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403, 701(a), 52 Stat. 1041 as amended, 1047–1048 as amended, 1055 (21 U.S.C. 321(n), 343, 371(a))) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 102 be amended in Subpart B by adding a new section to read as follows:

§ 102.24 Fruit flavored sweetened spreads.

(a) The common or usual name of a fruit flavored sweetened spreadable food that fails to conform to a definition and standard of identity established in Part 29 of this chapter and that contains no fruit or less fruit than is required by the standard of identity shall be "sweetened spread."

(b) The characterizing flavor of the food shall be declared in accordance with § 1.12(i) of this chapter. For purposes of § 1.12(i)(1)(i) of this chapter, such a food is considered to have an amount of characterizing ingredient insufficient to characterize the food independently. If a generic term is used pursuant to § 1.12 (i)(3)(iii) of this chapter in lieu of naming each flavor, the term used shall be "mixed fruit."

(c) The common or usual name of a food described in paragraph (a) of this section that contains fruit shall include a statement of the percentage of the fruit ingredient(s) in the manner set forth in § 102.1(b). The percentage of each fruit ingredient, which shall be identified by its common or usual name, shall be declared in 10-percent increments, expressed as a multiple of 10 not greater than the actual percentage of the fruit ingredient in the product, except that the percentage of a fruit ingredient constituting less than 10 percent of the product shall be declared in the statement as "less than 10" percent.

(1) Products containing more than one fruit ingredient and declaring the characterizing flavor as "mixed fruit" pursuant to paragraph (b) of this section shall declare the percentage of the total fruit content.

(2) Products containing more than one fruit ingredient and declaring each characterizing flavor separately shall declare the percentage of the total fruit content, which shall be followed in parentheses by a statement of the percentage of each fruit ingredient, identified by its common or usual name.

(d) The common or usual name of a food described in paragraph (a) of this section that contains no fruit shall include the statement required by § 102.1 (c)(1) if the color of the food creates the impression that fruit is present or if the labeling of the food represents, suggests, or implies that fruit may be present, e.g., the product label bears the name or a variation of the name or any pictorial representation of any fruit. The blank in the statement required by § 102.1(c)(1) shall be filled in with the common or usual name of the appropriate fruit, or with the word "fruit" where the presence of more than one fruit is represented, suggested, or implied.

(e) For purposes of paragraph (c) of this section, the percentage of the fruit ingredient in the finished product is calculated by multiplying the weight of the fruit ingredient or equivalent used (if fruit juice is used, the equivalent weight of the fruit ingredient is determined by the method prescribed in paragraph (e)(3) of this section) by the percentage of soluble solids in the finished product (as determined by the method prescribed in paragraph (e)(1) of this section), dividing the product by the total weight of soluble solids before concentration or dilution (as determined by the method prescribed in paragraph (e)(2) of this section) and multiplying the quotient by 100, as follows:

$$\frac{\text{Weight of fruit ingredient (or equivalent)} \times \text{Percent soluble solids in the finished product}}{\text{Total weight of soluble solids before concentration or dilution}} \times 100 = \text{Percentage of fruit ingredient in finished product.}$$

(1) The soluble solids content of the finished product shall be determined by the method prescribed in the "Official Methods of Analysis of the Association of the Official Analytical Chemist" 12th Ed., 1975, section 22.019, "Insoluble Matter Absent."

(2) The total weight of the soluble solids in the product before concentration or dilution shall be the sum of the weight of the soluble solids contributed by the saccharine ingredient, the weight of the soluble solid contributed by the fruit ingredient, and the weight of soluble solids contributed by any other ingredients. The weight of soluble solids contributed by the fruit ingredient shall be the soluble solids content of the specified fruit calculated as the reciprocal of the factor given for that fruit in § 29.2 (c) of this chapter. For example, the average solids content of strawberries is 0.08, or 8 percent (the reciprocal of 12.5 as given in § 29.2(c) of this chapter); thus, 5 pounds of strawberries are equivalent to 0.40 pound of soluble solids.

(3) The equivalent weight of fruit ingredient when such ingredient is a fruit juice, whether concentrated, unconcentrated, or diluted, shall be determined by the following method: Determine the percentage of soluble solids in the fruit

juice ingredient by the method for soluble solids referred to in paragraph (e) (2) of this section; multiply the percentage of soluble solids so found by the weight of the fruit juice ingredient; from the product, subtract the weight of any added sugar or other added solids; and multiply the remainder by the factor for such fruit ingredient as given in § 29.2 (c) of this chapter. The result is the weight of fruit ingredient equivalent to the amount of fruit juice used. For example: [(percent soluble solids in fruit juice × weight of fruit juice used) − (weight of nonfruit soluble solids)] × [factor from § 29.2(c) of this chapter] = equivalent weight of the fruit ingredient.

Interested persons may, on or before January 12, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

It is hereby certified that the economic and inflationary effects of this proposal have been carefully evaluated in accordance with Executive Order No. 11821.

Dated: November 5, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-30269 Filed 11-10-75;8:45 am]

[21 CFR Parts 600, 610, 640]

[Docket No. 75N-0312]

BIOLOGICAL PRODUCTS

Additional Standards for Single Donor Plasma (Human) Products

The Commissioner of Food and Drugs is proposing to amend Part 640—Additional Standards For Human Blood and Blood Products (21 CFR Part 640) by adding a new Subpart D, which prescribes standards for single donor plasma products. Interested persons have until January 12, 1975, to submit comments.

Pursuant to section 351 of the Public Health Service Act, each manufacturer of single donor plasma products used for the prevention, treatment, and cure of diseases or injuries of man must be licensed before marketing the products in interstate commerce. Licenses for establishments manufacturing the plasma may be issued only upon a showing that the particular establishment will produce plasma that is safe, pure, potent and effective. Currently, licensing for the production and distribution of single donor plasma products is guided primarily by uncodified standards originally developed in 1954, and published by the Department of Health, Education, and Welfare as "Minimum Requirements: Single Donor Plasma (Human)."

The Bureau of Biologics, Food and Drug Administration, has been reviewing licenses for plasma products for the purpose of revising older standards of production and testing. The proposed additional standards, set forth below, include many of the provisions of the uncodified standards together with changes and additions that reflect more recent experience and scientific knowledge in the field.

Single Donor Plasma (Human) is the fluid portion of one unit of human blood intended for intravenous use which, in a closed system, has been collected, stabilized against clotting and separated from the cells. The manner in which Single Donor Plasma (Human) is processed determines the uses and names by which it is known. Single Donor Plasma (Human) may be used for the treatment of hypovolemia. When plasma is fresh frozen to preserve coagulation Factors V, VIII (antihemophilic factor) and IX, it is known as Single Donor Plasma (Human) Fresh Frozen and may be used for treatment of specific clotting factor deficiencies. Plasma that is platelet rich is known as Single Donor Plasma (Human) Platelet Rich and is used in the treatment of thrombocytopenia, a condition in which the number of platelets may be inadequate to prevent bleeding. In addition, plasma that is processed to remove the antihemophilic factor, the platelets, or both is known as Single Donor Plasma (Human) AHF Removed, Single Donor Plasma (Human) Platelets Removed, and Single Donor Plasma (Human) Platelets and AHF Removed, respectively, which also may be used in the treatment of hypovolemia. Proposed § 640.34 prescribes nomenclature and requirements for these single donor plasma products.

Presently, Single Donor Plasma (Human) may be collected in an open system in which the blood and plasma containers are entered during processing, provided that a continuing check on sterile technique is conducted to reduce the risk of contamination. However, due to technological advances and increased availability of equipment, most blood-banking establishments have voluntarily converted to a closed system in which the blood and plasma containers are not entered during processing except for performance of the phlebotomy. The closed system all but eliminates the possibility of environmental contamination, thereby negating the need for a continuing check on sterile technique, and yields a product less likely to be contaminated than that collected and prepared in an open system.

To promote the manufacture of a consistently safe and effective product, proposed § 640.30, concerning the proper name and definition of the product, requires that blood collection, stabilization against clotting, and separation of plasma be conducted in a closed system.

Occasionally, Single Donor Plasma (Human) may be collected in excess of thereapeutic needs or may become outdated as a result of the need for blood banks to maintain sufficient inventory to cover emergency needs. Such outdated plasma must be disposed of, or it may be use for the manufacture of blood derivatives and reagents. Accordingly, proposed § 640.36 prescribes labeling requirements for such plasma known as Recovered Plasma (Human) from single donor plasma, i.e., plasma diverted for further manufacture into blood derivaties and reagents. The proposed standards for Single Donor Plasma (Human) do not otherwise apply to Recovered Plasma (Human) for which standards will be proposed at another time.

The Commissioner also proposes to amend § 600.15 *Temperatures during shipment* (21 CFR 600.15) and § 610.53 *Dating periods for specific products* (21 CFR 610.53) to prescribe shipping temperatures and dating periods for single donor plasma products, including Recovered Plasma (Human) from single donor plasma. The Commissioner has concluded that single donor plasma products will retain their safety, purity, potency and effectiveness for the entire length of their respective dating periods when the products are maintained at the temperatures proposed in §§ 600.15 and 610.53.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action would not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. The Commissioner has also carefully considered the inflation impact of the proposed regulation and no major inflation impact has been found, as defined in Executive Order 11821, OMB Circular A-107, and interim guidelines issued April 1, 1975, by the Department of Health, Education, and Welfare. Copies of the FDA environmental and inflation impact assessments and other pertinent background data on which the Commissioner relies in proposing this regulation are on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Public Health Service Act (sec. 351, 58 Stat. 702, as amended (42 U.S.C. 262)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Chapter I of Title 21 of the Code of Federal Regulations be amended as follows:

PART 600—BIOLOGICAL PRODUCTS: GENERAL

1. In § 600.15(a) by deleting the item "Single Donor Plasma (Human), Frozen" and adding alphabetically seven new items to read as follows:

§ 600.15 Temperatures during shipment.

* * * * *

(a) *Products.*

Product	*Temperature*
* * *	* * *
Single Donor Plasma (Human).	−18° C or colder.
Single Donor Plasma (Human) AHF Removed.	Do.
Single Donor Plasma (Human) Fresh Frozen.	Do.

Product	Temperature
Single Donor Plasma (Human) Platelets Removed.	Do.
Single Donor Plasma (Human) Platelets and AHF Removed.	Do.
Single Donor Plasma (Human) Platelet Rich.	1° to 10° C or 20° to 24° C.
Recovered Plasma (Human) from single donor plasma.	—5° or colder.

PART 610—GENERAL BIOLOGICAL PRODUCTS STANDARDS

2. In § 610.53 by revising the dating period and storage temperature requirements for the item "Single Donor Plasma (Human)" and by adding alphabetically six new items to read as follows:

§ 610.53 Dating periods for specific products.

* * * * * * * * * * *

Single donor plasma (human)	5 years (—18° C or colder). § 610.51 does not apply.
Single donor plasma (human) AHF removed.	Do.
Single donor plasma (human) fresh frozen.	1 year (—18° C or colder). § 610.51 does not apply.
Single donor plasma (human) platelets removed.	5 years (—18° C or colder). § 610.51 does not apply.
Single donor plasma (human) platelets and AHF removed.	Do.
Single donor plasma (human) platelet rich.	72 hours (20° to 24° C or within a 2° range between 1° and 6° C). § 610.51 does not apply.
Recovered plasma (human) from single donor plasma.	In lieu of an expiration date, the collection date shall appear on the label. The product shall be stored at —18° C.

PART 640—ADDITIONAL STANDARDS FOR HUMAN BLOOD AND BLOOD PRODUCTS

3. In Part 640 by adding a new Subpart D, consisting of seven new sections, to read as follows:

Subpart D—Single Donor Plasma (Human)

Sec.

Subpart D—Single Donor Plasma (Human)

§ 640.30 Single Donor Plasma (Human).

(a) *Proper name and definition.* The proper name of this product shall be Single Donor Plasma (Human). The product is defined as the fluid portion of one unit of human blood intended for intravenous use, which, in a closed system, has been collected, stabilized against clotting, and separated from the cells.

(b) *Source.* (1) Single Donor Plasma (Human) shall be obtained by plasmapheresis or by separating plasma from blood collected from whole blood donors.

(2) Single Donor Plasma (Human) may be obtained from a unit of Whole Blood (Human) collected by another licensed establishment.

§ 640.31 Suitability of donors.

(a) Whole blood donors shall meet the criteria for donor suitability prescribed in § 640.3.

(b) Plasmapheresis donors shall meet the criteria for donor suitability prescribed in § 640.63, excluding the phrase "other than malaria" in paragraph (c) (9) of that section. Informed consent shall be required as prescribed in § 640.61.

(c) Donors shall not be suitable if they are known to have been immunized by injection with human red blood cells or blood group substances.

§ 640.32 Collection of source material.

(a) Whole blood shall be collected as prescribed in § 640.4, except that paragraphs (d) (2) and (h) of that section shall not apply. Whole blood intended for Single Donor Plasma (Human), Single Donor Plasma (Human) Fresh Frozen, and Single Donor Plasma (Human) AHF Removed shall be maintained within a 2-degree range between 1° and 6° C until the plasma is removed. Whole blood intended for Single Donor Plasma (Human) Platelet Rich, Single Donor Plasma (Human) Platelets Removed and Single Donor Plasma (Human) Platelets and AHF Removed shall be maintained as prescribed in § 640.24 until the platelets are removed. The red blood cells shall be placed in storage at a 2-degree range between 1° and 6° C immediately after the platelets are separated.

(b) Plasma obtained by plasmapheresis shall be collected as prescribed in §§ 640.62, 640.64 (except that paragraph (c) (3) of that section shall not apply), and 640.65.

§ 640.33 Testing the blood.

(a) Blood from which plasma is separated shall be tested as prescribed in § 610.40 of this chapter and § 640.5(a), (b), (c), and (e).

(b) Pilot samples shall be collected as prescribed in § 640.69(d) and shall accompany the final product.

(c) Manufacturers of Single Donor Plasma (Human) collected by plasmapheresis shall have testing and recordkeeping responsibilities equivalent to those prescribed in § 640.69(f) and (g).

§ 640.34 Processing.

(a) *Single Donor Plasma (Human).* Single Donor Plasma (Human) shall be separated from the red blood cells within 26 days after phlebotomy, and shall be stored at —18° C or colder within 4 hours after transfer to the final container.

(b) *Single Donor Plasma (Human) Fresh Frozen.* Single Donor Plasma (Human) Fresh Frozen shall be prepared from blood collected by a single uninterrupted venipuncture with minimal damage to and minimal manipulation of the donor's tissue. The plasma shall be separated from the red blood cells, frozen within 6 hours after phlebotomy, and stored at —18° C or colder.

(c) *Single Donor Plasma (Human) Platelet Rich.* Single Donor Plasma (Human) Platelet Rich shall be prepared from blood collected by a single uninterrupted venipuncture with minimal damage to and minimal manipuation of the donor's tissue. The plasma shall be separated from the red blood cells by centrifugation within 4 hours after phlebotomy. The time and speed of centrifugation shall have been shown to produce a product with at least 250,000 platelets and no more than 20,000 red blood cells per cubic milliliter. The plasma shall be stored between 20° and 24° C, or within a 2-degree range between 1° and 6° C, immediately after filling the final container.

(d) *Single Donor Plasma (Human) Platelets Removed.* Single Donor Plasma (Human) Platelets Removed shall be the plasma product remaining after Platelet Concentrate (Human) has been removed as prescribed in Subpart C of this Part 640. Immediately after removal of the Platelet Concentrate (Human), the plasma shall be stored at —18° C or colder.

(e) *Single Donor Plasma (Human) AHF Removed.* Single Donor Plasma (Human) AHF Removed shall be the plasma product remaining after Cryoprecipitated Antihemophilic Factor (Human) has been removed as prescribed in Subpart F of this Part 640. Immediately after removal of the Cryoprecipitated Antihemophilic Factor (Human), the plasma shall be stored at —18° C or colder.

(f) *Single Donor Plasma (Human) Platelets and AHF Removed.* Single Donor Plasma (Human) Platelets and AHF Removed shall be the plasma product remaining after Platelet Concentrate (Human) and Cryoprecipitated Antihemophilic Factor (Human) have been removed as prescribed in Subparts C and F, respectively, of this Part 640. Immediately after removal of the Platelet Concentrate (Human) and the Cryoprecipitated Antihemophilic Factor (Human), the plasma shall be stored at —18° C or colder.

(g) *The final container.* (1) The final container shall be colorless and transparent to permit visual inspection of the contents; any closure shall maintain a hermetic seal and prevent contamination of the contents.

(2) The final container material shall not interact with the contents, under the customary conditions of storage and use,

in such a manner as to have an adverse effect upon the safety, purity, potency and effectiveness of the product.

(3) Prior to filling, the final container shall be identified by number so as to relate it to the donor.

(h) *The final product.* (1) The final product shall be inspected immediately after separation of the plasma and shall not be issued for transfusion if there is (i) any abnormality in color or physical appearance, (ii) any indication of contamination, or (iii) more than 25 milligrams hemoglobin per 100 milliliters of plasma as determined by gross inspection.

(2) With the exception of Single Donor Plasma (Human) Platelet Rich, the final product shall be stored in a manner that will show evidence of thawing and shall not be issued if at the time of tissue there is any evidence of thawing of the product or breakage of the container during storage.

(3) The final product shall not contain a preservative.

§ 640.35 Labeling.

In addition to the applicable labeling requirements of § 610.62 of this chapter and in lieu of the requirements of §§ 610.60 and 610.61 of this chapter, the container labels for Single Donor Plasma (Human) products shall bear the following informaiton:

(a) The proper name of the product, using the nomenclature as set forth in § 640.34.

(b) The volume of source blood and plasma and the volume and type of anticoagulant present in the source blood from which the product was prepared.

(c) Blood group designations of the source blood.

(d) Donor number.

(e) Expiration date.

(f) Type of serologic test for syphilis used and the results.

(g) Type of test for hepatitis B surface antigen used and the results.

(h) Type of test for unexpected antibodies, if performed, and the results.

(i) Instructions to store the product as prescribed in § 610.53 of this chapter.

(j) A warning against further processing of frozen product if there is evidence of breakage or thawing.

(k) Instructions to thaw frozen product at a temperature between 30° and 37° C.

(l) Instructions to use the product within 2 hours after thawing.

(m) Instructions to use a filter in the administration equipment.

(n) Recommendation for administration to group compatible recipients.

(o) When applicable, a statement that the product should not be used in the treatment of coagulation defects requiring labile plasma factors.

(p) A statement to see the instruction circular for directions for use.

(q) The statement, "Caution: Federal Law prohibits dispensing without prescription."

(r) Name, address, and license number of the manufacturer.

(s) Where plasma has been prepared from whole blood processed by another licensed establishment, such fact, and the name, address, and license number of the establishment.

§ 640.36 Plasma diverted for further manufacture.

Single Donor plasma (Human) products conforming to the requirements of this subpart and outdated Single Donor Plasma (Human) products may be used for further manufacture into blood derivatives or reagents: *Provided*, That

(a) The final container has not been entered since the product was prepared.

(b) The product has been stored continuously at the temperature prescribed in § 610.53 of this chapter, except that within 72 hours from the time of phlebotomy, Single Donor Plasma (Human) Platelet Rich shall be stored at −18° C or colder.

(c) The original label is covered with a permanent paste-on label containing:

(1) The proper name of the product, Recovered Plasma (Human) from single donor plasma.

(2) The volume of the source blood and plasma and the volume and type of anticoagulant present in the source blood from which the product was prepared.

(3) Donor number.

(4) Collection date of source blood.

(5) Type of test for hepatitis B surface antigen used and the results.

(6) The statement, "Do not Administer—For Manufacturing Use Only," prominently displayed.

(7) When applicable, a statement indicating that Cryoprecipitated Antihemophilic Factor has been removed.

(8) Name, address, and license number of the manufacturer.

Interested persons may, on or before January 12, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the day through Friday.

It is hereby certified that the economic and inflationary effects of this proposal have been carefully evaluated in accordance with Executive Order No. 11821.

Dated: November 5, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc. 75-30271 Filed 11-10-75; 8:45 am]

[21 CFR Parts 610, 660]

[Docket No. 75N-0308]

BIOLOGICAL PRODUCTS

Additional Standards for Reagent Red Blood Cells

The Commissioner of Food and Drugs is proposing to amend Parts 610 and 660 (21 CFR Parts 610 and 660), by amending § 610.53 *Dating periods for specified products* (21 CFR 610.53) and by adding a new Subpart D, which prescribes standards for Reagent Red Blood Cells, to Part 660. Interested persons have until January 12, 1976, to submit comments.

Reagent Red Blood Cells (Human) is a preparation of human red blood cells used to detect or identify human blood group antibodies. Section 351 of the Public Health Service Act (58 Stat. 702 (42 U.S.C. 262)) requires that each manufacturer of Reagent Red Blood Cells (Human) be licensed before marketing it in interstate commerce. Licenses for establishments manufacturing the reagents are issued only after the particular establishment has demonstrated that it is capable of manufacturing a product that is safe, pure, potent, and efficacious. Currently, licensing for the production and distribution of Reagent Red Blood Cells (Human) is guided by uncodified standards published in 1961 by the Department of Health, Education, and Welfare, as "Tentative Control Procedures: Reagent Red Blood Cells (Human)."

The Bureau of Biologics of the Food and Drug Administration has been reviewing many licensed products, including Reagent Red Blood Cells (Human), to revise and update older standards of production and testing for publication as formal codified additional standards in the Code of Federal Regulations. The proposed additional standards below for red blood cells prepared as diagnostic reagents include many of the provisions of the published uncodified standards; they also contain changes and additions that reflect more recent scientific experience and developments.

Before a transfusion is given, precautions must be taken to ensure that the blood of the donor and that of the recipient are compatible, i.e., there are no antibodies in the plasma of the recipient that are reactive with the equivalent antigens on the donor's red blood cells. The effect of an incompatible transfusion upon the recipient varies, but a severe or even fatal reaction may result. Transfusion of an ABO incompatible unit of blood is particularly dangerous to the recipient, since the antibodies in the recipient's plasma are usually capable of causing the rapid destruction of transfused red blood cells containing the corresponding antigens. A person having Rh negative blood, on the other hand, may be sensitized, i.e., stimulated to produce antibodies, by an initial transfusion with Rh positive blood; or in the case of a pregnant Rh negative woman, by bearing an Rh positive fetus, but she would suffer no apparent ill effects at the time of transfusion or during the first pregnancy. However, any subsequent transfusion with Rh positive blood could cause a severe or even fatal reaction. Serious reactions due to incompatibility of other blood group systems are less common.

For these reasons, the blood of a donor and recipient must be tested to ensure the proper selection of compatible blood for transfusion. The tests include ABO

and Rh grouping tests and screening tests for unexpected antibodies. Unexpected antibodies may occur in persons who, through pregnancy or previous transfusion, have been exposed to immunogens that their own red blood cells do not possess, or such antibodies may appear in individuals whose antibody-producing process has been affected so that antibodies are produced that react with the body's own tissue.

Reagent Red Blood Cells (Human) is a preparation of red blood cells prepared from human peripheral blood or human umbilical cord blood, which has been obtained from one or more donors known either to possess or lack certain blood group antigens. The product is used as an in vitro diagnostic reagent to detect and identify antibodies in human serum or plasma as determined by the agglutination or hemolysis resulting when unknown serum antibodies react with the corresponding known antigens on the red blood cells contained in the reagent. The reagent product may be prepared and packaged in the form of a cell panel, which is a group of vials of red blood cell suspensions, each vial containing distinctive cell types. The cell panel is used to identify one or more presently known antibodies, depending upon the diversity of the different cell types represented in the cell panel.

Licensed Reagent Red Blood Cells (Human) is usually marketed in small containers with labels containing information prescribed under Chapter I of Title 21 of the Code of Federal Regulations, in addition to the information prescribed in proposed § 660.35 *Labeling* (21 CFR 660.35). Therefore, to provide additional space on the container label for the information required, the Commissioner proposes to delete reference to the source "(Human)" from the proper name of the product. The Commissioner concludes that such change of the proper name will not affect the safe use of the product, since it is consistent with a clear understanding of the identity of the reagent that the source of the reagent is human red blood cells.

The labeling of Reagent Red Blood Cells must accurately identify the presence or absence of antigens for which identity tests have been performed, so that laboratory personnel are able to determine the presence and identity of unknown antibodies in the serum being tested. In the past, manufacturers of the reagents have been permitted to identify on the labeling certain antigens based on inferential evidence, such as concluding on the basis of experience that "e" antigen is present when a related antigen, "E" antigen, is absent. This practice has, for the most part, been voluntarily abandoned by the industry and replaced with more definitive serological testing, since conclusions from inferential evidence have been shown to be unreliable. Accordingly, the proposed standards require in § 660.33 *Testing of source material* (21 CFR 660.33) that a test for all antigens specified in the labeling be conducted by the manufacturer to confirm identification of all blood group antigens.

Different lots of reagents intended for determining the presence and identification of antibodies of the same blood group systems may contain different combinations of cell types. To facilitate identification of antibodies during a testing procedure, it is necessary that the cell types in each lot of product be identified by an antigenic constitution matrix corresponding to the cell types in the reagent. Accordingly, in addition to a package insert, which relates to the product in general, § 660.35 *Labeling* (21 CFR 660.35) also requires in paragraph (f) that manufacturers include an antigenic constitution matrix, which is intended to identify the specific lot of product and the blood group antigens specified present or absent.

The determining factor for detecting and identifying the presence of antibodies in blood serum by the use of Reagent Red Blood Cells is the agglutination or hemolysis, which results when the unknown antibodies in the serum react with the corresponding known antigens on the red blood cells of the reagent. This reaction becomes less distinct as the product becomes older and loses potency. As a matter of good blood-banking practice, quality control tests should be periodically conducted to asses the ability of the reagent cells to distinctly react with weak antibodies. In light of the short dating period for Reagent Red Blood Cells, the Commissioner has determined that it would be impractical to require the submission of a representative sample of each lot of Reagent Red Blood Cells to the Director of the Bureau of Biologics for approval before marketing each lot. Instead, proposed § 660.36(a) *Samples and protocols* (21 CFR 660.36 (a)) requires that samples and protocols be submitted to the Bureau after each annual inspection, as required by § 600.21 (21 CFR 600.21). Such samples will be tested by the Bureau to confirm the accuracy of testing by the manufacturer, as well as to confirm the continued ability of the product to consistently and effectively perform in accordance with its label claims. Additionally, proposed § 660.36(b) requires that a copy of the antigenic constitution matrix be submitted for each lot of product to the Director, Bureau of Biologics, to inform him of the composition and availability of the subject products on the market at any given time.

It is also proposed that § 610.53 be amended to (1) change the item "Reagent Red Blood Cells (Human)" to "Reagent Red Blood Cells," to be consistent with the proper name in the proposed additional standards, and (2) to extend the prescribed dating period of 21 days to 35 days, since licenses have been issued for such products in response to data, which has been confirmed by the Bureau of Biologics, reflecting that the reagents maintain their safety, purity, potency, and efficacy when stored at 2° to 8° C for 35 days.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action would not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. The Commissioner has also carefully considered the inflation impact of the proposed regulation and no major inflation impact has been found, as defined in Executive Order 11821, OMB circular A-107, and interim guidelines issued April 1, 1975 by the Department of Health, Education, and Welfare. Copies of the FDA environmental and inflation impact assessments and other pertinent background data on which the Commissioner relies in proposing this regulation are on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Public Health Service Act (sec. 351, 58 Stat. 702, as amended (42 U.S.C. 262)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Subchapter F of Chapter I of Title 21 of the Code of Federal Regulation in Parts 610 and 660 as follows:

1. Part 610 is amended in § 610.53 by revising the listing "Reagent Red Blood Cells (Human)" to read as follows:

§ 610.53 Dating periods for specified products.

* * * * *

Reagent Red Blood Cells, 35 days. § 610.51 does not apply.

* * * * *

2. Part 660 is amended as follows:

a. By adding to the table of contents the following entries:

Subpart D—Reagent Red Blood Cells

Sec.
660.30 Reagent Red Blood Cells.
660.31 Suitability of the donor.
660.32 Collection of the source material.
660.33 Testing of source material.
660.34 Processing.
660.35 Labeling.
660.36 Samples and protocols.

b. By adding a new Subpart D to read as follows:

Subpart D—Reagent Red Blood Cells

§ 660.30 Reagent Red Blood Cells.

(a) *Proper name and definition.* The proper name of the product shall be Reagent Red Blood Cells, which shall consist of a preparation of human red blood cells used to detect or identify human blood group antibodies.

(b) *Source.* Reagent Red Blood Cells shall be prepared from human umbilical cord blood or human peripheral blood meeting the criteria of §§ 660.31 and 660.32.

§ 660.31 Suitability of the donor.

Reagent Red Blood Cell donors shall meet the criteria for donor suitability prescribed under § 640.3 of this chapter, except that paragraphs (b)(5) and (6), (d), and (e) of § 640.3 shall not apply.

§ 660.32 Collection of source material.

Blood for Reagent Red Blood Cells shall be collected as prescribed under § 640.4 of this chapter, except that paragraphs (d), (g), and (h) of § 640.4 shall not apply.

§ 660.33 Testing of source material.

A sample of each blood incorporated in the Reagent Red Blood Cell product shall be individually tested to confirm identification of all blood group antigens specified as present or absent in the labeling.

§ 660.34 Processing.

(a) *Processing method.* The processing method shall be one that has been shown consistently to yield a product that is capable of detecting antibodies corresponding to all blood group antigens specified as present in the labeling throughout the dating period.

(b) *Red blood cell concentration.* Each lot of final product shall have a red blood cell concentration of not less than 2 percent.

(c) *Products prepared from pooled red blood cells.* At least 50 percent of the red blood cells in a final product prepared from pooled red blood cells shall be positive for the antigens claimed on the labeling.

(d) *Absence of antibodies.* Each lot of final product shall be free of demonstrable antibodies.

(e) *Final containers.* The final containers used for each lot of product shall be sterile, colorless, and transparent. Color coding of the product, labels, and container caps or droppers supplied with the product shall not be used.

(f) *Date of manufacture.* The date of manufacture of the product shall be the date that the blood with withdrawn from the donor. If the product consists of red blood cells from two or more donors, the date of manufacture of the final product shall be the date of withdrawal of blood from the donor of the oldest constituent blood. When a product consists of more than one vial, e.g., cell panel, the date of manufacture of each vial of the product shall be the earliest date that blood was withdrawn from the donor for any vial in the product.

(g) *Retention samples.* Retention samples shall be maintained as required by § 600.13 of this chapter, except that samples may be retained only throughout the dating period of the product.

§ 660.35 Labeling.

In addition to the items required by § 328.10 of this chapter and other applicable labeling provisions of this chapter, the following information shall be included in the labeling:

(a) The container and package labels shall indicate the percentages of red blood cells in the suspension either as a discrete figure or as a range, the extremes of which differ by no more than 2 percent.

(b) The words "pooled cells" shall appear on the container and package labels of products prepared from pooled cells. The number of donors contributing to the pool shall be specified in the package insert.

(c) The package label shall state the blood group antigens specified present or absent, or refer to such information in an accompanying antigenic constitution matrix.

(d) The package label and package insert shall bear the cautionary statement, "The reactivity of the product may decrease during the dating period."

(e) The package insert shall provide adequate instructions for use.

(f) An antigenic constitution matrix for each lot of product shall specify all blood group antigens present or absent in each vial of the package.

(g) When a package contains more than one vial, e.g., a cell panel, the package label and the label of each vial contained in the package shall be assigned the same identifying lot number, and shall also bear a number or symbol to distinguish one vial from another. Such number or symbol shall also appear on the antigenic constitution matrix.

§ 660.36 Samples and protocols.

(a) The following shall be submitted to the Director, Bureau of Biologics, Food and Drug Administration, 800 Rockville Pike, Bethesda, MD 20014, within 30 days after each annual inspection by the Bureau of Biologics personnel.

(1) A sample of each size vial of each product manufactured and packaged as for distribution. The sample shall have at least 14 days remaining on the dating period when shipped.

(2) A protocol consisting of the date of manufacture of the samples and the results of all tests performed before distribution of the lot from which the samples were taken.

(b) A copy of the antigenic constitution matrix specifying the antigens present or absent shall be submitted to the Director, Bureau of Biologics, at the time of initial distribution of each lot of panel cells. Products designed exclusively to identify anti-A, anti-A_1 and anti-B, as well as products composed entrely of umbilical cord cells, are excluded from this requirement.

Interested persons may, on or before January 12, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

It is hereby certified that the economic and inflationary effects of this proposal have been carefully evaluated in accordance with Executive Order No. 11821.

Dated: November 5, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-30270 Filed 11-10-75;8:45 am]

[21 CFR Part 660]

[Docket No. 75N—0313]

BIOLOGICAL PRODUCTS

Additional Standards for Blood Grouping Serum

The Commissioner of Food and Drugs is proposing to amend the biologics regulations to provide additional standards governing the manufacture of Blood Grouping Serum. The proposed effective date of the amendment is 30 days after publication of the final regulations in the FEDERAL REGISTER, except that the proposed effective date for the labeling requirements is 10 months after publication of the final regulations. Interested persons have until January 12, 1976, to comment.

The Commissioner proposed regulations, published in the FEDERAL REGISTER of November 13, 1973 (38 FR 31312), governing the manufacture of Blood Grouping Serum. Blood Grouping Serum, which consists of a sterile preparation of serum containing one or more blood grouping antibodies, is used to detect ABO, Rh-Hr, and other red blood cell antigens in blood. Interested persons were given 60 days to file written comments on the proposal.

Fifteen letters of comment were received from manufacturers and other interested persons, were carefully evaluated, and most were accepted in part or in their entirety, resulting in substantive revision of the 1973 proposed regulations. In addition, the revised regulations include requirements reflecting advances in technology and knowledge, which were not included in the 1973 proposal. Since the revised regulations are substantively different from the proposed regulations, the Commissioner has determined that the regulations should be published again as a proposal so that the final regulation will reflect the best current knowledge of all persons in the field. Accordingly, there would be little value in discussing in this preamble the comments on the 1973 proposal in great detail. The Commissioner will discuss only very briefly those substantive comments addressed to the 1973 proposal, and the new requirements concerning advances in technology and knowledge will also be highlighted.

Shortly after publication of the proposed regulations under Part 273 (21 CFR Part 273), the biologics regulations were recodified under Subchapter F, Parts 600 to 680 (21 CFR Parts 600 to 680) and the proposed regulations below reflect the recodification.

1. The Commissioner has prescribed new potency titer values in proposed § 660.25(a)(5) (21 CFR 660.25(a)(5) formerly proposed as § 273.5032(d)) concerning products for which Reference Blood Grouping Sera are not available. The new values are derived from an analysis of potency titer values of sera submitted by manufacturers to the Bureau of Biologics after publication of the 1973 proposal. These potency titer values reflect the existing capability of manufacturers to produce each specific

antiserum at a potency equal to or exceeding the proposed required potencies.

2. The 1973 proposal simplified the labeling of all blood grouping sera final containers by (i) eliminating the requirement that the proper name of the product appear on the final container label, and (ii) providing that the source of the antiserum need not appear on the final container label, unless the source is other than human. Simplification reduces the amount of printing required on the final container label so that the antibody designations can be printed in large type, thereby reducing the chance that a technologist may select the wrong container of antiserum because of difficulty in reading the small print.

Many comments lauded the Commissioner's proposal to reduce the amount of printing on the final container label. However, three comments suggested that labels be further simplified by requiring that only the Fisher-Race nomenclature for Rh antisera appear on the label, rather than both the Wiener and Fisher-Race nomenclatures, as presently required. Another six comments suggested that the antibody designations of various antisera, such as "Anti-Fy^a Serum (Anti-Duffy)," be simplified by either removing the redundant "anti" notation from the parenthetical expression or by removing the parenthetical expression entirely.

The Commissioner agrees that simplification of the antibody designation of Blood Grouping Serum will reduce the amount of printing required on the final container label without confusing the user in distinguishing one product from another. Since the Fisher-Race nomenclature for Rh antisera generally requires less space than the Wiener nomenclature, the Commissioner is of the opinion that only the Fisher-Race nomenclature for Rh antisera should be used on final container labels of Blood Grouping Sera. The Commissioner also agrees that the redundant parenthetical phrase of a blood grouping designation should be entirely deleted on such final container labels. Accordingly, proposed § 660.28 *Labeling* (21 CFR 660.28) prescribes in paragraph (d) simplified antibody designations for final container labels of Blood Grouping Sera.

3. Four comments objected to prohibiting color coding of labels since it has been safely used for over 20 years for anti-C, anti-E, anti-CD, anti-DE, and anti-c sera.

The Commissioner agrees that color coding of labels for the products suggested by the comments should be permitted. The primary purpose of the proposal to prohibit color coding of labels was to discourage the identification of a product solely by the color of its label rather than by the information on the label. However, except for blood grouping sera used in automated equipment, all blood grouping sera are packaged in volumes of 10 milliliters or less—small containers providing little space for all the necessary labeling. As indicated in item 2 of this preamble, the Commissioner proposed that certain information be removed from the container label so that the antibody designations may be printed in large type. The Commissioner is of the opinion that the type for antibody designations on blood grouping sera containers as proposed under § 660.28(a)(3) eliminates the likelihood that the product will be identified solely by the container label color. Moreover, color coding of Blood Grouping Sera container labels will serve as a practical aid to the technologist to identify expeditiously the container contents. Accordingly, proposed § 660.28(a)(1) permits color coding of certain Blood Grouping Sera final container labels.

4. The Commissioner is proposing a new provision under § 660.24(a)(2) and (c) (21 CFR 660.24(a)(2) and (c) formerly proposed as § 273.5032(a)(2) and (c)) to require the use of AB serum or bovine albumin in the prepaartion of ABO antisera and anti-D intended for potency testing by the saline tube test. The AB serum or bovine albumin is needed to retard adherence of red blood cells to the test tube during performance of the potency test, especially at higher serum dilutions.

5. In the performance of the test for nonspecific qualities, prescribed in § 660.26(b) (21 CFR 660.26(b) formerly proposed as § 273.5033(b)) the undiluted Blood Grouping Serum and the cell suspension are usually added to the test tubes with a Pasteur pipette. Since it is not critical to use exactly 0.25 milliliter, proposed § 660.26(b)(1)(i) and (ii) identify the required volumes as drops rather than as the precisely measured volume of 0.25 milliliter. Additionally, in § 660.26(b)(1)(ii), the percent concentration of cell ssupension in saline is changed from 2 percent to the percentage recommended in the product package insert. The change is made to approximate testing conditions with actual conditions of use.

6. The avidity test in proposed § 660.27(a) and (b) (21 CFR 660.27(a) and (b) formerly proposed as § 273.5034(a) and (b)) has been revised to require the use of a 40-percent suspension of red blood cells for ABO and Rh test procedures, respectively. The concentration is changed from 10 percent for ABO and 50 percent for Rh-Hr prescribed in the 1973 proposal, to approximate testing conditions with actual conditions of use.

7. Since the concentration of red blood cells has been increased from 10 percent to 40 percent for the ABO test procedure, the test may be conducted in 2 minutes, rather than in 3 minutes as proposed under § 273.5034(a)(4). Accordingly, § 660.27(a)(4) requires that at the end of 2 minutes the size of the clumps shall be recorded. To simplify the measurement of the size of the clumps, § 660.27(c)(2) requires the clump size to be no less than 1 millimeter in diameter, rather than 1 square millimeter as required in § 273.5034(c)(2).

8. The Commissioner has added a new paragraph (b)(2) to § 660.26 to require that all antisera recommended for use by the antiglobulin technique be negative for the presence of anti-Bg^a, Bg^b and Bg^c antibodies. The provision is added because serum intended for antiserum production obtained from an individual sensitized by blood transfusion may contain some leukocyte antibodies, anti-HL-A7, anti-W17 or anti-W28 which are interreactive wih red blood cell antigens Bg^a, Bg^b and Bg^c, respectively. Consequently, antiserum containing anti-HL-A7, anti-W17 or anti-W28 antibodies may yield a false positive result if the blood being tested contains the Bg^a, Bg^b and Bg^c antigens.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action would not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. The Commissioner has also carefully considered the inflation impact of the proposed regulation and no major inflation impact has been found, as defined in Executive Order 11821, OMB circular A-107, and interim guidelines issued April 1, 1975 by the Department of Health, Education, and Welfare. Copies of the FDA environmental and inflation impact assessments and other pertinent background data on which the Commissioner relies in proposing this regulation are on file with the Hearing Clerk, Food and Drug Administration.

Therefore, pursuant to the provisions of the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Part 660 as follows:

1. By amending the table of contents by adding the following:

Subpart C—Blood Grouping Serum

2. By adding a new Subpart C as follows:

Subpart C—Blood Grouping Serum

§ 660.20 Blood Grouping Serum.

(a) *Proper name and definition.* The proper name of this product shall be Blood Grouping Serum which shall consist of a sterile preparation of serum containing one or more blood grouping antibodies as set forth in § 660.28(d).

(b) *Source.* The source of this product shall be blood, plasma or serum.

§ 660.21 Processing.

(a) *Processing method.* (1) The processing method shall be one that has been shown to consistently yield a specific, potent, final product, free of properties

that would affect the product for its intended use throughout the dating period.

(2) Only that material which has been fully processed, sterile-filtered into a single vessel and thoroughly mixed in that vessel shall constitute a lot.

(3) A lot may be subdivided into clean, sterile vessels. Each subdivision shall constitute a sublot. If lots are to be subdivided, the manufacturer shall include this information in the license application. The manufacturer shall describe the test specifications to verify that each sublot is identical to other sublots of the lot and that each sublot is sterile as specified in § 610.12 of this chapter.

(4) Each lot of Blood Grouping Serum shall be identified by a lot number. Each sublot shall be identified by that lot number to which a distinctive prefix or suffix shall be added. Final container and package labels shall bear the lot number and all distinctive prefixes and suffixes that have been applied to identify the sublot from which filling was accomplished.

(b) *Color coding of antisera.* Blood Grouping Sera shall not be colored, except that anti-A may be colored blue, and anti-B may be colored yellow.

(c) *Color coding of dropper bulbs.* Dropper bulbs may be color coded to match the color of the label of each antiserum. If the dropper bulb is not color coded, it shall be black.

(d) *Final containers and dropper assemblies.* Final containers and dropper assemblies shall be sterile. For antisera for manual use, final containers and dropper pipettes shall be colorless and transparent. For antisera for automated use, final containers shall be colorless and transparent or translucent.

(e) *Volume of final product.* A final container of Blood Grouping Serum for manual use shall not contain more than 10 milliliters of the product. A final container of product for use in automated equipment shall not contain more than:

(1) 150 milliliters of product for those sera that are to be used undiluted, or

(2) 10 milliliters of product for those sera that are to be diluted for use.

(f) *Date of manufacture.* The date of manufacture shall be the date of initiation by the manufacturer of the last valid potency test reported on a protocol and submitted to the Director, Bureau of Biologics, Food and Drug Administration.

§ 660.22 Reference preparations.

The following reference Blood Grouping Sera shall be obtained from the Bureau of Biologics, Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20014, and shall be used as described in the accompanying package insert for determining the potency of Blood Grouping Sera.

Anti-A
Anti-B
Anti-D for rapid tube test
Anti-CD for saline tube test for Anti-D only
Anti-C for rapid tube test
Anti-E for rapid tube test
Anti-ē for rapid tube test

§ 660.23 Red blood cell preparations.

Fresh or frozen red blood cells may be used for preparing cell suspensions for the testing of all Blood Grouping Sera under the following conditions:

(a) Fresh red blood cells shall be used within 7 days of withdrawal from the donor.

(b) Frozen red blood cells not exceeding 3 years old may be used in the preparation of cell suspensions for testing antisera for which Reference Blood Grouping Sera are available. The period of time in which frozen red blood cells may be used in the preparation of cell suspensions for testing of antisera for which no reference Blood Grouping Sera are available shall be determined on the basis of stability data submitted to the Director, Bureau of Biologics, Food and Drug Administration, demonstrating retention of antigenic reactivity and red blood cell integrity for those antigens to be used in control testing. The method of freezing, storing and thawing red blood cells, including a description of the cryoprotective medium, shall be described in detail. Frozen red blood cells shall be used on the day of thawing.

(c) Each time frozen blood cells are thawed for use in testing antisera with Anti-Human Globulin Serum, the thawed cells shall first be tested by the direct antiglobulin technique. Only those cells found negative by thhe direct antiglobulin technique shall be used in testing antisera with Anti-Human Globulin Serum.

§ 660.24 Potency test with reference preparations.

Products for which Reference Blood Grouping Sera are available shall be tested as follows:

(a) *Test procedures for ABO Blood Grouping Serum*—(1) *Cell suspension.* (i) A 2-percent suspension of red blood cells in isotonic saline shall be prepared on the day of use. The red blood cells used shall have been washed with isotonic saline at least twice and shall result in a clear supernate.

(ii) As a minimum, the following cells shall be used:

Blood grouping serum	*Cells*
Anti-A	A_1, A,B (A,B cells from 3 different donors shall be used).
Anti-A, B	A_1, A_2, B.
Anti-B	B.

(2) *Serum dilutions.* (i) Beginning with undiluted serum, separate two-fold dilutions (1:2, 1:4, etc.) of the test serum and the reference serum shall be prepared using isotonic saline containing 1 to 2 percent AB serum or bovine albumin.

(ii) A separate clean pipette shall be used for each dilution to avoid carryover of higher serum concentrations.

(iii) For anti-A, B serum, unpooled Reference Blood Grouping Sera anti-A and anti-B shall be used.

(3) *The test.* Using cells listed in paragraph (a) (1) (ii) of this section, Reference Blood Grouping Sera anti-A and anti-B shall be tested in parallel with the test serum.

(i) Place 0.1 milliliter of each serum dilution in a separate clean test tube approximately 10x75 millimeters. Add 0.1 milliliter of the appropriate 2 percent cell suspension to each test tube.

(ii) Mix contents of each test tube thoroughly and centrifuge immediately for 1 minute at approximately 150 relative centrifugal force (rcf) or 20 seconds at approximately 1,000 rcf.

(4) *Interpretation of the test.* (i) The cell buttons of each test tube shall be gently dislodged and observed macroscopically. The reactions shall be graded as follows:

4+ Cell button remains in one clump.
3+ Cell button dislodges into several clumps.
2+ Cell button dislodges into many small clumps of equal size.
1+ Cell button dislodges into finely granular, but definite, small clumps.

(ii) Any doubtful reaction shall be recorded as negative. The potency titer value is the reciprocal of the greatest serum dilution for which the reaction is graded as 1+. The dilution caused by the addition of the cells shall not be considered as contributing to the dilution of the antiserum.

(b) *Test procedures for anti-D, anti-CD, anti-DE, anti-CDE, anti-C, anti-E and anti-ē for slide test or rapid tube test*—(1) *Cell suspensions.* (i) A 2 percent suspension of red blood cells in 11 to 15 percent bovine albumin shall be prepared on the day of use. The red blood cells used shall have been washed with isotonic saline at least twice and shall result in a clear supernate.

(ii) As a minimum, the following cells shall be used:

Blood grouping serum	*Cells (A, B, AB, or O)*
Anti-D	ccDee.
Anti-C	Ccddee and CcDEE or CCDEE or CCdEE.
Anti-E	ccddEe.
Anti-ē	CcDEe.
Anti-CD	ccDee, Ccddee.
Anti-DE	ccDee, ccddEe.
Anti-CDE	ccddEe, ccDee, Ccddee.

(2) *Serum dilutions.* (i) beginning with undiluted serum, separate two-fold dilutions (1:2, 1:4, etc.) of the test serum and the reference serum shall be prepared using 20 to 22 percent bovine albumin.

(ii) A separate clean pipette shall be used for each dilution to avoid carryover of higher serum concentrations.

(iii) for test sera containing multiple antibodies, e.g., anti-CDE, the corresponding unpooled Reference Blood Grouping Sera shall be used.

(3) *The test.* Using cells listed in paragraph (b) (1) (ii) of this section, Reference Blood Grouping Sera shall be tested in parallel with the test sera.

(i) Place 0.1 milliliter of each serum dilution in a separate clean test tube approximately 10 x 75 millimeters. Add 0.1 milliliter of the appropriate 2 percent cell suspension to each test tube.

(ii) Mix contents of each test tube thoroughly and incubate test tubes at 37° C for 1 hour.

(iii) Centrifuge test tubes for 2 minutes at approximately 150 relative centrifugal force (rcf) or for 45 seconds at approximately 1,000 rcf.

(4) *Interpretation of the test.* The interpretation of the test shall be the same as described in paragraph (a)(4) of this section.

(c) *Test procedure for anti-D for saline tube test.* The test procedure shall be the same as that described in paragraph (b)(1) through (4) of this section except that the 2 percent suspensions of red blood cells and the two-fold serum dilutions shall be made in isotonic saline containing 1 to 2 percent AB serum or bovine albumin.

(d) *Potency requirements.* Products for which Blood Grouping Sera are available shall have a potency titer value at least equal to that of the reference sera.

§ 660.25 Potency test without reference preparations.

Products for which Reference Blood Grouping Sera are not available shall be tested as follows:

(a) *Products recommended for tube tests*—(1) *Cell suspensions.* (i) A 2 percent suspension of red blood cells in isotonic saline or in AB serum shall be prepared on the day of use. The red blood cells used shall have been washed with isotonic saline at least twice and shall result in a clear supernate.

(ii) As a minimum, two group O red blood cells that are heterozygous for the antigen corresponding to the test antibody shall be used. If heterozygous phenotypes are not available, other cells may be used as described in the manufacturer's license application.

(2) *Serum dilutions.* (i) Beginning with undiluted serum, separate two-fold dilutions (1:2, 1:4, etc.) of the test serum and the reference serum shall be prepared using isotonic saline or AB serum.

(ii) A separate clean pipette shall be used for each dilution to avoid carryover of higher serum concentrations.

(3) *The test.* (i) Place 0.1 milliliter of each serum dilution in a separate clean test tube approximately 10x75 millimeters. Add 0.1 milliliter of the appropriate cell suspension to each test tube.

(ii) Mix contents of each test tube thoroughly and incubate test tubes at the temperature and for the length of time recommended in the manufacturer's package insert for the product.

(iii) Perform antiglobulin test, if required in the manufacturer's package insert for the product.

(iv) Centrifuge test tubes according to the instructions in the manufacturer's package insert.

(4) *Interpretation of the test.* The interpretation of the test shall be the same as described in § 660.24(a)(4).

(5) *Potency requirements.* Blood Grouping Sera recommended for the test tube methods, including the indirect antiglobulin test, shall have the following potency titer value when tested by all methods recommended in the manufacturer's package insert using red blood cells which are heterozygous for the corresponding antigen.

(i) For anti-K, anti-$\bar{k}$, anti-Jk^a, anti-Fy^a, anti-$\bar{c}$ (rapid tube and slide and saline) and anti-C^w, at least a 1+ reaction with a 1:8 dilution of the antiserum.

(ii) For anti-S, anti-$\bar{s}$, anti-P$_1$, anti-M, anti-Kp^a, anti-Kp^b, anti-I, anti-C (saline), anti-E (saline), anti-$\bar{e}$ (saline), anti-U, anti-Js^a, anti-A$_1$ and anti-Fy^b, at least a 1+ reaction with a 1:4 dilution of the antiserum.

(iii) For anti-N, anti-Le^a, anti-Le^b, anti-Di^a, anti-M^a, anti-Jk^b and anti-Xg^a, at least a 2+ reaction with undiluted serum.

(b) *Products recommended for slide tests.* Blood Grouping Serum recommended for slide test methods shall produce clumps of agglutinated cells at least 1 millimeter in diameter when both undiluted serum and a 1:2 dilution of serum are tested by all methods recommended in the manufacturer's package insert using red blood cells heterozygous for the corresponding antigen. The dilution shall be made with an equal volume of group compatible serum or AB serum.

(c) *Products recommended for use in automated system.* Blood Grouping Serum recommended for use in an automated system shall be sufficiently potent that a two-fold dilution will produce the same qualitative test result as the undiluted product tested in accordance with the manufacturer's package insert. This shall be demonstrated by preparing the two-fold dilution of the antiserum with an appropriate diluent and testing it against red blood cells which are heterozygous (except for A or B or D) for the corresponding antigen by the method described in the manufacturer's package insert.

§ 660.26 Specificity test.

The product shall be specific for the antibody or antibodies indicated on the label and shall be free of nonspecific qualities.

(a) *Test procedures.* Specificity shall be demonstrated by testing the product according to all test methods described in the manufacturer's package insert. Cells selected for the test shall include both positive and negative cells for the corresponding antigen.

(1) As a minimum, the following cells shall be used when testing the specificity of Blood Grouping Sera:

Blood grouping serum	*Cells*
Anti-A	A_1, A_2B, B, O.
Anti-B	A_1, B, O.
Anti-A$_1$B	A_1, A_2, B, O.
Anti-A_1	A_1, A_2, A_2B, A_1B, O.
Anti-D	ccDee, Ccddee, ccddEe, A_2 ccddee, B ccddee, O ccddee.
Anti-C	ccDee, Ccddee, ccddEe, A_2 ccddee, B ccddee, O ccddee.
Anti-E	ccDee, Ccddee, ccddEe, A_2 ccddee, B ccddee, O ccddee.
Anti-CD	ccDee, Ccddee, ccddEe, A_2 ccddee, B ccddee, O ccddee.
Anti-DE	ccDee, Ccddee, ccddEe, A_2 ccddee, B ccddee, O ccddee.
Anti-CDE	ccDee, Ccddee, ccddEe, A_2 ccddee, B ccddee, O ccddee.
Anti-$\bar{c}$	Ccddee, A_2 CCDee, B CCDee, O CCDee.
Anti-$\bar{e}$	ccddEe, A_2 ccDEE, B ccDEE, O ccDEE.

(2) For all other Blood Grouping Sera, cells of any ABO group which are heterozygous for the corresponding antigen, and group A_2, B, and O cells which are negative for the corresponding antigen shall be used. A_2B cells may be substituted for A or B cells when either or both are unavailable.

(b) *Additional tests for nonspecific qualities.* (1) Group O cells which are negative for the antigen corresponding to the antibody in the serum under test shall be used for testing all Blood Grouping Sera in the following test procedure:

(i) Place two drops of undiluted Blood Grouping Serum into each of three clean test tubes approximately 10x75 millimeters.

(ii) To each tube add one drop of at least once-washed cell suspension in saline in the percentage recommended for use with the antiserum in the package insert.

(iii) Incubate the tubes as follows:

Tube No. 1—37° C for 1 hour.
Tube No. 2—20° o 25° C for 1 hour.
Tube No. 3—2° to 8° C for 1 hour.

(iv) Centrifuge tubes at 150 relative centrifugal force (rcf) for 2 minutes or 1,000 rcf for 45 seconds and examine each tube for agglutination, rouleaux and hemolysis.

(v) The product is satisfactory when there is no agglutination, hemolysis or rouleaux in any of the tubes.

(2) All antisera recommended for use by the antiglobulin technique shall be tested and found negative for the presence of anti-Bg^a, anti-Bg^a and anti-Bg^c using strongly reactive Bg(a+), Bg(b+), and Bg(c+) red blood cells. If strongly reactive Bg(a+), Bg(b+) or Bg(c+) cells lacking the antigen corresponding to the antibody in the serum under test are not available, the antibody may be removed from the serum under test by absorption prior to testing for anti-Bg^a, anti-Bg^b and anti-Bg^c.

§ 660.27 Avidity test.

Blood Grouping Sera recommended use by a slide method shall be tested for avidity by the appropriate test established in this section. Such sera shall be sufficiently avid that beginning agglutination occurs within 60 seconds. Agglutinated cells shall remain visible for the period of time required in this section for each serum, and at that time the aggregates shall be no less than 1 millimeter in diameter.

(a) *Test procedure for ABO Blood Grouping Serum.* (1) A 40 percent suspension of red blood cells in either AB serum or group compatible serum or plasma shall be used.

(2) One drop of undiluted test serum shall be mixed with one drop of the 40 percent cell suspension over an oval area of approximately 20x40 millimeters on an unheated glass side.

(3) The time required for agglutination to begin shall be recorded.

(4) At the end of 2 minutes the size of the clumps shall be recorded.

(5) As a minimum, the following cells shall be used:

Blood grouping serum	*Cells*
Anti-A	A_1, A_2B.
Anti-B	B.
Anti-A, B	A_1, A_2, B.

(b) *Test procedure for anti-D, anti-CD, anti-DE, anti-CDE, anti-C, anti-E, anti-c and anti-e.* (1) A 40 percent suspension of red blood cells in either AB serum or group compatible serum or plasma shall be used.

(2) One drop of undiluted test serum shall be mixed with 2 drops of the 40 percent cell suspension over an oval area of approximately 20 millimeters × 40 millimeters on a glass slide continuously heated at 40° C to 50° C.

(3) The time required for agglutination to begin shall be recorded.

(4) At the end of 2 minutes, the size of the clumps shall be recorded.

(5) As a minimum, the following cells shall be used:

Blood grouping serum	*Cells (A, B, AB or O)*
Anti-D	ccDee.
Anti-C	Ccddee.
Anti-E	ccddEe.
Anti-c	Ccddee.
Anti-e	ccddEe.
Anti-CDE	ccDee, Ccddee, ccddEe.
Anti-CD	ccDee, Ccddee.
Anti-DE	ccDee, ccddEe.

(c) *Test procedure for other Blood Grouping Sera.* All Blood Grouping Sera recommended for the slide test, except those listed in paragraphs (a) and (b) of this section, shall be tested for avidity following instructions in the manufacturer's package insert for performing the slide test with the following provisions:

(1) Cells of any ABO group which are heterozygous for the corresponding antigen shall be used.

(2) At the end of the maximum observation period recommended in the manufacturer's package insert, the clump size shall be no less than 1 millimeter in diameter.

§ 660.28 Labeling.

In addition to the applicable labeling requirements of §§ 610.62 and 328.10 of this chapter, and in lieu of the requirements in §§ 610.60 and 610.61 of this chapter, the following requirements shall be met:

(a) *Final container label*—(1) *Color coding.* The paper of the final container label of all Blood Grouping Sera shall be completely white, except that the paper of the final container label of the following antisera may be color coded with a visual match of the specific color samples identified below and in the Standard Ink Book, for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. Printing on all final container labels shall be in solid black.

Blood grouping serum	*Color of label paper*
Anti-A	Blue, GP 251-B—70.
Anti-B	Yellow, GP 201-Y—100.
Slide and rapid tube test tera sera only:	
Anti-C	Pink, GP 216-R—70.
Anti-D	Grey, GP 296-GR—70.
Anti-E	Brown, GP 283-BR—70.
Anti-CDE	Orange, GP 204-Y—100.
Anti-c	Green, GP 270-G—70.
Anti-e	Lavender, GP 234-P—40.

(2) *Required information.* The proper name "Blood Grouping Serum" need not appear on the final container label if the final container is packaged in such a manner that all of the information required in paragraph (b) of this section is included on a package label or is otherwise visible. The final container label shall bear the following information:

(i) Name of the antibody or antibodies present as set forth in paragraph (d) of this section.

(ii) Name and license number of the manufacturer.

(iii) Lot number, including sublot designations.

(iv) Expiration date.

(v) Source of product if other than human.

(vi) Test method(s) recommended.

(vii) Recommended storage temperature.

(viii) Volume of product if a liquid, or equivalent volume for a dried product if it is to be reconstituted.

(ix) If a dried product, the statement "Reconstitution date ————. Expires 1 year after reconstitution date."

(3) *Lettering size.* The type size for the antibody designation on the labels of a final container with a capacity of less than 5 milliliters shall be not less than 12 point. The type size for the antibody designations on the label of a container with a capacity of 5 milliliters or more shall be not less than 18 point.

(4) *Visual inspection.* When the label has been affixed to the final container, a sufficient area of the container shall remain uncovered for its full length or no less than 5 millimeters of the lower circumference to permit inspection of the contents.

(b) *Package label.* The package label shall bear the following information:

(1) Proper name of the product.

(2) Name of the antibody or antibodies present as set forth in paragraph (d) of this section.

(3) Name, address (including ZIP code) and license number of the manufacturer.

(4) Lot number, including sublot designations.

(5) Expiration date.

(6) Preservative used and its concentration.

(7) Number of containers, if more than one.

(8) Volume or equivalent volume for dried products when reconstituted, and precautions for adequate mixing when reconstituting.

(9) Recommended storage temperature.

(10) Source of the product if other than human.

(11) Reference to enclosed package insert.

(12) If a dried product, a statement indicating the period within which the product may be used after reconstitution.

(13) The statement: "In Vitro Diagnostic Reagent. For professional use only."

(14) The statement "Meets FDA potency requirements."

(15) The statement "Source material from which this product was derived was found (nonreactive) (reactive) for HB_sAg when tested with licensed reagents. No known test method can offer assurance that products derived from human blood will not transmit hepatitis."

(16) A statement of an observable indication of an alteration of the product, e.g., turbidity, color change, precipitate.

(c) *Package insert.* Each final container of Blood Grouping Serum shall be accompanied by a package insert meeting the requirements of § 328.10 of this chapter.

(d) *Names of antibodies.*

Blood group designation for container label	*Optional synonym for package label and package insert*
Anti-A	None.
Anti-A_1	None.
Anti-B	None.
Anti-A,B	None.
Anti-Di^a	(Anti-$Diego^a$).
Anti-Fy^a	(Anti-$Duffy^a$).
Anti-Fy^b	(Anti-$Duffy^b$).
Anti-I	None.
Anti-Jk^a	(Anti-$Kidd^a$).
Anti-Jk^b	Anti-$Kidd^b$).
Anti-K	(Anti-Kell).
Anti-k	(Anti-Cellano).
Anti-Kp^a	(Anti-Penney).
Anti-Kp^b	(Anti-Rautenberg).
Anti-Le^a	(Anti-$Lewis^a$).
Anti-Le^b	(Anti-$Lewis^b$).
Anti-M	None.
Anti-N	None.
Anti-M^g	(Anti-Gilfeather).
Anti-P_1	None.
Anti-D	(Anti-Rh_o).
Anti-CD	(Anti-Rh_o').
Anti-DE	(Anti-Rh_o'').
Anti-CDE	(Anti-Rh_o''').
Anti-C	(Anti-rh').
Anti-E	(Anti-rh'').
Anti-c	(Anti-hr').
Anti-e	(Anti-hr'').
Anti-C^w	(Anti-rh^w).
Anti-S	None.
Anti-s	None.
Anti-U	None.
Anti-Xg^a	None.

§ 660.29 Samples; protocols; official release.

(a) *Samples and protocols.* For each lot of product, the following material shall be submitted to the Director, Bureau of Biologics, Food and Drug Admin-

istration, Building 29A, 8800 Rockville Pike, Bethesda, MD 20014.

(1) *Liquid products.* (i) Randomly selected final container samples of the product which have been filled in one continuous operation and packaged and labeled as for distribution, or

(ii) If a lot of fully processed product is divided into sublots, randomly selected final container samples filled in one continuous operation and packaged and labeled for distribution shall be considered representative of the entire lot.

(iii) Not less than the following quantities shall be submitted:

Liquid products

Final container size (in milliliters)	Number of final containers to be submitted for serum recommended for—	
	Manual use	Automated use
1	5	----------
2	3	----------
5	2	----------
10	2	3
>10	----------	3

(2) *Dried products.* (i) Randomly selected final container samples of the dried product from each oven of each drying operation.

(ii) Not less than the following quantities shall be submitted:

Dried products

Final container size (in milliliters)	Number of final containers to be submitted for serum recommended for—	
	Manual use	Automated use
0.5	12	----------
1.0	6	----------
2.0	4	----------
5.0	3	----------
10.0	3	3
>10.0	----------	3

(iii) At least 200 milligrams of dried product shall be submitted for a test to determine moisture content. Samples for moisture testing may be either (*a*) final container material of the product, or (*b*) dummy samples of material with the same protein concentration as the product, filled in the same size vials, with the same volume as the product. Such samples shall be appropriately labeled before drying and placed in random locations throughout the drying equipment.

(3) *Protocol.* A protocol which shall consist of a summary of the history of manufacture of the lot. The history shall include: (i) Results of all tests which are required by these regulations; and (ii) a listing of each lot of reprocessed material incorporated into the lot including the lot number, date of manufacture, and the proportion of each reprocessed lot in the final product.

(b) *Official release.* A lot of Blood Grouping Serum shall not be issued by the manufacturer until notification of official release of the lot is received from the Director, Bureau of Biologics, Food and Drug Administration.

Interested persons may, on or before January 12, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852 written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours Monday through Friday.

It is hereby certified that the economic and inflationary effects of this proposal have been carefully evaluated in accordance with Executive Order No. 11821.

Dated: November 5, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-30272 Filed 11-10-75;8:45 am.]

Office of Education

[45 CFR Part 121k]

REGIONAL EDUCATION PROGRAMS

Notice of Proposed Rulemaking

Pursuant to the authority contained in Section 625 of the Education of the Handicapped Act (20 U.S.C. 1421a), 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 121k to read as set forth below.

The proposed regulation would set forth rules and criteria governing the award of grants and contracts to institutions of higher education, including junior and community colleges, vocational and technical institutions, and other appropriate nonprofit educational agencies for the development and operation of specially designed or modified programs of voactional, technical, postsecondary, or adult education for deaf or other handicapped persons.

The proposed regulation would apply to all grant and contract awards made with funds appropriated pursuant to Section 625.

(a) *Summary of proposed regulation.* 1. *Organization.* The proposed regulation is divided into two subparts: Subpart A contains general provisions and Subpart B contains provisions covering application requirements, criteria, priorities, and the types of activities which will be supported.

2. *Subpart A—General.* (i) The purpose of assistance under Part 121k as set forth in § 121k.3 is for the development and operation of specially designed or modified programs of vocational, technical, postsecondary, or adult education for deaf or other handicapped persons.

(ii) Section 121k.4 covers the parties eligible for assistance, which are institutions of higher education, including junior and community colleges, vocational and technical institutions, and other appropriate nonprofit educational agencies.

3. *Subpart B—Applications; activities.* (i) Section 121k.5 sets forth application requirements. All applications must, among other things, contain a plan for the provision of an integrated comprehensive range of services and resources which will assist in integrating handicapped persons into the school's regular educational program and in enabling them to compete academically with nonhandicapped students.

(ii) Section 625 of the Act (repeated in § 121k.17) provides that priority consideration for funds under this program must be given to:

(A) Programs serving multistate regions or large population centers;

(B) Programs adapting existing programs of vocational, technical, postsecondary or adult education to the special needs of handicapped persons; and

(C) Programs to serve areas where a need for these services is clearly demonstrated.

(iii) Section 121k.19 sets forth a list of activities, services, and resources which are illustrative of the types of activities which will be supported. These are all aimed at helping the handicapped student integrate successfully into a nonhandicapped school environment. Services such an auditory training, interpreters, notetakers, and readers, and preparatory and orientation services may be supported. Funds cannot be used for tuition payments.

(b) *Citation 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 legislation does not contain provisions relating to general fiscal and administrative matters. Requirements of this nature with respect to assistance under this part are covered by the Office of Education General Provisions Regulations (45 CFR Part 100a), which include rules on direct and indirect costs. Federal procurement contracts are covered by 41 CFR chapters 1 and 3.

(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.

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 for awards in the light of the criteria set forth in this notice.

(e) *Submission of comments.* All interested parties are invited to submit written comments and recommendations concerning the proposed rule to Mr. Melvin R. Ladson, Jr., Program Development Branch, Room 2018, ROB-3, Bureau of Education for the Handicapped, USOE, 400 Maryland Ave., SW., Washington, D.C. 20202. Comments and recommendations will be available for public inspection at the above address on Mondays through Fridays between 8:30 a.m. and 4 p.m. All relevant material must be received not later than December 11, 1975.

Dated: September 24, 1975.

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

Approved: October 30, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

(Catalog of Federal Domestic Assistance No. 13.560, Regional Education Program for Deaf and other Handicapped Persons)

PART 121k—REGIONAL EDUCATION PROGRAMS

Subpart A—General

AUTHORITY: Section 625 of Pub. L. 91-230, as amended, 88 Stat. 584 (20 U.S.C. 1424a), unless otherwise noted.

Subpart A—General

§ 121k.1 Scope.

(a) This part applies to programs funded under section 625 of the Act.

(b) Programs funded under this part are subject to applicable provisions contained in subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters) and Part 121 of this chapter.

(20 U.S.C. 1421a)

§ 121k.2 Definition of handicapped persons.

For the purposes of this part, the term "handicapped persons" means persons who are mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, emotionally disturbed, crippled, or in other ways health impaired and by reason thereof require special education programming and related services.

(20 U.S.C. 1424a(c))

§ 121k.3 Purpose.

Payment of Federal funds under this part may be made to eligible parties for the development and operation of specially designed or modified programs of vocational, technical, postsecondary, or adult education for deaf or other handicapped persons.

(20 U.S.C. 1424a(a))

§ 121k.4 Eligible parties.

Parties eligible to receive Federal funds under this part are institutions of higher education, including junior and community colleges, vocational and technical institutions, and other appropriate nonprofit educational agencies.

(20 U.S.C. 1424a(a))

Subpart B—Applications; Activities

§ 121k.15 Application requirements.

Applications for funds under this part shall be submitted to the Commissioner in accordance with Subparts B and C of Part 100a of this chapter and shall contain the following additional information:

(a) A description of the handicapping conditions of the persons to be served;

(b) Specification of the resources and services needed by the handicapped persons to be served which will assist in the successful integration of those handicapped persons into a nonhandicapped school population and regular educational program;

(c) A plan for provision of an integrated comprehensive range of services and resources specified in paragraph (b) of this section to assist handicapped participants in competing academically with nonhandicapped students;

(d) Provision for a survey covering the geographical area from which potential participants in the program will be drawn, and assessment of the needs of such participants;

(e) A description of the procedures and resources which will be used to determine and provide the services necessary to meet the special individual needs of each handicapped person who will participate in the program;

(f) A description of the objectives of the program in relation to the specific services which will be provided for the handicapped persons to be served; and

(g) A description of the procedures which will be used for evaluation of the programs as required under § 100a.276 of this chapter, including the evaluation of:

(1) The services to be provided;

(2) The resources to be used;

(3) The progress of the handicapped persons to be served;

(4) The strategies for followup of the handicapped persons participating; and

(5) The needs assessment carried out under paragraph (d) of this section.

(20 U.S.C. 1424a)

§ 121k.16 Initial year application.

An initial year application for funds under this part shall contain, in addition to the information required under § 121k.15, the following:

(a) A description of the geographical region or regions or population centers to be served, including the demographic characteristics;

(b) The anticipated number of handicapped participants to be served in the program who currently are not being provided with an appropriate and/or adequate education program;

(c) The estimated number of handicapped persons to be served annually under the program;

(d) The criteria which will be used to determine whether a person is handicapped for purposes of participating in the program;

(e) A description of sources of support and supplementary services such as housing, health care, and recreation, which will be available for use in the program;

(f) A description of how the requirement under § 100a.275 of this chapter for coordination with other agencies will be met; and

(g) A plan for long range funding which includes strategies for increasing the amount of funds for the program from sources other than under this part.

(20 U.S.C. 1424a)

§ 121k.17 Priorities.

Priority consideration for Federal funds under this part will be given to:

(a) Programs serving multistate regions or large population centers;

(b) Programs adapting existing programs of vocational, technical, postsecondary, or adult education to the special needs of handicapped persons; and

(c) Programs designed to serve areas where a need for these services is clearly demonstrated.

(20 U.S.C. 1424a(b))

§ 121k.18 Criteria for evaluation of applications.

In addition to the criteria set forth in § 100a.26(b) of this chapter, applications will be evaluated on the basis of the following factors:

(a) Whether the program under this part will be carried out in facilities easily accessible to physically handicapped persons;

(b) Whether the program will be located in an area in which public transportation is readily available, or transportation will be provided at reasonable cost to handicapped persons participating in the program;

(c) Whether the program will serve handicapped persons for whom other appropriate education programs are not readily available; and

(d) The likelihood that the services provided under the proposed program will be continued by the applicant following the expiration of Federal funding under this part as measured by evidence of financial and other commitment of the applicant to the program and other funds available to the program.

(20 U.S.C. 1424a)

§ 121k.19 Services, activities, and resources to be supported.

(a) *Illustrative services.* The following is an illustrative list of the types of resources, services, and activities which

may be supported (in whole or in part) under this part:

(1) Interpreters;
(2) Tutors;
(3) Notetakers and readers;
(4) Wheelchair attendants;
(5) Guidance counselors;
(6) Auditory training;
(7) Job placement and followup;
(8) Preparatory and orientation services;
(9) Supplementary learning experiences;
(10) Instructional media;
(11) Inservice training relating to the handicapped participants in the program, for teachers and other educational staff;
(12) Administrative expenses such as employment of a director, administrator, or coordinator for the program; and
(13) Planning and evaluation activities.

(20 U.S.C. 1424a)

(b) *Tuition.* Federal funds provided under this part shall not be used for the payment of tuition or subsistence allowances.

(c) *Construction and remodeling.* Federal funds provided under this part shall not be used for costs of construction (as defined in § 121.2 of this chapter), except for the costs of minor remodeling (as defined in § 100.1 of this chapter) which, for the purposes of this part, may include the acquisition, installation, modernization, or replacement of equipment.

(20 U.S.C. 1404, 1424a)

§ 121k.20 Auxiliary activities.

(a) Applications for Federal funds under this part shall specifically state any activities which an applicant intends to undertake pursuant to section 624 of the Act.

(b) Research activities under section 624(a)(1) of the Act are subject to applicable requirements contained in §§ 121h.1(b), 121h.4, and 121h.7 of this chapter, as well as applicable provisions contained in Part 121e of this chapter.

(20 U.S.C. 1424, 1424a)

[FR Doc.75-30119 Filed 11-10-75;8:45 am]

Office of the Secretary

[45 CFR Part 1501]

SUPPORT FOR IMPROVEMENT OF POSTSECONDARY EDUCATION

Notice of Proposed Rule Making

Pursuant to the authority contained in Section 404 of the General Education Provisions Act (20 U.S.C. 1221d), "Support for improvement of postsecondary education," notice is hereby given that the Secretary of Health, Education, and Welfare proposes to amend the existing regulations for this program as set forth below. The proposed amendments to the regulations, reflected in sections 1501.7–10, would: (a) redefine the Comprehensive Program objectives to incorporate concerns addressed by special focus and national projects competitions in the past years; (b) revise the Comprehensive Program objectives into more specific problem statements; and (c) eliminate one of the previous four general criteria utilized in reviewing proposals, due to its lack of specificity. These amendments are proposed to improve the implementation of Section 404 as the result of program operating experience. The amendments would revise the regulations published in 40 FR 12266–9 (March 18, 1975).

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendments to the office administering this program, the Fund for the Improvement of Postsecondary Education, Department of Health, Education, and Welfare, 400 Maryland Avenue, S.W., Room 3141, Washington, D.C. 20202. All relevant material must be received not later than December 11, 1975. Comments received will be available for public inspection at the above office Monday through Friday between 9:00 a.m. and 5:30 p.m.

(Catalog of Federal Domestic Assistance No. 13.538; Fund for the Improvement of Postsecondary Education)

Dated: NOVEMBER 3, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

It is proposed that 45 CFR Part 1501 be amended as follows:

1. Section 1501.7, paragraphs (b) (1) and (6) are revised as follows:

§ 1501.7 Criteria for evaluating applications.

* * * * *

(b) * * *

(1) Has the potential for advancing one or more of the following general goals of the Fund:

(i) To increase the cost-effectiveness of educational services;

(ii) To achieve far-reaching improvements in postsecondary education;

(iii) To promote learner-centered improvements in postsecondary education;

* * * * *

(6) Meets one or more of the objectives of the Comprehensive Program set forthin section 1501.8.

(20 U.S.C. 1221d)

2. Section 1501.8 is revised to read as follows:

§ 1501.8 Comprehensive program objectives.

The Fund will accept preapplications and applications (from those applicants whose preapplications are approved) directed toward one or more of the following objectives, in the context of postsecondary education:

(a) Reducing costs and stretching the educational dollar;

(b) Extending effective educational opportunity to those still not adequately served by the educational system;

(c) Meeting individual needs in a mass educational system;

(d) Improving programs, personnel, and instruction for more effective education;

(e) Creating and applying more meaningful standards of excellence for education beyond high school;

(f) Making better use of educational resources beyond colleges and universities;

(g) Helping people make better choices about whether, when, and where to enroll for education beyond high school;

(h) Increasing flexibility throughout postsecondary education to permit greater responsiveness to changing social and economic needs.

(20 U.S.C. 1221d)

§ 1501.9 [Removed]

3. Section 1501.9 is deleted and reserved.

§ 1501.10 [Amended]

4. In section 1501.10, paragraph (i) is amended by deleting the phrase "or § 1501.9(a)".

[FR Doc.75-30263 Filed 11-10-75;8:45 am]

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

[36 CFR Part 606]

TERMINATION OF AREA LICENSES FOR OFFICIAL COMMEMORATIVES IN CERTAIN PRODUCT CATEGORIES

Notice of Proposed Rulemaking

Notice is hereby given that the American Revolution Bicentennial Administration (ARBA) proposes to amend Part 606 of Title 36 of the Code of Federal Regulations to terminate the issuance of licenses for officially recognized commemoratives of the American Revolution Bicentennial Administration in product categories licensed on or before January 31, 1976. The proposed change would authorize the Administrator to continue to issue licenses subsequent to January 31, 1976, in product categories not previously licensed. Both the regulations establishing the initial licensing program and these revisions are pursuant to the provisions of Public Law 93–179, as amended.

Purpose. At its meeting of August 22, 1974, the American Revolution Bicentennial Board established policies for an ARBA official commemorative licensing program. In implementation of these policies, the ARBA established regulations set forth in 36 CFR 606. To date ARBA has issued 96 licenses in 30 product categories.

At its meeting of October 30, 1975, and upon recommendation of the Administrator, the Board authorized the Administrator to publish a notice of a proposed revision in the ARBA licensing program establishing a date beyond which additional licenses in product categories already licensed would not be further licensed but authorizing the Administrator subsequent to such date to issue licenses in product categories not theretofore licensed.

These revisions are proposed to assure an appropriate selection of official commemoratives and to encourage licensees

to provide maximum distribution of all licensed products to the American public.

Interested persons are invited to submit written comments to the General Counsel, American Revolution Bicentennial Administration, 2401 E Street NW., Washington, D.C. 20276. Comments received on or before December 11, 1975, will be considered before final action is taken on the proposal. Copies of all written comments will be available for examination by interested parties in Room 7240, Columbia Plaze Office Building, 2401 E Street NW., Washington, D.C.

It is proposed to amend 36 CFR Part 606 by the deletion of § 606.105 "Initial product areas and categories" and by the revision of § 606.101 "Non-exclusive licenses" as follows:

§ 606.101 ARBA Licenses.

ARBA licenses may be issued for product categories not already licensed which are determined to be commemorative, historical, educational, and informational in nature, as relating to our Nation's heritage, the present commemoration of the Bicentennial, and our future. ARBA licenses may also be issued for educational or commemorative premium campaigns where the end result is the free or low-cost dissemination of Bicentennial information or keepsake materials to the general public, including premiums in connection with fresh or processed food products.

JOHN W. WARNER,
Administrator.

NOVEMBER 5, 1975.

[FR Doc.75-30281 Filed 11-10-75;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 536]

[General Order 13; Docket No. 75-28]

COMMON CARRIERS, CONFERENCES, AND MEMBER CARRIERS OF RATE AGREEMENTS

Submission of Revenue and Cost Data, Concerning General Rate Increases and Certain Subcharges; Further Enlargement of Time To Comment

Noticed of proposed rulemaking in this proceeding was published August 11, 1975, (40 FR 33688). Time for filing comments was set for September 5, 1975, and subsequently enlarged by 60 days to November 5, 1975. With this seemingly ample amount of time having been afforded for preparation of comments we are now presented, on the very eve of the due date, with a request for additional time on behalf of six different counsel representing numerous conferences and carriers.

While we have determined to grant the request for additional time, it should be pointed out that it is done with reluctance because of the disservice that grant of a last minute request does to the more diligent counsel who meets a deadline before notice of extension can be published.

Time within which comments may be filed in response to the notice of proposed rulemaking in this proceeding is enlarged to and including November 18, 1975. Reply of Hearing Counsel shall be filed on or before December 18, 1975. Answers to Hearing Counsel shall be filed on or before January 5, 1976.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-30375 Filed 11-10-75;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 450]

ADVERTISING FOR OVER-THE-COUNTER DRUGS

Notice of Proposed Rulemaking; Public Hearings

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., the provisions of Part I, Subpart B of the Commission's Procedures and Rules of Practice, 16 CFR 1.7, et seq., and section 553 of Subchapter II, Chapter 5, Title 5, U.S. Code (Administrative Procedure), has initiated a proceeding for the promulgation of a trade regulation rule concerning advertising for over-the-counter drugs.

In accordance with the above notice, the Commission proposes to amend Subchapter D, Trade Regulation Rules, of 16 CFR Chapter I by adding a new Part 450 to read as follows:

PART 450—ADVERTISING FOR OVER-THE-COUNTER DRUGS

Sec.
450.1 The rule.
450.2 Definitions.

AUTHORITY: The provisions of this Part 450 issued under 38 Stat. 717, as amended, 15 U.S.C. 41, et seq.

§ 450.1 The rule.

It is

(a) An unfair or deceptive act or practice in violation of Section 5 of the Federal Trade Commission Act, and

(b) The dissemination or causing to be disseminated of a false advertisement in violation of section 12 of the Federal Trade Commission Act, to disseminate or cause to be disseminated (by United States mails, or in or affecting commerce by any means, for the purpose of inducing, or which is likely to induce, the purchase of the advertised product) an advertisement for any over-the-counter drug in any drug category for which an applicable final monograph has been established by the Food and Drug Administration, pursuant to 21 CFR Part 330, which advertisement makes any claim, directly or by implication, which the Commissioner of Food and Drugs has determined, in a final order accompanying such monograph, may not appear in the labeling of such drug.

§ 450.2 Definitions.

For the purpose of this part, the following definitions shall apply:

(a) "Advertisement" shall mean any written or verbal statement, illustration or depiction, other than a label or in the labeling, which is designed to promote the sale of a product, whether the same appears in a television or radio broadcast, newspaper, magazine, leaflet, circular, mailer, book insert, catalog, sales promotional material, other periodical literature, billboard, public transit card, or in any display intended for use at the point of purchase of the product.

(b) "Commerce" shall mean commerce as it is defined in the Federal Trade Commission Act.

(c) "Over-the-counter drug" shall mean any drug as defined in Section 15 (c) of the Federal Trade Commission Act, excluding all prescription drugs as described in Section 503(b)(1) of the Federal Food, Drug and Cosmetic Act.

(d) "Drug category" shall mean any of those categories designated by the Commissioner of Food and Drugs at 21 CFR 330.5.

STATEMENT OF REASONS FOR THE PROPOSED RULE

The Food and Drug Administration is presently engaged in a comprehensive evaluation of the safety and efficacy of all over-the-counter (non-prescription) (OTC) drugs. Under procedures set forth at 21 CFR 330.10, the Commissioner of Food and Drugs is establishing conditions under which all over-the-counter drugs will be classified in one of three ways:

(a) Category I: Generally recognized as safe and effective and not misbranded;

(b) Category II: Not generally recognized as safe and effective; or,

(c) Category III: Data are insufficient for classification and further testing is therefore required. Marketing of products with ingredients placed in Category II is prohibited. Marketing of products with a Category III ingredient is allowed for a specified period, if the manufacturer or distributor undertakes adequate testing to prove that the ingredient is in fact safe and effective. Product claims placed in Category II are forbidden to appear in labeling, while Category III claims may continue for a designated period if testing is begun.

The Commission has reason to believe that:

(a) The determination by the Commissioner of Food and Drugs that a drug product is not safe or effective for a condition for which it is being advertised is a material fact that would have a most serious effect upon a consumer's determination of whether or not to purchase the drug;

(b) A substantial portion of the consuming public assumes that drugs could not be marketed unless the Food and Drug Administration has found them safe or effective for their intended use;

(c) The practice of advertising a drug for conditions for which the Commissioner of Food and Drugs has determined the drug is not safe or is not effective is deceptive within the meaning of Section 5 of the Federal Trade Commission Act (15 U.S.C. 45, as amended) and such advertisements are "false" within the

meaning of Sections 12 and 15 of the Federal Trade Commission Act (15 U.S.C. 52, 55 as amended);

(d) Section 450.1 is necessary to prevent the use of such deceptive practices and the dissemination of such false advertisements.[1]

The Commission's authority, however, is not limited to preventing deceptive acts or practices or false advertisements. The Commission can proceed on the theory that a practice is unfair where it offends public policy. The Commission has reason to believe that:

(e) The making of claims in advertising for drugs which the Food and Drug Administration has determined may not lawfully be made would nullify important public policies basic to the regulatory scheme which Congress has enacted for the protection of the public health. A critical element of the regulatory scheme adopted by Congress in the 1962 Drug Amendments to the Federal Food, Drug and Cosmetic Act, 70 Stat. 780, amending 21 U.S.C. 301, *et seq.*, is that a "new drug" as therein defined may not be lawfully marketed until FDA has affirmatively concluded that the drug is effective for its intended use. Whether such claims are ultimately shown to be valid is not controlling. A determination by the FDA Commissioner, under the monograph program, that a drug is not "generally recognized as safe and effective" for a particular use (i.e. category II) for a particular condition is a finding that such a drug, when marketed for that use is a "new drug" that may not lawfully be marketed without formal FDA approval, in the form of an effective new drug application. Moreover, Congress has established criminal penalties for any such unlawful marketing of unapproved "new drugs" 21 U.S.C. 301(d), 303. The Supreme Court has recognized that the Commissioner is uniquely qualified to make such a determination, subject only to judicial review.[2] To permit drug advertising claims to be made for a use for which the drug may not lawfully be marketed would nullify the strict scheme of premarketing control which Congress has determined is necessary for public protection.

(f) There is in addition a public policy, embodied in the Federal Food, Drug and Cosmetic Act, that the labeling of a drug be a comprehensive source of information about that drug and provide adequate directions for use for all uses of the drug intended by the manufacturer. For a manufacturer to promote the product through media advertising for a use not mentioned in the labeling and for which no labeling directions are given would conflict with an express statutory command that the label contain adequate directions for use, and clearly would violate public policy.[3]

Therefore, the Commission proposes to adopt a trade regulation rule prohibiting the making of any product claim in advertising which FDA has prohibited, in an applicable final order, in labeling.

The Commission has concluded that the proposed rule is not a "major Federal action significantly affecting the quality of the human environment", within the meaning of Section 102(c) of the National Environmental Policy Act of 1969, and consequently, the Commission need not make a detailed environmental impact assessment. The proposed rule would not require or prohibit the sale of any over-the-counter drug, but is designed simply to eliminate the dissemination of false, deceptive or unfair product claims. Any effect that the promulgation of this regulation might have upon over-all consumption of over-the-counter drugs or demand for specific OTC drugs or upon the use of materials in manufacturing such drugs, and the consequent effect upon the environment, is entirely speculative and would be extremely remote. At this time, the Commission envisions no significant environmental impact from this rule.

INVITATION TO PROPOSE ISSUES OF FACT FOR CONISDERATION IN PUBLIC HEARINGS

All interested persons are hereby given notice of opportunity to propose any disputed issues of fact. The Commission or its duly authorized presiding official shall, after reviewing submissions hereunder, identify any such issues in a notice which will be published in the FEDERAL REGISTER. Such issues shall be considered in accordance with Section 18(c) of the Federal Trade Commission Act as amended by Public Law 93-637, and rules promulgated thereunder. Proposals shall be accepted until January 12, 1976, by the Special Assistant Director for Rulemaking, Federal Trade Commission, Washington, D.C. 20580. A proposal should be identified as a "Proposal Identifying Issues of Fact—OTC Drug Advertising Rule" and furnished, when feasible and not burdensome, in five copies. The times and places of public hearings will be set forth in a later Notice which will be published in the FEDERAL REGISTER.

INVITATION TO COMMENT ON THE PROPOSED RULE

All interested persons are hereby notified that they may also submit to the Special Assistant Director for Rulemaking, Federal Trade Commission, Washington, D.C. 20580, data, views or arguments on any issue of fact, law or policy which may have some bearing upon the proposed rule. Written comments, other than proposed disputed issues of fact, will be accepted until forty-five days before commencement of public hearings, but at least until Jan. 12, 1976. To assure prompt consideration of a comment, it should be identified as an "OTC Drug Advertising Rule Comment" and furnished, when feasible and not burdensome, in five copies.

Issued: November 11, 1975.

By direction of the Commission.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-30256 Filed 11-10-75;8:45 am]

[1] The Commission believes that the mere disclosure of the fact that the FDA had concluded that the product is not efficacious for the claimed use will not sufficiently remedy the deceptions heretofore described. Such a disclosure could well be susceptible to conflicting interpretations by consumers, including the false interpretation that the FDA's findings were merely preliminary, or were just one opinion to be balanced against other contrary opinions. In fact, however, a finding by FDA as a result of the OTC review that a product is ineffective for a claimed use means that the product is not generally recognized as effective for such use. Accordingly, absent formal FDA approval such product may not, under Section 505 of the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 355, lawfully be sold for that use at all. To permit the advertising of a drug for such a use as long as it is accompanied by a disclosure that the drug may not be lawfully sold for such use would be to permit two basically contradictory messages to remain in the advertsement. It is well established that in fashioning a remedy for deceptive advertising the Commission need not permit ambiguity and confusion. See *Continental Wax Corp.* v. *FTC*, 330 F. 2d 475 (2d Cir. 1964); *Cf. United States* v. *An Article of Food . . . Labeled . . . Nuclomin*, 482 F. 2d 581 (8th Cir. 1973).

[2] *Weinberger* v. *Bentex Pharmaceuticals, Inc.*, 412 U.S. 645 (1973).

[3] See *United States* v. *An Article of Drug. . . .*, 362 F. 2d 923 (3d Cir. 1966.)

VETERANS ADMINISTRATION

[41 CFR Parts 8-1, 8-4, 8-16]

ARCHITECT-ENGINEER SERVICES

Proposed Regulatory Development

The Veterans Administration proposes regulatory revision of Part 8-4, Title 41, Code of Federal Regulations, to revise and relocate material on the procurement of architect-engineer services to conform with the arrangement of Federal Procurement Regulations, and to add material formerly contained in internal agency regulations.

Interested persons are invited to submit written comments, suggestions, or objections regarding these proposals to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All relevant material received before December 11, 1975 will be considered. All comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

It is proposed to amend Chapter 8, Title 41, Code of Federal Regulations as follows:

1. A new Subpart 8-1.10 is added to read as follows:

Subpart 8–1.10—Publicizing Procurement Actions

Subpart 8–1.10—Publicizing Procurement Actions

§ 8–1.1003 Synopses of proposed procurements.

§ 8–1.1003–3 Special areas of negotiation.

To facilitate the use of alternative procedure in FPR 1–1.1003–3 for publicizing a proposed procurement of architect-engineer services in a daily newspaper circulated in the local area, contracting officers are hereby delegated authority to procure such paid advertising (see § 8–16.301–50).

2. A new Subpart 8–4.10 is added to read as follows:

Subpart 8–4.10—Architect-Engineer Services

Subpart 8–4.10—Architect-Engineer Services

§ 8–4.1001 General policy.

The provisions of this subpart pertain to the general policies and procedures for the procurement of professional architect-engineer services as set forth in FPR 1–4.10, and are not applicableto contracts entered into pursuant to the authority of 38 U.S.C. 1820.

§ 8–4.1004 Selection.

§ 8–4.1004–1 Establishment of architect-engineer evaluation boards.

In the case of Central Office contracts, selection will be made by the board appointed by the Assistant Administrator for Construction. Selections made by field stations will be by a board appointed by the station head.

(a) The evaluation board appointed by the Assistant Administrator for Construction will be composed of four or more qualified professional architects or engineers including the Director of Architecture and Engineering of the Office of Construction who will act as Chairman. Membership of the board will also include the appropriate project director and technical service directors most involved in the project for which the selection is being made. Additional members from other departments and staff offices will be designated for special type projects when appropriate.

(b) The evaluation board for a Veterans Administration field station will consist of no less than two members, one of whom will be the senior contracting officer, and the other the Engineer Officer. Where a station has two or more engineers on its staff, an additional engineer will be appointed to the board. The chairman of the board will be the senior engineer.

§ 8–4.1004–2 Functions of the evaluation boards.

(a) The evaluation board will review the data submitted by the firms and from that file will preselect the firms which have the basic qualifications for performing the services needed. The factors stated in the announcement publicizing the proposed procurement (see FPR 1–1.1003–7) will be used in determining whether a firm is qualified for inclusion on the preselection list.

(b) In the evaluation of the qualifications of the firms on the preselection list, the board will perform the functions as outlined in FPR 1–4.1004–2, applying the evaluation criteria set forth in FPR 1–4.1004–3 and that established in § 8–4.1004–3, and will recommend no less than three firms (to the Assistant Administrator for Construction in the case of Central Office contracts, and to the head of the field station in the case of station contracts) for interviews.

(c) After approval (by the Assistant Administrator for Construction or by the station head) of the list of selected firms recommended for interviews, the board will arrange discussions with each firm for the purpose of obtaining information, supplementing that already available, from which to develop, in order of preference, not less than three firms considered the most highly qualified. This recommended listing will be submitted (to the Assistant Administrator for Construction or to the station head, as appropriate) for consideration and approval before the contracting officer enters into negotiations with the top-rated firm.

§ 8–4.1004–3 Evaluation criteria.

In addition to the evaluation criteria set forth in FPR 1–4.1004–3, the board will consider the factors set forth in this section as they apply to the project or purpose of the selection. Values will be assigned to each factor in determining the relative qualifications of the firms identified as qualified through the preselection process. The values may be confirmed or adjustments may be made as a result of the discussions.

(a) Reputation and standing of the firm and its principal officials with respect to professional performance, general management, and cooperativeness.

(b) Record of significant claims against the client because of improper or incomplete architectural and engineering services.

(c) Geographic location and facilities of the working office which would provide the professional services.

(d) Specific experience and qualifications of personnel proposed for assignment to the project, and record of working together as a team.

§ 8–4.1004–4 Action by agency head or his authorized representative.

The Assistant Administrator for Construction (for Central Office contracts) and the station head (for field station contracts), or persons acting in that capacity, are designated as the approving officials for the recommendation of the evaluation boards.

§ 8–4.1004–5 Procedure for procurements estimated not to exceed $10,000.

Either of the procedures provided in FPR 1–4.1004–5 may be used on authorization of the Assistant Administrator for Construction or the station head.

§ 8–4.1005 Negotiation procedures.

§ 8–4.1005–1 General.

Application of the 6-percent fee limitation cited in FPR 1–4.1005–1 is set forth in § 8–4.1050. The policy set forth in that section provides all the available latitude in the negotiation of the contract price. The policy does not, however, relieve the contracting officer of the responsibility to determine that the fee negotiated is consistent with the services to be performed and the nature of the project. The contract ordinarily will cover all services to be rendered by the firm. To assure that the fee limitation is not violated, the contracting officer will maintain suitable records to be able to isolate the amount in the total fee to which the 6-percent limitation applies.

§ 8–4.1005–4 Architect-engineer's proposal.

VA Form 08–6298, Architect-Engineer Fee Proposal, prescribed in § 8–16.701, is mandatory for obtaining the proposal and supporting cost or pricing data in the negotiation of all architect-engineer contracts for design services when the contract price is $50,000 or over. The use of VA Form 08–6298 for design contracts less than $50,000 is at the discretion of the contracting officer. In obtaining architect-engineer services for research study, seismic study, master planning study, construction management and other related services contracts, VA Form 08–6298 shall also be used but supplemented or modified as needed for the particular project type.

§ 8–4.1005–5 Contract price.

Where negotiations with the top-rated firm are unsuccessful, the contracting officer will terminate the negotiations and undertake negotiations with the firm next in order of preference after authorization by the Assistant Administrator for Construction or by the station head to do so. Recommendation for award of the contract at the negotiated fee will be submitted with a copy of the negotiation report (see FPR 1–4.1005–6) to the Assistant Administrator for Construction or to the station head, as appropriate.

§ 8–4.1050 Application of 6-percent architect-engineer fee limitation.

(a) The 6-percent fee limitation on architect or engineer services set forth in section 304(b) of the Federal Property and Administrative Services Act of 1949, as amended, applies to those services generally required in preparing working drawings and specifications which form the basis for bidding and for the award of construction contract. The fixed fee limitation does not apply to the following architect or engineer services:

(1) Investigative services including but not limited to:

(i) Determination of program requirements including schematic or preliminary plans and estimates.

(ii) Determination of feasibility of proposed project.

(iii) Preparation of measured drawings of existing facility.

(iv) Subsurface investigation.

(v) Structural, electrical, and mechanical investigation of existing facility.

(vi) Surveys: Topographic, boundary, utilities, etc.

(2) Special consultant services not normally available in organizations of architects or engineers not specifically applied to the actual preparation of working drawings or specifications of the project for which the services are required.

(3) Other:

(i) Reproduction of approved designs through models, color rendering, photographs, or other presentation media.

(ii) Travel and per diem allowances other than those required for the development and review of working drawings and specifications.

(iii) Supervision or inspection of construction, review of shop drawings or samples and other services performed during the construction phase.

(iv) All other services that are not integrally a part of the production and delivery of plans, designs, and specifications.

(4) The cost of reproducing drawings and specifications for bidding and their distribution to prospective bidders and plan file rooms.

(b) The total cost of the architect or engineer services contracted for may not exceed 6 percent of the estimated cost of the construction project plus the estimated cost of related services and activities such as those shown in paragraph (a) of this section. To support project submissions, VA Form 10–6031, Application for Construction Project and Initial Equipment, or VA Form 10–1193, Minor Improvement, Building Service Equipment Replacement, and Nonrecurring Maintenance and Repair Proposal, and VA Form 08–6238, Construction Cost Estimate, will be used and the applicable proposed technical services shown in detail.

Subpart 8–4.50 [Revoked]

3. Subpart 8–4.50 §§ 4.5001 through 8–4.5003–4) is revoked.

4. In Subpart 8–16.7, § 8–16.701 is added to read as follows:

§ 8–16.701 Forms prescribed.

VA Form 08–6298, Architect-Engineer Fee Proposal, will be used in obtaining the proposal and supporting cost or pricing data in negotiated architect-engineer contracts as required by § 8–4.1005–4.

Approved: November 5, 1975.

By direction of the Administrator:

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.75–30342 Filed 11–10–75;8:45 am]

notices

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

DEPARTMENT OF STATE

[CM-5/123]

ADVISORY COMMITTEE ON TRANSNATIONAL ENTERPRISES

Rescheduling of Meeting

The Advisory Committee on Transnational Enterprises meeting which was announced for Monday, November 17, 1975 and published in the Federal Register on October 30, 1975 (40 FR 50547) has been rescheduled for Monday, December 1, 1975 at 9:30 a.m. in Room B of the Pan American Health Organization, 525 23rd Street NW., Washington, D.C. 20520.

The agenda remains unchanged and the meeting is open to the public. Persons wishing to attend the meeting must contact Stephen Bond, Department of State, Office of the Legal Adviser, 2201 C Street NW., Washington, D.C. 20520. He may be reached by telephone on (area code 202) 632-0349.

Dated: November 6, 1975.

STEPHEN R. BOND,
Executive Secretary, Committee on Transnational Enterprises.

[FR Doc.75-30530 Filed 11-10-75;10:20 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

NOVEMBER 3, 1975.

The USAF Scientific Advisory Board Guidance and Control Panel will hold meetings on December 3 and 4, 1975, from 9 a.m. to 5 p.m. both days, at the Charles Stark Draper Laboratory, Cambridge, Massachusetts.

The Panel will receive classified briefings and hold classified discussions on current and future technology, programs, equipment and activities related to the guidance and control area.

The meetings concern matters listed in Section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and that accordingly the meetings will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697-8845.

JAMES L. ELMER,
Major, USAF, Executive, Directorate of Administration.

[FR Doc.75-30335 Filed 11-10-75;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

2-5 DIMETHOXYAMPHETAMINE

Controlled Substances in Schedules I and II; Final 1975 Aggregate Production Quota

Section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas for all controlled substances in Schedules I and II each year. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration pursuant to § 0.100 of Title 28 of the Code of Federal Regulations.

On August 27, 1975, a notice of the proposed aggregate production quota for 1975 for 2-5 Dimethoxyamphetamine was published in the FEDERAL REGISTER (40 FR 38173). All interested parties were invited to comment or object to the proposed aggregate production quota on or before October 3, 1975. No comments or objections were received.

Therefore, under the auhority vested in the Attorney General by Section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations and further, having been duly designated as Acting Administrator by Order No. 607-75 of the Attorney General, dated May 30, 1975, in accordance with the authority stated therein, and pursuant to the authority delegated to the Acting Administrator by § 0.132(d) of Title 28 of the Code of Federal Regulations, the Acting Administrator of the Drug Enforcement Administration hereby orders that the aggregate production quota for the controlled substance listed below, expressed in grams in terms of anhydrous base, be established as follows:

Basic class:	*Issued 1975*
2-5 Dimethoxyamphetamine...	11,000,000

This order is effective November 11, 1975.

Dated: October 20, 1975.

HENRY S. DOGIN,
Acting Administrator, Drug Enforcement Administration.

[FR Doc.75-30313 Filed 11-10-75;8:45 am]

[Docket No. 75-16]

JAMES B. ANDERSON

Notice of Hearing

Notice is hereby given that on June 24, 1975, the Drug Enforcement Administration, Department of Justice, issued to James B. Anderson, M.D., Russellville, Alabama, an Order to Show Cause as to why the Drug Enforcement Administration Registration No. AA3136238 issued to him pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be revoked.

Thirty days having elapsed since said Order to Show Cause was received by the Respondent, and written request for a hearing having been filed by the Respondent with the Drug Enforcement Administration, Notice is hereby given that a hearing in this matter will be held commencing at 9:30 a.m. on November 12, 1975, in Courtroom No. 603, 136 Pryor Street SW., Atlanta, Georgia.

Dated: November 5, 1975.

HENRY S. DOGIN,
Acting Administrator, Drug Enforcement Administration.

[FR Doc.75-30521 Filed 11-10-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES 15368; Survey Group 160]

FLORIDA

Notice of Filing of Plat of Survey

NOVEMBER 4, 1975.

The plat of survey of the following described lands, which was accepted on July 3, 1975, will be officially filed in the Eastern States Office, Silver Spring, Maryland as of 10:00 A.M. on December 15, 1975:

TALLAHASSEE MERIDIAN, FLORIDA

T. 41 S., R. 22 E., Tract No. 37 (0.15 of an acre); Tract No. 38 (0.16 of an acre); Tract No. 39 (0.11 of an acre); Tract No. 40 (0.87 of an acre).

The area aggregates 1.29 acres.

The plat represents the survey of islands omitted from the original surveys of T. 41 S., R. 22 E., as shown on the plats approved May 6, 1850, and July 20, 1872.

Tracts 37, 38 and 39 are islands of sandy formation, ranging 2 to 3 feet in height, with outer fringes of tidal man-

grove. The upland portions of these islands support moderate growths of such vegetation as sea grape, cabbage palm and buttonwood; the undergrowth consists of cacti, vines and small shrubs. Tract 40 is an island of sandy shell formation, ranging 4 to 5 feet in height, with an outer fringer of tidal mangrove. The upland portion supports a moderate growth of sea grape, buttonwood and palm trees, with undergrowth consisting of cacti, vines and small shrubs. The inner tidal areas of all islands are covered with a black and red mangrove mixture. Each island is surrounded by a fringe of red and black mangrove, with no apparent connecting bars, shell or sand ridges to any other islands, and is stable in position with no erosive action.

Tracts 37, 38 and 39 have features and characteristics similar to the mainland of this area, and all characteristics of the mainland would indicate that these islands were in existence in 1845 when Florida was admitted to the Union and at all subsequent dates. Tract 40 contains a high percentage of shells and appears to be an Indian mound. The size and amount of the over-story timber on this island would prove its existence at the time Florida was admitted to the Union in 1845 and at all subsequent dates.

The islands are well over 50% upland in character within the interpretation of the Swampland Act of September 28, 1850.

Except for valid existing rights, these lands will not be subject to application, petition, location, selection or to any other type of appropriation under any public land law, including the mining and mineral leasing laws, until a further order is issued.

All inquiries relating to these islands should be sent to Director, Eastern States, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Maryland 20910.

LOWELL J. UDY,
Director,
Eastern States.

[FR Doc.75-30338 Filed 11-10-75;8:45 am]

LOUISIANA-PACIFIC CORPORATION

Availability of Negative Declaration and Environmental Analysis Record on Proposed Right-of-Way

Pursuant to Section 102(c) of the National Environmental Policy Act of 1969, and Part 1500.6(e) of the Council of Environmental Quality Guidelines (38FR20550) August 1, 1973, the Bureau of Land Management, U.S. Department of the Interior, gives notice that an environmental impact statement is not being prepared for the issuance of the Big Butte right-of-way to the Louisiana-Pacific Corporation in Mendocino and Trinity Counties, California.

The proposed right-of-way was included among the actions assessed in the draft environmental impact statement for the Big Butte Timber Sale, which was released for public review on March 8, 1974 (39FR9228). As a result of decisions made through the planning process subsequent to release of the draft statement, the timber sale has been cancelled and a Final Environmental Statement will not be prepared.

The environmental analysis record of this Federal action indicates that the issuance of a short-term right-of-way will not create significant adverse local, regional or national impacts on the environment. As a result of these findings, Mr. Melvin D. Clausen, District Manager, Bureau of Land Management, U.S.D.I., 555 Leslie Street, Ukiah, California 95482, has determined that the preparation and review of an environmental impact statement is not needed for this right-of-way. The right-of-way involves construction of a minimum standard log-haul road across approximately 5 miles of national resource lands.

The environmental analysis record is available for inspection during regular working hours at the following location: Bureau of Land Management, 555 Leslie Street, Ukiah, California 95482.

Requests for single copies of the environmental analysis record should be sent to the above address.

No administrative action on implementation of this proposal will be taken until December 3, 1975.

CURT BERKLUND,
Director.

[FR Doc.75-30343 Filed 11-10-75;8:45 am]

[NM 26719]

NEW MEXICO

Notice of Application

OCTOBER 31, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Llano, Inc., has applied for a 12 inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN
NEW MEXICO

T. 24 S., R. 26 E.
Sec. 11, N½SW¼, SE¼SW¼ and S½SE¼;
Sec. 12, SW¼SW¼;
Sec. 13, NW¼NE¼ and NE¼NW¼.
T. 24 S., R. 27 E.
Sec. 17, N½SW¼, SE¼SW¼ and S½SE¼;
Sec. 18, lot 2;
Sec. 21, N½NW¼;
Sec. 25, NW¼NE¼ and S½NE¼.
T. 24 S., R. 28 E.
Sec. 29, S½SW¼, and SW¼SE¼;
Sec. 30, lot 2, SE¼NW¼, NE¼SW¼, N½SE¼ and SE¼SE¼.
T. 25 S., R. 28 E.
Sec. 1, lot 4, SW¼NE¼ and S½NW¼;
Sec. 2, lots 1 and 2.
T. 25 S., R. 29 E.
Sec. 5, S½SW¼;
Sec. 8, N½NE¼, SE¼NE¼ and NE¼NW¼;
Sec. 9, SW¼NE¼, S½NW¼ and N½SE¼;
Sec. 10, N½SW¼, SE¼SW¼ and S½SE¼.
T. 25 S., R. 30 E.
Sec. 9, S½S½;
Sec. 10, S½S½;
Sec. 11, S½S½;
Sec. 12, S½S½.
T. 25 S., R. 31 E.
Sec. 7, lot 4, SE¼SW¼ and S½SE¼;
Sec. 8, S½S½;
Sec. 9, S½S½;
Sec. 10, S½S½;
Sec. 11, S½S½;
Sec. 12, S½S½.
T. 25 S., R. 32 E.
Sec. 7, lot 4 and SE¼SW¼;
Sec. 18, lot 1 and NE¼NW¼.

This pipeline will convey natural gas across 20.925 miles of national resource lands in Eddy and Lea Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1387, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-30339 Filed 11-10-75;8:45 am]

[Serial No. I-7435]

IDAHO

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

NOVEMBER 3, 1975.

Notice of an application, Serial No. I-7435, for withdrawal and reservation of lands was published as Federal Register Document No. 74-2518 on page 3977 of the issue for January 31, 1974. The Energy Research and Development Administration, formerly the Atomic Energy Commission, has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Part 2300, such lands will be at 10:00 a.m. on December 16, 1975 relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

BOISE MERIDIAN, IDAHO

T. 14 S., R. 26 E.,
Secs. 22, 27, 33 and 34.
T. 15 S., R. 26 E.,
Secs. 3, 4, 5, 8, 9, 10, 16, 17 and 20.
T. 16 S., R. 25 E.,
Secs. 13, 14, 23 and 24.
T. 16 S., R. 26 E.,
Secs. 1, 2 and 7 through 18 inclusive.
T. 16 S., R. 27 E.,
Secs. 6 and 7.

The area described aggregates 16,408.24 acres.

VINCENT S. STROBEL,
Chief, Branch of L&M Operations.

[FR Doc.75-30243 Filed 11-10-75;8:45 am]

NEVADA STATE MULTIPLE USE ADVISORY BOARD

Notice of Meeting

Notice is hereby given in accordance with Public Law 92-463 that a meeting

of the Nevada State Multiple Use Advisory Board will be held December 10 and 11, 1975 at 8 a.m. at the Pioneer Inn, 221 S. Virginia Street, Reno, Nevada.

The Nevada State Multiple Use Advisory Board was established to advise and counsel the Bureau of Land Management and the Secretary of the Interior on national resource land management.

This will be the first meeting of the newly appointed board under its charter approved by the Secretary of the Interior on August 5, 1975. The purpose of the meeitng is to orient the board members to BLM's programs, to elect officers and to discuss necessary committees. The following topics will be discussed during the meeting: Role and organization of the board including committees, current issues nationally and in Nevada, BLM Nevada district organization study, current legislation affecting the BLM and the board's perceptions of the BLM.

The meeting is open to the public. Interested persons may make oral presentations to the board or file written statements. Such requests should be made to the official listed below at least 15 days prior to the meeting.

Further information concerning this meeting may be obtained from Carl A. Gidlund, Chief, Public Affairs Staff, Bureau of Land Management, Nevada State Office, Room 3008 Federal Building, 300 Booth Street, Reno, Nevada 89502, telephone 702–784–5459.

Minutes of the meeting will be available for public inspection and copying four weeks after the meeting at the Bureau of Land Management, Nevada State Office, Room 3041, Federal Building, 300 Booth Street, Reno, Nevada 89502.

E. I. Rowland,
State Director, Nevada.

November 3, 1975.

[FR Doc.75–30242 Filed 11–10–75;8:45 am]

[OR 13853 (Wash.)]

WASHINGTON

Notice of Termination of Proposed Withdrawal and Reservation of Lands

October 30, 1975.

Notice of an application Serial No. OR 13853 (Wash.), for withdrawal and reservation of lands was published as Federal Register Document No. FR 75–6093 on page 12131 of the issue for March 17, 1975. The applicant agency has cancelled its application which involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR 2091.2–5(b), such lands will be at 10 a.m. on December 5, 1975, relieved of the segregative effort of the above-mentioned application.

The lands involved in this notice of termination are:

Willamette Meridian

Wenatchee National Forest

Liberty Historical District

T. 20 N., R. 17 E.,
Sec. 1, portions of SW¼NW¼, SE¼NW¼, and NW¼SW¼;
Sec. 2, portions of NE¼SE¼.
Further described as follows:
Beginning at Corner No. 1, the ¼ Section Corner common to secs. 1 and 2, T. 20 N., R. 17 E.
From Corner No. 1 by metes and bounds:
N. 73° 57′ E., 1065.80 feet to Corner No. 2; N. 90° 00′ E., 346.54 feet to Corner No. 3; S. 0° 00′ E. 129.49 feet to Corner No. 4; S. 67° 36′ W., 256.95 feet to Corner No. 5; S. 24° 13′ W., 126.93 feet to Corner No. 6; S. 60° 35′ W., 1372.50 feet to Corner No. 7; N. 38° 53′ W., 291.00 feet to Corner No. 8; S. 61° 48′ W., 238.00 feet to Corner No. 9; S. 65° 04′ W., 307.23 feet to Corner No. 10; N. 0° 00′ E., 542.10 feet to Corner No. 11; N. 73° 57′ E., 708.97 feet to Corner No. 1; the place of beginning.

The area described contains approximately 23.76 acres in Kittitas County, Washington.

Harold A. Berends,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75–30244 Filed 11–10–75;8:45 am]

Geological Survey

[NTL–6]

FEDERAL AND INDIAN OIL AND GAS LEASES

Approval of Operations

Notice is hereby given that the Geological Survey proposes to formalize its procedures for approval of all applications for permits to conduct operational or construction activities on onshore Federal and Indian oil and gas leases. The proposed Notice also prescribes the information which a lessee or operator must submit in support of applications to conduct operations.

Interested parties may submit written comments, objections, and suggestions to the Chief, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 650, 12201 Sunrise Valley Drive, Reston, Virginia 22092, on or before December 14, 1975.

It is hereby certified that the economic and inflationary impacts of proposed Notice to Lessees and Operators, NTL–6, have been carefully evaluated in accordance with OMB Circular A–107.

V. E. McKelvey,
Director.

Notice to Lessees and Operators of Federal and Indian Onshore Oil and Gas Leases (NTL–6)

Pursuant to the National Environmental Policy Act of 1969 (83 Stat. 852), the Department of the Interior is charged with the responsibility of assuring that oil and gas operations on leased lands under its jurisdiction are conducted with due regard for the protection of the environment. Therefore, all operations which are conducted on onshore Federal and Indian oil and gas lease must conform to the requirements of this Notice as well as those contained in the lease and in the Oil and Gas Operating Regulations, Title 20 CFR Part 221.

I. General

In order that the environmental impact of proposed operations may be properly evaluated, all applications to conduct leasehold operations or construction activities must be accompanied by an appropriate surface use plan. As a minimum, such applications and surface use plans must provide a detailed description of the technical aspects of the proposed operation or activity, the magnitude of surface disturbance involved, and the procedures to be followed in rehabilitating the surface once the operation or construction activity has been completed. Specific requirements in this regard are set forth in Sections II(B), III, and V hereof. One copy of the surface use plan must be attached to each copy of the application to conduct operations or construction activities.

Applications to conduct operations or construction activities with attached surface use plans should be filed at least 30 days in advance of the contemplated starting date of any operation or construction activity in order to allow sufficient time in which to schedule and conduct, if necessary, a joint field inspection by appropriate personnel of the Geological Survey, the Federal surface management agency, the lessee or operator, and, if practical, the lessee's or operator's contractors and subcontractors who will perform the work. However, the early filing of an application is no guarantee that approval thereof will be granted within the 30-day period, as environmental considerations or current workload in the affected Federal agencies may result in further delay.

Lessees and operators have the responsibility to see that their exploration, development, production, and construction operations are conducted in a manner which (1) affords maximum safeguards for the environment; (2) results in the proper rehabilitation of disturbed lands; and, (3) assures the protection of the public health and safety. In that regard, lessees and operators will be held fully accountable for their contractors' and subcontractors' compliance with the applicable laws, regulations, and the requirements of the approved permit and surface use plan.

All approvals of proposed operations as well as subsequent instructions and regulation thereof will come from the District Engineer or Area Oil and Gas Supervisor of the Geological Survey. However, the Federal surface management agency will establish the rehabilitation requirements and will be available for consultation during rehabilitation

operations. Names, addresses, and phone numbers of appropriate personnel of the Geological Survey and the Federal surface management agency, as well as approved surface use areas, will be furnished the lessee or operator on its approved copy of the permit and surface use plan.

Lessees and operators, as well as their contractors and subcontractors, must not commence any operation or construction activity on a lease without the prior approval of the appropriate official of the Geological Survey. Likewise, the terms and conditions of an approved permit and surface use plan may not be altered unless the Geological Survey has approved an amended or supplemental permit and/or plan covering any such modifications. Approval of subsequent operations is addressed in Section V of this notice.

II. Drilling Operations

A. Preliminary environmental review

A preliminary environmental review will be required on all future drilling operations prior to entry on the ground for the purpose of staking the location, access roads, and other surface use areas. The lessee or operator, upon finalizing plans to drill but prior to the actual surveying, must file with the Geological Survey's District Engineer or Area Oil and Gas Supervisor and the appropriate office of the involved Federal surface management agency, a topographic map (or equivalent) of a scale not less than 1 inch=1 mile which shows the preferred location and the general topographic features in the area. This will permit the Federal surface management agency, prior to the lessee's or operator's expenditure of time and money for surveys, to review its records for any potential conflicts with other resource values. If conflicts are noted, a joint conference or field inspection, as appropriate, by the Geological Survey, the Federal surface management agency, and the operator may be scheduled to resolve problem areas.

B. Application for permit to drill

All drilling operations must be conducted in accordance with a permit or development plan which has the prior approval of the District Engineer or Area Oil and Gas Supervisor.

The permit or development plan filed for approval will consist of the application for permit to drill on Form 9-331C, and a multi-point surface use and operations plan. Where private surface is involved, it should also include a copy of the written agreement between the lessee or operator and the surface owner or a letter setting forth the rehabilitation requirements of the surface owner. The requirements for surface use and operations plans and the rehabilitation of private surface are contained in Sections III and VI, respectively, of this notice.

The application for permit to drill must provide information concerning (1) the location in feet and direction from the nearest lines of an established survey, as determined by a registered surveyor or engineer; (2) the elevation above sea level of the ground and derrick floor or rotary kelly bushing; (3) the geologic name of the surface formation; (4) the type of tools and other equipment to be utilized; (5) the proposed drilling depth; (6) the estimated tops of important geologic markers; (7) the estimated depths at which water, oil, gas, or other mineral deposits are expected to be encountered; (8) the proposed casing program including the size, grade, weight, and safety factors for collapse, tension, and burst of each string; (9) the proposed setting depth of each casing string and the amount and type of cement (including additives) and mud to be used; (10) the proposed pressure control equipment which is to be used and a schematic diagram thereof; (11) the type and characteristics of the proposed drilling medium or mediums to be employed; (12) the testing, logging, and coring programs to be followed; (13) any abnormal pressures or temperatures expected to be encountered or potential hazards such as hydrogen sulfide gas and plans for mitigating such hazards; (14) the anticipated starting date and duration of the operation; and, (15) any other facets of the proposed operation which are pertinent to the Geological Survey's consideration of the application. The District Engineer or Area Oil and Gas Supervisor may require additional information as warranted.

A copy of approved application for permit to drill and the accompanying surface use and operations plan shall be posted at the drillsite.

III. Multi-Point Surface Use and Operations Plan

A surface use and operations plan in sufficient detail to permit a complete appraisal of the environmental effects associated with the proposed project must be submitted, in triplicate, to the District Engineer or Area Oil and Gas Supervisor with the application for permit to drill.

The Geological Survey will send a copy of such plan to the Federal surface management agency. When possible, a preliminary field development plan or drilling schedule should also be submitted to allow lead time for evaluating environmental considerations, resource conflicts, and land use planning alternatives.

The plan shall in its context provide for and assure adequate protection of surface resources, other environmental components, and include adequate measures for reclamation of disturbed lands. The plan shall be developed in conformity with the provisions of the lease, attached stipulations, and the guidelines provided by this Notice. In developing the plan, the lessee or operator will make use of such information as is available from the Federal surface management agency concerning the surface resources, environmental considerations, and local reclamation procedures. The plan will be reviewed for adequatecy by the Geological Survey and the Federal surface management agency. Approval of proposed activities that would result in irreparable or extensive damage to the environment will be withheld until the plan is modified, additional mitigating measures are provided, or alternatives to the proposed action are agreed upon.

A. Guidelines for the preparation of surface use and operations plans

In the preparation of surface use and operations plans, lessees and operators should adhere closely to the following:

1. *Existing roads.* A legible map (USGS topographic or county road map of a scale not less than 1 inch=1 mile) shall be used for locating the proposed well site in relation to a town or other locatable reference point. The proposed route to the location including appropriate distances from the reference point to the point where the access route exits the highway or county road shall be shown. All proposed access roads shall be appropriately labeled or color coded. Additionally, all existing roads within a radius of three miles from the location of a proposed exploratory well should be shown. An exploratory well is a well which is located two miles or more from the boundary of a known geologic structure or a producible well. For all other drillsites (development wells) existing roads within a one-mile radius of the location should be shown.

Any plans for the improvement and/or maintenance of existing roads should also be stated.

Information required by item Nos. 3 and 4 of this subsection may also be shown on this map if appropriately labeled.

2. *Planned access roads.* Information in this regard is to be submitted on a large scale map (not less than 4 inches = 1 mile) and shall appropriately identify all permanent and temporary access roads that are to be constructed, or reconstructed in connection with the drilling and production of the proposed well. Width, maximum grade, turnouts, drainage design, location and size of culverts, and surfacing material, if any, shall be stated. At the time of submission, the location of all proposed new or reconstructed roads shall be staked. However, modification of proposed road design may be required after the location is accepted.

Information should also be furnished to indicate where existing fences will be cut and whether gates or cattleguards will be used. Additionally, the discussion should make reference to any existing gates which are to be replaced by cattleguards.

3. *Location of existing wells.* This information should be submitted on a map of suitable scale and include all wells (producing, abandoned, temporary abandoned, shut-in, injection, disposal, and drilling) within a two-mile radius of the proposed location of an exploratory well or within a one-mile radius of the proposed location of a development well.

4. *Lateral roads to well locations.* The information submitted in this regard should be shown on a map of suitable scale and include all existing and proposed lateral roads to all well locations

within a one-mile radius of the proposed location.

5. *Location of tank batteries, production facilities, and production, gathering, and service lines.* Existing tank batteries, production facilities, and production, gathering, or service lines within a one-mile radius of the proposed location which are owned or controlled by the lessee or operator should be shown on a map or plat of suitable scale. The type of each present facility and the exact nature of each existing line (oil flowline, gas gathering line, injection line, or water disposal line) should be identified and it should be noted which, if any, of said lines are buried. If new facilities (tank battery, other production equipment, and lines) are contemplated in the event production is established and those facilities are to be located at other than on the well site itself, the map or plot furnished in this regard must also indicate the location all proposed new facilities. Future prospects for additional development of the leasehold should be considered in the siting of new facilities. However, final approval to construct such new facilities will not be granted until after detailed plans have been submitted and evaluated pursuant to Section V hereof.

6. *Location and type of water supply (rivers, creeks, lakes, ponds, and wells).* This information may be shown by quarter-quarter section on a plat or map of suitable scale or may be a written description. The source of all water to be used in drilling the proposed well should be noted. The method of transporting the water shall be stated and any access roads neded to haul the water will be described in items Nos. 1 or 2, as appropriate. However, the Survey's approval of the surface use and operations plan does not relieve the lessee or operator from obtaining any other authorization which may be required for the use of such water. Moreover, if a water supply well is to be drilled on the lease, it must be so stated under this item and the District Engineer or Area Oil and Gas Supervisor may require the filing of a separate application for permit to drill.

7. *Source of construction materials.* This information may be shown by quarter-quarter section on a plat or map of suitable scale or may be a written description. The proposed source, character, and use of all construction materials such as sand, gravel, stone, and soil material should be stated. Any access roads needed to haul such materials should be described in item Nos. 1 or 2, as appropriate.

8. *Methods for handling waste disposal.* A brief, written description should be given of the methods and location for safe containment and disposal of each type of waste material (cuttings, garbage, salts, chemicals, and sewage) which results from the drilling of the proposed well. Likewise, the narrative should include plans for the eventual disposal of drilling fluids and any produced oil or water recovered during testing operations.

9. *Ancillary facilities.* The plan or subsequent amendments to such plans shall identify all ancillary facilities such as camps and airstrips as to their location, land area required, and the methods and standards to be employed in their construction. Such facilities shall be shown on a map of suitable scale and shall be staked on the ground.

10. *Well site layout.* A plat of suitable scale (not less than 1 inch=50 feet) including cross section diagrams of the drill pad and the relation to topography are required. The plat should also include the proposed location of the mud tanks, pits (reserve, burn, and trash), pipe racks, access road, turnaround areas, parking areas, living facilities, soil material stockpile, and the orientation of the rig with respect to the pad and other facilities. Plans to line the reserve pit should be indicated.

The exterior dimensions of the pad and reserve pit shall be specified and will be staked on the ground.

11. *Plans for restoration of the surface.* State the proposed program for surface restoration upon completion of the operation such as stockpiling topsoil, leveling, reseeding, and seed mixture. Such plans will be reviewed for adequacy by the appropriate Federal surface management agency. A proposed timetable for the commencement and completion of rehabilitation operations must be provided.

12. *Other information.* Include a general description of the topography, soil characteristics, formation lithologies, geologic features, flora, fauna, and other aspects of the area such as other surface use activities.

The surface ownership (Federal, Indian, State, or private) at the well location and for all lands which are to be crossed by newly constructed roads should be indicated.

Any available information which would be useful in evaluating the environmental impact of the proposed operation, including proximity to steep hillsides and gullies, water wells, ponds, lakes, or streams, occupied dwellings, or other facilities, and archeological, historical, or cultural sites should be included. Information concerning required cuts and fills during the construction of roads and the location should also be furnished.

All construction practices necessary to accommodate potential geologic hazards should be discussed under the appropriate items of the plan.

13. *Lessee's or operator's representative.* Include the name, address, and phone number of the lessee's or operator's field representative who is responsible for assuring compliance with the approved surface use and operations plan.

14. *Certification.* The following statement is to be incorporated in the plan and must be signed by the lessee's or operator's field representative who is identified in item No. 13 of the plan:

I hereby certify that I, or persons under my direct supervision, have inspected the proposed drillsite and access route; that I am familiar with the conditions which presently exist; that the statements made in this plan are, to the best of my knowledge, true and correct; and, that the work associated with the operations proposed herein will be performed by _____ and its contractors subcontractors in conformity with this plan and the terms and conditions under which it is approved.

_____
Date

_____
Name and Title

IV. Environmental Analysis Requirements

When an application for permit to drill is received, an onsite inspection normally will be required. If made, it will include the District Engineer or Area Oil and Gas Supervisor, the lessee or operator, the Federal surface management agency, and others including the dirt contractor, as appropriate. The purpose of tihs inspection will be to select the most feasible and environmentally acceptable areas for well sites (considering geologic factors and Federal and State regulations), access roads and other proposed surface use areas. Accordingly, lessees and operators are encouraged to designate future development or drilling sites so that several locations may be inspected at one time.

When such an inspection is made, an environmental analysis will usually be prepared by the District Engineer or Area Oil and Gas Supervisor. Said analysis will identify methods for mitigating the potential adverse environmental effects associated with the proposed operation and will be the basis of the approving official's determination as to whether approval of the proposed activity would constitute a major Federal action significantly affecting the quality of the human environment as defined by Section 102(2)(C) of the National Environmental Policy Act of 1969. Any surface protection and rehabilitation requirements specified by the Federal surface management agency will normally be made a part of any subsequently approved permit or and/or the surface use and operations plan.

Due to the probability of a required onsite inspection, the required input from other Federal agencies, and the variations in the level of drilling activity, lessees and operators are encouraged to file applications well in advance of the time when it is desired to commence operations.

V. Approval of Subsequent Operations

Before repairing, deepening, or conditioning a well, a detailed written statement of the plan of work must be filed on Form 9–331 or 9–331C with the District Engineer or Area Oil and Gas Supervisor and approval obtained before the work is started. Any proposed change in any such plan of work must also receive the prior approval of the District Engineer or Area Oil and Gas Supervisor.

Lessees and operators are also required to submit for the approval of the District Engineer or Area Oil and Gas Supervisor

a suitable plan prior to undertaking any subsequent new construction, reconstruction, or alteration of existing facilities, including roads, dams, lines or other production facilities on any lease when additional surface disturbance will result. Sufficient information must be submitted to permit a proper evaluation of the proposed surface disturbing activities as well as any planned accommodations necessary to mitigate potential adverse environmental effects.

The environmental analysis procedures discussed in Section IV of this Notice will also apply to such subsequent operations which have the potential for significant surface disturbance although these requirements may be somewhat less in established producing areas.

VI. Agreement for Rehabilitation of Privately-Owned Surface

Where the surface is privately owned or is owned by an Indian allottee, each application for permit to drill or to conduct other surface disturbance activities, shall contain information concerning the surface owner's rehabilitation requirements. A written agreement between the lessee or operator and the surface owner is not necessary if a letter from the lessee or the operator setting forth the surface owner's rehabilitation requirements is furnished. Payment of damages in lieu of full restoration will not be an acceptable substitute for a normal cleanup and rehabilitation program.

If no arrangements have been made, or if information concerning such arrangements is not furnished, the District Engineer or Area Oil and Gas Supervisor will request the Federal surface management agency to recommend the necessary surface restoration requirements. In such cases, the lessee or operator will be expected to comply with these rehabilitation requirements, if any, regardless of the arrangement made with the surface owner. Provided, however, that subsequent reasonable requests by the surface owner that pits, roads, and other facilities be left intact may be honored. If written proof of prior arrangements has been provided, the Federal surface management agency will be asked to recommend surface rehabilitation requirements to the District Engineer or Area Oil and Gas Supervisor giving full consideration to the preferences of the landowner.

VI. Well Abandonment

No well abandonment operations may be commenced in the absence of the prior approval of the District Engineer or Area Oil and Gas Supervisor. However, the Federal surface management agency may request additional surface rehabilitation measures at abandonment and these requirements are normally made a part of the Geological Survey's approval of abandonment. Upon completion of the abandonment and rehabilitation operations, the lessee or operator should notify the District Engineer or Area Oil and Gas Supervisor that the location is ready for inspection. However, final abandonment will not be approved until the surface rehabilitation work required by the drilling permit or abandonment notice has been completed and the required vegetation is established to the satisfaction of the appropriate Federal surface management agency.

VII. Water Well Conversion

The complete abandonment of a well which has encountered usable fresh water will not be approved if the Federal surface management agency determines it wants to acquire the well. If, at abandonment, the Federal surface management agency elects to assume further responsibility for the well, it will reimburse the lessee or operator for the cost of any recoverable casing left in the hole solely because it is to be completed as a water well. The lessee or operator will abandon the well to the base of the deepest fresh water zone of interest as required by the District Engineer or Area Oil and Gas Supervisor and will complete the surface cleanup and rehabilitation as required by the drilling permit or abandonment notice immediately upon completion of the conversion operations.

[FR Doc.75-29641 Filed 11-10-75;8:45 am]

National Park Service

BOSTON NATIONAL HISTORICAL PARK ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act, Public Law 92-463, that a meeting of the Boston National Historical Park Advisory Commission will be held at 10:00 a.m. on December 8, 1975, at the North Atlantic Regional Office, Room 715, 150 Causeway Street, Boston, Massachusetts.

The Commission was established by Public Law 93-431 to advise the Secretary of the Interior on matters relating to the development of the Boston National Historical Park.

The members of the Advisory Commission are as follows:

Mr. Richard A. Berenson, Chairman, Brookline, Massachusetts.
Dr. Evelyn Murphy, Lexington, Massahcusetts.
Mr. Byron D. Rushing, Boston, Massachusetts.
Mrs. Katherine D. Kane, Boston, Massachusetts.
Mr. Maurice F. O'Shea, Charlestown, Massachusetts.
Mr. Guy A. Beninati, Boston, Massachusetts.

The matters to be discussed at this meeting include:

1. The role of National Parke Service advisory commissions.
2. The organization of the Commission.
3. Status of funding.
4. Status of park administration and operations.
5. Status of cooperative agreement.
6. A review of alternative plans for the management, development and use of the resources included within the Boston National Historical Park.

The meeting will be open to the public. However, facilities and space are limited, and it is expected that not more than 25 persons will be able to attend the sessions. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Hugh D. Gurney, Project Manager, Boston National Historical Park at 617-223-3777. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the North Atlantic Region, 150 Causeway Street, Boston, Massachusetts.

Dated: October 23, 1975.

Jerry D. Wagers,
Regional Director.

[FR Doc. 75-30370 Filed 11-10-75; 8:45 am]

NORTH ATLANTIC REGION ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act, that a meeting of the North Atlantic Region Advisory Commission will be held at 9 a.m., e.d.t. on December 4, 1975 through 4:30 p.m. on December 5, 1975, at Minute Man National Historical Park, Lexington, Massachusetts.

The purpose of the Commission is to provide for the free exchange of ideas between the National Park Service and the public, and to facilitate the solicitation of advice or other council from members of the public on problems and programs pertinent to the North Atlantic Region.

The members of the Commission are as follows:

Mr. John N. Cole,
Brunswick, Maine.
Ms. Antoinette F. Downing,
Providence, Rhode Island.
Mrs. Arthur Fenske,
Green Village, New Jersey.
Mr. Charles H. W. Foster,
Needham, Massachusetts.
Mr. George T. Hamilton, Dover, New Hampshire.
M. John P. Keith, Hartadale, New York.
Mr. Frederick R. Micha, Ontario, New York.
Mr. William A. Niering, Gales Ferry, Connecticut.
Mr. William B. Pinney, Charlotte, Vermont.

The purpose of this meeting is as follows:

1. Briefing by the North Atlantic Regional Director on current events in the Region.
2. Discuss and prepare final report of Springfield Armory visit.
3. Receive and discuss report of Acadia National Park visit.
4. The final discussion of Urban Park and Recreation.
5. Discussion of National Park Service Planning Procedure.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first come, first served basis. There will be a tour of Minute Man National Historical Park beginning at the Sheraton Lexington, Concord at 9 AM, December 4, 1975 and ending at 12 noon at the

Buttrick Mansion. There will be limited room on the chartered bus, so places cannot be guaranteed for the general public, but they are welcome to accompany the tour in their own transportation.

The formal meeting will begin at 1:30 p.m., December 4, 1975, at the Sheraton Lexington Inn in Concord, Massachusetts in the Colonial Room.

Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Minutes of the meeting will be available for public inspection four weeks after the meeting at the North Atlantic Regional Office, National Park Service, 150 Causeway Street, Boston, Massachusetts, 02114 at area code (617) 223-3763.

Dated: October 23, 1975.

JERRY D. WAGERS,
Regional Director,
North Atlantic Region.

[FR Doc.75-30369 Filed 11-10-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

OZARK-ST. FRANCIS NFS, ARK.

Vegetation Management With Herbicides; 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 Vegetation Management with Herbicides on the Ozark-St. Francis Naitonal Forests in Arkansas, USDA-FS-R8-FES-ADM-75-18.

The environmental statement concerns the use of herbicides (primarily 2, 4-D; 2, 4, 5-T; Silvex, and Picloram) for temporary reduction and control of target plant species on approximately 18-22,000 acres per year. The proposed action will increase the productivity yield and quality of the forests' timber, range, wildlife and resources.

The final environmental statement was transmitted to CEQ on October 31, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Rm. 3230, 12th St. & Independence Ave., SW., Washington, DC 20250.
USDA, Forest Service, 1720 Peachtree Rd., NW, Rm. 804, Atlanta, GA 30309.
USDA, Forest Service, Forest Supervisor, Ozark-St. Francis NFs, P.O. Box 1008, Russellville, Arkansas 72801.

A limited number of single copies are available upon request to Larry Hanson, Forest Supervisor, Ozark-St. Francis NFs, Box 1008, Russellville, Arkansas 72801.

Dated: October 31, 1975.

THOMAS W. SEARS,
Acting Regional,
Environmental Coordinator.

[FR Doc.75-30333 Filed 11-10-75;8:45 am]

WALLOWA VALLEY PLANNING UNIT

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 Wallowa Valley Planning Unit, Wallowa-Whitman National Forest, Oregon. USDA-FS-R6-FES-(Adm)-75-17.

This environmental statement concerns a proposed resource allocation.

This final environmental statement was transmitted to CEQ on November 3, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave., SW., Washington, D.C. 20250.
USDA, Forest Service, Pacific Northwest Region, 319 SW Pine Street, Portland, Oregon 97204.
Wallowa-Whitman National Forest, Federal Buiding, Baker, Oregon 97814.

A limited number of single copies are available upon request to Forest Supervisor A. G. Oard, Wallowa-Whitman National Forest, Federal Building, Baker, Oregon 97814.

Copies of the environmental statement have been sent to various Federal, State and local agencies as outlined in the CEQ guidelines.

CURTIS L. SWANSON,
Regional Environmental Coordinator, Planning, Programing and Budgeting.

NOVEMBER 3, 1975.

[FR Doc.75-30334 Filed 11-10-75;8:45 am]

BLACK PINE PLANNING UNIT

Notice of Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Black Pine Planning Unit, Sawtooth National Forest, Idaho. The Forest Service report number is USDA-FS—FES (Adm) R4-75-20.

The environmental statement identifies and evaluates the probable effects of the land use plan for the Black Pine Planning Unit on the Sawtooth National Forest, Idaho. The purpose of the plan is to allocate National Forest lands within the unit to specific resource uses and activities; establish management objectives; document management direction, management decisions, and necessary coordination between resource uses and activities; and provide for the protection, use and development of the various resources within the planning unit. The plan provides for minimization of adverse effects and maximization of desirable effects. Significant areas will remain undeveloped with options for future management remaining open.

This final environmental statement was transmitted to CEQ on November 3, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave., SW., Washington, D.C. 20250.
Regional Planning Office, USDA, Forest Service, Federal Building, Room 4403, 324-25th Street, Ogden, Utah 84401.
Forest Supervisor, Sawtooth National Forest, 1525 Addison Avenue East, Twin Falls, Idaho 83301.
District Forest Ranger, Burley Ranger District, P.O. Box 430, Burley, Idaho 83318.

A limited number of single copies are available upon request to Forest Supervisor E. A. Fournier, Sawtooth National Forest, 1525 Addison Avenue East, Twin Falls, Idaho 83301.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Dated: November 3, 1975.

P. M. REES,
Director, Regional Planning and Budget.

[FR Doc.75-30234 Filed 11-10-75;8:45 am]

WHITE MOUNTAIN NATIONAL FOREST ADVISORY COMMITTEE

Notice of Meeting

The White Mountain National Forest Advisory Committee will meet December 3 and 4, 1975, at the Country Fare Inn, Moultonboro, New Hampshire.

The purpose of this meeting is to discuss planning and management proposals for the White Mountain National Forest.

The meeting will be open to the public. Persons who wish to attend should notify Ned Therrien, U.S. Forest Service, Laconia, New Hampshire 03246. Telephone number 603-524-6450.

PAUL D. WEINGART,
Forest Supervisor.

NOVEMBER 3, 1975.

[FR Doc.75-30332 Filed 11-10-75;8:45 am]

Soil Conservation Service

NORWALK RIVER WATERSHED PROJECT, CONN.

Notice of 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 Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department

of Agriculture, has prepared a draft environmental impact statement for the Norwalk River Watershed Project, Fairfield County, Connecticut, USDA–SCS–EIS–WS–(ADM)–76–2–D–CT.

The environmental impact statement concerns a plan for watershed protection, flood prevention, and wildlife. The planned works of improvement include conservation land treatment, supplemented by channel work and four water control structures with two pool areas improved for wildlife (one area is within the pool of a structure already constructed). The channel work will involve the enlargement of 11,125 feet of existing channel.

A limited supply of copies is available at the following location to fill single copy requests: Soil Conservation Service, USDA, Mansfield Professional Park, Storrs, Connecticut 06268.

Norwalk River Watershed Project, Connecticut, Notice of Availability of Draft Environmental Impact Statement

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 or of special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Robert G. Halstead, State Conservationist, Soil Conservation Service, Mansfield Professional Park, Storrs, Connecticut 06268.

Comments must be received on or before December 26, 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: October 31, 1975.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-30235 Filed 11-10-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

NATIONAL CANCER INSTITUTE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00015–33–46040. Applicant: National Cancer Institute, Baltimore Cancer Research Ctr., 3100 Wyman Park Drive, Baltimore, Maryland 21211. Article: Electron Microscope, JEM 100C. Manufacturer: JOEL Ltd., Japan. Intended use of article: The article is intended to be used in a research capacity in studies of subcellular aspects of differentiation, neoplastic transformation of hematopoietic cells and the response of malignant and normal cells to chemotherapeutic agents. Etiologic factors of human hematopoietic dyscrasias and animal model systems of such diseases are also under investigation. Of particular importance is the search for and identification of virus like structures in human material. The article will also be used to study structural alterations in cellular components such as nucleic acid malformations, subcellular particle alterations and changes in tissue organization by pharmacologic agents or appearing in the natural course of a disease.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (April 8, 1975). Reasons: The foreign article has a specified resolving capability of 3 Angstroms (Å). The most closely comparable domestic instrument is the Model EMU–4C supplied by the Adam David Company. The Model EMU–4C has a specified resolving capability of 5Å. Resolving capability bears an inverse relationship to its numerical rating in Å, i.e., the lower the rating, the better the resolving capability. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated October 17, 1975 that the best resolution available is pertinent to the purposes for which the foreign article is intended to be used. HEW further advises that domestic instruments did not provide resolution equivalent to that of the foreign article at the time the foreign article was ordered. We, therefore, find that the EMU–4C was not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.75-30327 Filed 11-10-75;8:45 am]

PURDUE UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq, 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00017–33–90000. Applicant: Purdue University, ADMS Building, West Lafayette, IN 47907. Article: Rotating X-ray generator, Model GX20 3.5", Manufacturer: AEI Scientific Apparatus, United Kingdom. Intended use of Article: The article is intended to be used as a high intensity fine focus X-ray source for the investigation of the crystal and molecular structure of small spherical RNA viruses.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a focused spot of minimal size (0.1 x 0.1 mm) and rotating target for maximum x-ray beam intensity. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated October 17, 1975 that the capabilities described above are pertinent to the purposes for which the article is intended to be used. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.75-30328 Filed 11-10-75;8:45 am]

UNIVERSITY OF WASHINGTON, ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of

equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before December 1, 1975.

Amended regulations issued under cited Act (40 FR 12253 et seq. 15 CFR 701, 1975) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00159-56-17500. Applicant: University of Washington, Department of Oceanography WB-10, Seattle, Washington 98195. Article: Recording Current Meter, Model 4. Manufacturer: Iva Aanderaa, Norway. Intended use of article: The article is intended to be used for studies of time dependent velocity, temperature, conductivity fields in the Pacific Northwest coastal and estuarine waters. Application received by Commissioner of Customs: October 9, 1975.

Docket Number: 76-00168-85-40600. Applicant: University of Georgia, Department of Geology, Athens, Georgia 30601. Article: Isotope Radio Mass Spectrometer, Model 602C and accessories. Manufacturer: V. G. Micromass, United Kingdom. Intended use of article: The article is intended to be used for the following projects:

(1) Examination of the influence of surface meteoric waters upon subsurface volcanic processes. This feature will be studied through analyses of the $^{18}O/^{16}O$ in rocks and minerals from samples obtained from various localities in Antarctica.

(2) Measurement of $^{18}O/^{16}O$ variations of rocks and minerals for the purpose of ascertaining temperatures attained within major thrust sheets of the northern and central Rocky Mountains.

(3) Examination of $^{18}O/^{16}O$ variations of foraminifera from deep sea cores obtained from the Caribbean Sea. These analyses will be utilized for the purposes of obtaining stratigraphic correlation with already analyzed cores at different localities, and

(4) Examinations of $^{18}O/^{16}O$ $^{13}C/^{12}C$ variations from rocks and minerals related to the iron ore deposits of S. E. Missouri. This study will be conducted for the purpose of obtaining information about the source of waters and the temperatures involved in deposit of these ore bodies.

The article will also be used as an educational tool for students in geology and in other scientific fields such as archeology, chemistry and biology. Application received by Commissioner of Customs: October 16, 1975.

Docket Number: 76-00169-33-46500. Applicant: The University of Texas Health Science Center at San Antonio, Dept. of Anatomy, 7703 Floyd Curl Drive, San Antonio, Texas 78284. Article: Ultramicrotome, Model Om U3 with AO Stereoscopic Microscope. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used for studies of biological specimens of placental tissue from several primate species including human. Studies will be performed to characterize the normal morphology of various primate species comparing one with the other and particularly with the human, and to attempt to correlate differences in structure with abnormal conditions. The article will also be used in the course, "Techniques for Electron Microscopy" to give students an understanding of the principles of histologic technique for electron microscopy and practical experience in actually accomplishing the procedures necessary to produce material for study with the electron microscope. Application received by Commissioner of Customs: October 16, 1975.

Docket Number: 76-00170-33-46500. Applicant: Mount Desert Island Biological Laboratory, Salsbury Cove, Maine 04672. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of tissue from local marine, fresh water and terrestrial organisms (bony and cartilagenous fish, birds invertebrates, shell fish and hemichordates) and hamsters. Experiments will be conducted to determine ultrastructural and cytochemical properties of epithelial and endothelial tissues that transport ions.. water and macromolecules. Application received by Commissioner of Customs: October 16, 1975.

Docket Number: 76-00171-33-46500. Applicant: University of Massachusetts, Mass. Agricultural Experiment Station, 217 Stockbridge Hall, Amherst, Mass. 01002. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological materials, including plant and animal tissue, viruses and bacteria which exhibit both normal and pathologic structure. A variety of experiments will be conducted involving the structure and behavior of cells and tissues under normal and pathological conditions. The article will also be used for educational purposes in the courses:

(1) Plant Pathology-Plant Virology—concerned with the structure and properties of plant viruses; virus infection and synthesis; virus transmission; symptomatology and physiology of virus-infected plants; assay and purification of plant viruses; as well as identification and control of plant viruses, and

(2) Entomology—Insect Microbiology and Pathology—involving the diseases of insects including classification and biology of the pathogens involved. Application received by Commissioner of Customs: October 16, 1975.

Docket Number: 76-00172-33-19095. Applicant: The Wistar Institute, 36th Street at Spruce, Philadelphia, Pennsylvania 19104. Article: M-86 Combined Scanning Interferometer and Densitometer with accessories. Manufacturer: Vickers, Ltd., United Kingdom. Intended use of article: The article is intended to be used for investigating the involvement of cycling-noncycling cell transitions in a variety of disease processes, especially aging. Cytochemical and autoradiographic preparations of cultured cells as well as biopsy and autopsy material from humans are used in these studies. The article is also intended to be used for the training of predoctoral, postdoctoral, and resident medical students involved in a number of research projects to provide a basic understanding of the cytophotometer and its application to biomedical research. Application received by Commissioner of Customs: October 16, 1975.

Docket Number: 76-00173-00-75000. Applicant: Massachusetts Institute of Technology, Cambridge, Ma. 02139. Article: Cutter Drive Unit for Camkometer. Manufacturer: Cambridge Insitu, United Kingdom. Intended use of article: The article is an accessory to a Camkometer which will be used to measure in situ stresses in a soil mass by providing a means of inserting load cells into the soil with a minimum of disturbance. Application received by Commissioner of Customs: October 16, 1975.

Docket Number: 76-00174-33-90000. Applicant: Loma Linda University, P.O. Box 728, Loma Linda, CA 92354. Article: EMI Scanner System with Magnetic Tape System and Diagnostic Display Console, Data Transfer Module. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for research in the following areas:

(1) Cerebro-vascular occlusive disease and cerebral blood flow.

(2) Acute head injuries.

(3) Early detection and treatment of head injuries.

(4) Application of the scanner to ENT Radiology, specifically the orbit and the ear.

The article will also be used in training programs for medical students, medical school faculty, radiology residents, neuroradiology fellows, and radiologic technologists. Application received by Commissioner of Customs: October 20, 1975.

Docket Number: 76-00175-75-40450. Applicant: University of Rochester, AEP, 400 Elmwood Avenue, Rochester, N.Y. 14642. Article: Doserate Meter-Integrator. Manufacturer: Electron Diamonds Ltd., United Kingdom. Intended use of article: The article is intended to be used for the determination of precise location of a struck irradiation source which is essential to avoid inadvertent damage to source encapsulation with consequent environmental contamination when attempting to achieve safe storage of the source. Application received by Commissioner of Customs: October 20, 1975.

Docket Number: 76-00176-35-46040. Applicant: University of Maryland—

School of Medicine, 660 W. Redwood Street, Baltimore, Maryland 21201. Article: Electron Microscope, Model JEM 100B. Manufacturer: JEOL, Japan. Intended use of article: The article is intended to be used to study histochemical changes in the lens epithelium after experimental production of cataracts. These include lysomes and enzymes identified by chemical reactions. The exact area in the cell where the enzyme occurs is particularly important to identify. The article will also be used for teaching medical students and Ophthalmology residents the techique of electron microscopy with applied histochemistry. Application received by Commissioner of Customs: October 20, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.75-30329 Filed 11-10-75;8:45 am]

UNIVERSITY OF WASHINGTON, ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq. 15 CFR 701, 1975.)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Section 301.8 of the Regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90 day period. * * * If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of § 301.11.

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20 day period, or fails to resubmit a new application within the 90 day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 301.8 further provides:

> "* * * the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant."

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket Number: 75-00321-56-17500. Applicant: University of Washington, Department of Oceanography, WB-10, Seattle, Washington 98195. Article: Recording Current Meter, Model 4. Date of denial without prejudice to resubmission: July 10, 1975.

Docket Number: 75-00301-33-77030. Applicant: Bowman Gray School of Medicine, 300 S. Hawthorne Road, Winston-Salem, N.C. 27103. Article: CPS Coherent NMR Spectrometer. Date of denial without prejudice to resubmission: July 18, 1975.

Docket Number: 75-00406-44-01100. Applicant: Tulane University School of Medicine, 1430 Tulane Avenue, New Orleans, Louisiana 70112. Article: Morgan Transfertest Model B with Associated Gas Analyzers. Date of denial without prejudice to resubmission: July 10, 1975.

Docket Number: 75-00426-33-90000. Applicant: The Johns Hopkins Hospital, 601 North Broadway, Baltimore, Maryland 21205. Article: EMI Scanner System with Magnetic Tape System and High Definition Display Units. Date of denial without prejudice to resubmission: July 18, 1975.

Docket Number: 75-00427-33-46040. Applicant: Veterans Administration Hospital, 4150 Clement Street, San Francisco, Calif. 94121. Article: Electron Microscope, Model EM 201S and accessories. Date of denial without prejudice to resubmission: July 18, 1975.

Docket Number: 75-00431-33-46040. Applicant: University of Nebraska—Lincoln, Dept. of Veterinary Science, College of Agriculture, Lincoln, Nebraska 68503. Article: Electron Microscope, Model EM 201C and accessories. Date of denial without prejudice to resubmission: July 18, 1975.

Docket Number: 75-00483-25-20700. Applicant: University of Rochester, Rochester, New York 14627. Article: Ultra-fast Photodiode with infrared (S-1) Photocathode Mounted with 50 OHM Output and high voltage connectors. Date of denial without prejudice to resubmission: July 10, 1975.

Docket Number: 75-00549-01-63550. Applicant: Medical University of South Carolina, 80 Barre Street, Charleston, S.C. 29401. Article: Polarimeter with Micro-observation Tube. Date of denial without prejudice to resubmission: July 10, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.75-30330 Filed 11-10-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 75N-0184]

CERTAIN DRUG PRODUCTS CONTAINING AN ANTICHOLINERGIC/ANTISPASMODIC IN COMBINATION WITH A SEDATIVE/TRANQUILIZER; ANTISPASMODIC DRUGS ALONE

Drugs for Human Use; Drug Efficacy Study Implementation; Permission for Drugs to Remain on the Market

A notice was published in the FEDERAL REGISTER of December 14, 1972 (37 FR 26623), informing manufacturers of prescription drugs for human use of the future schedule for implementation of the drug efficacy study. That notice listed certain drugs, together with the justification for their medical need, which may remain on the market pending completion of scientific studies to determine effectiveness, and provided for future additions to or deletions from that list. Other drug products are now being added to that list. The products being added have been widely used in medical practice in the treatment of gastrointestinal disorders. Although none of them have been conclusively proven effective, they are of sufficient medical importance to justify additional study. This notice states the conditions for their continued marketing.

In notices published in the FEDERAL REGISTER of October 21, 1970 (35 FR 16422; DESI 4681), June 18, 1971 (36 FR 11754; DESI 3265), June 22, 1971 (36 FR 11875; DESI 10837), July 27, 1972 (37 FR 15028; DESI 597), and September 18, 1973 (38 FR 26138; DESI 9489), the Commissioner of Food and Drugs announced his conclusions pursuant to evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group concerning the following drug products. Other products included in

those announcements, but not named herein, are not affected by this notice:

DESI 4681

1. Trasentine Phenobarbital Tablets containing adiphenine hydrochloride 50 mg and phenobarbital 20 mg; Ciba Pharmaceutical Co., 556 Morris Ave., Summit, NJ 07901 (NDA 4–681).

2. Prantal with Phenobarbital Tablets containing diphemanil methylsulfate 100 mg and phenobarbital 16 mg; Schering Corp., 1011 Morris Ave., Union, NJ 07083 (NDA 8–829).

DESI 3265

1. Bentyl Capsules containing dicyclomine hydrochloride 10 mg; Merrell-National Laboratories, Division of Richardson-Merrell, Inc., 110 E. Amity Rd., Cincinnati, OH 45215 (NDA 7–409).

2. Bentyl Injection containing dicyclomine hydrochloride 10 mg/cc; Merrell-National Laboratories (NDA 8–370).

3. Bentyl Syrup containing dicyclomine hydrochloride 10 mg; Merrell-Na-National Laboratories (NDA 7–961).

4. Dactil Tablets containing piperidolate hydrochloride 50 mg; Lakeside Laboratories, Division of Colgate-Palmolive Co., 1707 E. North Ave., Milwaukee, WI 53201 (NDA 8–907).

5. Profenil Tablets containing alverine citrate 120 mg; Smith, Miller and Patch, Inc., 401 Joyce Kilmer Ave., New Brunswick, NJ 08902 (NDA 5–695).

6. Octin Tablets containing isomethepteine mucate 2 grains and Octin Solution containing isomethepteine hydrochloride 100 mg/cc; Knoll Pharmaceutical Co., 30 N. Jefferson Rd., Whippany, NJ 07981 (NDA 6–420).

7. Trocinate Tablets containing thiphenamil hydrochloride 100 mg; Wm. P. Poythress & Co., Inc., 16 N. 22d St., Richmond, VA 23261 (NDA 6–098).

DESI 10837

1. Daritran Tablets, containing oxyphencylimine hydrochloride 5 mg and meprobamate 250 mg; Pfizer Laboratories, Division of Pfizer, Inc., 235 E 42d St., New York, NY 10017 (NDA 12–070).

2. Enarax 5 Tablets containing oxyphencyclimine hydrochloride 5 mg and hydroxyzine hydrochloride 25 mg; and Enarax 10 Tablets containing oxyphencyclimine hydrochloride 10 mg and hydroxyzine hydrochloride 25 mg; J. B. Roerig & Co., Division of Pfizer, Inc., (NDA 11–784).

3. Milpath–200 Tablets containing meprobamate 200 mg and tridihexethyl chloride 25 mg; and Milpath–400 Tablets, containing meprobamate 400 mg and tridihexethyl chloride 25 mg; Wallace Laboratories, Division of Carter-Wallace, Inc., Half Acre Rd., Cranbury, NJ 08512 (NDA 11–043).

4. Pathibamate–200 Tablets containing tridihexethyl chloride 25 mg and meprobamate 200 mg; and Pathibamate–400 Tablets, containing tridihexethyl chloride 25 mg and meprobamate 400 mg; Lederle Laboratories Division, American Cyanamid Co., Pearl River, NY 10965 (NDA 10–837).

DESI 597

1. Bentyl Syrup with Phenobarbital containing dicyclomine hydrochloride 10 mg/5 cc and phenobarbital 15 mg/5 cc; Merrell-National Laboratories (NDA 7–961).

2. Bentyl with Phenobarbital Capsules containing dicyclomine hydrochloride 10 mg and phenobarbital 15 mg; Merrell-National Laboratories (NDA 7–409).

3. Dactil with Phenobarbital Tablets containing piperidolate hydrochloride 50 mg and phenobarbital 16 mg; Lakeside Laboratories, Inc. (NDA 8–907).

4. Antrenyl-Phenobarbital Tablets containing oxyphenomium bromide 5 mg and phenobarbital 15 mg; Ciba Pharmaceutical Co., Division of Ciba-Geigy Corp., 556 Morris Ave., Summit, NJ 07901 (NDA 8–492).

5. Robinul-PH Tablets containing glycopyrrolate 1 mg and phenobarbital 16 mg; and Robinul-PH Forte Tablets containing glycopyrrolate 2 mg and phenobarbital 16 mg; A. H. Robins Co., 1407 Cummings Dr., Richmond, VA 23220 (NDA 12–950).

6. Piptal-PHB Tablets containing pipenzolate bromide 5 mg and phenobarbital 16 mg; and Piptal-PHB Elixir containing pipenzolate bromide 5 mg/5 cc and phenobarbital 16 mg/5 cc; Lakeside Laboratories, Inc. (NDA 9–427).

7. Tricoloid and Phenobarbital Tablets containing tricyclamol chloride 50 mg and phenobarbital 16 mg; Burroughs Wellcome & Co., Inc., 3030 Cornwallis Rd., Research Triangle Park, NC 27709 (NDA 8–910).

8. That part of NDA 8–919 pertaining to Co-Elorine 100 Pulvules containing tricyclamol chloride 100 mg and amobarbital 16 mg; Eli Lilly and Co., P.O. Box 618, Indianapolis, IN 46206.

9. Nactisol Tablets containing poldine methylsulfate 4 mg and sodium butabarbital 15 mg; McNeil Laboratories, Inc., Camp Hill Rd., Fort Washington, PA 19034 (NDA 12–741).

10. Centrine Tablets with Phenobarbital containing aminopentamide sulfate 0.5 mg and phenobarbital 15 mg; Bristol Laboratories, Division of Bristol-Myers Co., Thompson Rd., P.O. Box 657, Syracuse, NY 13201 (NDA 9–288).

11. Centrine Elixir with Phenobarbital containing aminopentamide sulfate 0.5 mg/5 cc and phenobarbital 20 mg/5 cc; Bristol Laboratories, (NDA 8–885).

12. Profenil Phenobarbital Tablets containing alverine citrate 120 mg and phenobarbital 15 mg; Smith, Miller and Patch, Inc., (NDA 6–471).

13. Cantil with Phenobarbital Tablets containing mepenzolate bromide 25 mg and phenobarbital 16 mg, Lakeside Laboratories, Inc., (NDA 10–679).

14. Banthine with Phenobarbital Tablets containing methantheline bromide 50 mg and phenobarbital 15 mg; G. D. Searle & Co., P.O. Box 5110, Chicago, IL 60680 (NDA 7–390).

15. That part of NDA 8–942 pertaining to Pamine PB Tablets containing methscopolamine bromide 2.5 mg and phenobarbital 15 mg; The Upjohn Co., 7171 Portage Rd., Kalamazoo, MI 49002.

16. Daricon PB Tablets containing oxyphencyclimine hydrochloride 5 mg and phenobarbital 15 mg; Pfizer Laboratories (NDA 13–515).

17. Tral with Phenobarbital Tablets containing hexocyclium methylsulfate 25 mg and phenobarbital 15 mg; Abbott Laboratories, 14th and Sheridan Rd., N. Chicago, IL 60064 (NDA 10–599).

18. Pro-Banthine with Phenobarbital Tablets containing propantheline bromide 15 mg and phenobarbital 15 mg; G. D. Searle & Co. (NDA 9–014).

19. Probital Tablets, containing propantheline bromide 7.5 mg and phenobarbital 15 mg (G. D. Searle) was also referred to in the notice of July 27, 1972. That product was not included in the approved NDA but is affected by the conclusions in this notice as a related drug.

20. Monomeb Tablets containing penthienate bromide 5 mg and mephobarbital 32 mg; Winthrop Laboratories, 90 Park Ave., New York, NY 10016 (NDA 9–032).

21. Trocinate with Phenobarbital Tablets containing thiphenamil hydrochloride 100 mg and phenobarbital 16 mg; Wm. P. Poythress & Co., Inc., (NDA 6–098).

22. Metropine with Phenobarbital Tablets containing methylatropine nitrate 1 mg and phenobarbital 15 mg; Pennwalt Prescription Products Division, 755 Jefferson Rd., Rochester, NY 14623 (NDA 4–298).

23. Phenobarbital and Atropine Tablets containing atropine sulfate 1/220 grain and phenobarbital ¼ grain; The Vale Chemical Co., Inc., 1201 Liberty St., Allentown, PA 18102 (NDA 0–597).

DESI 9489

Pathilon with Phenobarbital Tablets, containing tridihexethyl chloride 25 mg and phenobarbital 15 mg; Lederle Laboratories (NDA 9–489). This product was not reviewed by the Academy.

The following drug products are subjects of NDA's but were not reviewed by the Academy and have not been the subject of a previous DESI notice. Some are subjects of abbreviated NDA's submitted pursuant to a DESI notice. All are affected by this notice.

1. Librax Capsule, containing clidinium bromide 2.5 mg and chlordiazepoxide 5 mg; Roche Laboratories, Division of Hoffmann-LaRoche, Inc., Nutley, NJ 07110 (NDA 12–750). The new drug application was approved prior to 1962. However, approval of the NDA was withdrawn January 26, 1966 (31 FR 1015), following the occurrence of accentuated anticholinergic effects and the discovery that certain lots of the drug contained greater than usual amounts of impurities which were analogues of clidinium. On September 1, 1966, the new drug application was reinstated after the firm submitted new data including new test procedures to detect the amount of impurities. However, since this reinstatement approval was not based upon a complete review of the entire application and did

not constitute a determination that all claimed indications are supported by substantial evidence of effectiveness, exclusion of Librax from NAS–NRC review was in appropriate. The clinical data included in the new drug application have now been reviewed by the Food and Drug Administration and it has been concluded that the data do not provide substantial evidence of effectiveness of the fixed combination. In addition to deficiencies with respect to the elements of adequate and well-controlled clinical investigations set forth in 21 CFR 314.111 (a)(5), the studies were not designed to show compliance with the requirements of 21 CFR 300.50 *Fixed-Combination prescription drugs for humans*. There is therefore no substantial evidence that the addition of chlordiazepoxide to clidinium bromide contributes to the effectiveness of the latter in the adjunctive therapy of peptic ulcer disease.

2. Spacolin Tablets containing alverine citrate 120 mg; Philips Roxane Laboratories, Inc., 330 Oak St., Columbus, OH 43216 (ANDA 80–634).

3. Dicyclomine Hydrochloride Capsules 10 mg; Bolar Pharmaceutical Co., Inc., 130 Lincoln St., Copiaque, NY 11726 (ANDA 83–179).

4. Dicyclomine Hydrochloride Capsules 10 mg; J. Davis Laboratories Inc., 433 Commercial Ave., Palisades Park, NJ 07650 (ANDA 83–860).

5. Dicyclomine Hydrochloride Tablets 20 mg; J. Davis Laboratories Inc. (ANDA 83–924).

6. Dicyclomine Hydrochloride Capsules 10 mg; The Lannett Co., Inc., 9000 State Rd., Philadelphia, PA 19136 (ANDA 84–285).

7. Dicyclomine Hydrochloride Capsules 10 mg; Danbury Pharmacal Inc., 131 West St., Danbury, CN 06810 (ANDA 84–347).

8. Dicyclomine Hydrochloride Tablets 20 mg; Bolar Pharmaceutical Co., Inc. (ANDA 84–361).

9. Dicyclomine Hydrochloride Tablets 20 mg; Barr Laboratories Inc., Northvale, NJ 07647 (ANDA 84–600).

10. That part of NDA 5–695 pertaining to Profenil Injection, containing alverine hydrochloride 45 mg/cc; Smith, Miller & Patch. Profenil Tablets containing alverine *citrate*, same NDA, was reviewed by the Academy and is listed above under DESI 3265.

All identical, related, and similar drug products, not the subject of an approved new drug application, are covered by the applications reviewed and are subject to this notice. (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD–310), 5600 Fishers Lane, Rockville, MD 20852.

Numerous products containing one or more belladonna alkaloids plus a barbiturate are known to be marketed without an approved new drug application. They are also affected by this notice. Following are some examples of such products, although this is not intended to be an exhaustive list:

1. Barbidonna Tablets and Elixir; Mallinckrodt Chemical Works, Pharmaceutical Division, 2d & Mallinckrodt Sts., St. Louis, MO 63160.

2. Belbarb Tablets; Arnar-Stone Laboratories, Inc., 601 E. Kensington Rd., Mount Prospect, IL 60056.

3. Belladenal Tablets and Elixir; Sandoz Pharmaceuticals, Inc., Rte. 10, E. Hanover, NJ 07936.

4. Butibel Tablets and Elixir; McNeil Laboratories, Inc., Camp Hill Rd., Fort Washington, PA 19034.

5. Chardonna Tablets, William H. Rorer, Inc., 500 Virginia Dr., Fort Washington, PA 19034.

6. Donnatal Tablets, Capsules, and Elixir; A. H. Robins Co., Inc.

7. Donphen Tablets; Lemmon Pharmacal Co., Sellersville, PA 18960.

8. Hybephen Tablets and Elixir; Beecham-Massengill Pharmaceuticals, Division of Beecham, Inc., 501–551 Fifth St., Bristol, TN 37620.

9. Kinesed Tablets; Stuart Pharmaceuticals, Division of I.C.I. America, Inc., 3411 Silverside Rd., Wilmington, DL 19899.

10. Levsin Tablets, Elixir, and Injection; Kremers-Urban Co., 5600 W. County Line Rd., P.O. Box 2038, Milwaukee, WI 53201.

11. Phenobarbital and Belladonna Tablets; The Upjohn Co.

12. Sidonna Tablets; Reed & Carnrick, 30 Boright Ave., Kenilworth, NH 07033.

The DESI notices cited above classified the combination products which they covered as possibly effective for certain indications and lacking substantial evidence of effectiveness for all other indications, and the single-entity drug products as effective with less-than-effective indications.

I. The Combination Drug Products

The anticholinergic/antispasmodic-sedative/tranquilizer combinations reviewed by the NAS–NRC, Drug Efficacy Study Group Panels and by the Food and Drug Administration were in all cases rated as less than effective (none were higher than "possibly effective") as fixed combinations. The anticholinergic components of the combinations were considered effective as "adjunctive therapy in the treatment of peptic ulcer" and the sedative components effective for sedation. Since publication of the initial notices, the FDA has not received information that would alter the conclusion that the combinations have not been demonstrated to be effective. The Commissioner of Food and Drugs has now considered these products further in light of the following.

A. Evidence of Effectiveness

The nature of the evidence needed to demonstrate effectiveness is determined by the condition(s) for which a drug is indicated. Two kinds of indications can be considered for anticholinergic-sedative combinations. First, they could be indicated for treatment of specific gastrointestinal diseases, e.g., for treatment of peptic ulcer disease or functional bowel syndrome. Alternatively, they could be indicated for treatment of two independent diseases; that is, for a gastrointestinal disease when there is also anxiety.

If the combinations are indicated for treatment of the gastrointestinal disease alone, then evidence of their effectiveness must be derived from studies which demonstrate, as required by 21 CFR 300.50 *Fixed-combination prescription drugs for humans*, that the anticholinergic drug and the sedative each contribute to the treatment of the gastrointestinal disease. This is accomplished by showing that the combination improves some gastrointestinal clinical parameter (rate of healing, pain, nausea, rate of recurrence) better than either single ingredient. It should be stressed that evaluation of the effectiveness of the drugs in treating anxiety in these patients is irrelevant to proof of effectiveness for the gastrointestinal indication, since it is the gastrointestinal disease that is being treated. (It might be of interest, however, to evaluate anxiety in order to determine whether there is a particular subclass of patients with gastrointestinal disease who respond best to combinations.)

Although alternative indications could be proposed, it is fairly clear that the anticholinergic-sedative combinations are intended by most physicians to treat gastrointestinal diseases, rather than two independent diseases, because it is thought that anxiety or tension, even if not at a level needing treatment if there were no gastrointestinal disease, contributes to the development of the gastrointestinal diseases or causes exacerbation of their symptoms and that sedation or relief of anxiety may therefore be helpful. This is a reasonable hypothesis and is supported by the known increase in acid secretion in humans with stress, by the well-described ability of stress to produce ulcer disease in animals, and by anecdotal evidence of symtomatic exacerbation of human gastrointestinal disease in periods of stress or anxiety. Although the hypothesis that sedation may be of benefit in treatment of gastrointestinal diseases is a plausible one, there are no adequate and well-controlled studies of any of the anticholinergic / antispasmodic - sedative/tranquilizer combinations which provide substantial evidence, as required by 21 CFR 300.50, that each component in fact contributes to the healing or other improvement of peptic ulcer disease or functional bowel disease. At a meeting of the FDA Gastrointestinal Drugs Advisory Committee on December 16, 1974, Dr. Stanley Lorber, a gastroenterologist who has strongly advocated continued availability of the combinations (see below), agreed with the committee that he knew of no adequate and well-controlled studies which demonstrated the contribution of each component of the combinations.

In addition to such evidence, the FDA combination policy requires that the components be present in a "dosage * * * (amount, frequency, duration) such that the combination is safe and effective for a significant population requiring such

concurrent therapy as defined in the labeling for the drug." This requirement raises the question of whether the effectiveness of the combination would depend on the ability to titrate each component independently. This question, however, obviously cannot be addressed at all until the contribution of each component is demonstrated.

It could be contended that the drugs are indicated, not for treatment of a gastrointestinal disease alone, but for treatment of two independent conditions, a gastrointestinal disease and anxiety, when the two conditions coexist. The implication of such an indication is that the two independent conditions coexist in a significant population, perhaps because they are not truly independent but tend to be associated, and that this population is definable in drug labeling and *requires* both drugs concurrently at the precise dosage (amount, duration of therapy, frequency of therapy) that is available in the fixed combination. The treatment population would thus have to have both the gastrointestinal disease and an anxiety episode needing treatment (i.e., a physician seeing such a patient without any gastrointestinal disease at all but with the same degree of anxiety would prescribe a sedative/tranquilizer in the amount present in the combination). Moreover, there would need to be evidence that the gastrointestinal disease and the anxiety arose and disappeared more or less simultaneously, so that neither drug was given for a condition that was no longer present.

There has been no evidence submitted to the FDA demonstrating that the population needing such concurrent therapy for the two coexisting conditions exists. The requirements of 21 CFR 300.50 are thus not fulfilled for this indication.

B. EVIDENCE OF MEDICAL NEED

In the court order of October 11, 1972, by Judge William B. Bryant of the U.S. District Court for the District of Columbia, which set time requirements for implementation of the Drug Efficacy Study, provision was made in Paragraph XIV for a limited number of drugs to "remain on the market pending completion of scientific studies to determine effectiveness where there is a compelling justification of the medical need for the drug."

Anticholinergic-sedative combinations are widely prescribed for the treatment of gastrointestinal diseases and are perceived as important in such treatment by many specialists in gastroenterology. Dr. Stanley Lorber, Professor of Medicine and Chairman of the Deparement of Gastroenterology of Temple University asked 105 physicians, most of them directors of gastroenterology training programs, to sign a letter to the Director of the Bureau of Drugs, supporting continued availability of the combinations. Of the 58 who responded, 45 supported the letter, which described the combinations as "useful in the treatment of a variety of gastrointestinal diseases and disorders * * *, constructed in such a way as to insure optimum safety with effectiveness . . . , well accepted by gastroenterologists as well as by general practitioners." The letter also stated that "65 percent to 75 percent of prescriptions written for anticholinergics/antispasmodics are prescribed in association with sedative drugs" and that "The potential disadvantages to patients, practicing physicians, and clinical investigators which would result from the removal of these combinations from the formulary and the subsequent need to re-prove their efficacy, when such efficacy has been been recognized for decades, would be a therapeutic injustice as well as an investigative burden of immense proportions. The latter would divert funds and investigative resources away from useful channels." Copies of Dr. Lorber's letter and pertinent portions of the minutes of the meeting of the FDA Gastrointestinal Drugs Advisory Committee have been placed on file in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852 and may be seen in that office Monday through Friday between 9:00 a.m. and 4:00 p.m. except on Federal legal holidays.

Standard texts also indicate that there are recognized experts in gastroenterology who perceive sedation as an important element in treating gastrointestinal diseases, although this view is far from unanimous and many experts indicate that the usefulness of sedation is not established.

Thus, while "Harrison's Principles of Internal Medicine" (Ref. 1) cautions against the routine use of sedation (p. 1437) and notes that sedatives have not been shown to alter the course of duodenal ulcer materially, "Cecil-Loeb Textbook of Medicine" (Ref. 2) states that while sedatives and tranquilizers do not affect gastric secretion, they promote relaxation and sleep and "rest and relief of tension are important" in treatment of ulcer disease (p. 1274). Small doses of sedative/tranquilizers are mentioned, the same doses generally present in the anticholinergic-sedative combinations. This view is more strongly advocated in "Drugs of Choice 1974-1975" (Ref. 3) (p. 297), which states that "Emotional tension plays an important role in the pathogenesis of peptic ulcer * * *. The relief of anxiety, tension, and other emotional stresses, therefore, is an important therapeutic consideration. Mild sedatives such as phenobarbital, 15 to 30 mg 4 times daily, facilitate rest and relaxation. Chloriazepoxide (Librium), in doses of 5 to 25 mg 3 or 4 times daily, is useful in decreasing anxiety." There is no specific reference to combinations, but the description plainly includes the dosages of sedatives most commonly included in the combinations.

REFERENCES

1. Silen, W., "Peptic Ulcer," *Harrison's Principles of Internal Medicine*, 7th ed. Edited by Wintrobe, M. W. et al., McGraw-Hill, New York, 1974.

2. Kirsner, J. B., "Acid-Peptic Disease," *Cecil-Loeb Textbook of Medicine*, 13th ed. Edited by Beeson, P. B. and W. McDermott, W. B. Saunders Co., Philadelphia, 1971.

3. Rakatansky, H. and J. B. Kirsner, "Drugs for Gastrointestinal Diseases," *Drugs of Choice 1974-1975*. Edited by Modell, W., C. V. Mosby Co., St. Louis, 1974.

Similar assertion of the usefulness of sedation is made in reference to functional bowel disorders ("Drugs of Choice," p. 310), emotional tension being cited as "the most important and most common cause of functional gastrointestinal distress." Combinations of antispasmodics and sedatives are specifically recommended.

It must be emphasized that neither Dr. Lorber's letter nor the opinions offered in standard textbooks constitute in any way evidence that the anticholinergic-sedative combinations are effective. The Commissioner does not accept the view that demonstration of the effectiveness of the anticholinergic-sedative combinations would be a useless diversion of investigative resources, or the conclusion, supported by no reports of adequate and well-controlled studies, that the effectiveness of the combinations has been recognized for decades. The very fact that use of these products is extensive is strong argument for the importance of carrying out studies to determine whether that use is effective.

At the same time, the important role of sedation and anticholinergic-sedative combinations perceived by numerous experts in gastroenterology and the claimed importance of the drugs to patient convenience and selection of proper dosage represent a compelling justification of their medical need and a basis for permitting the combinations to remain available while adequate and well-controlled studies are carried out to determine their effectiveness.

In addition to the medical need for these products represented by their present importance to many gastroenterologists and general practitioners, there are two additional considerations in placing these products under the Paragraph XIV exemption.

First, it is recognized by the Gastrointestinal Drugs Advisory Committee and the Food and Drug Administration that studies of drugs, including combination drugs, for treatment of the common gastrointestinal diseases are difficult to design and conduct because definition of the disease and rating of the severity of illness is difficult, end points of success are difficult to define and measure, and the diseases are placebo-responsive and spontaneously fluctuating in their severity. In part for these reasons, adequate studies of the combinations have not been carried out. The conclusion that there is no substantial evidence of effectiveness of the combinations thus represents predominantly a conclusion that there are no good data, rather than strong evidence that the combinations are not effective. For several years, manufacturers have been attempting to design, and agree with the Food and Drug Administration on, protocols for studies that would be well-controlled; but only recently has FDA, with the help of the new Gastrointestinal Drugs Advisory Committee, been able to provide guide-

lines for such studies. The lack of adequate studies of the anticholinergic-sedative combinations thus is, at least in part, a result of undeveloped investigational methodologies in this area.

Second, the question of the effectiveness of the fixed-dose anticholinergic-sedative combinations cannot be separated from the larger issue of whether sedatives, in variable combination or alone, are effective therapy for gastrointestinal diseases. Although no sedative is at present approved as effective for treating peptic ulcer disease or its symptoms or for treating functional bowel syndrome, sedative-tranquilizers are well-known to be used for these conditions, often with anticholinergics. These uses are not being extensively studied, and there appears to be little incentive to do so when the drugs are generally available and when many potential investigators, such as the signers of the letter to the Director, believe sedatives are already known to be effective. Studies of the fixed-dose combinations will thus provide information that is of great importance to the rational practice of gastroenterology: evidence of whether or not sedation, an important element in current treatment of peptic ulcer disease and functional bowel syndrome, is in fact an effective part of such treatment.

For the above reasons, the Commissioner of Food and Drugs has concluded that combinations of an anticholinergic/antispasmodic drug and a sedative/anti-anxiety drug, should be added to the list of drugs which may remain on the market beyond the applicable time limits for implementation (37 FR 26623). However, continued marketing will depend upon fulfillment of specific requirements, namely, the carrying out, according to protocols that are satisfactory to the Food and Drug Administration, of studies intended to resolve in a timely manner the question of whether or not such drugs are in fact effective (21 CFR 300.50 and 21 CFR 314.111(a)(5)).

Some of the anticholinergic-sedative combinations considered by the NAS/NRC contain only 8 mg of barbiturate. This is well below the therapeutic dose and does not appear to represent a likely unit of titration. These products have not been exempted and are the subject of a separate notice appearing elsewhere in this issue of the FEDERAL REGISTER.

Certain products reviewed by the NAS/NRC contain an anticholinergic in combination with a major tranquilizer. Since these major tranquilizers have not been shown to be effective as sedatives or as antianxiety agents in non-psychotic patients, the combinations containing them lack the rationale of the anticholinergic-sedative combinations and they have not been exempted. They are the subject of a separate notice appearing elsewhere in this issue of the FEDERAL REGISTER.

II. CERTAIN SINGLE-ENTITY ANTICHOLINERGIC DRUGS

In the announcement published in the Federal Register of June 18, 1971 (36 FR 11754; DESI 3265), the Commissioner of Food and Drugs announced his conclusions concerning the single-entity anticholinergic drugs. These were considered to be effective for use as adjunctive therapy in the treatment of peptic ulcer and probably effective in the irritable bowel syndrome. The pediatric preparations were probably effective for use in the treatment of infant colic. A number of drug products which lack anti-secretory properties entirely, are not anticholinergic drugs, and had not claimed effectiveness in ulcer disease except to relieve "spasm" were included erroneously in this list: products containing dicyclomine hydrochloride, piperidolate hydrochloride, alverine citrate, thiphenamil hydrochloride, isometheptene mucate, and isometheptene hydrochloride. In a separate notice appearing elsewhere in this issue of the FEDERAL REGISTER the Director, Bureau of Drugs, announces his conclusion that these drugs, in view of their lack of anti-secretory activity, lack substantial evidence of effectiveness as adjunctive therapy in the treatment of peptic ulcer and are less than effective (probably effective) for the irritable bowel syndrome. These drugs, however, may have advantages in the latter condition, in that they lack the anti-secretory effects of most anticholinergics and may produce fewer side effects as a result. In addition, the difficulties in designing protocols for study of functional bowel syndrome has delayed good study of these products, as well as the combinations. For these reasons, these single-entity antispasmodics have been placed on the exempt list.

III. CONTROLLED RELEASE DOSAGE FORMS

The exemption does not apply to controlled-release forms of such products. A notice concerning controlled-release products appears elsewhere in this issue of the FEDERAL REGISTER.

Accordingly, a new section is added to the list of drugs which may remain on the market (paragraph 3 of the notice of December 14, 1972) to read as follows:

XVIII. ANTICHOLINERGIC/ANTISPASMODIC-SEDATIVE/TRANQUILIZER COMBINATION DRUGS AND ANTISPASMODIC DRUGS ALONE

Class A. Anticholinergic drugs in combination with a sedative/tranquilizer

Any of the following anticholinergic drugs: aminopentamide sulfate, anisotropine methylbromide, atropine sulfate, clidinium bromide, glycopyrrolate, hexocyclium methyl sulfate, hyoscine hydrobromide, hyscyamine sulfate, mepenzolate bromide, methantheline bromide, methscopolamine bromide, methylatropine, nitrare, oxyphencyclimine hydrochloride, oxyphenonium bromide, penthienate bromide, pipenzolate bromide, poldine methylsulfate, propantheline bromide, tricyclamol chloride, or tridihexethyl chloride, in combination with an effective dose of one of the following sedatives or minor tranquilizers:

Sedatives: amobrabital, butabarbital, mephobarbital, phenobarbital, or other intermediate-duration barbiturates;

Minor tranquilizers: chlordiazepoxide, hydroxyzine, meprobamate.

Class B. *Antispasmodic drug alone or in combination with a sedative/tranquilizer.*

Any of the following antispasmodic drugs alone or in combination with an effective dose of a sedative or minor tranquilizer listed under Class A: adiphenine hydrochloride, alverine citrate, alverine hydrochloride, dicyclomine hydrochloride, isometheptene hydrochloride, isometheptene mucate, piperidolate hydrochloride, or thiphenamil hydrochloride.

A number of FEDERAL REGISTER notices were published classifying many of these drugs in combination as less than effective (possibly effective) for their labeled indications. At the present time there is no substantial evidence that any of these products are effective combinations meeting the requirements of 21 CFR 300.50, or that the single-entity antispasmodic drug products are effective for any indication. It is recognized, however, that well-controlled studies of drugs for peptic ulcer disease and functional bowel syndrome are difficult to design and conduct because definition of the diseases and rating of the severity of illness are difficult, end-points of success are difficult to define and measure, and the diseases are placebo-responsive and spontaneously fluctuating in their severity. Only in recent months has the Food and Drug Administration been able to develop guidelines for study of these conditions.

Antispasmodic - sedative / tranquilizer combinations and single-entity antispasmodic drugs are widely used in the treatment of peptic ulcer disease and functional bowel syndrome and are perceived as important and useful tools of therapy by many gastroenterologists and general practitioners, the loss of which would result in poorer and less convenient therapy for their patients. While this perception cannot in any way substitute for well-controlled studies, it does provide a compelling justification for permitting the continued marketing of these drugs while studies are underway to determine whether or not they are in fact effective. Furthermore, in addition to providing information about the fixed-dose combinations under consideration, such studies will provide important data about the use in general (i.e., alone and as variable combinations as well as fixed combinations) of anti-anxiety agents in the treatment of gastrointestinal diseases. Such use is common but is not an approved use for any sedative/tranquilizer because there is a lack of substantial evidence that this use is effective in relieving any gastrointestinal symptom or affecting the course of any gastrointestinal disease. Well-controlled studies of these drugs are thus of great importance to the rational practice of gastroenterology.

Because of the importance in day-to-day practice of these drugs, the need to develop information on this widely used class of drugs, and the difficulty of planning and conducting studies of the common gastrointestinal diseases, these products are being permitted to remain on the market pending completion of scientific studies to determine effectiveness. The specific conditions under which

these drugs may be marketed are as follows:

1. *Labeling.* Class A drugs shall be labeled as possibly effective as adjunctive therapy in the treatment of peptic ulcer and as possibly effective in the treatment of the irritable bowel syndrome (irritable colon, spastic colon, mucous colitis) and acute enterocolitis.

Class B drugs, if combinations, shall be labeled as possibly effective in the treatment of the irritable bowel syndrome (irritable colon, spastic colon, mucous colitis) and acute enterocolitis or, if single entities, shall be labeled as probably effective for the same indications. Single-entity pediatric antispasmodic drugs shall be labeled as probably effective for use in the treatment of infant colic.

The exemption does not apply to controlled-release forms of such products.

2. *Studies.* a. On or before February 9, 1976, the manufacturer or distributior of any such product shall submit a protocol to the Division of Cardio-Renal Drug Products, Gastrointestinal Drug Products Group (HFD–110), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852 for at least two adequate and well-controlled studies by independent investigators or for a multi-clinic study in which the data of at least three investigators can be evaluated independently, to determine whether or not the product is effective for at least one of the indications.

These protocols shall be compatible with Bureau of Drugs guidelines for such studies, available from the Division of Cardio-Renal Drug Products.

The Bureau of Drugs will review submitted protocols within a 90-day period and will provide to the manufacturer or distributor notice of approval or comments.

b. Within 6 months after receipt of the Bureau's approval or comments on the protocol, studies shall be in progress and the manufacturer or distributor shall so notify the Division of Cardio-Renal Drug Products in writing.

c. At 6-month intervals after studies have begun, the manufacturer or distributor shall submit a progress report to include the number of patients and investigators in the studies, the number of studies completed, and the number continuing.

d. Within 18 months after receipt of the Bureau's approval or comments on the protocol, the manufacturer or distributor shall submit data to the Division of Cardio-Renal Drug Products.

3. It will be acceptable to the Food and Drug Administration for manufacturers of products containing the same ingredients at the same dosages or dosage ratios to conduct studies in cooperation with one another and to submit a joint protocol. For this purpse, all barbiturates may be considered as identical.

Failure of any manufacturer or distributor of such drug products, whether or not his drug is the subject of a new drug application, to comply with the requirements of this notice, or to show adequate progress, will result in regulatory action to remove the drug product from the market.

All submissions (e.g., protocol, progress report) pursuant to this notice shall be identified by including the following in a box in the upper portion of the cover letter:

PARAGRAPH XIV DRUG—CATEGORY XVIII (Identify as appropriate, e.g. ANTICHOLINERGIC-SEDATIVE COMBINATION, ANTISPASMODIC)

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701, 52 Stat. 1052–1053, as amended, 1055–1056, as amended, (21 U.S.C. 355, 371)), the Administrative Procedure Act (5 U.S.C. 553, 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: November 5, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-30273 Filed 11-10-75;8:45 am]

MICROBIOLOGICAL GUIDELINES AND CRITERIA FOR TESTING CONTACT LENSES MADE WITH NEW POLYMERS

Notice of Availability

The Commissioner of Food and Drugs has developed microbiological guidelines and criteria for testing contact lenses made with new polymers (other than polymethylmethacrylate (PMMA)). These guidelines were developed by the Food and Drug Administration with the assistance of consultants and the Food and Drug Administration's Ophthalmic Drugs Advisory Committee. The guideline's purpose is to (1) provide the microbiological criteria by which contact lenses made with new polymers (other than PMMA) can be approved for marketing, and (2) provide an outline of tests to be performed by manufacturers to ascertain if such criteria have been met. The criteria are intended to minimize the risk of introducing pathogenic organisms into the eye as a consequnece of using contact lenses made with new polymers. These guidelines are not designed to be specific in all details. On request of the sponsor, protocols for studies will be reviewed by the Food and Drug Administration prior to initiation of the studies.

A copy of the draft guidelines has been placed on public display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, and will be available for public inspection Monday through Friday, from 9 a.m. to 4 p.m. Copies of the draft are also available upon request from the Hearing Clerk. Such requests shall be in writing.

Interested persons may, on or before December 11, 1975, submit to the Hearing Clerk written comments, preferably in quintuplicate, on these draft guidelines. Received comments may be seen in the Hearing Clerk's office during working hours, Monday through Friday.

Dated: November 5, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-30278 Filed 11-10-75;8:45 am]

[Docket No. 75N-0185; DESI 3265]

CERTAIN SINGLE-ENTITY ANTISPASMODIC DRUGS

Drugs for Human Use; Drug Efficacy Study Implementation; Amendment and Notice of Opportunity for Hearing

In an announcement (DESI 3265; Docket No. FDC–D–303 (Now Docket No. 75N–0185; NDA 3–265 etc.)) published in the FEDERAL REGISTER of June 18, 1971 (36 FR 11754), the Food and Drug Administration announced its conclusion that the drugs described below are effective as adjuncts in the treatment of peptic ulcer and less than effective for other indications. The Director of the Bureau of Drugs has now concluded that these particular products are not effective adjuncts to peptic ulcer treatment and proposes to withdraw approval of that indication and also certain other indications which were not supported by substantial evidence of effectiveness. Persons wishing to request a hearing must do so on or before December 11, 1975. Other drugs were also included in the announcement of November 18, 1971, but are not affected by this notice.

1. Bentyl Capsules containing dicyclomine hydrochloride 10 mg; Merrell-National Laboratories, Division of Richardson-Merrell, Inc., 110 E. Amity Rd., Cincinnati, OH 45215 (NDA 7–409).

2. Bentyl Injection containing dicyclomine hydrochloride 10 mg/cc; Merrell-National Laboratories (NDA 8–370).

3. Bentyl Syrup containing dicyclomine hydrochloride 5mg/5cc; Merrell-National Laboratories (NDA 7–961).

4. Dactil Tablets containing piperidolate hydrochloride 50 mg; Lakeside Laboratories, Division of Colgate-Palmolive Co., 1707 E. North Ave., Milwaukee, WI 53201 (NDA 8–907).

5. Profenil Tablets containing alverine citrate 120 mg (and Profenil Injection containing alverine hydrochloride 45 mg/cc); Smith, Miller & Patch, Inc., 401 Joyce Kilmer Ave., New Brunswick, NJ 08902 (NDA 5–695). Profenil Injection was not reviewed by the National Academy of Sciences-National Research Council, Drug Efficacy Study Group and was not included in the June 18, 1971 notice, but is regarded as similarly affected.

6. Octin Tablets containing isometheptenemucate 2 grains and Octin Solution containing isometheptene hydrochloride 110 mg/cc; Knoll Pharmaceutical Co., 30 N. Jefferson Rd., Whippany, NJ 07051 (NDA 6–420).

7. Trocinate Tablets containing thiphenamil hydrochloride 100 mg; Wm. P. Poythress & Co., Inc., 16 N. 22d St., Richmond, VA 23217 (NDA 6–098).

The following abbreviated new drug applications, although approved pursuant to the June 18, 1971 notice, are affected by the conclusions below.

1. Spacolin Tablets containing alverine citrate 120 mg; Philips Roxane Laboratories, Inc., 330 Oak St., Columbus, OH 43216 (ANDA 80–634).

2. Dicyclomine Hydrochloride 10 mg Capsules; Bolar Pharmaceutical Co., Inc., 130 Lincoln St., Copiaque, NY 11726 (ANDA 83–179).

3. Dicyclomine Hydrochloride 10 mg Capsules; J. Davis Laboratories, Inc., 433

Commercial Ave., Palisades Park, NJ 07650 (ANDA 83-860).

4. Dicyclomine Hydrochloride 20 mg Tablets; J. Davis Laboratories Inc., (ANDA 83-924).

5. Dicyclomine Hydrochloride 10 mg Capsules; The Lannett Co., Inc., 9000 State Rd., Philadelphia, PA 19136 (ANDA 84-285).

6. Dicyclomine Hydrochloride 10 mg Capsules; Danbury Pharmacal Inc., 131 West St., Danbury, CN 06810 (ANDA 84-347).

7. Dicyclomine Hydrochloride 10 mg Tablets; Bolar Pharmaceutical Co., Inc., (ANDA 84-361).

8. Dicyclomine Hydrochloride 20 mg Tablets; Barr Laboratories Inc., Northvale, NJ 07647 (ANDA 84-600).

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fisheries Lane, Rockville, MD 20852.

The announcement of June 18, 1971, stated that the above products, among other single-active-entity products, were regarded as effective for use as adjunctive therapy in the treatment of peptic ulcer, probably effective in the irritable bowel syndrome and adjunctive therapy in neurogenic bowel disturbances (including the splenic flexure syndrome and neurogenic colon), and possibly effective and lacking substantial evidence of effectiveness for other indications. Preparations labeled for pediatric use were regarded probably effective for infant colic.

The evaluations of dicyclomine, piperidolate, alverine, isometheptene, and thiphenamil products in the aforesaid notice as effective adjuncts in the treatment of peptic ulcer was inappropriate. That notice dealt with anticholinergics. These drug entities have not been shown to be effective as anti-secretory agents and in fact possess little or no anticholinergic activity. Further, the sponsors of the products had not previously claimed that they are effective in peptic ulcer disease, except to relieve "spasm". These drug entities are correctly classified as antispasmodics. They continue to be regarded as less than effective (probably effective) for the irritable bowel syndrome and the preparations labeled for pediatric use are regarded as less than effective (probably effective) for infant colic. In that no data were submitted in support of the other less than effective (probably and possibly effective) indications described in the June 18, 1971 notice, those indications are now regarded as lacking substantial evidence of effectiveness.

Accordingly, insofar as the drugs described above are concerned, the revised conclusions are as follows:

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that:

1. The drugs are less than effective (probably effective) as described in paragraph B below.

2. The drugs lack substantial evidence of effectiveness for adjunctive therapy in the treatment of peptic ulcer and for all the other labeled indications for which they were stated in the notice of June 18, 1971, to be either probably effective or possibly effective.

B. *Labeling conditions.* Labeling revised pursuant to this notice should furnish adequate information for the safe use of the drug for the following less-than-effective (probably effective) indications: the treatment of the irritable bowel syndrome (irritable colon, spastic colon, mucous colitis) and acute enterocolitis and, for pediatric products, infant colic.

C. *Market status.* Because these drug products may have advantages in the irritable bowel syndrome in that they lack the antisecretory effects of most anticholinergics and may produce fewer side effects as a result, and in that difficulties in designing protocols for study of functional bowel syndrome have delayed good study of these products, these single-entity antispasmodics, as well as certain of their combinations, are being placed on the list of drugs which may remain on the market pending completion of scientific studies to determine effectiveness. The specific conditions under which these drugs may be marketed are described in a separate notice published elsewhere in this issue of the FEDERAL REGISTER.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111 (a)(5), demonstrating the effectiveness of the drugs for indications referred to in paragraph A.2 of this notice.

Therefore, notice is given to the holders of the new drug applications, and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505 (e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug applications and all amendments and supplements thereto on the ground that new information before him with respect to the drug products, evaluated together with the evidence available to him at the time of approval of the applications, shows there is a lack of substantial evidence, for the indications referred to in paragraph A.2 of this notice, that the drug products will have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application supplemented, in accord with the notice, to (1) delete the claim(s) lacking substantial evidence of effectiveness; and (2) revise the labeling to be in accord with the labeling conditions set forth in paragraph B of this notice.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201 (p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant and all other persons who manufacture or distribute a drug which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If the applicant, or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing he shall file (1) on or before December 11, 1975, a written notice of appearance and request for hearing, and (2) on or before January 12, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of the applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for an indication(s) lacking substantial evidence of effectiveness referred to in paragraph A.2 of this notice may not thereafter lawfully be

marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions and denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk (address given below) Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Communications forwarded in response to this notice should be identified with the reference number DESI 3265, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852:

Supplements (identify with NDA number): Division of Cardio-Renal Drug Products (HFD-110), Rm. 16B-30, Bureau of Drugs.

Request for Hearing (identify with docket number): Hearing Clerk, Food and Drug Administration (HFC-20), Rm. 4-65, Parklawn Building.

All other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD-101), Bureau of Drugs.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121).

Dated: October 29, 1975.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.75-30274 Filed 11-10-75;8:45 am]

[Docket No. 75N-0223; DESI Nos. 597, 3265, 4681]

CERTAIN ANTICHOLINERGIC DRUGS IN CONTROLLED-RELEASE DOSAGE FORM

Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

In notices published in the FEDERAL REGISTER of October 21, 1970 (35 FR 16422; DESI 4681), June 18, 1971 (36 FR 11754; DESI 3265), and July 27, 1972 (37 FR 15028; DESI 597), the Food and Drug Administration announced its conclusions that certain anticholinergic drugs in controlled-release dosage form, described below, were probably effective, possibly effective, or lacking substantial evidence of effectiveness for use in the treatment of various gastrointestinal disorders (for example, ulcers) for which they were labeled. Since no data demonstrating the claimed prolonged effect have been received, substantial evidence of effectiveness is lacking and withdrawal of approval of these products is now being proposed. Persons wishing to request a hearing on the proposal must do so on or before December 11, 1975. Other products included in the above-listed announcements, but not named herein, are not affected by this notice.

DESI 597

1. Bentyl Repeat Action Tablets with Phenobarbital containing dicyclomine hydrochloride and phenobarbital; Merrell-National Laboratories, Division of Richardson-Merrell, Inc., 110 E. Amity Rd., Cincinnati, OH 45215 (NDA 9-311).

2. Tral with Phenobarbital Gradumets, (controlled-release tablets) containing hexocyclium methylsulfate and phenobarbital; Abbott Laboratories, Abbott Park, 14th & Sheridan Rd., N. Chicago, IL 60064 (NDA 11-200).

3. Pathilon with Phenobarbital Sequels (controlled-release capsules) containing tridihexethyl chloride and phenobarbital; Lederle Laboratories, Division American Cyanamid Co., P.O. Box 500, Pearl River, NY 10965 (NDA 11-940).

DESI 3265

1. Tral Gradumets (controlled-release tablets) containing hexocyclium methylsulfate; Abbott Laboratories (NDA 11-200).

2. Pathilon Sustained Release Capsules containing tridihexethyl chloride; Lederle Laboratories (NDA 11-889).

DESI 4681

1. Prantal Repetabs (controlled-release tablets) containing diphemanil methylsulfate; Schering Corp., Galloping Hill Rd., Kenilworth, NJ 07033 (NDA 8-638).

2. Scopolamine Methyl Bromide Prolongsules (controlled-release capsules) containing methscopolamine bromide; Richlyn Laboratories Inc., 3725 Castor Ave., Philadelphia, PA 19124 (NDA 10-404).

Scopolamine Methyl Bromide Prolongsules (NDA 10-404) was a subject of an order published in the FEDERAL REGISTER of October 27, 1971 (36 FR 20619), withdrawing approval of the new drug application on the ground of failure to submit required reports under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)). At that time no final conclusions concerning effectiveness of this drug had been reached. Conclusions have now been reached and the drug is included here to inform all interested persons of such conclusions and offer them the opportunity to request a hearing.

All of the above drug products have been reclassified as lacking substantial evidence of effectiveness. This reclassification is based upon the lack of any data demonstrating a prolonged duration of effect as compared with the products in standard dosage form.

With respect to the single-entity anticholinergic products (i.e., hexocyclium methylsulfate, tridihexethyl chloride, diphemanil methylsulfate, socpolamine methylbromide): since the standard dosage forms of single-entity anticholinergic products were classified as effective, bioavailability data demonstrating the prolonged effect claimed would permit reclassifying the products to effective.

With respect to the combination products: since, in a notice appearing elsewhere in this issue of the FEDERAL REGISTER, the standard dosage forms of the combination products are being included on the list of drugs which may remain on the market pending completion of scientific studies to determine effectiveness, bioavailability data demonstrating the prolonged effect claimed would permit these products to be added to that list. The required scientific studies could be conducted with either the standard or controlled-release forms of the combinations: the conclusions reached will be considered applicable to both forms.

Data from bioavailability studies may be submitted as part of a request for hearing, subject to the conditions described in 21 CFR 314.200(c)(4). If such data demonstrate the prolonged effect claimed, appropriate action, as discussed above, will be initiated.

On the basis of all of the data and information available to him the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5), and, for those products which are combinations, 21 CFR 300.50, demonstrating the effectiveness of any of the drug products listed above.

Therefore, notice is given to the Holder(s) of the new drug application(s) and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) (except for NDA 10-404) (or if indicated above, those parts of the application(s) providing for the drug product(s) listed above and all amendments and supplements thereto on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have the effect it purports or is represented to have under the the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to the holder(s) of the new drug application(s) specifically named above this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product which is identical, related, or similar to any of the drug products named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

In addition to the ground(s) for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for produdcts marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant(s) and all other persons subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the new drug application(s) (except for NDA 10-404) should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of any of the drug products named above and of all identical, related, or similar drug products.

If an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before December 11, 1975, a written notice of appearance and request for hearing, and (2) on or before January 12, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.-200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to all such drug products (except Scopolamine Methyl Bromide Prolongsules (NDA 10-404)) and a waiver of any contentions concerning the legal status of any of the drug products named above. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. Unless the request for hearing includes data which demonstrate the prolonged effect claimed for the product, if it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the applications (except for NDA 10-404), or which requires a hearing with respect to a determination of the legal status of any of the drug products named above and of all identical, related, or similar drug products or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing. If the data submitted demonstrate that the product has the prolonged effect claimed, this notice will be rescinded with respect to such product and appropriate action will be initiated as discussed above in this notice.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

All submissions pursuant to this notice, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121).

Dated: October 29, 1975.

J. RICHARD CROUT,
Director,
Bureau of Drugs.

[FR Doc.75-30275 Filed 11-10-75;8:45 am]

[Docket No. 75N-0187; DESI 10837]

ANTICHOLINERGIC DRUGS; PROCHLORPERAZINE MALEATE WITH ISOPROPAMIDE IODIDE, AND PROPANTHELINE BROMIDE WITH THIOPROPAZATE HYDROCHLORIDE

Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

In a notice (DESI 10837) published in the FEDERAL REGISTER of June 22, 1971 (36 FR 11875), the Food and Drug Administration announced its conclusions that the drug products described below are less than effective (possibly effective as adjunctive therapy in peptic ulcer and in the irritable bowel syndrome, functional diarrhea, drug-induced diarrhea, ulcerative colitis, urinary bladder spasm and urethral spasm), and lacking substantial evidence of effectiveness for their other labeled indications, and that additional evidence is required to establish their effectiveness. No data concerning effectiveness having been submitted, the products are now regarded as lacking substantial evidence of effectiveness. This notice announces that conclusion and proposes to withdraw approval of the products. Persons wishing to request a hearing must do so on or before December 11, 1975. Other products included in the notice of June 22, 1971, are not affected by this notice of opportunity for hearing.

NDA 11-162: Combid Spansule Capsules, containing prochlorperazine maleate and isopropamide iodide; Smith, Kline, and French Laboratories, Division of Smith Kline Corp., 1500 Spring Garden St., Philadelphia, PA 19101.

NDA 11-368; Pro-Banthine with Dartal Tablets, containing propantheline bromide and thiopropazate hydrochloride; Searle Laboratories, Division of G. D. Searle & Co., Box 5100, Chicago, IL 60680.

The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no data have been submitted to support the efficacy of these combination drugs. Further, the major tranquilizer components of these combinations, as single-entities, have not been shown to be effective as sedatives or as antianxiety agents in nonpsychotic patients.

On the basis of all of the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5) and 21 CFR 300.50, demonstrating the effectiveness of these combination drugs.

Therefore, notice is given to the holder(s) of the new drug application(s) and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and

Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) (or if indicated above, those parts of the application(s) providing for the drug product(s) listed above) and all amendments and supplements thereto on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

In addition to the ground(s) for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant(s) and all other persons subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and of all identical, related, or similar drug products.

If an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before December 11, 1975, a written notice of appearance and request for hearing, and (2) on or before January 12, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions and denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

All submissions pursuant to this notice, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk Monday through Friday, from 9 a.m. to 4 p.m., except on Federal legal holidays.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121).

Dated: October 29, 1975.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.75-30276 Filed 11-10-75;8:45 am]

[Docket No. 75N-0186; DESI 597]

CERTAIN COMBINATION DRUGS CONTAINING AN ANTICHOLINERGIC WITH A BARBITURATE

Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

In a notice (DESI 597) published in the FEDERAL REGISTER of July 27, 1972 (37 FR 15028), the Food and Drug Administration announced its conclusion that certain combination drug products described below were either only possibly effective or lacking substantial evidence of effectiveness for use in the treatment of the various gastrointestinal disorders (for example, ulcers) for which they are labeled. Because no data providing substantial evidence of effectiveness were received pursuant to that notice, the Director of the Bureau of Drugs proposes to withdraw approval of certain of such products. Persons wishing to request a hearing on the proposal must do so on or before December 11, 1975. Other products named in the notice of July 27, 1972, are not affected by this notice of opportunity for hearing.

1. That part of NDA 8-919 pertaining to Co-Elovine 25 Pulvules containing tricyclamol hydrochloride 25 mg and amobarbital 8 mg; Eli Lilly and Co., P.O. Box 618, Indianapolis, IN 46206.

2. Valpin-PB Tablets containing anisotropine methylbromide 10 mg and phenobarbital 8 mg; Endo Laboratories, Inc., 1000 Stewart Ave., Garden City, Long Island, NY 11533 (NDA 13-430).

3. Valpin-PB Elixir containing anisotropine methylbromide 10 mg per 5 cc and phenobarbital 8 mg per 5 cc; Endo Laboratories (NDA 13-431).

4. That part of NDA 8-942 pertaining to Pamine-PB Half-Strength Tablets containing methscopolamine bromide 1.25 mg, and phenobarbital 8 mg; The Upjohn Co., 7171 Portage Rd., Kalamazoo, MI 49002.

5. Pamine-PB Drops (Pediatric) containing methscopolamine bromide 0.5 mg per cc and phenobarbital 20 mg per cc; The Upjohn Co. (NDA 9-260).

6. Pamine-PB Elixir and Paminal Elixir containing methscopolamine bromide 1.25 mg per 5 cc and phenobarbital 8 mg per 5 cc; The Upjohn Co. (NDA 9-261).

Other anticholinergic-barbiturate combinations were included in the July 27, 1972 notice. All of them contain, in each dosage unit, an amount of the barbiturate which is regarded as adequate for its purpose. It has been concluded that those products should be permitted to remain on the market provided that additional clinical studies are undertaken to determine effectiveness of the products as fixed combinations. A notice appearing elsewhere in this issue of the FEDERAL REGISTER describes the conditions for their continued marketing. As presently formulated, each dosage unit of those particular products named in this notice, except as noted with respect to Pamine-BP Drops (Pediatric) (NDA 9-260), contains what is regarded as an inadequate amount of the barbiturate.

For that reason, it has been concluded that, unless they are reformulated to increase the amount of barbiturate to an adequate amount, they should not be included among the combinations which may continue to be marketed pending additional study. Pamine-PB Drops (Pediatric), although its barbiturate content is not regarded as inadequate, is included in this notice since the holder of the new drug application has informed the Administration that additional studies will not be undertaken.

On the basis of all of the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111 (a) (5) and 21 CFR 300.50, demonstrating the effectiveness of the combination drugs.

Therefore, notice is given to the holder(s) of the new drug application(s) and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) (or if indicated above, those parts of the application(s) providing for the drug product(s) listed above) and all amendments and supplements thereto on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

In addition to the ground(s) for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant(s) and all other persons subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and of all identical, related, or similar drug products.

If an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before December 11, 1975, a written notice of appearance and request for hearing, and (2) on or before January 12, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of aproval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions and denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

All submissions pursuant to this notice, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121).

Dated: October 29, 1975.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.75-30277 Filed 11-10-75;8:45 am]

COMMITTEE ON HIGH INTENSITY MERCURY VAPOR LAMPS

Meeting Regarding Standards Development Activities

To carry out a successful radiation control program in those areas covered under its broad authorities, the Bureau of Radiological Health of the Food and Drug Administration follows a policy of cooperation with standards-setting and related organizations. The policy of the Food and Drug Administration recognizes that liaison representation permits cooperation between government representatives and members of an association in the exchange of information and opinions on matters of common interest. To further support the efforts of the American National Standards Institute (ANSI) in resolving a radiation safety problem associated with mercury vapor lamps, the Food and Drug Administration has agreed to provide facilities for a meeting of an ANSI working group from the Committee on High Intensity Mercury Vapor Lamps. Only members of the working group and selected experts have been invited to participate. The meeting, however, will be open to the public to the extent that available space permits.

The meeting will be held at 9 a.m. on November 25, 1975, in Rm. 400 of the Bureau of Radiological Health, 12720 Twinbrook Parkway, Rockville, Md. 20852. Minutes will be prepared following the meeting and will be filed with the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20852.

Anyone wishing to submit recommendations, comments, or technical data that may be useful to the working group should submit such information in quin-

tuplicate, preferably in advance of the meeting.

For additional information, contact Mr. Marshall Little, Division of Compliance, Bureau of Radiological Health (HFX-440), Rockville, MD 20852, telephone (301) 443-3429.

Dated: November 5, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-30279 Filed 11-10-75;8:45 am]

Office for Civil Rights

SEX DISCRIMINATION IN ATHLETIC PROGRAMS

Memorandum

In the matter of memorandum to chief State school officers, superintendents of local educational agencies, and college and university presidents on elimination of sex discrimination in athletic programs.

The following memorandum, intended for the guidance of educational institutions receiving Federal financial assistance from HEW as to their major first year responsibilities under the Department's Title IX regulation in the area of athletics and athletic scholarships, was issued to the Chief State School Officers, Superintendents of Local Educational Agencies, and College and University Presidents.

Public comment is welcomed on these guidelines.

Dated: November 5, 1975.

PETER E. HOLMES,
Director.

ELIMINATION OF SEX DISCRIMINATION IN ATHLETIC PROGRAMS

TO: Chief State School Officers, Superintendents of local Educational Agencies and College and University Presidents.

FROM: Director, Office for Civil Rights.

SEPTEMBER 1975.

Title I of the Education Amendments of 1972 and the Departmental Regulation (45 CFR Part 86) promulgated thereunder prohibit discrimination on the basis of sex in the operation of most federally-assisted education programs. The regulation became effective on July 21, 1975.

During the forty-five day period immediately following approval by the President and publication of the regulation on June 4, 1975, concerns were raised about the immediate obligations of educational institutions to comply with certain sections of the Departmental Regulation as they relate to athletic programs. These concerns, in part, focus on the application of the adjustment period provision (§ 86.41 (d)) to the various non-discrimination requirements, and additionally, on how educational institutions can carry out the self-evaluation requirement (§ 86.3(c)).

This memorandum provides guidance with respect to the major first year responsibilities of an educational institution to ensure equal opportunity in the operation of both its athletic activities and its athletic scholarship programs. Practical experience derived from actual on-site compliance reviews and the concomitant development of greater governmental expertise on the application of the Regulation to athletic activities may, of course, result in further or revised guidance being issued in the future. Thus, as affected institutions proceed to conform their programs with the Department's regulation, they and other interested persons are encouraged to review carefully the operation of these guidelines and to provide the Department with the benefit of their views.

BASIC REQUIREMENTS

There are two major substantive provisions of the regulation which define the basic responsibility of educational institutions to provide equal opportunity to members of both sexes interested in participating in the athletics programs institutions offer.

Section 86.41 prohibits discrimination on the basis of sex in the operation of any interscholastic, intercollegiate, club or intramural athletic program offered by an educational institution. Section 86.37(c) sets forth requirements for ensuring equal opportunity in the provision of athletic scholarships.

These sections apply to each segment of the athletic program of a federally assisted educational institution whether or not that segment is the subject of direct financial support through the Department. Thus, the fact that a particular segment of an athletic program is supported by funds received from various other sources (such as student fees, general revenues, gate receipts, alumni donations, booster clubs, and non-profit foundations) does not remove it from the reach of the statute and hence of the regulatory requirements. However, drill teams, cheerleaders and the like, which are covered more generally as extracurricular activities under § 86.31, and instructional offerings such as physical education and health classes, which are covered under § 86.34, are not a part of the institution's "athletic program" within the meaning of the regulation.

Section 86.41 does not address the administrative structure(s) which are used by educational institutions for athletic programs. Accordingly, institutions are not precluded from employing separate administrative structures for men's and women's sports (if separate teams exist) or a unitary structure. However, when educational institutions evaluate whether they are in compliance with the provisions of the regulation relating to non-discrimination in employment, they must carefully assess the effects on employees of both sexes of current and any proposed administrative structure and related coaching assignments. Changes in current administrative structure(s) or coaching assignments which have a disproportionately adverse effect on the employment opportunities of employees of one sex are prohibited by the regulation.

SELF-EVALUATION AND ADJUSTMENT PERIODS

Section 86.3(c) generally requires that by July 21, 1976, educational institutions (1) carefully evaluate current policies and practices (including those related to the operation of athletic programs) in terms of compliance with those provisions and (2) where such policies or practices are inconsistent with the regulation, conform current policies and practices to the requirements of the regulation.

An institution's evaluation of its athletic program must include every area of the program covered by the regulation. All sports are to be included in this overall assessment, whether they are contact or non-contact sports.

With respect to athletic programs, § 86.41(d) sets specific time limitations on the attainment of total conformity of institutional policies and practices with the requirements of the regulation—up to one year for elementary schools and up to three years for all other educational institutions.

Because of the integral relationship of the provision relating to athletic scholarships and the provision relating to the operation of athletic programs, the adjustment periods for both are the same.

The adjustment period is *not* a waiting period. Institutions must begin now to take whatever steps are necessary to ensure full compliance as quickly as possible. Schools may design an approach for achieving full compliance tailored to their own circumstances; however, self-evaluation, as required by § 86.3(c) is a very important step for every institution to assure compliance with the entire Title IX regulation, as well as with the athletics provisions.

REQUIRED FIRST YEAR ACTIONS

School districts, as well as colleges and universities, are obligated to perform a self-evaluation of their entire education program, including the athletics program, prior to July 21, 1976. School districts which offer interscholastic or intramural athletics at the elementary school level must immediately take significant steps to accommodate the interests and abilities of elementary school pupils of both sexes, including steps to eliminate obstacles to compliance such as inequities in the provision of equipment, scheduling and the assignment of coaches and other supervisory personnel. As indicated earlier, school districts must conform their total athletic program at the elementary level to the requirements of § 86.41 no later than July 21, 1976.

In order to comply with the various requirements of the regulation addressed to nondiscrimination in athletic programs, educational institutions operating athletic programs above the elementary level should:

(1) Compare the requirements of the regulation addressed to nondiscrimination in athletic programs and equal opportunity in the provision of athletic

scholarships with current policies and practices;

(2) Determine the interests of both sexes in the sports to be offered by the institution and, where the sport is a contact sport or where participants are selected on the basis of competition, also determine the relative abilites of members of each sex for each such sport offered, in order to decide whether to have single sex teams or teams composed of both sexes. (Abilities might be determined through try-outs or by relying upon the knowledge of athletic teaching staff, administrators and athletic conference and league representatives.)

(3) Develop a plan to accommodate effectively the interests and abilities of both sexes, which plan must be fully implemented as expeditiously as possible and in no event later than July 21, 1978. Although the plan need not be submitted to the Office for Civil Rights, institutions should consider publicizing such plans so as to gain the assistance of students, faculty, etc. in complying with them.

ASSESSMENT OF INTERESTS AND ABILITIES

In determining student interests and abilities as described in (2) above, educational institutions as part of the self-evaluation process should draw the broadest possible base of information. An effort should be made to obtain the participation of all segments of the educational community affected by the athletics program, and any reasonable method adopted by an institution to obtain such participation will be acceptable.

SEPARATE TEAMS

The second type of determination discussed in (2) above relates to the manner in which a given sports activity is to be offered. Contact sports and sports for which teams are chosen by competition may be offered either separately or on a unitary basis.

Contact sports are defined as football, basketball, boxing, wrestling, rugby, ice hockey and any other sport the purpose or major activity of which involves bodily contact. Such sports may be offered separately.

If by opening a team to both sexes in a contact sport an educational institution does not effectively accommodate the abilities of members of both sexes (see § 86.41(c)(1)), separate teams in that sport will be required if both men and women express interest in the sport and the interests of both sexes are not otherwise accommodated. For example, an institution woud not be effectively accommodating the interests and abilities of women if it abolished all its women's teams and opened up its men's teams to women, but only a few women were able to qualify for the men's team.

EQUAL OPPORTUNITY

In the development of the total athletic program referred to in (3) above, educational institutions, in order to accommodate effectively the interests and abilities of both sexes, must ensure that equal opportunity exists in both the conduct of athletic programs and the provision of athletic scholarships.

Section 86.41(c) requires equal opportunity in athletic programs for men and women. Specific factors which should be used by an educational institution during its self-evaluative planning to determine whether equal opportunity exists in its plan for its total athletic program are:

The nature and extent of the sports programs to be offered (including the levels of competition, such as varsity, club, etc.);
The provision of equipment and supplies;
The scheduling of games and practice time;
The provision of travel and per diem allowances;
The nature and extent of the opportunity to receive coaching and academic tutoring;
The assignment and compensation of coaches and tutors;
The provision of locker rooms, practice and competitive facilities;
The provision of medical and training facilities and services;
The provision of housing and dining facilities and services;
The nature and extent of publicity.

OVERALL OBJECTIVE

The point of the regulation is not to be so inflexible as to require identical treatment in each of the matters listed under § 86.41(c). During the process of self-evaluation, institutions should examine *all* of the athletic opportunities for men and women and make a determination as to whether each has an equal opportunity to compete in athletics in a meaningful way. The equal opportunity emphasis in the regulation addresses the totality of the athletic program of the institution rather than each sport offered.

Educational institutions are not required to duplicate their men's program for women. The thrust of the effort should be on the contribution of each of the categories to the overall goal of equal opportunity in athletics rather than on the details related to each of the categories.

While the *impact* of expenditures for sex identifiable sports programs should be carefully considered in determining whether equal opportunity in athletics exists for both sexes, equal aggregate expenditures for male and female teams are not required. Rather, the pattern of expenditures should not result in a disparate effect on opportunity. Recipients must not discriminate on the basis of sex in the provision of necessary equipment, supplies, facilities, and publicity for sports programs. The fact that differences in expenditures may occur because of varying costs attributable to differences in equipment requirements and levels of spectator interest does not obviate in any way the responsibility of educational institutions to provide equal opportunity.

ATHLETIC SCHOLARSHIPS

As part of the self-evaluation and planning process discussed above, educational institutions must also ensure that equal opportunity exists in the provision of athletic scholarships. Section 86.37(c) provides that "reasonable opportunities" for athletic scholarships should be "in proportion to the number of students of each sex participating in interscholastic or intercollegiate athletics."

Following the approach of permitting separate teams, § 86.37(c) of the regulation permits the overall allocation of athletic scholarships on the basis of sex. No such separate treatment is permitted for non-athletic scholarships.

The thrust of the athletic scholarship section is the concept of reasonableness, not strict proportionality in the allocation of scholarships. The degree of interest and participation of male and female students in athletics is the critical factor in determining whether the allocation of athletic scholarships conforms to the requirements of the regulation.

Neither quotas nor fixed percentages of any type are required under the regulation. Rather, the institution is required to take a reasonable approach in its award of athletic scholarships, considering the participation and relative interests and athletic proficiency of its students of both sexes.

Institutions should assess whether male and female athletes in sports at comparable levels of competition are afforded approximately the same opportunities to obtain scholarships. Where the sports offered or the levels of competition differ for male and female students, the institution should assess its athletic scholarship program to determine whether overall opportunities to receive athletic scholarships are roughly proportionate to the number of students of each sex participating in intercollegiate athletics.

If an educational institution decides not to make an overall proportionate allocation of athletic scholarships on the basis of sex, and thus, decides to award such scholarships by other means such as applying general standards to applicants of both sexes, institutions should determine whether the standards used to award scholarships are neutral, i.e. based on criteria which do not inherently disadvantage members of either sex. There are a number of "neutral" standards which might be used including financial need, athletic proficiency or a combination of both. For example, an institution may wish to award its athletic scholarships to all applicants on the basis of need after a determination of a certain level of athletic proficiency. This would be permissible even if its results in a pattern of award which differs from the relative levels of interests or participation of men and women students so long as the initial determination of athletic proficiency is based on neutral standards. However, if such standards are not neutral in substance or in application then different standards would have to be developed and the use of the discriminatory standard discontinued. For example, when "ability" is used as a basis for scholarship award and the

range of ability in a particular sport, at the time, differs widely between the sexes, separate norms must be developed for each sex.

AVAILABILITY OF ASSISTANCE

We in the Office for Civil Rights will be pleased to do everything possible to assist school officials to meet their Title IX responsibilities. The names, addresses and telephone numbers of Regional Offices for Civil Rights are attached.

PETER E. HOLMES.

Region I (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont): RKO General Building, Bulfinch Place, Boston, Massachusetts 02114 (617) 223-6397.

Region II (New Jersey, New York, Puerto Rico, Virgin Islands): 26 Federal Plaza, New York, New York 10007 (212) 264-4633.

Region III (Delaware, D.C., Maryland, Pennsylvania, Virginia, West Virginia): Gateway Building, 3535 Market Street, Philadelphia, Pennsylvania 19104 (215) 596-6772.

Region IV Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee): 50 Seventh Street, N.E., Atlanta, Georgia 30323 (404) 526-3312.

Region V (Illinois, Indiana, Minnesota, Michigan, Ohio, Wisconsin): 300 S. Wacker Drive, Chicago, Illinois 60606 (312) 353-7742.

Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, Texas): 1114 Commerce Street, Dallas, Texas 75202 (214) 749-3301.

Region VII (Iowa, Kansas, Missouri, Nebraska): Twelve Grand Building, 1150 Grand Avenue, Kansas City, Missouri 64106 (816) 374-2474.

Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming): Federal Building, 1961 Stout Street, Denver, Colorado 80202 (303) 837-2025.

Region IX (Arizona, California, Hawaii, Nevada): Phelan Building, 760 Market Street, San Francisco, California 94102 (415) 566-8586.

Region X (Alaska, Idaho, Oregon, Washington): Arcade Plaza Building, 1321 Second Avenue, Seattle, Washington 98101 (206) 442-0473.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office for Civil Rights

Washington, D.C. 20201-(202) 245-6700

[FR Doc.75-30346 Filed 11-10-75;8:45 am]

NATIONAL ADVISORY COUNCIL ON EDUCATION PROFESSIONS DEVELOPMENT

Meeting

Notice is hereby given, pursuant to Section 10(a)(2), Public Law 92-463, that the next meeting of the National Advisory Council on Education Professions Development will be held on Wednesday, December 3, 1975, 9 a.m. to 5 p.m., Thursday, December 4, 1975, 9 a.m. to 5 p.m., and Friday, December 5, 1975, 9 a.m. to 12 noon, local time, at the Huntington-Sheraton Hotel, Pasadena, California.

The National Advisory Council on Education Professions Development is established under Section 502 of the Education Professions Development Act (Public Law 90-35). The Council is charged with the review of the Education Professions Development Act and of all other Federal programs for the training and development of educational personnel.

The meeting of the Council is open to the public. The proposed agenda includes discussion of the Federal role and legislative proposals concerning education professions development, progress reports on Competency-Based Teacher Education, Mainstreaming, and Educational Technology, as well as a tour of alternative schools in the Pasadena area.

Since the meeting on Thursday, December 4, 1975 involves site visits to alternative schools, members of the public planning to attend must provide their own transportation and should give advance notice of their intention to attend the meeting by calling the Council (202-382-8712) or by mail no later than Monday, December 1, 1975.

Records are kept of all Council proceedings and are available for public inspection at the Council offices, located at 1111 20th Street, NW., Suite 306, Washington, D.C. 20036.

Signed at Washington, D.C. on November 4, 1975.

GEORGE E. ARNSTEIN,
Executive Director.

[FR Doc.75-30336 Filed 11-10-75;8:45 am.]

Office of Education

OFFICE OF PLANNING, BUDGETING, AND EVALUATION

Statement of Organization, Functions, and Delegations of Authority

Part 2 (Office of Education), Section 2-B, Organization and Functions, of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare is hereby amended as follows:

The statement published in the FEDERAL REGISTER on November 21, 1973, at 38 FR 32154 under the heading "Office of Planning, Office of Planning, Budgeting, and Evaluation" is deleted in its entirety, and a new statement is added to read as follows:

OFFICE OF PLANNING, BUDGETING, AND EVALUATION

The Office of Planning, Budgeting, and Evaluation plans and evaluates overall Office programs and provides guidance and coordination for bureau and staff office program planning, budgeting and evaluation. Prepares special studies necessary for the planning of educational policies, and provides advice on formulation of office policies, legislative proposals, and types of information to be collected to evaluate effect of Federal Educational programs.

Division of Elementary and Secondary Programs. Is responsible for evaluating the effectiveness of Office of Education programs in the area of elementary and secondary education. Designs and directs major national evaluation studies and develops program policy recommendations on the basis of the studies. Develops evaluation standards and models for use by the States and local educational agencies in evaluating programs supported by Title I of the Elementary and Secondary Education Act. Identifies and packages exemplary educational practices and products, tests them, and recommends them for dissemination. Analyzes proposed Office of Education operational planning system objectives and monitors their implementation. Reviews materials submitted for five-year program and financial plan to assure incorporation of the latest evaluation information. Prepares analyses papers supporting the planning-programming-budgeting system.

Division of Postsecondary Programs. Is responsible for evaluating the effectiveness of Office of Education programs in the area of postsecondary and international education. Designs and directs major national evaluation studies and develops program policy recommendations on the basis of the studies. Analyzes proposed Office of Education operational planning system objectives and monitors their implementation. Reviews materials submitted for five-year program and financial plan to assure incorporation of the latest evaluation information. Prepares analysis papers supporting the planning-programming-budgeting system.

Division of Occupational, Handicapped, and Development Programs. Is responsible for evaluating the effectiveness of Office of Education programs in the areas of occupational and adult education, education for the handicapped, Indian education, libraries, educational technology, dissemination, statistics, education professions development, and other developmental fields. Designs and directs major national evaluation studies and develops program policy recommendations on the basis of the studies. Develops and maintains a system of reports from the States on their receipt and use of Federal funds under assistance programs. Analyzes proposed Office of Education operational planning system objectives and monitors their implementation. Reviews materials submitted for five-year program and financial plan to assure incorporation of the latest evaluation information. Prepares analysis papers supporting the planning-programming-budgeting system.

Division of Planning and Budgeting. Is responsible for preparing and defending the Forward Plan and annual budget estimates of the Office of Education, including necessary liaison with the Office of the Secretary, DHEW, the Office of Management and Budgeting, and the Appropriations and Budget Committees of the Congress. Implements major planning and budgetary decisions including the assurance that program budgets are congruent with overall agency goals, objectives, and priorities. Develops analysis of program issues and integrates policy analyses with budget proposals. Receives all funds appropriated or transferred to the Office of Education and issues allotments and limitations to the subdivisions of the Office. Administers the anti-deficiency regulations.

Dated: November 3, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75-30345 Filed 11-10-75;8:45 am]

Office of the Secretary

SUPPORT FOR IMPROVEMENT OF POSTSECONDARY EDUCATION

Closing Date for Receipt of Preapplications

Notice is hereby given that pursuant to the authority contained in section 104

of the General Education Provisions Act (20 U.S.C. 1221d), "Support for improvement of postsecondary education," preapplications are being accepted from institutions of postsecondary education and other public and private educational institutions and agencies for grants and contracts directed toward the improvement of postsecondary education.

Preapplications must be received by the U.S. Office of Education Application Control Center on or before January 5, 1976.

A. *Preapplications sent by mail.* A preapplication sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, Grant and Procurement Management Division, 400 Maryland Avenue SW., Washington, D.C. 20202, Attention: 13:538. A preapplication sent by mail will be considered to be received on time by the Application Control Center if:

(1) The preapplication was sent by registered or certified mail not later than December 31, 1975, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The preapplication is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail room in Washington, D.C. In establishing the date of receipt, the Director of the Fund for the Improvement of Postsecondary Education will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered preapplications.* A preapplication to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand delivered preapplications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Preapplications will not be accepted after 4:00 p.m. on the closing date.

C. *Program information and forms.* Information and preapplication forms may be obtained from the Fund for the Improvement of Postsecondary Education, 400 Maryland Avenue SW., Room 3141, FOB-6, Washington, D.C. 20202.

D. *Applicable regulations.* Awards under this program will be subject to the regulations published as 45 CFR Part 1501 at 40 FR 12266-9 (March 18, 1975), except to the extent that those regulations are revised by the notice of proposed rulemaking published in today's issue at 40 FR _____. That notice, subject to its being published in final form, will also govern the providing of assistance under the program.

(Federal Domestic Assistance Catalogue No. 13.538: Fund for the Improvement of Postsecondary Education)

VIRGINIA B. SMITH,
Director of the Fund for the Improvement of Postsecondary Education.

[FR Doc.75-30264 Filed 11-10-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

TERMINAL INSTRUMENT PROCEDURES (TERPS) ADVISORY COMMITTEE, WORKING GROUP FOR NAVIGATION SYSTEM ACCURACY

Notice of Meeting

Notice is hereby given, pursuant to the Federal Advisory Committee Act of 1972 (86 Stat. 770), that the Navigation System Accuracy Working Group of the U.S. Terminal Instrument Procedure (TERPs) Advisory Committee will hold a meeting on December 8, 1975, convening at 9 a.m., c.s.t., in Star Manor Rooms I, II, and III of the Sheraton Inn—Oklahoma City Airport, Oklahoma City, Oklahoma. This meeting of the Navigation System Accuracy Working Group is conducted with the approval and under the auspices of the TERPs Advisory Committee.

The agenda item for this meeting is a discussion and review of navigation system accuracies as related to fix accuracies and obstacle clearance requirements presently specified in the TERPs Handbook.

All those interested in attending the meeting should contact Earnest E. Callaway, Chairman, Working Group for Navigation System Accuracy, Federal Aviation Administration, Flight Inspection National Field Office, P.O. Box 25082, Oklahoma City, Oklahoma 73125, telephone: (405) 668-4164. The meeting will be open to the public.

Issued in Washington, D.C. on October 30, 1975.

JAMES A. FORGAS,
Chairman, U.S. Terminal Instrument Procedures (TERPs) Advisory Committee.

[FR Doc.5-30255 Filed 11-10-5;8:45 am]

UNITED STATES TERMINAL INSTRUMENT PROCEDURES (TERPs) ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given that the United States Terminal Instrument Procedures (TERPs) Advisory Committee will hold a meeting beginning at 9 a.m., c.s.t., December 9-12, 1975, in Star Manor Rooms I, II, and III of the Sheraton Inn—Oklahoma City Airport, Oklahoma City, Oklahoma. The following agenda item is scheduled for this meeting.

Discussion. Preparation of final draft for publication in the United States Standards for Terminal Instrument Procedures (TERPs) Handbook 8260.3A.

a. New Chapter 12, Departure Procedures.

b. Recommendations for changes to the TERPs handbook.

All those interested in attending the meeting should contact James A. Forgas, Chief, Flight Procedures Standards Branch, AFS-260, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone: (202) 426-8144. The meeting will be open to the public.

Issued in Washington, D.C. on October 30, 1975.

JAMES A. FORGAS,
Chairman, U.S. Terminal Instrument Procedures (TERPs) Advisory Committee.

[FR Doc.75-30253 Filed 11-10-75;8:45 am]

U.S. ADVISORY COMMITTEE ON OBSTACLE CLEARANCE REQUIREMENTS

Notice of Meeting

Notice is hereby given that the United States Advisory Committee on Obstacle Clearance Requirements will hold a meeting beginning at 9 a.m., December 16, 1975, in Room 9A, Federal Aviation Administration Building, 800 Independence Avenue, SW., Washington, D.C.

The agenda item for this meeting is a discussion leading to the U.S. position on the obstacle clearance requirements for CAT I/II ILS for incorporation in ICAO document, Procedures for Air Navigation Services, Doc. 8168-OPS/611/3.

This meeting is open to the public. Persons interested in attending the meeting should contact Gerald E. Gibson, Chairman, U.S. Advisory Committee on Obstacle Clearance Requirements, Federal Aviation Administration, AFS-260, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone: (202) 426-8144.

Issued in Washington, D.C. on October 30, 1975.

GERALD E. GIBSON,
Chairman, U.S. Advisory Committee on Obstacle Clearance Requirements.

[FR Doc.75-30254 Filed 11-10-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 28332; Order 75-10-113]

PAN AMERICAN WORLD AIRWAYS, INC. AND TRANS WORLD AIRLINES, INC., ET AL.

Order Relating to North Atlantic Cargo Rates

Correction

In FR Doc. 75-29493, appearing at page 51078, in the issue for Monday, November 3, 1975, on page 51079, in the first column, in the second full paragraph, the seventh line reading "language of the resolution. The present", should read "language was originally drafted at a time when".

COMMISSION ON CIVIL RIGHTS

CONNECTICUT 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 Connecticut Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. and end at 11 p.m. on December 9, 1975, Holiday Inn 900 E Main, Meridia, Connecticut 06450.

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, New York 10007.

The purpose of this meeting is to consider new projects.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 5, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-30349 Filed 11-10-75;8:45 am]

DISTRICT OF COLUMBIA 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 District of Columbia Advisory Committee will convene at 12 noon and end at 1 p.m., on December 16, 1975, at the Civil Rights Commission, 1121 Vermont Avenue, NW., Washington, D.C. 20425.

Persons wishing to attend this meeting should contact the Committee 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 plan for upcoming activity of the Committee. Identify major civil rights issues affecting the District of Columbia.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 5, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-30350 Filed 11-10-75;8:45 am]

ILLINOIS ADVISORY COMMITTEE

Cancellation of Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Illinois Advisory Committee to this Commission originally scheduled for November 19, 1975, has been cancelled.

Dated at Washington, D.C., November 5, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-30348 Filed 11-10-75;8:45 am]

ILLINOIS ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Illinois Advisory Committee (SAC) to this Commission will convene at 1:30 p.m. and end at 4 p.m. on December 4, 1975, at 230 South Dearborn Street, Conference Room 3251, Chicago, Illinois 60604.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 32nd Floor, 230 South Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting is to draft position paper on desegregation to be presented to the Illinois State Board of Education; and to develop plans for programs for the period from January through October 1976.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 5, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-30352 Filed 11-10-75;8:45 am]

INDIANA 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 Indiana Advisory Committee (SAC) to this Commission will convene at 9 a.m. and end at 3 p.m. on December 6, 1975, Holiday Inn, 800 E 81st Street, Merriville, Indiana.

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, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is to discuss Migrant Follow-up; Status of Bilingual Legislation and Lake County Bilingual Study.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 5, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-30351 Filed 11-10-75;8:45 am]

NEW JERSEY 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 Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. and end at 11 p.m. on December 11, 1975, at the Labor Education Center Rutgers University, New Brunswick Campus, New Brunswick, 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 a report by subcommittees on abortion for migrants and affirmative action.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C. November 5, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-30353 Filed 11-10-75;8:45 am]

NORTH DAKOTA AND SOUTH DAKOTA ADVISORY COMMITTEES

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 North Dakota and South Dakota Advisory Committees (SAC) to this Commission will convene at 10 a.m. and end at 4 p.m. on December 1, 1975, at Building #61, United Sioux Tribal Offices, 3315 So. Airport Road, Bismarck 58501.

Persons wishing to attend this meeting should contact the Committees Chairpersons, or the Mountain States Regional Office of the Commission, Room 216, 1726 Champa Street, Denver, Colorado 80202.

The purpose of this joint meeting of the North and South Dakota Advisory Committees, steering subcommittee is to plan for a joint project to be undertaken in 1976.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 5, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-30354 Filed 11-10-75;8:45 am]

OKLAHOMA 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 Oklahoma Advisory Committee (SAC) to this Commission will convene at 7 p.m. and end at 10 p.m. on December 4, 1975, at Lincoln Plaza Inn, Plaza Suite 3, 4345 N. Lincoln, Oklahoma City, Oklahoma.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Southwestern Regional Office of the Commission, Room 231, New Moore Building, 106 Broadway, San Antonio, Texas 78205.

The purpose of this meeting is to discuss the SAC proposal on State and Municipal Employment in Oklahoma and

to discuss additional planning relating to the project.

This meeting should be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 5, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-30356 Filed 11-10-75;8:45 am]

PENNSYLVANIA, DELAWARE ADVISORY COMMITTEES

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 hearing of the Pennsylvania, Delaware Advisory Committees (SAC) to this Commission will convene at 9 p.m. and will end 6 p.m., each day on December 4–5, 1975, Court House, High Street, West Chester, Pennsylvania 19380.

Persons wishing to attend this meeting should contact the Committees Chairpersons, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 20037.

The purpose of this hearing is to gather information concerning the denial of equal protection for mushroom workers under Pennsylvania, Delaware and Federal laws.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 5, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-30355 Filed 11-10-75;8:45 am]

RHODE ISLAND 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 Rhode Island Advisory Committee (SAC) to this Commission will convene at 4 p.m. and end at 6 p.m. on December 2, 1975, at Central Congregational Church, 296 Angell Street, Providence, Rhode Island 02906.

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, New York 10007.

The purpose of this meeting is to consider project proposals and election of officers.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 5, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-30357 Filed 11-10-75;8:45 am]

VERMONT ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Vermont Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. and end at 11 p.m. on December 8, 1975, at the Tavern Motor Inn.

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 consider project proposals and election of officers.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 5, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-30358 Filed 11-10-75;8:45 am]

VIRGINIA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the United States Commission on Civil Rights, that a planning meeting of the Virginia Advisory Committee (SAC) to this Commission will convene at 7 p.m. and will end at 10 p.m. on December 3, 1975, at City Hall, 5th Floor Conference Room, Richmond, Virginia 23219.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 20425.

The purpose of this meeting is to plan future activities and program strategies.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 5, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-30359 Filed 11-10-75;8:45 am]

WYOMING 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 Wyoming Advisory Committee (SAC) to this Commission will convene at 2 p.m. and end at 4 p.m. on December 1, 1975, 300 W. F Street, Casper, Wyoming 82601.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mountain States Regional Office of the Commission, Room 216, 1726 Champa Street, Denver, Colorado 80202.

The purpose of this meeting is to identify civil rights issues for next SAC project; review commission's rules and regulations and review of planning steps for SAC project.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 5, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-30360 Filed 11-10-75;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Federal Employees Pay Council will meet at 2:00 p.m. on Wednesday, November 26, 1975. This meeting will be held in room 5323 of the U.S. Civil Service Commission building, 1900 E Street, N.W., and will consist of continued discussions on future comparability adjustments for the statutory pay systems, defined in section 5301 of title 5, United States Code, of the Federal Government.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent:

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.75-30529 Filed 11-10-75;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON AND MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF CHINA

Entry or Withdrawal From Warehouse for Consumption

NOVEMBER 6, 1975.

On June 19, 1975, there was published in the FEDERAL REGISTER (40 FR 25848) a letter dated June 13, 1975 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, implementing those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 21, 1975, between the Governments of the United States and the Republic of China which establish specific export limitations on certain cotton and man-made fiber textile products produced or manufactured in the Repub-

lic of China and exported to the United States (1) during the twelve-month period beginning on January 1, 1975 for cotton textiles and cotton textile products; and (2) during the fifteen month period beginning on October 1, 1974 and extending through December 31, 1975 for man-made fiber textile products. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraph 8(a)(ii) of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 21, 1975, which provides that specific levels of restraint may exceed current-year limits by up to 6 percent with that same amount being deducted from the applicable levels of the succeeding agreement year.

Accordingly, at the request of the Government of the Republic of China and pursuant to the provision of the bilateral agreement referred to above, there is published below a letter of November 6, 1975, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the level of restraint applicable to man-made fiber textile products in Category 221 for the fifteen-month period which began on October 1, 1974.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

NOVEMBER 6, 1975.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20229.

Dear Mr. COMMISSIONER: On June 13, 1975, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry of cotton and man-made fiber textile products in certain specified categories, produced or manufactured in the Republic of China and exported to the United States during the agreement periods, beginning, respectively, on January 1, 1975 and October 1, 1974, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to paragraph 8(a)(ii) of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 21, 1975, between the Governments of the United States and the Republic of China, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to amend, effective on November 10, 1975, the level of restraint established in the aforesaid directive of June 13, 1975, for man-made fiber textile products in Category 221 to the following amount:

Category:	*Amended level of restraint*[2] *(dozen)*
221	4,923,395

[2] The level of restraint has not been adjusted to reflect any entries made after September 30, 1974.

The actions taken with respect to the Government of the Republic of China and with respect to imports of man-made fiber textile products from the Republic of China have been determined by the Committee for the Implementation of Textile Agreements to involve foregn affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.75-30326 Filed 11-10-75;8:45 am]

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 21, 1975, between the Governments of the United States and the Republic of China which provide, in part, that: 1) within the aggregate and applicable group limits, specific levels of restraint within Categories 1-38, 64, 200-213, and 241-243 may be exceeded by 10 percent, and within Categories 39-63 and 214-240, by 7 percent; 2) these levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and 3) administrative arrangements or adjustments may be made to resolve minor problems.

ENVIRONMENTAL PROTECTION AGENCY

[OPP-00018; FRL 454-8]

STATE-FEDERAL FIFRA IMPLEMENTATION ADVISORY COMMITTEE; WORKING GROUP ON ENFORCEMENT

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a two-day meeting of the State-Federal FIFRA Implementation Advisory Committee's Working Group on Enforcement will be held on December 10 and 11, 1975, in San Francisco, California.

This is the second meeting of the Working Group on Enforcement under SFFIAC auspices. The meeting will be concerned with the following issues: recycling and reconditioning of pesticide containers, storage and disposal of pesticides and pesticide containers; use of registered pesticides for the control of agricultural pests not named on the label; aerial application of registered pesticides in the absence of label instructions; the use of service containers in structural pest control; assessment of civil penalties against various classes of applicators; and other enforcement matters which may arise.

This meeting is open to the public. For details as to the time and place, please contact P. H. Gray, Jr., Acting Chief, Program Support and Special Projects Branch, Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 755-8053.

Dated November 3, 1975.

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

[FR Doc.75-30385 Filed 11-10-75;8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by Section 311 (p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/operator and vessels*
01011	Aktieselskabet det Ostasiatiske Kompagni: *Ponderosa.*
01103	Poseidon Schiffahrt GmbH: *Columbus Coromandel, Adriano.*
01169	Oriens Societa Di Navigazione P.A.: *Mare Antartico, Mare Ligure.*
01210	A.S. Brovigtank: *Andrea Brovig.*
01341	John I. Jacobs & Co., Ltd.: *Teakwood.*
01383	Rederiaktiebolaget Gustaf Erikson: *Evocrystal.*
01423	Charente Steamship Co., Ltd.: *Strategist.*
01562	G. W. Gladders Towing Co. Inc.: *GWG-210.*
01755	Hugo Stinnes Zweigniederlassung Hamburg: *Nopal Ravenna.*
01854	Southern Towing Co.: *Sandy Southern.*
01935	Partnership Between Steamship Co. Svendborg Ltd. and Steam-Ship Co. of 1912: *Kirsten Maersk.*
02038	Polskie Linie Oceaniczne: *Roman Pazinski.*
02182	Flanigan, Loveland Shipping Co. S.A. & Intercontinent Tankers, Inc.: *Penuelas.*
02198	Peninsular & Oriental Steam Navigation Co.: *Garbeta.*
02492	Interstate Oil Transport Co.: *Russel 105.*
02500	Collier Carbon & Chemical Corp.: *Sister Katingo.*
02915	Alamo Barge Lines: *Sun Chem 2000, Sun Chem 2100.*
02917	Scherkate Sahami Keschtirani Melli Arya: *Arya Akhtar, Arya Zar, Arya Rooz, Arya Navid, Arya Sepand.*
02945	American Trading Transportation Co., Inc.: *Washington Trader.*
02949	Valley Towing Service, Inc.: *R-101.*
03093	United Overseas Marine Corp.: *Hongkong Beauty I.*
03475	Nissho Kisen K.K.: *Nissho Maru.*
03737	Interocean Shipping Co.: *Mary Ann.*
03883	Ohio Barge Line, Inc.: *OBL 1009, OBL 1010, OBL 1011, OBL 1012, OBL 1013, OBL 1014, OBL 1015, OBL 1016, Steel Patriot.*
03971	Korea Shipping Corp.: *Korean Leader.*

Certificate No.	Owner/operator and vessels
04183	Vita Food Products Inc.: *Dipper.*
04226	National Marine Service Inc.: *NMS 3104, NMS 3105, NMS D.D. 2, NMS D.D. 3, NMS D.D. 4.*
04606	Marquette Co.: *Barge No. RL 1401, Barge No. 2601, Barge No. 2602.*
04770	Texaco Panama Inc.: *Texaco Brazil.*
05004	Flowers Transportation Inc.: *Tchefuncte.*
05091	Dansk Esso A.S.: *Esso Dania, Esso Elsinore.*
05098	Esso Tankers, Inc.: *Esso Toronto.*
05239	Zapata Off-Shore Co.: *Zapata Concord.*
05271	Compania Chilena de Navegacion Interoceanica: *Arica.*
05278	Twin City Barge & Towing Co.: *Colonel George Lambert.*
05367	Eiko Kisen Kabushiki Kaisha: *Nanko Maru.*
05577	Far Eastern Shipping Co.: *Tolya Shumov, Pionerskaya Pravda, Pioner, Marat Kazey, Komsomolets Kazakhstana.*
05579	Black Sea Shipping Co.: *Petr Emtsov, Ivan Moskalenko, Vasily Klochkov, Parfentiy Grechanyy.*
05581	Latvian Shipping Co.: *Aristarkh Belopolskiy.*
05886	Hughes Bros. Inc.: *Hughes No. 520, Hughes No. 521, Hughes No. 522, Hughes No. 523, Hughes No. 526, Hughes No. 33.*
06038	Suomen Hoyrylaiva Osakeyhtio Finska Angfartygs Aktiebolaget: *Rheinfels.*
06248	Commercial Corp. "Sovrybflot": *Darnitsa.*
06254	Andromeda Shipping Co. S.A. of Panama: *Pyrros V.*
06260	Empress Shipping Co. Ltd.: *Olympic Destiny.*
06378	Shoei Kisen Kaisha, Ltd.: *Eurasia, Ocean Brave.*
06501	Seven Seas Navigation Corp. Ltd.: *Lucina.*
07073	Seereederei Howaldt K.G.: *Cambridge.*
07131	R. W. Denny Corp. & Buckley & Co.: *Scow 135.*
07318	Shipping Co. Sliedrecht N.V.: *Sliedrecht.*
07382	Marushin Senpaku Kabushiki Kaisha: *Atlantic.*
07903	Cosmopolitan Tankers Inc.: *Julia Conway.*
08045	Nagan (Panama) S.A.: *Nagan Mercury.*
08196	Interessentskabet AF 15. April 1972: *Nordkap.*
08206	Naviera Iberica S.A.: *Juan de Cardona.*
08414	I.P.R. Services Ltd.: *Bristol Clipper, Liverpool Clipper, Glasgow Clipper.*
08586	Tabard Shipping Co.: *Olympic Defender.*
08587	Dryad Shipping Co.: *Olympic Dignity.*
08777	Jebsens (U.K.) Ltd.: *Ringnes.*
08787	Smit Internationale Zeesleep-en Bergings-Bedrijf B.V.: *Smit London.*
08818	Venus Carriers Corp. S.A.: *Rose Mallow.*
08948	Veb Deutfracht / Seereederei: *Leuna I.*
09003	VTG Vereinigte Tanklager Und Transportation G.m.b.H.: *Herdentor.*
09016	Apex Barge Co.: *Apex 3405, Apex 3508.*
09149	Rhederi M Jebsen A/S: *Emma Jebsen.*
09206	Societe Navale Chargeurs Delmas-Vieljeux: *La Rochelle.*
09662	Maritima Del Caribe S.A.: *Moctezuma II.*
09748	Spetses Shipping Corp.: *Dafra Trader.*
09897	Usui Kaiun K.K.: *Taga Maru.*
09991	Laurel Ltd.: *Pegasus No. 1.*
09997	Robinia Shipping Co., S.A.: *Atlantic Pioneer.*
10088	Linea Manaure C.A.: *Manaure II.*
10258	Societa Rimorchiatori Riuniti: *Ciclone, Vortice.*
10260	Hollywood Marine, Inc.: *GDM 20, GDM 60.*
10341	Winterport Shipping Co., Inc.: *Proof Trader.*
10433	Estonian Shipping Co.: Iosif Dubrovinskiy.
10435	Ostria Maritime Corp.: *Ostria II.*
10456	Synassos Maritime Corp., Panama: *Synassos.*
10481	Tracey Navigation Co., Ltd.: *Jennifer.*
10544	Tower Shipping Co., Ltd.: *Mariperla.*
10549	Briscoe/Arsce/Conduit, a Joint Venture: *Denny-Buckley 200, 118, 120, 119, 121.*
10596	Hydrographer Ltd.: *Yankee Trader.*
10600	Bay Shipping Corp.: *Frank R. Denton.*
10606	Grand Champion Tankers Ltd.: *Marion.*
10608	Trans Olympus, S.A.: *Triumph.*
10611	Idan Shipping Corp.: *Idan.*
10614	Riwal Shipping Inc.: *Sankoking.*
10619	Rogina Compania Naviera S.A.: *Paulina C.*
10620	Pafos Shipping Co. BA.: *Nicolas.*
10621	Alimar Maritima SA.: *Euterpe.*
10624	Pentland Shipping Inc.: *Anangel Luck.*
10630	Asterix Shipping Corp.: *Obelix.*
10631	Marpacific Shipping Corp.: *Efploia.*
10632	Aragona Armadora S.A.: *Frixos D.*
10634	Stassinos Shipping Co., Ltd.: *Evangelos Lemos.*
10639	Indus Shipping Ltd.: *Sibreghel.*
10645	Beeline (Shipping) Ltd.: *Lis of Galway.*
10646	Manchester Liners (Intermodal) Ltd.: *Asian Renown, Asian Reward.*
10647	New Far East Shipping S.A.: *Sunny Sydney, Bright Melbourne.*
10650	Mardigno Cia Nav. S.A.: *Marvella.*
10653	Transworld No. 2 Tanker Services Inc.: *CYS Excellence.*
10656	Iapetos Shipping Co., S.A. of Panama: *Anemos.*
10663	G.D.M. Barge Company, Inc.: *GDM-20, GDM-60.*
01011	Aktieselskabet det Ostasiatiske Kompagni: *Sibonga.*
01092	Thor Dahls Hvalfangerselskap A.S.: *Thorsisle.*
01229	Belships Co., Ltd. Skibs A.S.: *Belblue.*
01306	Shaw Savill & Albion Co. Ltd.: *Captain Paddon, Londis.*
01330	Shell Tankers (U.K.) Ltd.: *Harpula, Vertagus.*
01361	Transportation Maritima Mexicana, S.A.: *Primero de Junio.*
01428	Ocean Transport & Trading Ltd.: *Autolycus.*
01439	Cory Maritime Ltd.: *Dukesgarth, Knightsgarth.*
01486	Fury Shipping Co. Ltd.: *Atlantic Fury.*
01556	Folichri Shipping Co. S.A.: *Nefos.*
01557	Knut Knutsen O.A.S.: *Bakke Reefer.*
01591	Nemeo Shipping Corp.: *Nemeo.*
01641	The Bank Line Ltd.: *Teakbank.*
01758	Hugo Stinnes Zweigniederlassung Hamburg: *Star Ravenna.*
01854	Southern Towing Co.: *NBC-801.*
01908	The Union Castle Mail Steamship Co., Ltd.: *Rothesay Castle.*
01935	Partnership Between Steamship Co. Svendborg Ltd. and Steam Ship Co. of 1912 Ltd.: *Richard Maersk.*
01973	Transmundo Navegacion S.A. Panama: *Heroic Colocotronis.*
01984	Aktiebolaget Svenska American Linen: *Knugsholm.*
02022	C. T. Gogstad & Co.: *Lyra.*
02025	Rye Marine Corp.: *Thetis.*
02199	Atlantic Richfield Co.: *Atlantic Competitor.*
02333	Diamond Shamrock Corp.: *Star JD II.*
02396	Orchid Maritime Corp.: *Kismet II.*
02443	Panama Transoceanic Co., S.A.: *Phyllis Conway.*
02573	Cardiff Shipping Co. Ltd.: *Cardiff.*
02644	Alma Shipping Corp.: *Calliopi Carras.*
02882	Akme Steamship Co. S.A.: *Panayia Moutsaina.*
02884	West Africa Steamship Co. Ltd.: *Prophet Elias.*
02949	Valley Towing Service, Inc.: *F. P. Thomas.*
02959	Kokuyo Kaiun Kabushiki Kaisha: *Hisashima Maru.*
02975	Venture Shipping (Managers) Ltd.: *Showa Venture.*
03137	Cunard Steam-Ship Co. Ltd.: *Lucigen.*
03245	Rederiaktieselskabet Danneborg: *Weco Supplier III.*
03246	Borgships, Inc.: Viborg.
03312	Adonis Navigation Co., Ltd.: *Zeneta III.*
03329	Hudson Waterways Corp.: *Seatrain Florida.*
03329	Chiyoda Kisen K.K.: *Tamba Maru.*
03438	Inui Kisen Kabushiki Kaisha: *Kinnaird Castle, Yashiosan Maru.*
03458	Matsuoka Kisen Kabushiki Kaisha: *Shutoh Maru.*
03459	Meiji Kaiun K. K.: *Meifyusan Maru.*
03477	Nissui Kaiun K.K.: *Nanko Maru.*
03484	Sanko Kisen K.K.: *Jinko Maru.*
03516	Toko Kaiun K. K.: *Tokai Maru.*
03589	Bay Cities Transportation Co.: *Barge 221.*
03636	Smith Rice Co.: *Barge J.*
03650	Global Bulk Carriers Inc., Liberia: *Mary Ann.*
03708	Pudget Sound Tug & Barge Co.: *Barge Mount Hood.*
03918	Mobil Shipping & Transportation Co.: *Mobil Explorer.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-30373 Filed 11-10-75;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to part 542 of Title 46 CFR and Section 311 (p) (1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/operator and vessels
04004---	Koninklijke Java-China-Paketvaart Lijnen N.V.: *Straat Lombok.*
04136---	Thomas Marine Co.: *TT 7004, TT 7005, TT 7006, TT 7007.*
04195---	Transamerican Trailer Transport, Inc.: *Ponce de Leon.*
04451---	Venus International Corp.: *Venus Dignity.*
04567---	Ken Kieng Navigation (Panama) Corp., S.A.: *Ken Sheng.*
04643---	Allamanda Ltd.: *Burland.*
04645---	Kulan Corp. Ltd.: *Kuland.*
04769---	Texaco Norway: *Texaco Britannia. tannia.*
05049---	Union Petroleum & Shipping Corp. Monrovia: *Maurice.*
05090---	Esso Petroleum Co. Ltd.: *Esso Hampshire.*
05355---	Global Shipping Corp.: *Sankograin, Sankoking, Sankoqueen, Sankosteel.*
06266---	Engineering Consultants Ltd.: *H 1060, Irving Ours Polaire.*
06478---	Korea Marine Industry Development Corp.: *Tae Yang No. 12, Tae Yang No. 15.*
06646---	Liberian Garnet Transport, Inc.: *World Fuji.*
06725---	Geest Industries Ltd.: *Geesthaven.*
06737---	Onda Shipping Corp.: *Onda.*
06775---	Whitco (Marine Services) Ltd.: *Glasgow Clipper.*
07096---	Carib Reefers N.V.: *Southern Trader.*
07160---	Zenith OBO Shipping Corp.: *Delaware.*
07262---	Pacific Union Lines Ltd.: *Hongkong Beauty.*
07374---	Ocean Tramping Co. Ltd.: *Mingwei, Mingyao.*
07408---	Intermaritime Carriers S.A.: *Elaki.*
07540---	Aenias Shipping Co. Ltd.: *Anna Maria.*
07593---	Oleandrus Shipping Co. Ltd.: *Hyacinth.*
07709---	Elamar S.A.—Panama: *San Francesco.*
07811---	Campbell Industries & San Diego Marine Construction Corp.: *Renown.*
07934---	Ship Operators of Florida, Inc.: *Clelia.*
07942---	Solstad Rederi A.S.: *Sol Tulla.*
07985---	Buenaventura Marine Inc.: *Sequoia.*
08009---	Celestial Navigation Corp.: *Adelina.*
08304---	Botany Bay Shipping Co., Inc.: *Botany Bay.*
08362---	Mastnavco Ltd.: *Seaford.*
08451---	Calmi S.A. Panama M./V. "Annrose": *Annrose.*
08529---	Partrederiet Nopal Sand: *Nopal Sea.*
08942---	N.V. Motorscheepvaartmaatschappij "Candide": *Candide.*
09184---	Kyriakou Shipping Co., Ltd.: *Athenian Star.*
09192---	Orion Steamship Co., S.A.: *Diamond Eagle.*
09272---	Ole Schroder Holding Co., A.S.: *Saga Stream.*
09277---	Kapela Steamship Co. S.A.: *Santa Fe.*
09312---	Vail Transport Co. Ltd. of Monrovia, Liberia: *Vail Jupiter.*
09484---	Baltic Ltd.: *Baltic.*
09525---	Partederiet "Ice Pearl": *Ice Pearl.*
09921---	Interessentskapet Sira: *Sira.*
10041---	Toa Shipping Agencies, Ltd.: *Hatsufuji, Sun Deneb.*
10170---	Seachief Shipping Co., Ltd.: *Atlantic Fury.*
10260---	Hollywood Marine, Inc.: *Debbie, GDM 10, GDM 20, GDM 30, GDM 60, T 280.*
10328---	Anglo Pacific Shipping Co. Ltd.: *Nordic Rambler.*
10418---	Crescent Towing & Salvage Co., Inc.: *Humrick.*
10447---	Taconic Transport Inc.: *Rio San Juan.*

By The Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-30374 Filed 11-10-75;8:45 am]

LATIN AMERICA/PACIFIC COAST STEAMSHIP CONFERENCE

Notice of 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, N.W., 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 December 1, 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:

Mr. H. P. Blok, Chairman,
Latin American/Pacific Coast Steamship Conference,
417 Montgomery Street,
San Francisco, California 94104

Agreement No. 8660-7, between the member lines to the Latin American/Pacific Coast Steamship Conference, modifies the Conference Agreement by raising the membership admission fee from $1,000.00 to $5,000.00.

By order of the Federal Maritime Commission.

Dated: November 6, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-30371 Filed 11-10-75;8:45 am]

PACIFIC COAST RIVER PLATE BRAZIL CONFERENCE

Notice of 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, N.W., 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 December 1, 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 unfairnes 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:

H. P. Blok, Executive Administrator,
Section "A",
417 Montgomery Street,
San Francisco, California 94104

Agreement No. 6400-18, between the member lines to the Pacific Coast River Plate Brazil Conference modifies the Conference Agreement by raising the membership admission fee from $1,000.00 to $5,000.00.

By Order of the Federal Maritime Commission.

Dated: November 6, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-30372 Filed 11-10-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP76-139]

COLUMBIA GAS TRANSMISSION CORP.

Notice of Application

NOVEMBER 4, 1975.

Take notice that on October 23, 1975, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP76-139 an abbreviated application pursuant to Section 7 of the Natural Gas Act, as amended, for a certificate of public convenience and necessity authorizing the

transportation of natural gas for Wheeling-Pittsburgh Steel Corporation (WPSC), as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Columbia requests authorization to transport up to 9,000 Mcf per day for WPSC, which volumes will be received from Panhandle Eastern Pipe Line Company (Panhandle) at an existing point of delivery in Cecil, Ohio and redelivered to existing points of delivery to Columbia Gas of Ohio, Inc. and Columbia Gas of West Virginia, Inc., both of which are wholesale customers of Columbia. WPSC will purchase the gas so transported from Lear Petroleum Corporation for the period November 1, 1975 through March 31, 1976. The transportation by Columbia will be subject to the limits of its pipeline capacity and to its service obligations to its CD, WS, SGES, G and SGS customers and will be further limited to only those amounts required to offset curtailments of the high priority requirements of WPSC. Columbia's transportation charge for this service will be its average system-wide unit storage and transmission costs exclusive of company-use and unaccounted-for gas, as reflected in its FPC rate filings. Columbia will retain for company-use and unaccounted-for gas 3.6% of the volumes received from Panhandle for the account of WPSC.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before November 12, 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, as amended, (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 the 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, as amended, 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 Columbia to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30227 Filed 11-10-75;8:45 am]

[Docket No. ER76-196]

COMMONWEALTH EDISON CO.

Notice of Cancellation

NOVEMBER 4, 1975.

Take notice that on October 28, 1975, Commonwealth Edison Company (The Company) tendered for filing a notice of cancellation of Riders 5 and 12 to Rate 78 of The Company's FPC Electric Tariff.

The Company states that Rider 5 (Sheet No. 5 of the FPC Electric Tariff) was intended to apply to customers who use the Company's service on a standby basis, but now, however, the Company has special provisions in Rate 78 (see Sheets Nos. 1A and 1B of the FPC Electric Tariff) for customers which generate part of their own electricity requirements and rely on the Company for the balance. Furthermore, according to the company, no customer served under the Company's FPC Electric Tariff has ever used standby service under Rider 5.

The Company states that Rider 12 (Sheet No. 11 of the FPC Electric Tariff), specifying conditions of resale or redistribution of electricity to third parties, amounts to a general prohibition of resale and redistribution, except with respect to Rate 78 for which provides that it is a rate applicable for service to municipalities for resale. Thus, The Company concludes Rider 12 serves no purpose in the FPC Electric Tariff.

The Company alleges that the proposed changes will not affect the billings of the customers served on Rate 78 or the revenue of the Company.

The Company requests Commission acceptance of this filing to become effective on November 27, 1975. Notice of the proposed cancellation has been served upon the Mayor, City of Batavia; Mayor, City of Geneva; Mayor, City of Naperville; Mayor, City of Rochelle; Mayor, City of Rock Falls; Mayor, City of St. Charles; and the President, Village of Winnetka.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 14, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-30231 Filed 11-10-75; 8:45 am]

[Docket No. ER76-83]

OHIO POWER CO.

Notice of Supplemental Filing

NOVEMBER 3, 1975.

Take notice that Ohio Power Company (Ohio) on October 17, 1975, tendered for filing pursuant to a deficiency letter from the Commission's Secretary of September 16, 1975, a revised Period I cost of service study for the period ended June 30, 1975. Ohio states that this submittal should complete its filing and requests that a filing date be assigned to this case.

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 Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 11, 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.75-30226 Filed 11-10-75;8:45 am]

[Docket No. CP76-140]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

NOVEMBER 4, 1975.

Take notice that on October 23, 1975, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP76-140, an application pursuant to Section 7(c) of the Natural Gas Act and the regulations thereunder for a Certificate of Public Convenience and Necessity authorizing the transportation of natural gas on behalf of Wheeling-Pittsburg Steel Corporation (Wheeling), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Wheeling, which is a customer of Columbia Gas Transmission Corporation (Columbia) has been notified of prospective curtailments by Columbia for the coming winter heating season. Wheeling has made arrangements to purchase gas unavailable to the interstate market and have it delivered via Panhandle to Co-

lumbia for redelivery to Wheeling during the anticipated curtailment period as contemplated by Section 2.79 of the Commission's Rules of Practice and Procedure promulgated by Order No. 533.

Panhandle states that this application is for authority to transport up to 4,300 Mcf of gas per day on a firm basis and up to 3,225 Mcf of gas per day on a best efforts basis from two points of delivery in Ellis and Dewey Counties, Oklahoma and deliver such volumes, less compressor fuel to Columbia at an existing point of delivery from Panhandle in Paulding County, Ohio. Columbia will transport such gas and redeliver it to Wheeling as detailed in a separate application of Columbia filed and noticed concurrently. No facilities are proposed to be constructed by Panhandle to effectuate the transportation service.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before November 12, 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 in required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Panhandle to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30228 Filed 11-10-75;8:45 am]

[Docket Nos. CP70-185; CP75-376]

TENNESSEE GAS PIPELINE CO.

Notice of Petition To Amend

NOVEMBER 4, 1975.

Take notice that on October 14, 1975, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket Nos. CP70-185 and CP75-376 a petition to amend the orders of the Commission of June 22, 1970 (43 FPC 937), and July 24, 1975 (54 FPC ——), respectively, pursuant to Section 7(c) of the Natural Gas Act to include in the certificates of public convenience and necessity authorization to increase the daily volume limits of natural gas that it can deliver to the individual delivery points to Haverhill Gas Company (Haverhill), all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that it is presently authorized to serve Haverhill pursuant to temporary authorization in the following amounts pursuant to Petitioner's Rate Schedule CD-6:

	Daily volume limit (1,000 ft³)
Delivery point:	
Haverhill	11,561
Wenham	2,040
Essex	918

In response to a letter from Haverhill dated October 3, 1975, Petitioner requests authorization to increase the maximum daily volumes that it is authorized to deliver to the following quantities:

	Requested daily volume limit (1,000 ft³)
Delivery point:	
Haverhill	12,669
Wenham	2,500
Essex	1,200

Petitioner states that the total of the requested daily volume limits exceeds Haverhill's contract demand of 14,519 Mcf of gas per day, but that Haverhill would not be entitled to take more than presently effective maximum daily contract quantity.

The proposed service is said by Petitioner to provide Haverhill with the necessary flexibility during periods of curtailment to serve more adequately its residential and small commercial customers, and to permit more efficient use of its peak shaving facilities. It is further stated that the revised distribution would reduce Haverhill's need to transport liquefied natural gas during the forthcoming winter season.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30229 Filed 11-10-75;8:45 am]

[Docket No. CP76-132]

TRANSCONTINENTAL GAS PIPE LINE CORPORATION

Notice of Application

NOVEMBER 3, 1975.

Take notice that on October 15, 1975, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP76-132 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Columbia Gas Transmission Corporation (Columbia), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it has agreed to transport gas for Columbia pursuant to a gas transportation agreement between Columbia and itself dated September 5, 1975. Applicant requests authorization to transport volumes of gas delivered to it by Columbia from Block 247 Field, Ship Shoal Area, offshore Louisiana, at a point of interconnection on Applicant's 16-inch pipeline in Block 246, Ship Shoal Area, for redelivery at the Egan, Louisiana terminus of the Blue Water Project of Columbia Gulf Transmission Company and Tennessee Gas Pipeline Company, a Division of Tenneco Inc., in the Humphreys-Orange Grove Area, Terrebonne Parish, Louisiana, and at the Acadia Plant of Continental Oil Company, Arcadia Parish, Louisiana.

Applicant states that it would not be obligated to transport more than 10,000 Mcf of natural gas per day for Columbia at 14.73 psia. Columbia would pay Applicant 6.262755 cents per Mcf of gas transported.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 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.75-30230 Filed 11-10-75;8:45 am]

FEDERAL RESERVE SYSTEM

AMERICAN BANCORPORATION

Acquisition of Bank

American Bancorporation, Columbus, Ohio, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 50 percent and more (to a total of 77 percent) of the voting shares of The American Bank of Central Ohio, Harrisburg, Ohio. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Notice of the subject application was published in the FEDERAL REGISTER on September 27, 1973 (38 FR 27550). Additionally, in accordance with section 3(b) of the Act (12 U.S.C. 1842(b)), notice of receipt of subject application was duly given to the Superintendent of Banks of the State of Ohio. Within the time prescribed by law, the Superintendent submitted to the Board in writing his statement expressing disapproval of the application. Accordingly the Board, on October 25, 1973, ordered that a hearing be held on subject application pursuant to section 3(b) of the Act (38 FR 29650). The hearing thus ordered by the Board was commenced, but later terminated by consent of the parties—the Superintendent having preserved his right to submit written comments for the record. The application was previously amended; and notice of receipt of those amendments affording opportunity for interested persons to submit comments and views, was duly given (39 FR 6562).

Notice is hereby given that Applicant has amended subject application once again. These new amendments have been received by the Board and the application, as amended, may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the amended application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 3, 1975.

Board of Governors of the Federal Reserve System, October 29, 1975.

[SEAL] ROBERT SMITH, III,
Assistant Secretary of the Board.

[FR Doc.75-30236 Filed 11-10-75;8:45 am]

INTERNATIONAL BROTHERHOOD OF BOILERMAKERS, IRON SHIP BUILDERS, BLACKSMITHS, FORGERS AND HELPERS

Order Approving Acquisition of Bank Stock

The International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers, Kansas City, Kansas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under § 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) for flexible authority to acquire, from time to time, additional voting shares of The Brotherhood State Bank, Kansas City, Kansas ("Bank"), so long as Applicant's interest does not exceed 40 percent of Bank's outstanding voting shares.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 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 § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a fraternal labor organization, is a one-bank holding company that became subject to the Act by virtue of the 1970 Amendments thereto. Applicant presently owns or controls 32.3 percent of the shares of Bank. With total deposits of $48 million, Bank controls approximately 1.03 percent of the total deposits in commercial banks in the Kansas City market[1] and is the sixteenth largest bank in that market.[2]

Applicant requests Board approval to acquire, from time to time, up to an additional 7.7 per cent of the voting shares of Bank. Although Applicant does not propose to acquire any additional shares of Bank immediately, the purpose of filing the instant application is to facilitate Applicant's future acquisitions, on an intermittent basis, of additional shares of Bank from shareholders holding nominal amounts of Bank stock. In many cases the shareholders from whom Applicant would purchase shares would be individuals associated with the fraternal organization. Specific examples of such stockholders cited by Applicant in the application include retired persons desiring to transfer their assets to a more income-producing type of asset; widows of deceased stockholders who wish to secure immediate funds; and persons in financial distress. In view of Applicant's status under the Bank Holding Company Act,[3] and the relationship which exists between many of Bank's stockholders and Applicant, a union of which they are members, the Board believes that the unique facts present in this proposal are such that approving Applicant's request would be consistent with the public interest. In this connection, it is noted that no meaningful change in the control of Bank would result from granting Applicant the authority to vary its proportionate interest in Bank within the limits and under the circumstances described herein. Moreover, consummation of the proposal would not have any adverse effect on existing or potential competition, nor would it increase the concentration of banking resources or have an adverse effect on other banks in the area. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant and Bank are regarded as favorable and consistent with approval of the application. Similarly, considerations relating to convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that approval of the application would be consistent with the public interest and that the application should be approved.

Accordingly, on the basis of the unique facts in the present record, the application is approved for the reasons summarized above. No such acquisition shall be made before the thirtieth calendar day following the effective date of this Order. Furthermore, the authority to purchase additional shares of Bank so long as Applicant's aggregate holdings in Bank do not exceed 40 per cent of the outstanding shares of Bank shall expire on December 31, 1976. Upon request by the Applicant, the Federal Reserve Bank of Kansas City is hereby authorized, pursuant to delegated authority from the Board, to extend the authority granted herein for not more than one year at a time, if in its judgment, the financial and managerial resources of Ap-

[1] The Kansas City banking market is approximated by Johnson and Wyandotte Counties in Kansas and northern Cass County and Clay, Jackson and Platte Counties in Missouri.

[2] All banking data are as of December 31, 1974.

[3] As a labor organization, Applicant is exempt from the prohibitions in section 4 of the Act, relating to the nonbanking interests of a bank holding company, by virtue of section 4(c)(1) thereof.

plicant and Bank are satisfactory and such extensions would not be detrimental to the public interest, but no such extensions granted by the Reserve Bank shall in the aggregate exceed five years. Any request by Applicant for a one-year extension of the authority granted herein shall be submitted in writing to the Reserve Bank no later than October 1 of the year preceding the expiration of such authority and shall include the number of shares of Bank that Applicant has sold or acquired since the date of this Order, the number of voting shares of Bank then outstanding, the number of shares of Bank then held by Applicant, and any other information that the Reserve Bank may deem relevant in acting on such request.

By order of the Board of Governors,[1] effective October 29, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-30237 Filed 11-10-75;8:45 am]

NORTHSTREAM INVESTMENTS, INC.

Formation of Bank Holding Company

Northstream Investments, Inc., Geddes, South Dakota, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 88.3 percent of the voting shares of Security State Bank, Geddes, South Dakota. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 21, 1975.

Board of Governors of the Federal Reserve System, October 29, 1975.

[SEAL] ROBERT SMITH III,
Assistant Secretary of the Board.

[FR Doc.75-30238 Filed 11-10-75;8:45 am]

POWELL LUMBER CO.

Acquisition of Additional Shares of Bank

Powell Lumber Company, Lake Charles, Louisiana, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)), through a pro rata rights offering, to directly acquire 6,474 additional voting shares of American Bank of Commerce, Lake Charles, Louisiana, and also to indirectly acquire 6,474 additional voting shares of American Bank of Commerce as a result of the direct ownership of those shares by its subsidiary, Farmers Land and Canal Company, Lake Charles, Louisiana. Upon consummation herein, Applicant's existing direct and indirect percentage ownership of the voting shares of American Bank of Commerce will remain the same. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 21, 1975.

Board of Governors of the Federal Reserve System, October 29, 1975.

[SEAL] ROBERT SMITH III,
Assistant Secretary of the Board.

[FR Doc.75-30239 Filed 11-10-75;8:45 am]

STOCKTON BANCORP, INC.

Order Approving Formation of Bank Holding Company

Stockton Bancorp, Inc., Stockton, Illinois, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through the acquisition of 80 per cent or more of the voting shares of The First National Bank of Stockton, Illinois ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the application and all comments received have been considered in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a nonoperating corporation recently organized for the purpose of becoming a bank holding company through the acquisition of Bank. The purpose of the transaction is to effect a transfer of the ownership of Bank from individuals to a corporation owned by the same individuals with no change in Bank's management or operations. Bank (deposits of $9.0 million)[1] is the fourth largest of 8 banks in the relevant banking market[2] and controls approximately 12.3 per cent of the total deposits in commercial banks in the market. Upon acquisition of Bank, Applicant would control less than 0.1 per cent of total commercial bank deposits in Illinois.

Among the principals of Applicant are several individuals who are also principals of another one-bank holding company and principals of two other banks. Two of the banks in which principals of Applicant are involved are not located in the relevant banking market. There appears to be no meaningful existing competition between these two banks and Bank, and it appears unlikely that such competition would develop in the future. As regards the third bank, Citizens Bank and Trust Company, Warren, Illinois ("Citizens Bank"), it is located in the relevant market approximately 10 miles from Bank. It appears that no significant competition exists between Citizens Bank and Bank. Furthermore, inasmuch as the present proposal represents a reorganization to effect a transfer of Bank's ownership from individuals to a corporation owned by the same individuals, and in view of the relatively small size of the banks in question and the presence of alternative banking facilities in the market, it appears that the acquisition of Bank by Applicant would not have any significantly adverse effect upon either existing or potential competition in any relevant area. Accordingly, on the basis of the record, it is concluded that competitive considerations are consistent with approval of the application.

The financial considerations relating to the present proposal are consistent with approval of the application. Although Applicant will incur acquisition debt in connection with this proposal, it appears that Applicant will be able to service this debt over a twelve-year period without impairing the financial condition of Bank during that period. Furthermore, it appears that the overall financial condition of Applicant and the one-bank holding company in which principals of Applicant are presently involved is satisfactory and consistent with approval of the application. Managerial considerations are satisfactory and consistent with approval of the application.

Applicant plans no major changes in Bank's operations but does intend to restructure Bank's loan portfolio to include more agricultural, mortgage, consumer and commercial loans. In addition, Applicant plans to renovate and expand Bank's physical facilities and is contemplating extending Bank's current banking hours to more conveniently serve the community needs. Accordingly, considerations related to the convenience and needs of the community to be served are consistent with, and lend some weight toward, approval of the application.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago, pursuant to delegated authority.

By order of the Secretary of the Board acting pursuant to delegated authority from the Board of Governors, effective October 29, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-30240 Filed 11-10-75;8:45 am]

[1] Voting for this action: Vice Chairman Mitchell and Governors Holland, Wallich, Coldwell and Jackson. Absent and not voting: Chairman Burns and Governor Bucher.

[1] All banking data are as of December 31, 1974.

[2] The relevant banking market is approximated by Jo Daviess County excluding the northwestern portion of the County.

UNITED BANCSHARES OF NEBRASKA, INC.

Formation of Bank Holding Company

United Bancshares of Nebraska, Inc., Lincoln, Nebraska, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 99.2 percent of the voting shares of First Westroads Bank, Omaha, Nebraska. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the 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 December 3, 1975.

Board of Governors of the Federal Reserve System, October 29, 1975.

[SEAL] ROBERT SMITH III,
Assistant Secretary of the Board.

[FR Doc.75-30241 Filed 11-10-75;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Notice of Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO on November 3, 1975. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FMC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be received on or before December 1, 1975, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

FEDERAL MARITIME COMMISSION

Request for extension without change to General Order 20, 46 CFR 540, and form FMC 131 which is a part of the rules. The rules provide procedures whereby persons in the United States who arrange, offer, advertise or provide passage on a vessel having berth or stateroom accommodations for 50 or more passengers and embarking passengers at U.S. ports shall establish their financial responsibility or, in lieu thereof, file a bond or other security to meet liabilities for nonperformance of voyage, or for injury or death to passengers or other persons on voyages to or from U.S. ports. Potential respondents are steamship lines. The application for a Certificate of Financial Responsibility is a one time filing and it is estimated that 50 applications are received per year. Respondent burden is estimated at 6 hours per response.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-30387 Filed 11-10-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

WRAPPER TOBACCO

Finding That Imports Not To Be Substantial Cause of Injury to Growers

The United States International Trade Commission today turned down the request of American wrapper tobacco growers for relief from imports. In their second decision under the new import relief provision of the Trade Act of 1974, all six Commissioners—Will E. Leonard, Daniel Minchew, George M. Moore, Catherine Bedell, Joseph O. Parker, and Italo H. Ablondi—did not find increased imports of wrapper tobacco a substantial cause of serious injury to U.S. growers of tobacco used as the outer wrapping of cigars.

The Commission decision was based on a finding that the decline in U.S. production of large cigars was a more important cause of any injury to the growers than imports of wrapper tobacco. The negative determination of the Commission denies to the tobacco farmers eligibility for relief from imports through higher tariffs, quotas, or financial assistance under the import relief provisions of the Trade Act of 1974.

The investigation was made in response to a petition filed with the Commission by the Cigar Leaf Tobacco Foundation, Inc., of Quincy, Florida. Wrapper tobacco is grown in the United States in southwestern Georgia and north-central Florida and in the Connecticut River valley of Connecticut and Massachusetts.

Commission hearings in the investigation were conducted in Florida, Connecticut, and Washington. Extensive staff investigation supplemented the hearings.

U.S. production of wrapper tobacco decreased from 15.9 million pounds in the 1969/70 crop year to only 11 million pounds in the 1974/75 crop year. In spite of the decrease in the amount of tobacco grown, the dollar value increased from $54.2 million to $59.1 million over the same period. Imports (farm-sales-weight basis) increased in that period from 536,000 pounds to 1.1 million pounds, coming chiefly from Nicaragua and Honduras in Central America and Cameroon in Africa. However, production of large cigars in the United States dropped sharply from 8.4 billion cigars in 1970 to 6.5 billion in 1974.

Copies of the Commission's report, *Wrapper Tobacco* (USITC Publication 746) containing the decision, views of the Commissioners, and information developed during the 6-month investigation may be obtained from the Office of the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436 (202-523-0161).

By order of the Commission:

Issued: November 6, 1975.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.75-30388 Filed 11-10-75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 75-91]

SPACE PROCESSING PAYLOAD ADVISORY SUBCOMMITTEE

Notice of Establishment

Pursuant to Section 9(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), and after consultation with the Office of Management and Budget, the National Aeronautics and Space Administration has determined that the establishment of the Applications Steering Committee, Space Processing Payload Advisory Subcommittee is in the public interest and is required for the performance of duties imposed upon NASA by law. The Applications Steering Committee, under which the Subcommittee will operate, is a NASA-sponsored interagency committee, composed wholly of government employees. The Subcommittee will comprise membership from both the public and private sectors.

The intent of this Subcommittee is to obtain the advice of the space processing user community during the development of the Space Transportation System payloads.

WILLIAM W. SNAVELY,
Assistant Administrator for DOD and Interagency Affairs.

NOVEMBER 5, 1975.

[FR Doc.75-30262 Filed 11-10-75;8:45 am]

NATIONAL CREDIT UNION ADMINISTRATION

NATIONAL CREDIT UNION BOARD

Notice of Meeting and Agenda

Pursuant to the provisions of the Federal Advisory Committee Act, Pub. L. 92-463, 86 Stat. 770, notice is hereby given that the National Credit Union Board will hold its quarterly meeting on December 2-3, 1975, at the offices of the National Credit Union Administration, 2025 M Street, N.W., Washington, D.C.

20456. The meetings will commence at 9:00 a.m. daily in Room 4210.

The agenda for this meeting will consist of an undate briefing regarding the activities of the several offices of the National Credit Union Administration, a briefing on share insurance activities, and other aspects of the Administration.

Matters for discussion will include legislative activities.

This meeting of the National Credit Union Board will be open to the public. Members of the public may file written statements with the Board either before or after the meeting. To the extent that time permits, interested persons may be permitted to present oral statements to the Board only on items listed in the aforementioned agenda. Requests to present such oral statements must be approved in advance by the Chairman of the Board. Such requests should be directed to the Chairman, National Credit Union Board, National Credit Union Administration, Washington, D.C. 20456.

HERMAN NICKERSON, Jr.,
Administrator.

NOVEMBER 4, 1975.

[FR Doc.75-30344 Filed 11-10-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-247]

CONSOLIDATED EDISON CO. OF N.Y., INC. (INDIAN POINT NUCLEAR GENERATING UNIT NO. 2)

Establishment of Atomic Safety and Licensing Board To Rule on Petitions

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 FR 28710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the following proceeding:

THE CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

(Indian Point Nuclear Generating Unit No. 2)

Docket No. 50-247

This action is in reference to the "Notice of Availability of Licensee's Environmental Report; Notice of Proposed Issuance of Amendment to Facility Operating License and Notice of Opportunity for Hearing for Indian Point Nuclear Generating Unit No. 2", published by the Commission in the above matter (40 FR 45874—Oct. 3, 1975).

The members of the Board are:

Samuel W. Jensch, Esq., Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Mr. R. Beecher Briggs, (Member), 110 Evans Lane, Oak Ridge, Tennessee 37830.

Dr. Franklin C. Daiber, (Member), College of Marine Studies, University of Delaware, Newark, Delaware 19711.

Dated at Bethesda, Maryland this 5th day of November 1975.

For Atomic Safety and Licensing Board Panel.

JAMES R. YORE,
Acting Chairman.

[FR Doc.75-30317 Filed 11-10-76;8:45 am]

[Docket Nos. 50-260, 50-270, 50-287]

DUKE POWER CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments No. 13, 13, and 10 to Facility Operating Licenses No. DPR-38, DPR-47, and DPR-55, respectively, issued to Duke Power Company which revised Technical Specifications for operation of the Oconee Nuclear Station, Units 1, 2, and 3, located in Oconee County, South Carolina. The amendments are effective as of the date of issuance.

These amendments (1) modify the axial power imbalance limits for the Core Protection Safety Limits and the Reactor Protection System Maximum Allowable Setpoints, (2) reduce the flux/flow ratio from 1.07 to 0.961 for single-loop operation, and (3) change the maximum thermal power for three-loop operation from 86.0% to 86.4%.

The application for the 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 amendments dated August 26, 1975, (2) Amendments No. 13, 13, and 10 to Licenses No. DPR-38, DPR-47, and DPR-55, with Changes No. 23, 18, and 10, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Oconee County Library, 201 South Spring Street, Walhalla, South Carolina 29691.

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 31st day of October 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Reactor Licensing.

[FR Doc.75-30318 Filed 11-10-75;8:45 am]

[Docket Nos. 50-424, 50-425 (CP Amendment)]

GEORGIA POWER CO. (ALVIN W. VOGTLE NUCLEAR PLANT, UNITS 1 AND 2)

Notice of Prehearing Conference

Please take notice that pursuant to § 2.751a of the Commission's Rules of Practice (10 CFR Part 2) and the Atomic Energy Act of 1954, as amended, and consistent with the guidelines prescribed by the Atomic Safety and Licensing Appeal Board (Appeal Board) in its Order dated September 24, 1975 (ALAB-291), the Atomic Safety and Licensing Board (the Board) will conduct a special prehearing conference for this limited, remanded proceeding on November 20, 1975, starting at 9:30 a.m., e.d.t., at the following location:

City County Building, Richmond County Board of Commissioners' Hearing Room, Room 603, 530 Green Street, Augusta, Georgia 30902.

This prehearing conference is preliminary to a public, evidentiary hearing[1] that will be held later in the vicinity of the proposed plant site on a date that will be announced in a future Board notice. The matters to be considered at the prehearing conference are as follows:

(1) Permit identification of the key issues in the proceeding;

(2) Take any steps necessary for further identification of the issues;

(3) Consider the remaining contentions in the Intervenor's petition to allow the Board to make a final determination on the admissibility of the specific contentions; and

(4) Establish a schedule for further actions in the proceeding, including a time table for discovery.

More specifically, the Board expects counsel for the parties to be prepared to orally argue the points raised in Applicant's September 30 "Motion to Schedule Prehearing Conference" regarding the required and permissible scope of the remanded supplemental hearing in light of ALAB-285 (August 12, 1975) and ALAB-291 (September 24, 1975), as well as the scope of discovery necessary to properly inquire into only those limited areas. For the guidance of the parties, the Board does not envision any necessity for an "open-ended reexploration of environmental issues" and will not sanction any unnecessary demands for information on environmental matters which need not be addressed in the remanded hearing, and which would only delay meaningful and prompt preparation for the hearing. The scope of requested discovery should be limited accordingly.

The parties are free to submit written memoranda at the prehearing conference in lieu of all or part of their oral argument.

Counsel for the parties are directed to confer in advance of the public confer-

[1] See this Board's "Notice of Supplemental Hearing on Proposed Amendment to Construction Permits" dated September 3, 1975, which was published in the FEDERAL REGISTER on September 8, 1975 (40 FR 41569).

It is so ordered.
ence to work out an agreed schedule for discovery, which will be placed on the record at the prehearing conference.

Issued at Bethesda, Maryland, this 5th day of November, 1975.

For the Atomic Safety and Licensing Board.

THOMAS W. REILLY, ESQ.,
Chairman.

[FR Doc.75-30319 Filed 11-10-75;8:45 am]

[Doc. No. STN 50-482]

KANSAS GAS AND ELECTRIC CO. AND KANSAS CITY POWER AND LIGHT CO. (WOLF CREEK GENERATING STATION, UNIT NO. 1)

Order Confirming Evidentiary Sessions

On October 30, 1975, the Regulatory Staff of the Commission filed a motion to reschedule hearings in this proceeding and requested modification of the Order issued October 24, 1975 by the Atomic Safety and Licensing Board. The Staff request is primarily directed to the date for the commencement of the presentation of evidence and seeks a change from the November 17th designation. The Board has been in consultation with the attorneys for the parties by a telephonic conference call since time does not permit awaiting answers by mail to the Staff motion. After a consideration of the Staff motion and the oral answers thereto, the Board hereinafter sets January 26, 1976 for the commencement of the sessions for presentation of evidence.

The Board adheres to its schedule of November 12 and 13, 1975 for the presentation of statements by way of limited appearance from members of the public in the District Courtroom of the Coffey County Courthouse in Burlington, Kansas. The November 12th session will commence at 9:00 a.m. and the Board will extend the opportunity for the presentation of such statements for a few evening hours in order to accommodate those members of the public who cannot attend during that daytime. The November 13th session will commence at 10:00 a.m. in the same location.

As provided in the Board's October 24, 1975 Order, further evidentiary sessions shall resume in a courtroom to be designated by later order in Kansas City, Missouri. The Board accepts the agreement by the attorneys for the parties to convene the Kansas City sessions on January 26, 1976 commencing at 2:30 p.m. at the suggestion of one of the attorneys. A session for a few hours will convene in the evening of January 26, 1976 to permit those members of the public from the Kansas City area who desire to present limited appearance statements and who are unable to be present for the Burlington, Kansas sessions, to present such statements.

The Board also accepts suggestions from the attorneys for the parties and hereby directs that all proposed direct evidence shall be prepared in written form and shall be served upon the parties and the Board in accordance with the schedule for the items identified by the contentions designated as follows:

I. Service on or before December 19, 1975 on contentions:

I-1 through I-7, I-9 through I-13, I-14 (a), (h), (k) and (l), I-16, I-17, I-21(b), I-22, I-25, and I-26.

II. Service on or before January 6, 1976 on contentions: I-14 (b), (c), (d), (e), (f), (g), (i) and (j), I-18, I-19, I-20, I-21 (a) ,(c), (d), (e).

III. Service on or before January 15, 1976 of all written statements to be offered as direct evidence related to all remaining radiological safety issues, otherwise designated by the parties as Category II safety issues.

Wherefore, *it is ordered*, In accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Nuclear Regulatory Commission, that limited appearance statements from members of the public may be presented at evidentiary sessions of this proceeding commencing at 9:00 a.m. on Wednesday, November 12, 1975 in the District Courtroom, Coffey County Courthouse, 6th and Neosho Streets, Burlington, Kansas, and at further sessions to be provided, including November 13, 1975, at times to be reflected by oral orders issued during hearings and reflected in the transcripts which are available for public review.

A further session of evidentiary hearings shall convene in a courtroom in Kansas City, Missouri on January 26, 1976, at a time and location to be designated by later Order. An evening session will be held in Kansas City to permit additional members of the public to present limited appearance statements. The proposed direct evidence from all parties shall be prepared in advance in written form and shall be served on or before the dates hereinbefore provided in this Order.

Issued: November 5, 1975, Bethesda, Maryland.

For the Atomic Safety and Licensing Board,

SAMUEL W. JENSCH,
Chairman.

[FR Doc.75-30320 Filed 11-10-75;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. 11 to Facility Operating License No. DPR-36 issued to the Maine Yankee Atomic Power Company 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 modifies the provisions in the Technical Specifications relating to the design of the spent fuel storage racks. As amended, the Technical Specifications will allow the licensee to replace the existing spent fuel storage racks which have a capacity of 318 assemblies with anodized aluminum fixed-poison (Boral) curtain racks which have a capacity of 953 assemblies.

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 April 14, 1975 (40 FR 16732). 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 June 26 and July 25, 1975, (2) Amendment No. 11 to License No. DPR-36 with Change No. 19, (3) the Commission's related Safety Evaluation, and (4) the Commission's Negative Declaration dated October 24, 1975, which is being published concurrently with this notice, and associated Environmental Impact Appraisal. 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 Wiscasset Public Library Association, High Street, Wiscasset, Maine.

A copy of items (2), (3), and (4) 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 31st day of October, 1975.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Reactors Licensing.

[FR Doc.75-30321 Filed 11-10-75;8:45 am]

[Docket No. 50-309; License No. DPR-36]

MAINE YANKEE ATOMIC POWER STATION

Negative Declaration Regarding Proposed Changes to the Technical Specifications of

The Nuclear Regulatory Commission (the Commission) has considered the issuance of a change to the Technical Specifications of Facility Operating License No. DPR-36 for Maine Yankee Atomic Power Station located in Lincoln County, Maine. The changes would authorize the licensee, Maine Yankee Atomic Power Company, to replace existing spent fuel storage racks having a capacity of 318 assemblies with fixed poison (Boral) curtain racks having a maximum capacity of 953 assemblies.

The Commission's Division of Reactor Licensing has appraised the environmental impact of the proposed change. On the basis of this appraisal, the Commission has 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 other than those impacts described in the Commission's Final Environmental Statement of July 1972 concerning the operation of Maine Yankee Atomic Power Station.

The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Wiscasset Public Library Association, High Street, Wiscasset, Me.

Dated at Rockville, Md., this 24th day of October 1975.

For the Nuclear Regulatory Commission.

GORDON K. DICKER,
Chief, Environmental Projects Branch 2, Division of Reactor Licensing.

[FR Doc.75-30322 Filed 11-10-75;8:45 am]

[Docket No. 50-277]

PHILADELPHIA ELECTRIC CO. (PEACH BOTTOM ATOMIC POWER STATION, UNIT 2)

Order for Modification of License

I. Philadelphia Electric Company (PECO or Licensee) is the holder of Facility Operating License No. DPR-44 which authorizes operation of Peach Bottom Atomic Power Station Unit 2 (Unit 2 or the Facility) at steady-state reactor core power levels not in excess of 3295 megawatts thermal (rated power). The Facility is a boiling water reactor (BWR) located at the Licensee's site in Peach Bottom, York County, Pennsylvania.

II. 1. On July 23, 1975, the Nuclear Regulatory Commission (the Commission) issued an "Order for Modification ofe License" (40 F.R. 32179 of July 31, 1975) which confirmed a plan for limited additional operation of the facility. As explained in the Order of July 23, 1975, the Facility's channel box wear, as indicated by the noise-to-signal ratio recorded by the traversing incore probe (TIP), had exceeded the threshold for remedial action. The remedial action, confirmed by the Order, limited operation of the facility at not more than 40 percent of rated core flow and with a maximum fuel bundle power of 3.35 MWt. In addition, the Order permitted operation up to full flow and power for a brief period of time needed to collect flow vibration data and to conduct fuel preconditioning. The Order further stipulated that the Licensee was to shutdown the facility following approximately 45 equivalent full flow days from June 21, 1975 unless within that period certain specified tests have been completed which demonstrated the efficacy of the 40% flow limit.

2. By letter dated October 24, 1975,[1] the Licensee proposed a plan, previously discussed with the NRC staff, setting forth a course of remedial action, which would allow operation with flow rates above 40 percent of rated flow and maximum bundle power above 3.35 MWt. The plan would involve shutdown of the reactor and appropriate replacement of worn channel boxes and plugging of the core support plate bypass holes.

3. By its letter dated September 29, 1975,[2] the Licensee provided details relating to the fuel channel inspection program and the installation of core bypass flow plugs in the lower core plate and supplied analyses to demonstrate the adequacy of the procedures for plug installation. Additionally, by its letter dated October 24, 1975, the Licensee referenced modifications previously approved and implemented at the Duane Arnold and Vermont Yankee reactors.

4. The installation of the core bypass flow plugs in the lower core plate is designed to reduce the instrument tube—channel box interaction that produced unacceptable wear. The Commission's Safety Evaluations for the plant modifications referenced in the Licensee's letter of October 24, 1975, list a total of 75 channels that were inspected for wear during normal refueling outages in seven plants that have instrument thimbles similar to those in Peach Bottom Unit 2, but that do not have flow bypass holes. The bypass flow for these plants enters through clearances in the fuel assembly and fittings which are similar to the proposed Peach Bottom Unit 2 configuration with plugged bypass flow holes. For this configuration, no significant wear was observed at the corners of the channel boxes adjacent to the instrument thimbles.

5. Plugs identical to those proposed for Peach Bottom Unit 2 had previously been installed in the Vermont Yankee and Pilgrim reactors in 1973 and 1974, respectively, to eliminate the vibration of temporary control curtains that caused channel box wear in those reactors. They have also been installed in the Duane Arnold and Vermont Yankee reactors to mitigate channel box wear. The plugs in the Vermont Yankee reactor were installed in 1973 and, were removed after ten months of successful service, at the time that the temporary control curtains were removed. In addition, the General Electric Company has conducted tests to demonstrate the adequacy of the plug design. These tests included full flow mockup tests which demonstrated negligible leakage flow through the plugged holes. The NRC staff has reviewed the design, the testing, and the previous experience with the proposed plugs in the Vermont Yankee, and Pilgrim reactors, and in its concurrently issued Safety Evaluation of Mechanical Plugs to be Inserted in Peach Bottom Unit 2, the staff concluded that the mechanical design of the proposed bypass flow plugs is acceptable and that the plugs will reduce the vibration of the instrument thimbles caused by flow through the bypass holes and that installation of the plugs should be authorized. Subsequent operation of the facility with the plugs installed is under review.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50, *it is ordered*, that Facility Operating License No. DPR-44 is hereby amended by substituting the following provisions for the provisions set out in Appendix A to the Commission's Order for Modification of License dated July 23, 1975:

1. The Licensee is authorized to install bypass hole plugs in the Facility's lower core plate. The Licensee shall not, without prior written approval of the Director, Office of Nuclear Reactor Regulation, return the facility to operation following the installation of the bypass hole plugs.

Dated at Bethesda, Maryland this 4th day of November, 1975.

For the Nuclear Regulatory Commission.

BEN C. RUSCHE, *Director, Office of Nuclear Reactor Regulation.*

[FR Doc.75-30323 Filed 10-11-75;8:45 am]

[Docket No. 50-533]

WESTINGHOUSE ELECTRIC CORP.

Issuance of Facility Export License

Please take notice that no request for a hearing or a petition for leave to intervene having been filed following publication of notice of proposed action in the FEDERAL REGISTER on May 27, 1975 (40 FR 23124) and the Nuclear Regulatory Commission having found that:

(a) The application filed by Westinghouse Electric Corporation, Docket No. 50-533, complies with the requirements of the Act, and the Commission's regulations set forth in Title 10, Chapter I, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations, the Commission has issued License No. XR-103 to Westinghouse Electric Corporation, au-

[1] Copies of (1) the October 24, 1975 filing by the Licensee, and (2) the NRC staff Safety Evaluation of Mechanical Plugs to be Inserted in Peach Bottom Unit 2 and the documents referenced therein, are availalbe for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and are being placed in the Martin Memorial Library, 189 E. Market Street, York, Pennsylvania.

[2] The September 29, 1975 filing by the Licensee entitled "Peach Bottom Atomic Power Station Units 2 and 3 Safety Analysis Report for Plant Modifications to Eliminate Significant In-Core Vibrations" is being withheld from public disclosure as a proprietary document of the General Electric Company pursuant to 10 CFR Part 2, § 2.790.

thorizing the export of a pressurized water reactor with a thermal power level of 2783 megawatts to the Statens Vattenfallsverk, Stockholm, Sweden.

The export of this reactor to Sweden is within the purview of the present Agreement for Cooperation Between the Government of the United States of America and the Government of Sweden Concerning Civil Uses of Atomic Energy.

Dated at Bethesda, Maryland this 30th day of October 1975.

For the Nuclear Regulatory Commission.

G. WAYNE KERR,
Chief, Agreements and Exports Branch, Division of Materials and Fuel Cycle Facility Licensing.

[FR Doc.75-30324 Filed 11-10-75;8:45 am]

REGULATORY GUIDE

Notice of Issuance and Availability

The Nuclear Regulatory Commission has issued a new 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 1.105, "Instrument Spans and Setpoints," describes a method acceptable to the NRC staff for complying with the Commission's regulations with regard to ensuring that the instrument setpoints initially are within and remain within the specified safety system setting.

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. Public comments on Regulatory Guide 1.105 will, however, be particularly useful in evaluating the need for an early revision if received by January 9, 1976.

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:

Fracture Toughness Class I Vessels Under Overstress Conditions.
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.
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.
Inservice Monitoring of Core and Core Support Structure Motion Via Neutron-Flux Measurement.
Loose Parts Monitoring Program for the Primary System.
Guidance for Content of Licensing Applications for Reload Fuel.
Nuclear Safety-Related Concrete Structures.
ASME Code Case Fiberglass Reinforced Plastic Piping.
Protection Against Low Trajectory Turbine Missiles.
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.
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.
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.
Emergency Planning for Nuclear Power Plants.
Control Room Manning.
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.
Preoperational Testing of Diesel Generator Units Used as Onsite Emergency Power Sources at Nuclear Power Plants.
Periodic Testing of Class 1E Power and Protection Systems.
Assumptions Used for Evaluating the Potential Radiological Consequences of a BWR Radioactive Offgas System Failure.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 4th day of November 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc.75-30325 Filed 11-10-75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON THE TYRONE ENERGY PARK, UNIT 1

Agenda Change

The agenda for the November 21, 1975 meeting of the ACRS Subcommittee on the Tyrone Energy Park, Unit 1, which was published at 40 Federal Register 51506, November 5, 1975, is changed as follows:

Thursday, November 20, 1975, 7 p.m. until conclusion of business.

The Subcommittee will meet in closed Executive Session with any of its consultants who may be present, to explore their preliminary opinions, based upon their independent review of safety reports, regarding matters which should be considered during the open session in order to formulate a Subcommittee report and recommendations to the full Committee.

Friday, November 21, 1975, 8:30 a.m. The Subcommittee will meet in closed session with the NRC Staff and representatives of the Northern States Power Company for the purpose of exploring proprietary matters with regard to plant security.

There is no change to the agenda for the open session.

All other matters pertaining to the meeting remain unchanged.

Dated: November 6, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75-30316 Filed 11-10-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-11794; File No. SR-Amex-75-6]

AMERICAN STOCK EXCHANGE, INC.

Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on October 31, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The American Stock Exchange, Inc. ("Amex") has adopted amendments to certain of the guidelines adopted by the Amex pursuant to Rule 915(b) of the Amex Rules which relate to standards for issuers of securities underlying options (the "Amendments to the Rule 915 Guidelines"). The Amendments to the Rule 915 Guidelines are set forth below. Brackets indicate words to be deleted, and italics are used to indicate words to be added.

The issuer and its subsidiaries have not during the past [ten] *three* years defaulted in the payment of any dividend or sinking fund installment on preferred stock, or in the payment of any principal, interest or sinking fund installment on any indebtedness for borrowed money, or in the payment of rentals under long term leases.

The issuer and its consolidated subsidiaries had a net income, after taxes but before extraordinary items net of tax effect, of at least [$500,000] *$250,000* for each of the last [five] *three* fiscal years.

[The issuer earned in each of the last five fiscal years any dividends, including the fair market value of any stock dividends, paid in each such year on all classes of securities.]

The purpose of the Amendments to the Rule 915 Guidelines is to conform such guidelines with the recent proposed amendments to the Form S-7 requirements of the Securities and Exchange Commission (the "Commission").

The Amendments to the Rule 915 Guidelines are authorized by Section 6(b)(5) of the Securities Exchange Act of 1934 (the "1934 Act"). Although Section 6 of the 1934 Act, as recently amended by the Securities Acts Amendments of 1975, does not become effective until December 1, 1975, the Amendments to the Rule 915 Guidelines, will be consistent with that Section when such amendments to the 1934 Act become effective.

The Amendments to the Rule 915 Guidelines relate to standards to be considered by the Amex in evaluating potential underlying stocks for Amex option transactions. These guidelines were based upon the Form S-7 requirements in effect at the time such guidelines were adopted.

In adopting the Form S-7 requirements the Commission decided that for certain issuers eligible to use such Form adequate disclosure could be assumed to have been made in reports and proxy statements filed over the years under the 1934 Act. The Commission recently determined that the S-7 qualification standards relating to net income, default and dividends could be reduced without compromising the protection of investors, and that the public interest would be served thereby.

The Amex believes that the Amendments to the Rule 915 Guidelines, in line with the amendments to the Form S-7 requirements, are consonant with the protection of investors and the public interest.

The Amendments to the Rule 915 Guidelines were considered and unanimously approved by the Options Committee of the Amex which is composed of Amex members and representatives of Amex member organizations. No additional comments were solicited and received.

The Amex had determined that the Amendments to the Rule 915 Guidelines would not impose any burden on competition.

On or before December 16, 1975, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 11, 1975.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 4, 1975.

[FR Doc.75-30283 Filed 11-10-75;8:45 am]

[Release No. 34-11791; File No. SR-BSE-75-4]

BOSTON STOCK EXCHANGE

Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on October 29, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Change Chapter XII-B (next to last paragraph) of the Rules:

For the purposes of this paragraph (5) the next transaction in the primary market shall mean the next transaction in the primary market as reported on the Consolidated Tape at the Boston Stock Exchange after the order is placed with the Dealer for execution. Adjustments for lateness of the tape and any similar adjustments shall be made in the same manner as for odd-lot transactions.

STATEMENT OF BASIS AND PURPOSES

Purpose of the proposed rule change. The purpose of the rule change is to eliminate the two minute time requirement on the execution of round-lot orders and to clarify the definition of next transaction occurring in the primary market.

Basis of the proposed rule change:

a (i) Not applicable.
(ii) Not applicable.
(iii) Not applicable.
(iv) Not applicable.
(v) Not applicable.
(vi) Not applicable.
(vii) Not applicable.

Comments received from members, participants or others on proposed rule change. No comments were solicited or received.

Burden on competition. No burden on competition is perceived by adoption of the proposed amendment. Indeed, it was proposed to conform this Exchange's trading rule to those of other Exchanges.

On or before December 16, 1975, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, DC 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced

in the caption above and should be submitted on or before December 11, 1975.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

NOVEMBER 4, 1975.

[FR Doc.75-30284 Filed 11-10-75;8:45 am]

[File No. 500-1]

CANADIAN JAVELIN, LTD.

Suspension of Trading

NOVEMBER 4, 1975.

The common stock of Canadian Javelin, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from November 5, 1975 through November 14, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-30280 Filed 11-10-75;8:45 am]

[Release No. 34-11789; SR File No. SR-CBOE-75-3]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Order Approving Proposed Rule Change

On September 12, 1975, the Chicago Board Options Exchange, Inc. ("CBOE"), LaSalle at Jackson, Chicago, Illinois 60604, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1), as amended by the Securities Acts Amendments of 1975 (Pub. L. No. 94-29, Section 16 (June 4, 1975)) (the "Act"), and Rule 19b-4 thereunder, copies of a proposed rule change.

The proposed rule change would: (1) revise the provisions concerning resignation, disqualification and removal of directors to reflect the proposed changes in Board composition (Rule 6.3(b)); (2) alter the composition of its Board of Directors as between public directors and exchange directors and provide for special qualifications for certain exchange directors (Rule 6.1); (3) revise the balloting procedures to ensure that the representation required by virtue of the foregoing change in Board composition is effected (Rule 5.3); (4) facilitate the process through which a member can petition to become a candidate for the Board of Directors or the Nominating Committee by reducing the number of signatures required and by lengthening the time within which petitions can be filed (Rule 4.5); and (5) place a specific obligation on the Nominating Committee to choose candidates for the Board of Directors and for the Nominating Committee which reflect the various membership interests (Rule 4.3).

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 11675 (Sept. 24, 1975)) and by publication in the FEDERAL REGISTER (40 FR 14903 (Sept. 30, 1975)).

Notice of the Commission determination to extend the time period within which the Commission will approve the above referenced proposed rule changes of CBOE or institute proceedings to determine whether it should be disapproved was given by publication of a Commission Release (Securities Exchange Act Release No. 11755 (Oct. 21, 1975)) and by publication in the FEDERAL REGISTER (40 FR 50330 (Oct. 29, 1975)).

CBOE has requested that the Commission consider separately CBOE's proposed rule change insofar as CBOE Rule 4.5 is concerned. The Commission finds the proposed rule change, insofar as CBOE Rule 4.5 is concerned, is consistent with the requirements of the Act and rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change insofar as CBOE Rule 4.5 is concerned, filed with the Commission on September 12, 1975 be, and it hereby is, approved.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMON, *Secretary.*

NOVEMBER 4, 1975.

[FR Doc.75-30285 Filed 11-10-75;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Suspension of Trading

NOVEMBER 5, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 6, 1975 through November 15, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-30281 Filed 11-10-75;8:45 am]

[70-5753; Rel. No. 19236]

INDIANA & MICHIGAN POWER CO.

AMERICAN ELECTRIC POWER COMPANY, INC.

Proposed Issuance and Sale of First Mortgage Bonds at Competitive Bidding and Guaranty Agreement Between Parent and Subsidiary

NOVEMBER 4, 1975.

Notice is hereby given that American Electric Power Company, Inc. ("AEP"), 2 Broadway, New York, New York 10004, a registered holding company, and Indiana & Michigan Power Company ("I&MP"), % American Electric Power Service Corporation, 2 Broadway, New York, New York, 10004, an electric generating subsidiary company of Indiana & Michigan Electric Company ("I&M"), an electric utility subsidiary company of AEP, have filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7, & 12 and Rules 42(a), 42(b) and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

I&MP was organized under the laws of the State of Michigan on April 20, 1971 for the purpose of acquiring, completing the construction of, and operating, the Donald C. Cook Nuclear Plant ("Cook Plant"), a nuclear fueled steam electric generating station situated in Michigan along the shore of Lake Michigan near Bridgman, Michigan. The Cook Plant is to consist of two nominally rated 1,100,000 kilowatt generating units, the first of which was placed in commercial operation on August 23, 1975 and the second of which is scheduled to be placed in commercial operation in 1978 or later. It is estimated that the total construction costs of the Cook Plant will equal at least $980,000,000. Construction costs aggregating $758,799,000 have been incurred through June 30, 1975 and it is estimated that additional construction costs aggregating $70,100,000 will be incurred in 1975 and $83,000,000 in 1976.

By order issued May 20, 1971 (HCAR No. 17135), the Commission authorized I&MP to acquire the Cook Plant from I&M in consideration of the issuance by I&MP to I&M of 1,500,000 shares of its common stock, par value $1.00 per share, and $130,000 aggregate principal amount of ten year unsecured promissory notes. By orders issued August 23, 1971 and September 12, 1972 (HCAR Nos. 17247 and 17694), the Commission also authorized I&MP to issue its unsecured promissory notes from time to time to seventeen

banks under a Bank Loan Agreement in an aggregate principal amount up to $300,000,000 and, in connection therewith, authorized I&MP and I&M to enter into and to perform a Capital Funds Agreement and a Power Agreement. On September 23, 1971, I&M transferred the Cook Plant to I&MP in consideration of the issuance and delivery by I&MP to I&M of the securities which the Commission authorized I&MP to issue, and thereafter I&MP effected borrowings under the Bank Loan Agreement until it completed in 1974 the borrowing of the $300,000,000 thereunder. The notes issued under the Bank Loan Agreement mature by their terms on September 30, 1977 and bear interest at a rate equal to one-half of one percent plus the prime commercial loan rate of Manufacturers Hanover Trust Company from time to time in effect.

I&M is entitled under the Power Agreement to receive all power (and the energy associated therewith) available at the Cook Plant and I&M agrees to pay I&MP in consideration for the right to receive all such power and energy, such amounts from time to time as, when added to amounts received by I&MP from any other source, will be at least sufficient for I&MP to pay when due all of its operating and other expenses, including (i) any amount which I&MP may be required to pay on account of any interest and/or any substitute interest on all indebtedness for borrowed money issued or assumer by I&MP and on account of the stated maturities of, and/or all required sinking fund payments and other regular amortization requirements applicable to, such indebtedness and (ii) such additional amount as is necessary after any required provision of taxes on, or measured by, income to enable I&MP to pay required dividends on any preferred stock which it may issue and such amount as will represent a fair return on the common stock equity of I&MP as may be permitted by governmental regulatory authorities having jurisdiction. I&MP filed the Power Agreement with the Federal Power Commission ("FPC") on October 8, 1975 as an initial rate schedule, effective as of August 23, 1975 and an investigation was instituted, which is currently continuing, under Section 206 of the Federal Power Act as to the reasonability of the rates and charges specified in the Power Agreement.

I&MP proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, up to $75,000,000 principal amount of First Mortgage Bonds, in one initial series, to mature in not less than 5 and not more than 10 years from the date of issuance of such Bonds. The interest rate (which shall be a multiple of ⅛ of 1%) and the price to be paid to I&MP for the Bonds (which shall not be less than 100% unless I&MP shall authorize a lower percentage not less than 99%, and shall not exceed 102.75%) will be determined by competitive bidding. The Bonds will be issued under and secured by a Mortgage and Deed of Trust, to be dated as of December 1, 1975 to Manufacturers Hanover Trust Company ("Trustee"). The terms of the Bonds preclude I&MP from redeeming any such Bonds prior to December 1, 1980, if such redemption is for the purpose of refunding such Bonds with proceeds of funds borrowed at a lower effective interest cost. I&MP shall notify prospective bidders no later than 72 hours prior to the time designated for the submission of the bids of the maturity date of the Bonds.

The Motgage Indenture is designed to finance 60% of the construction costs of the 2 unit Cook Plant plus additions thereto as defined in the Mortgage Indenture. I&MP will not assign its interest or rights to any funds due or to become due under the Capital Funds Agreement or Power Agreement to any person other than the Indenture Trustee. I&MP will not declare or pay any dividend on any class of its capital stock, nor directly or indirectly make any payment on account of the purchase, redemption, acquisition or other retirement of any shares of its capital stock, of any class, unless, after giving effect to such transaction, the aggregate amount of the proprietary capital of I&MP, including all of its capital stock and paid-in and retained earnings, is at least 53.85% of the principal amount of all then outstanding indebtedness of I&MP for borrowed money. The Mortgage provides for a cash sinking fund pursuant to which I&MP will be required annually to retire a specified principal amount of the Bonds. The amount of the sinking fund payments will be filed by amendment. It is contemplated that the amount of the annual sinking fund payment for the Bonds of this series and the respective amounts of sinking fund payments in the future for addiitonal series will be sufficient to provide for the retirement of all outstanding Bonds at the expiration of the useful life of the depreciable facilities of the Cook Plant.

The proceeds realized from the sale of the Bonds will be deposited in the construction fund under the Mortgage and will be withdrawn by I&MP on application to the Trustee to pay construction costs of the 2 unit Cook Plant.

AEP proposes to execute and deliver a Guaranty Agreement guaranteeing the payment of the principal, interest, and premium on any Bond, upon notice of default by I&MP. AEP also proposes, prior to the sale by I&MP of the Bonds, to deposit with the Trustee under its Debenture Indenture, an amount (approximately $2,272,000) sufficient to pay, when due, the principal and interest on all of its remaining 3⅜% Sinking Fund Debentures, due June 1, 1977.

The fees and expenses to be incurred in connection with the proposed transactions will be supplied by amendment. The proposed issuance and sale of the Bonds is subject to the jurisdiction of the Michigan Public Service Commission and no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than November 28, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-30282 Filed 11-10-75;8:45 am]

[Release No. 34-11792; File Nos. SR-MSTC-75-1(a) and SR-MCC-75-1(a)]

MIDWEST SECURITIES TRUST CO. AND MIDWEST CLEARING CORP.

Amendment to the Schedule of Charges

Notice is hereby given that the Midwest Stock Exchange ("MSE") has amended the schedule of charges for services rendered by its wholly-owned subsidiaries, the Midwest Securities Trust Company ("MSTC") and the Midwest Clearing Corporation ("MCC") by deleting the $.50 per item charge for directing clearing trades to other clearing systems through MCC's interface arrangements with other systems. Charges for directing trades through the MCC interfaces, which currently are operating on a pilot basis, will be assessed individually against MCC participants involved in the pilot until a standard charge for movements through MCC's interfaces is incorporated in the schedule of charges.

The schedule of charges, which included the interface charge, became effective on September 2, 1975 upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934 [15 U.S.C. 78s(b)(1), as amended by Pub. L. 94-29, 16 (June 4, 1975)].[1] The amendment deleting the in-

[1] Securities Exchange Act Release No. 11669, 40 F.R. 44902.

terface charge became effective on October 28, 1975 upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934.

Publication of this notice is expected to be made in the FEDERAL REGISTER during the week of November 10, 1975. Interested persons may submit comments concerning the amendment deleting the interface charge on or before December 2, 1975. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549. Reference should be made to File Nos. SR-MSTC-75-1(a) and SR-MCC-75-1(a).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 4, 1975.

[FR Doc.75-30286 Filed 11-10-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 09/09-0188]

CARDON CAPITAL CORP.

Issuance of a License To Operate as a Small Business Investment Company

On September 25, 1975, a notice was published in the FEDERAL REGISTER (40 FR 44206) stating that an application had been filed with the Small Business Administration (SBA) pursuant to Section 107.102 of the Regulations governing small business investment companies (SBICs) for a license to operate as an SBIC by Cardon Capital Corporation, 134 W. Broadway, Mesa, Arizona 85202.

Interested parties were invited to submit their written comments to SBA. No comments were received.

Notice is hereby given that pursuant to the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), after having considered the application and all other pertinent information and facts in regard thereto, SBA has issued License No. 09/09-0188 on October 30, 1975, to Cardon Capital Corporation to operate as an SBIC.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies).

Dated: November 3, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-30247 Filed 11-10-75;8:45 am]

[License No. 01/01-0277]

MARCON CAPITAL CORP.

Issuance of a License To Operate as a Small Business Investment Company

On June 11, 1975, a notice was published in the FEDERAL REGISTER (40 FR 25257) stating that Marcon Capital Corporation, 1188 Post Road, Fairfield, Connecticut 06430 had filed an application with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1975) for a license to operate as a small business investment company (SBIC).

Interested parties were given until the close of business on June 30, 1975, to submit written comments on the application to SBA.

Notice is hereby given that no written comments were received and having considered the application and all other pertinent information, SBA approved the issuance of License No. 01/01-0277 on October 23, 1975, to Marcon Capital Corporation, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies)

Dated: November 3, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-30248 Filed 11-10-75;8:45 am]

[Delegation of Authority No. 30, Rev. 15, Amdt. 5]

FIELD OFFICES

Delegation of Authority To Conduct Program Activities

Delegation of Authority No. 30, Revision 15 (40 FR 11657, as corrected 14134), as amended (40 FR 20691; 26317; 40217 as corrected 41862; and 49159), is hereby amended to clarify that the administration of all management assistance resources available under Section 7(j) of the Small Business Act is part of the Management Assistance Program.

As amended, Delegation of Authority No. 30, Revision 15, reads as follows:

PART VII—MANAGEMENT ASSISTANCE PROGRAM

Section A—Call Contracts Authority. 1. *Administration and Management of Call Contracts.* To take all necessary actions in connection with the administration and management of contracts awarded under the authority granted in Section 7(j) of the Small Business Act, as amended, (formerly under Section 406 of the Economic Opportunity Act of 1964) except changes, amendments, or termination of the contract:

a. Regional Director.
b. Assistant Regional Director for Management Assistance.
c. District Director.
d. Assistant District Director for Management Assistance.

Effective date: November 11, 1975.

Dated: November 4, 1975.

DANIEL T. KINGSLEY,
Associate Administrator for Operations.

[Delegation of Authority No. 30, Rev. 15,

DEPARTMENT OF LABOR

Office of the Secretary

[TA-W-270]

BROWN SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 30, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Shoe Workers of America on behalf of the workers and former workers of Sullivan, Illinois, plant of Brown Shoe Company, St. Louis, Missouri (TA-W-270).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's footwear produced by Brown Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 21, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-30361 Filed 11-10-75;8:45 am]

[TA-W-272]

GENERAL ELECTRIC CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 30, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Allied Industrial Workers of America on behalf of the workers and former workers of Owensboro, Kentucky plants of General Electric Company, Fairfield, Connecticut (TA-W-272). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation

as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with electronic receiving tubes for radios & televisions produced by General Electric Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 21, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-30362 Filed 11-10-75;8:45 am]

[TA-W-271]

LEVERENZ SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 30, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Leverenz Shoe Company, Sheboygan, Wisconsin (TA-W-271). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's dress and casual footwear produced by Leverenz Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 21, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-30363 Filed 11-10-75;8:45 am]

[TA-W-273]

UNITED STATES SHOE CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 30, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Columbus, Ohio plant of The United States Shoe Corporation, Cincinnati, Ohio (TA-W-273). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's footwear produced by The United States Shoe Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 21, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-30364 Filed 11-10-75;8:45 am]

[TA-W-274]

UNITED STATES SHOE CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 30, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Crothersville, Indiana plant of The United States Shoe Corporation (TA-W-274). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's footwear produced by The United States Shoe Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 21, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-30365 Filed 11-10-75;8:45 am]

[TA-W-275]

UNITED STATES SHOE CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 30, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Jumping-Jacks Division, Marionville, Missouri plant of The United States Shoe Corporation, Cincinnati, Ohio (TA-W-275). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with children's, youths', and teens' shoes produced by The United States Shoe Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 21, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-30366 Filed 11-10-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 911]

ASSIGNMENT OF HEARINGS

NOVEMBER 6, 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 102567 Sub-176, McNair Transport, Inc. and MC 111401 Sub-443, Groendyke Transport, Inc., continued to November 24, 1975 at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-30381 Filed 11-10-75;8:45 am]

[Notice No. 116]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

NOVEMBER 11, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before December 1, 1975. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

Finance Docket No. 27992. By order entered November 5, 1975, the Motor Carrier Board approved the transfer to Flowers Transportation, Inc., Greenville, Mississippi, of Cetificate No. W-1227, issued September 25, 1969, to Waxler Towing Company, Incorporated, Memphis, Tennessee, evidencing a right to engage in transportation as a common carrier by water, by non-self-propelled vessels with the use of separate towing vessels in the transportation of general commodities, and by towing vessels in the performance of general towage, between ports and points along the Arkansas-Verdigris Waterway, on the one hand, and, on the other, ports and points along the Ohio River below Pittsburgh, Pa., the Illinois Waterway, and the Mississippi River from St. Paul, Minn., to New Orleans, La. Douglas C. Wynn, P.O. Box 1295, Greenville, Miss. 38701, and R. Dale Woodall, Evans, Petree, Cobb & Edwards, 900 Memphis Bank Building, Memphis, Tenn. 38103, attorneys for applicants.

No. MC-FC-75868. By order of November 5, 1975, the Motor Carrier Board approved the transfer to Homer L. Williamson, Doing business as Williamson Transfer & Storage, Man, West Virginia, of Certificate No. MC 4197, issued October 8, 1975, to Logan Transfer Company, Huntington, West Virginia, authorizing the transportation malt beverages and oil and grease, from points in Kentucky to Logan, W. Va., carbide, from Ivanhoe, Va., to Logan, W. Va., and household goods, between Huntington, W. Va., and points in Logan and Lincoln Counties, W. Va., on the one hand, and, on the other, points in fifteen states and the District of Columbia. John M. Friedman, 2930 Putnam Avenue, Hurricane, West Virginia 25526, representative of applicants.

No. MC-FC-76058. By order of November 5, 1975, the Motor Carrier Board approved the transfer to R. Lavoie Trucking, Inc., Coaticook, Quebec, Canada, of a portion of Certificate No. MC 108381, issued October 3, 1949, to J. M. Blassberg, Inc., Shelburne Falls, Massachusetts, authorizing the transportation of building materials and electrical supplies between points in Massachusetts, New Hampshire, Vermont, and New York, with a restriction. David M. Marshall, Marshall, and Marshall, 135 State Street, Suite 200, Springfield, Mass. 01103, attorney for Applicants.

No. MC-FC-76072. By order entered November 5, 1975, the Motor Carrier Board approved the transfer to Robert Moreno, Yreka, Calif., of Certificate of Registration No. MC 106086 (Sub-No. 14), issued May 1, 1964, to Winans Bros. Trucking Co., a corporation, Redding, Calif., evidencing a right to engage in transportation in interstate commerce as described in certificate No. 53025, dated May 8, 1956, issued by the Public Service Commission of California. John Paul Fischer, 140 Montgomery Street, San Francisco, Calif. 94104, attorney for applicants.

No. MC-FC-76148. By order of November 6, 1975, the Motor Carrier Board approved the transfer to Van Nata

Trucking, Inc., Vesper, Wis., of the operating rights in Permit No. MC 124912, issued January 2, 1975, to Donald F. Dengel and A. William Lind, a partnership, doing business as D & L Trucking Company, Sheboygan, Wis., authorizing the transportation of malt beverages and incidental supplies, premiums and advertising materials when shipped with malt beverages, from points in the Minneapolis-St. Paul, Minn., Commercial Zone as defined by the Commission to Fond du Lac and Sheboygan, Wis., under contract with Donald F. Dengel, doing business as Don Dengel Distributing Company, of Fond du Lac, and Lind Distributing Co., Inc., of Sheboygan. Edward Solie, 4513 Vernon Boulevard, Madison, Wis. 53705, attorney for applicants.

No. MC-FC-76159. By order entered November 5, 1975, the Motor Carrier Board approved the transfer to AGS Enterprises, Inc., Litchfield, Ill., of the operating rights set forth in Certificate No. MC 87566 (Sub-No. 6), issued November 2, 1973, to Schmidt Truck Service, Inc., Litchfield, Ill., authorizing the transportation of plastic products, from the facilities of International Paper Company, at Litchfield, Ill., to points in Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, and Wisconsin. David Axelrod, 39 South LaSalle St., Chicago, Ill. 60603, attorney for applicants.

No. MC-FC-76160. By order entered November 6, 1975, the Motor Carrier Board approved the transfer to The Minuteman Lines, Inc., Winchendon, Mass., of that portion of the operating rights set forth in Certificate of Registration No. MC 99912 (Sub-No. 1), issued May 21, 1964, to Barry & Foley Motor Transportation, Inc., Worcester, Mass., evidence a right to engage in transportation in interstate or foreign commerce, of general commodities, between specified points in Massachusetts. George C. O'Brien, 15 Court Square, Boston, Mass. 02108, attorney for applicants.

No. MC-FC-76172. By order entered November 5, 1975, the Motor Carrier Board approved the transfer to Joseph Struzzieri, Massepequa, N.Y., of the operating rights set forth in Certificates Nos. MC 29796 and MC 29796 (Sub-No. 2), issued by the Commission, July 22, 1969, and September 26, 1972, respectively, to Esbit Transportation & Storage Co., Inc., Glendale, N.Y., authorizing the transportation of new furniture, from New York, N.Y., to points in that part of New York and New Jersey within 50 miles of the New York, N.Y. Commercial Zone, as defined by the Commission in 1 M.C.C. 665, and from New York, N.Y., to points in Fairfield County, Conn., and refused, rejected, or damaged shipments of new furniture in the reverse direction. Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, Md. 21740.

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

[FR Doc.75-30382 Filed 11-10-75;8:45 am]

[Notice No. 126]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 5, 1975.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 26396 (Sub-No. 127TA) (Correction), filed October 17, 1975, published in the FR issue of October 30, 1975, and republished as corrected this issue. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Jeanne Charlesworth (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from Missoula, Mont., to points in Illinois, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: George A. Washington, Plant Sales Manager, Evans Products Co., Drawer L, Missoula, Mont. 59801. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101. The purpose of this republican is to add the supporting shipper, which was omitted in the previous publication.

No. MC 99427 (Sub-No. 25TA), filed October 25, 1975. Applicant: ARIZONA TANK LINES, INC., 666 Grand Ave., Des Moines, Iowa 50309. Applicant's representative: Earl Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, from Hayden, Ariz., to Glendale, Nev., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Asarco, Inc., 405 Montgomery St., San Francisco, Calif. 94104. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 107295 (Sub-No. 784TA), filed October 22, 1975. Applicant: PRE-FAB TRANSIT CO., 100 South Main St., Farmer City, Ill. 61842. Applicant's representative: Duane Zehr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardwood flooring systems, hardwood flooring, lumber, lumber products, and accessories* used in the installation thereof, from the plantsite of A.G.A., Inc., at Amasa, Mich., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: W. W. Gamble III, Vice President, A.G.A., Inc. (Abendroth-Gamble-Ahonen, Inc.), Box 42, Amasa, Mich. 49903. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 107295 (Sub-No. 785TA), filed October 23, 1975. Applicant: PRE-FAB TRANSIT CO., 100 South Main St., Farmer City, Ill. 61842. Applicant's representative: Duane Zehr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Posts, poles, piling, crossties, and lumber*, between Monroe County, Ind., and points in Michigan, Wisconsin, Minnesota, Iowa, Missouri, Tennessee, Kentucky, Illinois, Ohio, Pennsylvania (that part of Pennsylvania on and west of U.S. Highway 219), New York (that part of New York on and west of New York Highway 19), West Virginia (that part of West Virginia on and west of U.S. Highway 19), and Virginia (that part of Virginia on and west of U.S. Highway 19), for 180 days. Supporting shipper: Kenneth O. Dunn, President, Danek Industries, Inc., 240 Country Club Drive, Bloomington, Ind. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 107223 (Sub-No. 47TA), filed October 22, 1975. Applicant: GILLILAND TRANSFER COMPANY, a corporation, 7180 West 48th St., Fremont, Mich. 49412. Applicant's representative: Gerald W. Rykse (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Fremont, Mich., to points in Wisconsin on and south of a line beginning at the Minnesota-Wisconsin state line and extending along U.S. Highway 12 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to junction U.S. Highway 45, thence along

U.S. Highway 45 to junction U.S. Highway 41, thence along U.S. Highway 41 to Lake Michigan at Milwaukee, Wis. (but excluding Milwaukee, Wis.), and that part of Minnesota on, east, and south of a line beginning at the Iowa-Minnesota state line and extending along U.S. Highway 59 to Worthington, Minn., thence along Minnesota Highway 60 to Windom, Minn., thence along U.S. Highway 71 to Willmar, Minn., thence along Minnesota Highway 23 to St. Cloud, Minn., thence along U.S. Highway 10 to St. Paul, Minn., and along U.S. Highway 12 to the Minnesota-Wisconsin state line, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gerber Products Company, 445 State St., Fremont, Mich. 49411. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 107403 (Sub-No. 954TA), filed October 22, 1975. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Avondale, Goodhope, and Westwego, La., to Louisville, Ky., for 180 days. Supporting shipper: Glidden-Durkee Division of SCM Corp., P.O. Box 958, 1303 S. Shelby St., Louisville, Ky. 40201. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 107496 (Sub-No. 1008TA), filed October 21, 1975. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, Iowa 50309. Applicant's representative: Earl Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint increasing compounds*, in bulk, in tank vehicles, from the DuPont Plantsite at Fort Madison, Iowa, to the Dupont Plantsite at Tucker, Ga., for 180 days. Applicant has also filed an underlying ETA seeking up to 80 days of operating authority. Supporting shipper: E. I. Dupont de Nemours & Company, 10th & Market Streets, Wilmington, Del. 19898. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 109689 (Sub-No. 293TA) (Correction), filed October 16, 1975, published in the FEDERAL REGISTER issue of October 30, 1975, and republished as corrected this issue. Applicant: W. S. HATCH CO., 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State St., Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Graphite, water base*, in bulk, from Phoenix, Ariz., to Cucamonga, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wagner-Insul Company, 11899 8th St., Cacamonga, Calif. 91730. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138. The purpose of this republication is to change docket number MC 109689 (Sub-No. 293TA) in lieu of MC 141415TA, which was previously published in error.

No. MC 111729 (Sub-No. 581TA), filed October 23, 1975. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Hanoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Exposed and processed color and black and white film and prints, complimentary replacement film and incidental dealer handling supplies;* and *business documents; prescription drugs, and business documents*, (a) between Chicago, Ill., on the one hand, and, on the other, Fort Wayne, Lafayette, and Michigan City, Ind.; and Battle Creek, Jackson, Kalamazoo, Lansing, and Muskegon, Mich.; (b) between Minneapolis, Minn., on the one hand, and, on the other, Blaine, Bloomington, Brooklyn Park, Cottage Grove, Duluth, Edina, Golden Valley, Mankato, New Hope, Richfield, St. Cloud, St. Louis Park, and St. Paul, Minn.; (c) between Moline, Ill., on the one hand, and, on the other, Bettendorf, Clinton, Davenport, Dubuque, and Muscatine, Iowa; (d) between Des Moines, Iowa, on the one hand, and, on the other, Cedar Falls, Fort Dodge, Iowa City, Marshalltown, and Sioux City, Iowa; (e) between Cincinnati, Ohio, on the one hand, and, on the other, Covington, Fort Wright, Louisville, and Newport, Ky.; (f) between Louisville, Ky., on the one hand, and, on the other, Clarksville, and New Albany, Ind.; and Lexington, Paducah, Pleasure Ridge Park, and St. Matthews, Ky.; (g) between St. Louis, Mo., on the one hand, and, on the other, Florissant, Hazelwood, Jennings, Joplin, Richmond Heights, and St. Anns, Mo. The authority requested in parts (b) through (g) above is restricted to the transportation of traffic having an immediately prior or subsequent movement by air. (2) *Laboratory specimens, containers used for laboratory specimens, and diagnostic report;* (a) between Milwaukee, Green Bay, Oconto, Wis.; Chicago, Ill.; Indianapolis, Ind.; and Columbus, Ohio; (b) between Atlanta, Ga., and Columbus, Ga., restricted to the transportation of traffic having an immediately prior or subsequent movement by air, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Walgreen Company, 200 Wilmot Road, Deerfield, Ill. 60015. Diamond Shamrock Health Sciences, Home Road, Powell, Ohio. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 124117 (Sub-No. 16TA) (Correction), filed October 1, 1975, published in the FEDERAL REGISTER issue of October 16, 1975, and republished as corrected this issue. Applicant: EARL FREEMAN, doing business as MID-TENN EXPRESS, P.O. Box 101, Eagleville, Tenn. 37060. Applicant's representative: Roland M. Lowell, 618 Hamilton Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap batteries, scrap parts thereof, scrap lead and recycled lead*, between College Grove, Tenn.; Bristol, Tennessee-Virginia; Louisville, Ky.; Paducah, Ky.; Evansville, Ind.; Chattanooga, Tenn.; Atlanta, Ga., and Birmingham, Ala., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: (1) Richelson's, Box 6187, 400 E. 20th St., Chattanooga, Tenn. 37401. (2) General Smelting & Refining, Inc., P.O. Box 37, College Grove, Tenn. 37046. (3) United Battery Sales, 5515 Ringgold Road, Chattanooga, Tenn. 37412. (4) Hart Battery Exchange, 1307 Division, Evansville, Ind. (5) Appalachian Smelting & Refining, P.O. Box 957, Bristol, Tenn. 37620. (6) Fulton-Johnson, 3400 Park Ave., Paducah, Ky. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Suite A-422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203. The purpose of this republication is to add (5) more supporting shippers, which was omitted in the previous publication.

No. MC 125780 (Sub-No. 2TA), filed October 24, 1975. Applicant: DON TRIPP TRUCKING, P.O. Box 38, Lolo, Mont. 59847. Applicant's representative: Sam E. Haddon, First National Bank Bldg., Missoula, Mont. 59801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *All types of articles* as are dealt in and sold through retail hardware, plumbing and electrical supply stores, from Minneapolis, Minn., to Fargo, N. Dak. (intermediate destination point), and Billings, Mont., under a continuing contract with Midway-Platt Company, for 180 days. Supporting shipper: Donald W. DeCoster, Vice President, Midway-Platt Company, 2933 University Ave., St. Paul, Minn. 55114. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 127853 (Sub-No. 5TA), filed October 24, 1975. Applicant: COMMERCE CONSULTANTS CORPORATION, 850 Charles St., Gloucester City, N.J. 08030. Applicant's representative: Leonard A. Jaskiewicz, 1730 M St. NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (ex-

cept those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from the warehouse site or sites of John-Jeffrey Corp., at Bellmawr, N.J., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia, under a continuing contract or contracts with John-Jeffrey Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John-Jeffrey Corporation, 850 Charles St., Gloucester City, N.J. 08030. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 East State St., Room 204, Trenton, N.J. 08608.

No. MC 128007 (Sub-No. 82TA), filed October 21, 1975. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kans. 66762. Applicant's representative: Clyde N. Christey, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry soybean products*, in bulk and in bags, from points in Lyon County, Kans., to points in Arizona, Arkansas, Colorado, Iowa, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Cook Industries, Inc., Proc. & Refining Div., P.O. Box 518, Emporia, Kan. 66801. Cereal By-Products Co., 242 K. C. Board of Trade, 4800 Main St., Kansas City, Mo. 64112. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kan. 67202.

No. MC 128940 (Sub-No. 24TA), filed October 20, 1975. Applicant: RICHARD A. CRAWFORD, doing business as R. A. CRAWFORD TRUCKING SERVICE, P.O. Box 722, Adelphi, Md. 20783. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and packing house products*, as described in Section A, Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Minnesota, Wisconsin, Iowa, Kentucky, Illinois, to Washington, D.C., including its commercial zone, under a continuing contract with Standard Meat Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Standard Meat Co., 1234 W. St. NE., Washington, D.C. 20018. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, 12th & Constitution Ave. NW., Room 317, Washington, D.C. 20423.

No. MC 129361 (Sub-No. 5TA), filed October 23, 1975. Applicant: CARPENTER TRANSFER, INC., P.O. Box 161, Mankato, Minn. 56001. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, sherberts, popsicles, ice cream bars, ice milk, ice milk bars, ice cream cups, sundae cups, malt cups, and fudge bars*, from Pipestone, Minn., to points in South Dakota and Norfolk, Nebr., and Sioux City, Iowa, for 180 days. Supporting shipper: Marigold Foods, Inc., 420 8th Ave. SE., Pipestone, Minn. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 134534 (Sub-No. 9TA), filed October 24, 1975. Applicant: LUIS BASTERRECHEA, doing business as BASTERRECHEA DISTRIBUTING, 341 Colorado, Gooding, Idaho 83330. Applicant's representative: Jay L. Depew, Chartered, P.O. Box 961, Twin Falls, Idaho 83301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats and packing house products*, from points in Gooding County, Idaho to points in Cascade County and Silver Bow County, Mont., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Blincoe Magic Valley Packing Co., Route 1, Gooding, Idaho 83301. Send protests to: Barney L. Hardin, Interstate Commerce Commission, 500 West Fort St., Box 07, Boise, Idaho 83724.

No. MC 135535 (Sub-No. 8TA), filed October 23, 1975. Applicant: EL DORADO TRANSPORTATION, INC., 206 North Concord, Minneapolis, Minn. 67467. Applicant's representative: Clyde N. Christey, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor homes, campers, fifth-wheel travel trailers and travel trailers;* (2) *Motor homes*, in drive-away service; (3) *Fifth-wheel travel trailers and travel trailers*, in tow-away service; (4) *Fifth-wheel travel trailers and pickup trucks*, when moving in combination with fifth-wheel travel trailers in drive-away service, between the plantsite and/or storage facilities of El Dorado Industries, Inc., at or near Minneapolis, Kans., on the one hand, and, on the other, points in Alaska, Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, and Washington, also between the plantsite and/or storage facilities of El Dorado Industries, Inc., at or near Minneapolis, Kans., on the one hand, and, on the other, all Ports of Entry along the United States-Canadian Boundary in the states of Idaho, Maine, Michigan, Minnesota, Montana, North Dakota, New York, Ohio, Vermont, Washington, and Wisconsin, under a continuing contract with El Dorado Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: El Dorado Industries, Inc., P.O. Box 266, Minneapolis, Kans. 67467. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Bldg., Topeka, Kans. 66603.

No. MC 136166 (Sub-No. 19TA) (Correction), filed October 15, 1975, published in the FEDERAL REGISTER issue of October 30, 1975, and republished as corrected this issue. Applicant: CF TANK LINES, INC., 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, P.O. Box 3062, Portland, Oreg. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Palm oil*, in bulk, in tank vehicles, from Portland, Oreg., to Phoenix, Ariz., for 150 days. Supporting shipper: Palmco, Inc., P.O. Box 03380, Portland, Oreg. 97203. Send protests to: Calud W. Reeves, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Ave., Box 36004, San Francisco, Calif. 94102. The purpose of this republication is to include "in bulk, in tank vehicles" in the commodity description.

No. MC 138328 (Sub-No. 23TA), filed October 20, 1975. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32nd Ave., P.O. Box 831, Council Bluffs, Iowa 51501. Applicant's representative: Jane L. Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tires*, from the warehouse facility of Lee Tire & Rubber Co., at Kansas City, Mo., to points in Idaho and Oregon, for 180 days. Supporting shipper: Big-O Tires of Idaho, Inc., John T. Cowden, Vice President, 4500 Enterprise Road, Boise, Idaho 83705. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 139468 (Sub-No. 9TA), filed October 24, 1975. Applicant: INTERNATIONAL CONTRACT CARRIERS, INC., 6534 Gessner, Houston, Tex. 77040. Applicant's representative: David R. Parker, 2310 Colorado State Bank Bldg., 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Kooskia and Princeton, Idaho and Clarkston, Wash., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, and Wisconsin. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with Guy Bennett Lumber Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Guy Bennett Lumber Company, Clarkston, Wash. Send protests to: District Supervisor, Mensing, Interstate Com-

merce Commission, Room 8610 Federal Bldg., 515 Rusk, Houston, Tex. 77002.

No. MC 139600 (Sub-No. 7TA), filed October 8, 1975. Applicant: LA CRESTA, INC., doing business as CALIFORNIA BULK EXPRESS, 414 North Hale Ave., Escondido, Calif. 92025. Applicant's representative: Fred E. Caldwell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cottonseed meals; cottonseed flakes; cottonseed cakes; and feed supplements*, between points in Arizona, on the one hand, and, on the other, points in San Diego, Riverside, San Bernardino, and Los Angeles Counties, Calif.; (2) *Decorative Rock; stone, natural, marble* or granite; volcanic rock; in bulk, bags or containers, between points in Arizona, California, and Nevada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Snow Commodities Company, Inc., 505 Mission St., South Pasadena, Calif. 91030. La Cresta, Inc., 414 N. Hale Ave., Escondido, Calif. 92025. 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 140733 (Sub-No. 2TA), filed October 20, 1975. Applicant: DWANE L. FORD, doing business as D & G TRUCKING, 424 Canyon, Nampa, Idaho 83651. Applicant's representative: Dwane L. Ford (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from Baum, Oreg., to the plantsite of Ultra Value Corp., at Longview, Wash., under a continuing contract or contracts with Pickering Industries, Inc., for 180 days. Supporting shipper: Pickering Industries, Inc., 1930 "F" St., Tacoma, Wash. 98409. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 550 West Fort St., Box 07, Boise, Idaho 83724.

No. MC 141339 (Sub-No. 1TA), filed October 20, 1975. Applicant: DAVIS TRUCKING, Route 3, Box 108, Starke, Fla. 32091. Applicant's representative: J. J. Wolbert, P.O. Box 1086, Starke, Fla. 32091. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Offal*, in bulk, from points in Georgia, Florida and Alabama, to the facilities of National Protein, Inc., in Bradford County, Fla.; (2) *Tankage and Inedible grease*, in bulk, from the facilities of National Protein, Inc., in Bradford County, Fla., to points in Florida, Georgia, Alabama, North Carolina, South Carolina, Tennessee, Virginia, Maryland, Pennsylvania, and Mississippi; and (3) *Soybean mill and concentrated poultry feed ingredients*, in bulk, from Gainesville and Valdosta, Ga., and Fayetteville, N.C., to the facilities of Painters Poultry Inc., in Jacksonville, Fla., for 180 days. Supporting shippers: National Protein, Inc., P.O. Drawer J, Hampton, Fla. 32044. Painter's Poultry/Cargill, Inc., 5421 W. Beaver St., Jacksonville, Fla. 32205. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 141372 (Sub-No. 1TA), filed October 24, 1975. Applicant: HAROLD WOOD, Ewing, Mo. 63440. Applicant's representative: Robert L. Hawkins, Jr., 312 East Capitol Ave., Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal, fish and poultry feed and feed ingredients*, dry, in bags and in bulk (except in tank vehicles), from Muncie, Kans., and Cedar Rapids, Iowa, to Knox, Lewis, Marion, Monroe, and Ralls Counties, Mo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Northeast Missouri Cooperative Services, Inc., P.O. Box 269, Edina, Mo. 63537. Farmers Cooperative Services, Inc., P.O. Box 312, Palmyra, Mo. 63416. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 141390 (Sub-No. 1TA), filed October 24, 1975. Applicant: KELLY STOKES, doing business as KELLY STOKES TRUCKING CO., P.O. Box 481, Hampton, Ark. 71744. Applicant's representative: Floyd M. Thomas, Jr., 423 North Washington, El Dorado, Ark. 71730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock, dirt, sand, gravel, clay*, in bulk, in dumpbed trailers, from Ouachita, Calhoun, and Bradley Counties, Ark., to Caddo, Bossier, Webster, Bienville, Claiborne, Lincoln, Jackson, Union, Ouachita, Morehouse, and Richland Parishes, La., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Louisiana Industries, A subsidiary of Texas Industries, Inc., P.O. Box 400, Arlington, Tex. 76010. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 141393 (Sub-No. 1TA), filed October 21, 1975. Applicant: HENRY YAROSH AND LEONARD MARCHINES, doing business as, Y & M TRUCKING, 233 Oak St., Dickson City, Pa. 18519. Applicant's representative: Charles F. Wilson, 800 Scranton Life Bldg., Scranton, Pa. 18503. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from Forty Fort, Pa., to Closter, N.J., under a continuing contract with Chassen Bakery, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Chassen Bakery, Inc., 905 Wyoming Ave., Forty Fort, Pa. 18704. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 141405 (Sub-No. 1TA), filed October 23, 1975. Applicant: BOB L. CORLEE, doing business as CORLEE TRUCKING, P.O. Box 545, Weatherford, Okla. 73096. Applicant's representative: T. M. Brown, Suite 223, Ciudad Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed*, in bulk and in bags, in self-unloading equipment with auger discharge, from the plantsite of Cargill, Inc., McPherson, Kans., to points in Alfalfa, Blaine, Caddo, Canadian, Cleveland, Comanche, Dewey, Garfield, Grady, Grant, Kay, Kingfisher, Major, Oklahoma, Osage, Payne, Pontotoc, Roger Mills, Washita, Woods, and Woodward Counties, Okla., under a continuing contract with Cargill, Incorporated, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cargill, Incorporated, Cargill Bldg., Minneapolis, Minn. 55402. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-3295, Herring Plaza, Amarillo, Tex. 79101.

No. MC 141432 (Sub-No. 1TA), filed October 24, 1975. Applicant: MICHAEL ANTHONY BEVILACQUA, doing business as ABLE AUTO DRIVE "A" WAY, 13084 Kerry St., Garden Grove, Calif. 92644. Applicant's representative: Michael Anthony Bevilacqua, (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passenger carrying motor vehicles*, in secondary movements, in drive-away or truckaway service, between San Diego, Calif., on the one hand, and, on the other, Long Beach, Calif., under a continuing contract or contracts with the United States Navy, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: U.S. Navy, Contracting Officer, Naval Supply Center, 937 North Harbor Drive, San Diego, Calif. 92132. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

PASSENGER APPLICATIONS

No. MC 138254 (Sub-No. 4TA), filed October 24, 1975. Applicant: MT. SNOW SHUTTLE SERVICE, INC., P.O. Box 656, Wilmington, Vt. 05363. Applicant's representative: Edward L. Nehez, 744 Broad St., Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle, limited to not more than 11 passengers in any one vehicle, not including the driver or children who do not occupy seats, between Dover, East Dover, West Dover, Wilmington, Jacksonville, Wardsboro, West Wards-

boro, South Newfane, Marlboro, Williamsville, and Searsburg, Vt., on the one hand, and, on the other, Springfield, Amherst and Worcester, Mass.; New Haven, Greenwich, Hartford, Windsor, Locks, Conn.; Albany, Albany County Airport, N.Y., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 14 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: S. Arnold Smith, Acting District Supervisor, Interstate Commerce Commission, Bureau of Operation, P.O. Box 548, 87 State St., Montpelier, Vt. 05602.

SPECIAL APPLICATION FOR BOTH PASSENGER AND FREIGHT AUTHORITY

No. MC 141413TA, filed October 14, 1975. Applicant: SUMMERHILL, LTD., 10 Summerhill Lane, St. Louis, Mo. 63011. Applicant's representative: Lea W. Clayton, Suite 706, 230 S. Bemiston, St. Louis, Mo. 63105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (1) *Automobiles, station wagons, pickup trucks, and vans* of the classification of one (1) ton or less, (2) the *passengers* of said motor vehicles, and (3) the *baggage and similar property of said passengers*, on modified auto transport trailers, (a) special and Charter operations over irregular routes, between all points in the United States (except Alaska and Hawaii), (b) scheduled operations over regular routes, (1) between Milwaukee, Wis., and New Orleans, La., from Milwaukee over Interstate Highway 94 to junction Interstate Highway 294, thence over Interstate Highway 294 to junction Interstate Highway 57, thence over Interstate Highway 57 to junction Interstate Highway 55, thence over Interstate Highway 55 to junction U.S. Highway 51, thence over U.S. Highway 51 to junction Interstate Highway 10, thence over Interstate Highway 10 to New Orleans, and return over the same route; (2) between Louisville, Ky., and Minneapolis, Minn., from Louisville over Interstate Highway 65 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 294, thence over Interstate Highway 294 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction Interstate Highway 94, thence over Interstate Highway 94 to Minneapolis, and return over the same route.

(3) Between Minneapolis, Minn., and Wichita, Kans., from Minneapolis, over Interstate Highway 35 to Wichita, and return over the same route; (4) between Houston, Tex., and junction Interstate Highway 35W and Interstate Highway 70 (near Salina, Kans.), from Houston over Interstate Highway 45 to junction Interstate Highway 35, thence over Interstate Highway 35 to junction Interstate 35W, thence over Interstate Highway 35W to junction Interstate Highway 70, and return over the same route; (5) between Chicago, Ill., and Denver, Colo., from Chicago, over Interstate Highway 80 to junction Interstate Highway 80S, thence over Interstate Highway 80S to Denver, and return over the same route, serving Des Moines, Iowa and Omaha, Nebraska as intermediate points; (6) between Chicago, Ill., and junction Interstate Highway 55 and Interstate Highway 57 (near Sikeston, Mo.), from Chicago over Interstate Highway 55 to junction Interstate Highway 57 (near Sikeston, Mo.), and return over the same route; (7) between Indianapolis, Ind., and Denver, Colo., from Indianapolis over Interstate Highway 70 to Denver, and return over the same route, serving St. Louis, Mo., and Kansas City, Mo., as intermediate points; (8) between Louisville, Ky., and Oklahoma City, Okla., from Louisville over Interstate Highway 64 to junction Interstate Highway 44, thence over Interstate Highway 44 to Oklahoma City, and return over the same route, serving Tulsa, Okla., as intermediate point; (9) between Nashville, Tenn., and Albuquerque, N. Mex., from Nashville over Interstate Highway 40 to Albuquerque, and return over the same route, serving Memphis, Tenn., and Amarillo, Tex., as intermediate points; (10) between Little Rock, Ark., and Dallas, Tex., from Little Rock over Interstate Highway 30 to Dallas, and return over the same route; (11) between Jackson, Miss., and junction Interstate Highway 20 and Interstate Highway 10 (near Kent, Tex.), from Jackson over Interstate Highway 20 to junction Interstate Highway 10, and return over the same route.

(12) Between New Orleans, La., and El Paso, Tex., from New Orleans over Interstate Highway 10 to El Paso, and return over the same route, serving San Antonio, Tex., as an intermediate point. Applicant intends to tack its existing authority at Louisville, Ky., 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: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, 210 N. 12th St., Room 1465, St. Louis, Mo. 63101.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-30383 Filed 11-10-75;8:45 am]

federal register

TUESDAY, NOVEMBER 11, 1975

PART II:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing Production and Mortgage Credit

■

MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS

Corrections and Proposed Amendments

Title 24—Housing and Urban Development

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

[Docket No. R–75–340]

PART 280—MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS

Correction

In FR Doc. 75–22727 appearing at page 40261 in the issue for Tuesday, September 2, 1975, the following corrections should be made.

1. On page 40267, in the third column, in the last line of the fifth full paragraph, the effective date which reads "March 15, 1976" should read "June 15, 1976."

2. On page 40284, in the table following § 280.604, under the column headed "Materials":

a. The following items should appear as italicized headings rather than individual items: "Ferrous pipe and fittings", "Nonferrous pipe and fittings", "Plumbing fixtures".

b. The item beginning "Plastic pipe and fittings * * *" should be divided into an italicized heading and an item below the heading, as shown below.

c. The item reading "Miscellaneous pipe nipples, threaded" should be divided into an italicized heading and an item below the heading, as shown below.

d. The item beginning "Anti-siphon trap vent device * * *" should be divided into two items as shown below.

3. In the same table, the corresponding entries under all columns for the following items are corrected to read as shown below: "Vitreous china plumbing fixtures", "Plastic bathtub units", "Gel-coated glass-fiber reinforced polyester resin shower receptor and shower stall units", and "Cultured marble lavatory".

4. Also in the same table, the item "Prefabricated shower receptors, shower enclosures and non-metallic bathtubs" and the corresponding entry under the column headed "Other standards" should be deleted.

5. The corrected items in the table following § 280.604 should appear as shown below.

Materials	ANSI	ASTM	FS	Other standards
Ferrous Pipe and Fittings				
* * *	*	*	*	*
Nonferrous Pipe and Fittings				
* * *	*	*	*	*
Plastic Pipe and Fittings				
ABS plastic drain, waste, and vent pipe and fittings.		D2661–1973	L–P 322B–1973	IAPMO PS 17–71; NSF 14 1970
* * *	*	*	*	*
Miscellaneous				
Pipe nipples, threaded			WW–N–351B (1)–1970	
* * *	*	*	*	*
Anti-siphon trap vent device				NSF–24
Diversion tees and twin waste elbow				IAPMO PS 9–66
* * *	*	*	*	*
Plumbing Fixtures				
* * *	*	*	*	*
Vitreous china plumbing fixtures	A112.19.2–1973			
* * *	*	*	*	*
Plastic bathtub units	Z124.1–1974			
Gel-coated glass-fiber reinforced polyester resin shower receptor and shower stall units.	Z124.2–1974			
* * *	*	*	*	*
Cultured marble lavatory				IAPMO PS 18–73; CMI–LS 175
Performance specifications and methods of test for safety glazing material used in buildings.	Z97.1–1972			

6. In the table following § 280.703 on pages 40289 and 40290:

a. Under the heading "Appliances:" in the listings for "Electric Air Heater" and "Electric Baseboard Heating Equipment", the entries under the column headed "ANSI" should appear under the column headed "UL".

b. Under the heading "Nonferrous pipe, tubing, and fittings:" in the listing for "Trailer standard for coated flexible metal gas connectors for exterior use", the entry under the column headed "UL" should appear under the column headed "Other Standards".

c. Under the heading "Miscellaneous:" in the listing for "Gas appliance thermostats", the entry under the column headed "ANSI" should read "A21.23—1971".

7. NOTE: Additional corrections to 24 CFR Part 280 appear in FR Doc. 75–30257 which follows this correction.

[Docket No. R–75–340]

PART 280—MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS

Correction

The following are typographical corrections or omissions to the FEDERAL REGISTER, FR Doc. 75–22727, Docket No. R–75–340 as published on September 2, 1975 (40 FR 40261):

I. The preamble is corrected as follows:

1. On page 40262 under "Standard", second paragraph, line 6 is changed from: "1420–1427" to: "Part 280, Subparts A thru J."

2. On page 40262, under "B. Planning Considerations" Item 3, line 22 is changed from: "(§ 280.105(6))" to: "(§ 280.105 (b))."

3. On page 40262 under B. Planning Considerations, Item 8, line 14, immediately after the word "areas" change "(280.114(6))" to "(280.114(b))."

4. On page 40262, under C. Fire Safety, Item 4, second sentence is changed from "The FTC considers that plastic foam insulating materials will, under some circumstances, burn with a rapid flame spread, quick flashover, emission of toxic or flammable gases, dense smoke, and intense heat." to: "The FTC considers that plastic foam insulating materials will, under some circumstances; burn with a rapid flame spread, flashover quickly, emit toxic or flammable gases, dense smoke, and intense heat."

5. On page 40265 under G. Plumbing, Item 1, line 3, immediately after the word "and" is changed from: "280.611 (a))." to: "280.611(d))."

6. On page 40266 under H. Heating, Cooling, and Fuel Burning Systems. First sentence is changed from: "This Part was renumbered as Part 2525." to: "This Section was renumbered as "subpart H."

7. On page 40266 under H. Heating, Cooling and Fuel Burning Systems, item 5, line 1, immediately after the word "Section" is changed from: "2527.5" to: "280.705."

8. On page 40266 under I. Electrical Systems, Item 3, line 6, immediately after the word "standard." is changed from: "(§ 280.206(d)(9)" to: "(§ 280.-806(d)(9)."

9. On page 40267, under Electrical Systems, Item 6, second paragraph, line 5, immediately after word "the" is changed from: "CPSA" to: "CPSC."

10. On page 40267, under J. Transportation, line 4, paragraph heading is changed from: "K" to: "1." immediately before the word "Compliance."

11. On page 40267, under "Applicability of the Standards" First paragraph, first sentence, is changed from: "The initial Federal mobile home construction and safety standards shall be applicable to all mobile homes meeting the definitions contained in §§ 280.1(a)(16) as modified by 280.2(a)(13) on or after June 15, 1976." to: "The initial Federal mobile home construction and safety standards shall be applicable to all mobile homes, as defined in § 280.2(16), manufactured on or after the effective date of the standard (June 15, 1976).

II. The table of contents is corrected as follows:

1. On page 40268, under Subpart D, delete the "Condensation Control" entry.

2. On page 40268, Subpart K, delete, in its entirety, "Subpart K."

III. Subpart B. Planning Considerations is corrected as follows:

1. On page 40270 under § 280.103(b) Light and Ventilation, line 2, is changed from: "§ 280.103.3(a)" to: "§ 280.103 (a)."

2. On page 40270, the heading "§ 288.-113 *Hallways*," is changed to: "§ 280.113 *Hallways*."

IV. Subpart C. Fire Safety is corrected as follows:

1. On page 40271 under § 280.201 *Scope*—second sentence, line 5, immediately after the word "this" is changed from: "Part" to: "Subpart."

V. Subpart D. Body and Frame Construction Requirements is corrected as follows:

1. On page 40271, heading "§ 208.301 Scope" is changed to: "§ 280.301 Scope."

2. On page 40271, heading "§ 208.302 *Definitions*" is changed to: "§ 280.302 *Definitions*."

3. On page 40272, under § 280.302(a) (8) Hurricane Resistive Mobile Home, line 4, immediately after the word "in" is changed from: "§ 2523.5(c)(2)." to: "§ 280.305(c)(2)."

4. On page 40272, under § 280.303(d) Hurricane Resistive Design, line 3, immediately after "of" is changed from: "§ 280.305(c)" to: "§ 280.305(c)(2)."

5. On page 40272 under the Table in § 280.304(b) Steel:

a. Line 1, reference is changed from: "AISC–1969" to: "AISC–1973."

b. Line 4, is changed from: "standard." to: "standard)."

VI. Subpart E. Testing is corrected as follows:

1. On page 42076, the Title under the diagram is changed from: "Figure A–1" to: "Figure A."

2. On page 40277 under § 280.403 (c)(2) Performance Requirements, line 9, is changed from: "Zone II and Zone III," to: "Zone II."

3. On page 40277 under § 280.403(d) Test sequence, lines 11 and 13 are changed from: "Zone II and Zone III," to: "Zone II."

4. On page 40280 under § 280.405 (2)(iii) Air infiltration test:

a. Line 8 is changed from: "1.2CFM per sq. ft. of door ------ Do." to: "1.2 CFM per sq. ft. of door ------ January 1, 1976."

b. Line 9 in changed from: "1.0 CFM per sq. ft. of door ------ Do." to: "1.0 CFM per sq. ft. of door ------ January 1, 1977."

VII. Subpart F. Thermal Protection is corrected as follows:

1. On page 40280 "§ 200.506 *Heat loss*" heading is changed to: "§ 280.506 *Heat loss*."

2. On page 40280 under § 280.506(a) Transmission heat losses, The Table is changed from:

Zone	*Design temperature*
I	0° F–11 Btu/ft² of envelope area.
II	20° F–11.3 Btu/ft² of envelope area.
III	50° F–12.5 Btu/ft² of envelope area.

to:

Zone	Design temperature (degrees Fahrenheit)	British thermal unit per square foot of envelope area
I	0	11.0
II	−20	11.3
III	−50	12.5

3. On page 40281 under § 280.509(f), line 2, immediately after the word "See" is changed from: "2525.11" to "§ 280.511."

4. On page 40281 under § 280.511(a) Comfort cooling certificate and information, line 7, immediately after the word "in" is changed from "§ 2525.10" to: "§ 280.511."

VIII. Subpart G. Plumbing Systems is corrected as follows:

1. On page 40283, under § 280.603 (b)(5) Components. Line 5, immediately after the word "in" is changed from: "§ 208.604" to: "§ 280.604."

2. On page 40285, under § 280.607 (a)(3) Fixture connections. Line 6, immediately after the word "materials." is changed from: "In accessible" to: "Inaccessible."

3. On page 40286, under § 280.608(b) Piping supports:

a. Line 5, immediately after the word "in" delete the words "the appendix" and continue the sentence.

b. Line 7, immediately after the word "in" is changed from: "§ 208.604(a)," to: "§ 280.604(a)."

4. On page 40286, under § 280.609(a) Water distribution system. Lines 7 and 8 are changed from: "(See Table in 1424.090(f).)" to: "(See Table in § 280.609(f)(1))."

5. On page 40287, the table under § 280.609(f)(1) Minimum size tubing and pipe for water distribution is changed in line 1, column 2, from:

Tubing (nominal)

Number of fixtures	Diameter (inches)	Outer diameter (inches)	Pipe iron pipe size (inches)
1		1¼	

to:

Tubing (nominal)

Number of fixtures	Diameter (inches)	Outer diameter (inches)	Pipe iron pipe size (inches)
1		¼[1]	

(Place the footnote number "1" on the other side of "¼" to clarify pipe size as "¼" rather than "1-¼" inches in diameter.)

6. On page 40287 under § 280.610(a) (1) General, Line 4, is changed from: "(§ 208.606(a))" to: "(§ 280.606(a))."

7. On page 40287 under § 280.610(e) (1) Fixture load. Line 3, immediately after the word "by" is changed from: "§ 208.611(d)(2)," to: "§ 280.611(d)-(2)."

8. On page 40287 under § 280.610(f) (3) Length of trap arm, immediately after the word "in" is changed from: "§ 208.611(c)(5)" to: "§ 280.611(c)(5)."

9. On page 40288 under § 280.611(c)(1) (i) Main vent. Line 4, is changed from: "§ 208.611(c)(5)" to: "§ 280.611(c)(5)."

10. On page 40288 under § 280.611(c) (1)(iii) Line 8, immediately after the word "in" is changed from: "§ 208.611(c)(5)" to: "§ 280.611(c)(5)."

11. The following items were omitted from page 40288, § 280.611(c) Size of vent piping and are to be inserted at the end of § 280.611(c)(1) immediately after the word "arms." in line 27 as follows:

"(2) *Individual Vents.* Each individually vented fixture with a 1½ inch or smaller trap shall be provided with a vent pipe equivalent in area to a 1¼ inch nominal pipe size. The main vent, toilet vent and relief vent, and the continuous vent of wet-vented systems shall have an area equivalent to 1½ inch nominal pipe size.

"(3) *Common Vent.* When two fixture traps located within the distance allowed from their vent have their trap arms connected separately at the same level into an approved double fitting, an individual vent pipe may serve as a common vent without any increase in size.

"(4) Intersecting Vents. Where two or more vent pipes are joined together, no increase in size shall be required; however, the largest vent pipe shall extend full size through the roof.

"(5) Distance of fixture trap from vent shall not exceed the values given in the following Table:

Maximum Distance of Fixtures From Vent Trap

Size of fixture drain (inches)	*Distance trap to vent*
1¼	4 ft 6 in.
1½	4 ft 6 in.
2	5 ft.
3	6 ft."

IX. Subpart H. Heating, Cooling and Fuel Burning Systems is corrected as follows:

1. On page 40289, in the table Heading—"Commercial cooking and warming equipment * * *" change entry 'NSF–4 1967' from: column headed 'UL' to: column headed 'other standards'."

Type	ANSI	UL	Other standards
Commercial cooking and warming equipment.			NSF–4 1967.

2. On page 40293, under § 280.705(e) (2) Appliance connections. Line 4 immediately after the word "in" is changed from: "§ 1425.051(b)" to; "§ 280.705(b)."

3. On page 40294 under § 280.706(b) Materials:

a. Line 2, column 1, is changed from: "§ 280.506(d)" to: "§ 280.706(d)(e)."

b. Line 4, column 1, immediately before "Steel," is changed from "(1)" to: "(1)."

4. On page 40294 under § 280.707(a) (2) Heat producing appliances. Line 7 is

changed from: "(See 2527.3)" to: "(See 280.703)."

5. On page 40296 under § 280.715(a)(1) The Table is changed from:

Minimum metal thickness for ducts [1]

Duct type	Diameter (14 in or less)	Width (over 14 in)
Round	0.013	0.016
Enclosed rectangular	.013	.016
Exposed rectangular	.016	.019

[1] When "nominal" thicknesses are specified, 0.003 in shall be added to these "minimum" metal thicknesses.

To:

Minimum metal thickness for ducts [1]

Duct type	Diameter (14 in or less)	Width (over 14 in)
Round	0.013	0.016
Enclosed rectangular	.013	.016
Exposed rectangular	.016	.019

[1] When "nominal" thickness are specified, 0.003 in shall be added to these "minimum" metal thicknesses.

6. On page 40297 under § 280.715(a)(7), line 12, is changed from: "(a)(4)(ii)" to: "(a)(5)(ii)."

X. Subpart I. Electrical Systems is corrected as follows:

1. On page 40300, § 280.805(a)(3)(v), line 5, immediately after "appliance" is changed from: "See 2529.4(j)," to: "See 280.804(j)."

2. On page 40300 under § 280.805(a)(1) Lighting. Item (1), line 4, immediately after the word "volts" insert "times amperage" before the word "to."

3. On page 40301, under § 280.809(d)(3), line 5, is changed from: "(See 2528.9)" to: "(See § 280.809)."

XI. Subpart J. Transportation is corrected as follows:

1. On page 40303 under § 280.903(a), line 9, is changed from "systems." to: "systems,"

2. On page 40303 under § 280.904(a) General. Column 2, line 5, is changed from: "Note:" to: "(NOTE:"

3. On page 40303 under § 280.904(b)(3) Chassis. Line 7 is changed by inserting a comma immediately after "load" to: "load,"

4. On page 40303, under § 280.904(b)(9) Brake assemblies. Line 8 is changed from: "2529.3(c)" to: "280.903(c)."

5. On page 40303, § 280.904(b)(10) Lights and associated wiring. Line 13 immediately after the parenthesis is changed from: "USC5401)" to: "USC-5401)," (period added after the parenthesis).

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[FR Doc.75-30257 Filed 11-10-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner (Federal Housing Administration)

[Docket No. R-75-340]

[24 CFR Part 280]

MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS

Notice of Proposed Rulemaking

On June 25, 1975, the Department of Housing and Urban Development proposed Federal mobile home construction and safety standards (40 FR 26930); and on September 2, 1975, (40 FR 40261) published the final rule in the FEDERAL REGISTER pursuant to the requirements of the National Mobile Home Construction and Safety Standards Act of 1974 (Title VI of Public Law 93-383, 42 U.S.C. 5401 et seq.). On September 10, 1975, corrections to § 280.305 were published at 40 FR 42007. Additional corrections of typographical errors or omissions in the final rule as published on September 2, 1975, are being published concurrently with this document.

Several comments were received in response to the final rule as published in the FEDERAL REGISTER on September 2, 1975. The comments received were from a cross-section of manufacturers, suppliers, trade associations, and government agencies. As a result of these comments, discussions with other Federal and state agencies, and re-evaluations within HUD, the Department is proposing amendments to the final rule.

The following is a discussion, by subpart, of the specific amendments proposed to be made to the final rule.

Subpart A. General. 1. Section 280.1 would be revised to add a new subsection (b). The purpose of this subsection is to make clear that, to the extent possible, the Federal Mobile Home Construction and Safety Standards are written as performance requirements in preference to specification requirements. The subsection also makes it clear that: (1) whenever specific requirements are used in the Standard they are used because, at this time, it is the best available means of identifying the desired performance and; (2) the use of specifications is not intended to prohibit the utilization of any material, piece of equipment or system which cannot meet the precise specifications but which upon evaluation provides equivalent or superior performance.

This section allows the Secretary to waive precise specifications where a material, piece of equipment, or system provides equivalent or superior performance. In these cases, the Secretary will issue interpretative bulletins announcing and explaining the waiver.

2. § 280.1 would be revised to add a new subsection (c) which would establish a mechanism for the issuance of interpretative bulletins. The purpose of the bulletins would be to clarify the meaning of the various sections of the Standard.

3. To conform to industry practice, Section 280.6 would be amended by changing the minimum size of the letters and numbers used in the serial numbering of mobile homes from ½ inch to ⅜ inch in height.

Subpart B. Planning Considerations. 1. Section 280.102(a) would be amended to permit a maximum of 5 square feet of a recessed entry to be included when determining the gross floor area. Section 280.111 would be amended to exclude the recessed entry way from the 5 feet minimum clear horizontal room dimension requirement. These changes would permit the area encompassed by a standard door swing in a typical recessed entry to be included when determining the gross floor area.

2. The preamble to the final rule indicated that a lower exterior door height limitation of 72 inches would be permitted for exterior sliding glass doors than would be required for exterior swinging passage doors. However, this exception was not incorporated in the appropriate section of the final rule. Therefore, § 280.105(b)(2) would be amended to permit this exception from the 74 inch height requirement.

3. In order to make the language of § 280.404(a) consistent with § 280.106(a), the words "or approved device" would be added to permit an alternate means of egress from bedrooms.

Subpart C. Fire Safety. 1. The definition of "interior finish" would be moved from § 280.302(a)(9) to § 280.202(a)(2) and all appropriate subheadings renumbered. This change in the placement of the definition is necessary because the term "interior finish" first appears in Subpart C. Fire Safety.

2. The requirement for "firestopping" in § 280.206(a) would be amended to establish a minimum firestop of 1 inch nominal lumber, or its equivalent, for mobile homes. No minimum was stated in the final rule. The purpose of this amendment, therefore, is to establish a minimum firestopping requirement.

Subpart D. Body and Frame Requirements. 1. The definition of "diagonal tie" in § 280.302(a)(4) would be amended to indicate that while its primary purpose is to resist horizontal forces, the tie may also be used to resist vertical forces. This amendment permits the secondary vertical load carrying capability of the diagonal tie member to be used in determining the structural integrity of the unit.

2. Section 280.304 would be modified to make it clear that each individual wood member need not be marked as having a moisture content of 19% or less. Instead, the moisture content may be measured at the time of installation. (At the time of installation each individual member shall not have a moisture content exceeding 19%.)

3. Section 280.305(a) would permit finished flooring of up to ⅛ inch thickness under load bearing walls. This change is being made because it has been determined that finished flooring of this thickness is not detrimental to the load bearing characteristics of the structure.

Subpart E. Testing. 1. Since roof truss spacing varies in mobile homes, § 280.402(b)(1) would be amended by deleting the 24 inch minimum length requirement for sheathing used in truss testing. The amended section would require that the plywood strip sheathing be at least of sufficient length to cover the top chords of the trusses being tested at the designated design spacing.

2. Section 280.402(b)(1) is being revised to permit an alternate method of bracing the bottom chord of trusses being tested. The purpose of the revision is to provide the manufacturer a choice of test methods.

3. Section 280.402(d)(3) would limit the equivalent load in lieu of failure to a factor of safety (2.50) times the design live load plus the dead load. The load test required by the final rule posed a possible safety hazard to personnel conducting the tests.

4. Section 280.403(c) would be amended to require production line testing of prime windows and sliding glass doors, in addition to the prototype testing required by the Standards. Production testing and the criteria for the tests to be used were recommended by the industry. The industry suggested that the production units tested meet the prototype requirements, except with respect to the test level for water resistance, where a lower level of testing was recommended. HUD has some concern about the proposed level of testing suggested by the industry for water resistance. HUD believes that production testing—even to the level proposed by the industry—will result in better quality windows by reducing leakage and energy losses. Since definitive data is not currently available which demonstrates that the industry proposed level of testing is inadequate, HUD is proposing to accept the industry recommendation. HUD will, however, monitor the results of the production unit testing and, based on the experience gained and future research, may establish more stringent tests to demonstrate the performance of prime windows and sliding glass doors.

5. Section 280.403(i) incorporates into the window certification program the specific production line test requirements for prime windows and sliding glass doors. The testing frequency will be initially established by the agency certifying that the windows comply with the Standard. As previously stated in the preamble to the final rule published on September 2, 1975, HUD will closely monitor the window certification program. Based on the results of its monitoring of the window certification program and planned research, HUD may establish production unit testing frequencies.

Subpart F. Thermal Protection. 1. Section 280.504(b) would be modified to conform to the language of § 1423.080(b) as published in the FEDERAL REGISTER on June 25, 1975, (40 FR 26944). This modification is necessary because the required language was inadvertently omitted from the final rule as published.

Subpart G. Plumbing Systems. 1. In § 280.603(b)(4) the words "complete gravity" would be deleted. As a result of this change drainage of all supply piping would still be required, but such

drainage would not have to be achieved by the use of an absolute gravity system.

2. Section 280.607(b)(3) would be amended by adding the word "bathroom" before the words "floor level" to establish the level from which the height of the shower compartment is measured.

3. In § 280.610(c)(1) the requirement for a "permanent marker" for the drain outlet would be deleted. Since only one drain outlet is permitted, marking of the drain outlet is not required.

Subpart H. Heating and Cooling Systems. 1. Since the manufacturer has no control over the exact pressure of the gas delivered to the mobile home, § 280.705(a) would be amended to clarify the responsibility of the manufacturer with respect to the gas supply system. The proposed revision would require the manufacturer to design the gas piping system in accordance with the pressures listed in § 280.705(a). In addition, the amended section would now require the manufacturer to provide, in his written installation instructions, the pressure range for safe operation of the piping system.

2. Section 280.705(c) would be amended to delete the requirement for the "Quick-Disconnect Device" for expandable or dual mobile homes. Section 280.705(1)(3) requires that a shut-off valve be installed ahead of each appliance. Since these valves provide a greater level of safety, requiring such a device is redundant.

3. Section 280.705(j) would be amended to permit the location for all gas supply connections to be within 24 inches of the left (road) sidewall. Presently, the required location for the connection varies from 18 inches from the left (road) sidewall for total L–P gas system to 24 inches from the left (road) sidewall for combination L–P/natural gas systems. The purpose of this revision is to enable a manufacturer to standarize the location of the gas supply connection for all gas systems.

4. Section 280.705(l)(3) would be amended to indicate that shut-off valves are to be accessible in order to allow servicing of the appliance and removal of its components. Also, requiring that valves be accessible will enable the user to readily turn off the gas supply in the event of an emergency. The purpose of the revision is to clarify that the shut-off valve is to be located and accessible to allow for servicing which may require removal of the components of the appliance, and to stress the life-safety aspects of the valve.

5. Section 280.708(a)(1) has been amended to require listing of termination fittings and moisture lint exhaust duct systems for gas clothes dryers only. This revision is proposed since these devices are ordinarily not listed as required components for electric clothes dryers, but are ordinarily listed as components for gas clothes dryers.

6. § 280.709(e)(5) would require that when a furnace can only be used with a specific coil and the coil has a limited listing, the installation must be in accordance with that listing. The purpose of the revision would be to ensure proper installation of heating and cooling equipment. This requirement would not prevent heating and cooling equipment manufacturers from having their product listed for use in equipment manufactured by others.

Subpart I. Electrical Systems. 1. Section 280.803(1)(2) would delete the requirement that the manufacturer install conductors in the electric service raceway which goes to the underside of the mobile home. Instead, it would require the manufacturer to provide in his written installation instructions the proper service conductor sizes and the proper size of the junction box to be installed at the underside of the mobile home. The purpose of the change is to ensure, to the extent possible, proper installation.

2. Section 280.806(d)(9) would be amended to make clear that the use of receptacle outlet(s) which are integral with the light fixture over the bathroom basin comply with the requirement for a receptacle outlet adjacent to the bathroom basin.

3. Section 280.811 would be amended for clarity. The methods of calculating the supply and/or distribution panel electric loads, however, would not be changed.

Subpart J. Transportation. 1. Section 280.904(b)(5) would be revised to delete the reference to the SAE Handbook and to permit the mobile home manufacturer to use in his design evaluation the allowable stresses recommended by the spring assembly manufacturer. This revision is necessary because the SAE Handbook does not include allowable stresses for spring assemblies.

All of the proposed revisions which in the Department's judgment will have a significant impact on the final rule, as published, have been described above. The Department has under consideration comments submitted by interested parties on specific equipment and installations which may be the subject of interpretative bulletins as described in this proposal. The Department also has under consideration revising the smoke detector location indicated in § 280.208(b) to accommodate specific equipment installations and bedroom door locations in the hallways.

The proposed amendments to the final rule do not affect the Environmental Impact Statement for the Federal Mobile Home Construction and Safety Standards which was prepared and submitted to the Council on Environmental Quality. It is available for inspection and copying according to Department rules and regulations during regular business hours at the address below.

The proposed amendments to the final rule do not affect the Economic Impact Statement assessing the impact of the Federal Mobile Home Construction and Safety Standards on the economy, the labor force, competition, and material and energy supplies which was prepared and submitted to the Council on Wage and Price Stability. This Statement is available for inspection and copying according to the rules and regulations of the Department during regular business hours in Room 10245, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street S.W., Washington, D.C.

Comments on this proposal are solicited from interested persons. Communications should identify the subject matter by the above title and area affected and should be submitted to the Rules Docket Clerk, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Room 10245, Washington, D.C. 20410. All communications received on or before Dec. 11, 1975, will be considered before action is taken on the proposal. Comments received after that date shall be considered only as time permits.

All written comments shall be available for examination by the public at the above address, except those determined to be exempt from public disclosure in accordance with the requirements of 42 U.S.C. 5406(b) Section 607(b) of the Act) by the Secretary, at the written request of the person submitting the comment.

(Section 7(d), Department of Housing and Urban Development Act, 42, U.S.C. 3535(d), Title VI, Housing and Community Development Act of 1974, 42 U.S.C. 5401.)

Issued at Washington, D.C. on Nov. 4, 1975.

DAVID M. DEWILDE,
Deputy Assistant Secretary-Commissioner for Housing Production and Mortgage Credit.

The following are amendments to FR Doc. 75–22727, Docket R75–340 as published September 2, 1975 (40 FR 40261):

I. Subpart A—General is amended as follows:

1. On page 40268 under 280.1, add new paragraphs (b) and (c) as follows:

§ 280.1 Scope.

* * * * *

(b) These Federal Mobile Home Construction and Safety Standards seek, to the maximum extent possible, to establish performance requirements. In certain instances, however, the use of specific requirements in the Standard is necessary because, at this time, that is the best available means of identifying the desired performance. The use of specific requirements is not intended to prohibit the utilization of any material, piece of equipment, or system which cannot meet the precise specifications, but which upon evaluation provides equivalent or superior performance. Where any material, piece of equipment, or system which does not meet precise specifications set out in the standard is shown, to the satisfaction of the Secretary, to meet the level of performance of a material, piece of equipment or system which meets the precise specifications, the Secretary may waive the specifications set out in the standard for that material, piece of equipment, or system. Whenever a waiver is issued, the Secretary shall issue an interpretative bulletin which announces the waiver, states that the material, piece of equipment or sys-

tem meets the required standard of performance, and sets out any limitations or other requirements with respect to how the material, piece of equipment, or system must be used, including any tests of the material, piece of equipment, or system which the Secretary determines must be carried out before it can be used. Where a waiver has been issued, the requirements of the section of the Federal standard to which the waiver relates may be met either by meeting the specifications set out in the standard or by meeting any requirements set out in the interpretative bulletin which announces the waiver.

(c) Interpretative bulletins may also be issued for the following purposes:

(1) to clarify the meaning of the standard; and

(2) to assist in the enforcement of the standard.

§ 280.6 [Amended]

2. On page 40269 under § 280.6(a) Serial Number, line 6, immediately after the word "be" is changed from "½ inch" to "⅜ inch."

II. Subpart B—Planning Considerations is amended as follows:

§ 280.102 [Amended]

1. On page 40269 under § 280.102(a) Definitions, line 3, delete "(see § 280.111)" and replace with "not to exceed 5 sq. ft."

§ 280.105 [Amended]

2. On page 40270 under § 280.105(b) (2) Door Design and Construction, line 3 immediately after "opening.", add new sentence: "All exterior sliding glass doors shall provide a minimum 28 inch wide by 72 inch high clear opening."

§ 280.106 [Amended]

3. On page 40270 under § 280.106(a) Exit Facilities; Egress Windows, line 4, immediately after the word "window" and before the word "which" insert "or approved device."

4. On page 40270 revise § 280.111 *Minimum room dimension*, to read as follows:

§ 280.111 Minimum room dimension.

The gross floor area required by § 280.110(a) and (b) shall have no clear horizontal dimension less than 5 feet except as permitted by § 280.102(a).

III. Subpart C—Fire Safety is amended as follows:

1. On page 40271 under § 280.202 *Definitions*, paragraph (a) (2) "Smoke Detector" is renumbered as paragraph (a) (4) and a new paragraph (a) (2) is added to read as follows:

§ 280.202 Definitions.

(a) * * *

(2) "Interior finish" means the surface material of walls, fixed or movable partitions, ceilings and other exposed interior surfaces affixed to the mobile home structure including any material such as paint or wallpaper and the substrate to which they are applied. Interior finish does not include windows and doors or their frames, skylight, trim, moldings, decorations or furnishing which are not affixed to the mobile home structure.

* * * * *

§ 280.206 [Amended]

2. On page 40271 under § 280.206(a) Firestopping, line 1, immediately after the word "Firestopping" and before the word "shall" insert: "of 1 inch minimum nominal lumber or the equivalent,".

IV. Subpart D—Body and Frame Construction Requirements is amended as follows:

§ 280.302 [Amended]

1. On page 40271, § 280.302(a) (4) Definitions is changed to read:

"(4) "Diagonal Tie" means a tie intended to primarily resist horizontal forces, but which may also be used to resist vertical forces."

2. On page 40272 under § 280.302 *Definitions*, delete: paragraph (a) (9), "Interior Finish" and renumber paragraphs (a) (10) thru (15) as paragraphs (a) (9) thru (14) respectively.

3. On page 40272 under § 280.302(e) (2) New Materials and Methods, line 7, delete the last sentence which reads "All testing shall be done by a recognized independent testing agency."

§ 280.304 [Amended]

4. On page 40272 under § 280.304(a) Materials, relocate last sentence to become new paragraph (c) as follows:

"(c) Wood products shall be identified as complying with the appropriate standards."

5. On page 40272 under § 380.304(b) in the Table of Standards, delete the following: "Ponderosa pine panel doors . . . NWMA I.S. 5–73."

§ 280.305 [Amended]

6. On page 40273 under § 280.305(a) Structural Design Requirements, line 15, immediately after the word "Part." delete "Floor finish" and insert before the word "shall" the following. "Finished flooring greater than ⅛ inch in thickness,".

7. On page 40273 § 280.305(c) (3) (iii) Roof Loads, line 3, after "2.5 times the design" and before "wind" insert "uplift".

V. Subpart E—Testing is amended as follows:

§ 280.402 [Amended]

1. On page 40276 under § 280.402(b) (1) Test Procedures for Roof Trusses, General, line 3:

(a) After "with ¼ inch" delete "by 24 inch" and continue the sentence.

(b) Immediately after the word "strips." and before the word "Adjacent" insert a new sentence to read as follows: "The plywood strips shall be at least long enough to cover the top chords of the trusses at the designated design truss spacing."

2. On page 40276 under § 280.402(b) (1) Test Procedure for Roof Trusses. Line 8, immediately after the word "only" delete the remainder of paragraph (b) (1) and replace with the following: "The bottom chords of the adjacent trusses may be either: (i) unbraced, (ii) laterally braced together (not cross braced) with 1" x 2" stripping not closer than 24 inches on center nailed with only one 6d nail at each truss, or (iii) covered with the material, with connections or methods of attachment, as specified for the completed mobile home.

3. On page 40276 under § 280.402(d) (3) Destructive Test Procedure, line 3, after "failure occurs or" delete "1.50 times" and continue the sentence.

§ 280.403 [Amended]

4. On page 40277 under § 280.403(c) Performance Requirements, delete the introductory text of paragraph (c) (lines 1 through 7) and insert the following:

"(c) *Performance Requirements.* Test procedures as outlined in pargaraphs (c) (1) thru (4) of this section are applicable to preproduction prototype units of prime windows and sliding glass doors. Production line units shall be equivalent in design and materials to the tested and passed prototype units and shall also meet the requirements of 280.403(c) (5)."

5. On page 40277 under § 280.403(c) Performance Requirements. After paragraph (c) (4), Water resistance test, add new § 280.403(c) (5) as follows:

"(5) *Production Line Units.* Production line units of prime windows and sliding glass doors shall comply with: (i) The structural performance test to the zone limit certified in paragraph (c) (2) of this section and; (ii) the air infiltration test in paragraph (c) (3) of this section and; (iii) the water resistance test in paragraph (c) (4) of this section except that the test pressure shall be 1.56 psf (0.40" water column) and the water application rate shall be 2.5 GPH, per square foot of window surface area, all other parameters being the same as set forth in paragraph (c) (4) of this section.

6. On page 40278 under § 280.403(i) Certification, line 12 of paragraph (i) immediately after the word "inspection" and before "system" insert "and production unit testing".

§ 280.405 [Amended]

7. On page 40279 under § 280.405(d) (1) (i) Wood:

(a) Line 1, immediately after the word "door" and before the word "parts" delete the word "frame" and continue the sentence.

(b) Line 10, immediately after the words "Type 1 requirements of" delete "NWMA I.S. 1–73, NWMA I.S. 5–73 or FHDA 4–72." and insert "NWMA I.S. 1–74."

VI. Subpart F—Thermal Protection is amended as follows:

§ 280.502 [Amended]

1. On page 40280 under § 280.502(a) (2) Definitions, line 8, immediately after "horizontal surfaces using" and before "width" insert "exterior" and continue sentence.

2. On page 40280 under § 280.504(a) Ceilings, line 4, immediately after "living space" and before "of" insert "side".

3. On page 40280, § 280.504(b) Exterior Walls is revised as follows:

§ 280.504 Condensation control (vapor barriers).

* * * * *

(b) Exterior walls. (1) Exterior walls shall have a vapor barrier not greater than 1 perm (dry cup method) installed on the living space side of the wall, or (2) Unventilated wall cavities shall have an external covering and/or sheathing which forms the pressure envelope. The covering and/or sheathing shall have a combined permeance of not less than 5.0 perms. In the absence of test data, combined permeance may be computed using the formula:

$$P_{Total} = \frac{1}{\frac{1}{P_1} + \frac{1}{P_2}}$$

where P_1 and P_2 are the permeance values of th exterior covering and sheathing in perms.

Formed exterior siding applied in sections with joints not caulked or sealed shall not be considered to restrict water vapor transmission, or (3) Wall cavities shall be constructed so that ventilation is provided to dissipate any condensation occurring in these cavities.

VII. Subpart G—Plumbing Systems is amended as follows:

§ 280.602 [Amended]

1. On page 40283 under § 280.602(a) (50) "Vertical Pipe", line 3, immediately after "45 degrees" delete "or less" and continue the sentence.

§ 280.603 [Amended]

2. On page 40283 under § 280.603(b) (4) Freezing, line 6, immediately after "designed to allow" delete "complete gravity" and continue the sentence.

§ 280.607 [Amended]

3. On page 40285 under § 280.607(b) (3), line 14, change "floor level." to "bathroom floor level."

§ 280.610 [Amended]

4. On page 40287 under § 280.610(c) (1) Drain Outlets, lines 4–6, immediately after "section.", delete entire sentence "A permanent market, stating "Drain Outlet", shall be visibly located near the drain outlet."

§ 280.611 [Amended]

5. On page 40288 under § 280.611(c) (1) (i) Size of Vent Piping, line 5 of paragraph (c) (1) (i) after "3-inch trap arms" change "diminished" to "undiminished."

VIII. Subpart H—Heating, Cooling and Fuel Burning Systems is amended as follows:

§ 280.705 [Amended]

1. On page 40291 under § 280.705(a) General:

(a) Line 4, after the word "home." delete "Gas delivered into the gas supply system shall be at" and insert "The gas piping supply system shall be designed for" and continue the sentence.

(b) Line 7, after "(¼ psi)." insert the following: "The manufacturer shall indicate in his written installation instructions the design pressure limitations for safe operation of the gas piping system."

2. On page 40291 under § 280.705(c) (1) Piping Design, lines 11–38. Delete the following: § 280.705(c)(1)(iii), (iv), (v), and (vi).

3. On page 40292 under § 280.705(j)(1) Location of Gas Supply Connection, line 5, immediately after the word "within" and before the word "inches" delete "18" and insert "24" and continue the sentence.

4. On page 40292 under §280.705(j)(1) Location of Gas Supply Connection, line 7 immediately after "as close as" change "possible" to "practicable".

5. On page 40292 under § 280.705(j)(2) Location of Gas Supply Connection, line 7 immediately after "as close as" change "possible" to "practicable".

6. On page 40293 under § 280.705(l)(3) Valves, line 6 immediately after "arranged" delete "and located to permit removal and servicing of the appliance." and insert "to be accessible to permit servicing of the appliance and removal of its components, and for shutoff in case of emergency."

§ 280.708 [Amended]

7. On page 40294 under § 280.708(a) (1) Clothes Dryer, line 4. End sentence after "fitting." Add new sentence as follows: "Such termination fittings for gas dryers shall be listed or certified as components of the dryer."

§ 280.709 [Amended]

8. On page 40295 under § 280.709(a) Installation of Appliances, line 3 after the word "displacement." add the following sentence: "For the purpose of servicing and replacement, each appliance shall be both accessible and removable."

9. On page 40295 under § 280.709(e) (5) Installation of Appliances, line 2:

(a) Immediately after "shall be" and before "in" insert "installed".

(b) Immediately after the end of the sentence ending with "listing." add new sentence reading, "When a furnace-coil unit has a limited listing, the installation must be in accordance with that listing."

§ 280.714 [Amended]

10. On page 40296 under § 280.714(a) (1) Appliances, Cooling, line 14 of (1) after "values" and before "less" insert "not".

IX. Subpart I—Electrical Systems is amended as follows:

§ 280.803 [Amended]

1. On page 40299 under § 280.803(1) (2) Power Supply, line 6 of (2). End sentence after "of the mobile home." Delete lines 7 and 8, add new sentence to read: "The manufacturer shall provide in his written installation instructions, the proper service conductor sizes for the raceway and the size of the junction box to be used."

§ 280.804 [Amended]

2. On page 40299 under § 280.804(e) Disconnecting Means and Branch-circuit Protective Equipment, line 1 of (e). Immediately after "panelboard" and before "main" insert "employing a."

§ 280.806 [Amended]

3. On page 40300 under § 280.806(c) Receptacle Outlets, line 1 immediately after 'an" delete the word "individual" and continue the sentence.

4. On page 40300 under 280.806(d)(9) Receptacle Outlets, delete period after "basins" and continue sentence with "or integral with the light fixture over the bathroom basin."

5. On page 40301 revise § 280.811 *Calculations*, to read as follows:

§ 280.811 Calculations.

(a) The following method shall be employed in computing the supply-cord and distribution-panelboard load for each feeder assembly for each mobile home and shall be based on a 3-wire, 115/230-volt supply with 115-volt loads balanced between the two legs of the 3-wire system. The total load for determining power supply by this method is the summation of:

(1) Lighting and small appliance load as calculated below:

(i) Lighting Watts: Length times width of mobile home (outside dimensions exclusive of coupler) times 3 watts per square foot; e.g. Length × width × 3=lighting watts.

(ii) Small Appliance Watts: Number of circuits times 1,500 watts for each 20-ampere appliance receptacle circuit (See definition of "Appliance Portable" with note); e.g. Number of circuits × 1,500= small appliance watts.

(iii) Total Watts: Lighting watts plus small appliance=total watts.

(iv) First 3,000 total watts at 100 percent plus remainder at 35 percent=watts to be divided by 230 volts to obtain current (amperes) per leg.

(2) Nameplate amperes for motors and heater loads (exhaust fans, air conditioners, electric, gas, or oil heating). Omit smaller of air conditioning and heating except include blower motor if used as air conditioner evaporator motor. When an air conditioner is not installed and a 40-ampere power supply cord is provided, allow 15 amperes per leg for air conditioning.

(3) 25 percent of current of largest motor in (2).

(4) Total of nameplate amperes for: Disposal, dishwasher, water heater, clothes dryer, wall-mounted oven, cooking units. Where number of these appliances exceeds three, use 75 percent of total.

(5) Derive amperes for free-standing range (as distinguished from separate ovens and cooking units) by dividing values below by 230 volts.

Name plate rating (in watts)	*Use (in watts)*
10,000 or less	80 percent of rating.
10,001 to 12,500	8,000.
12,501 to 13,500	8,400.
13,501 to 14,500	8,800
14,501 to 15,500	9,200.
15,501 to 16,500	9,600.
16,501 to 17,500	10,000.

(6) If outlets or circuits are provided for other than factory-installed appliances include the anticipated load. The following example is given to illustrate the application of this Method of Calculation:

Example. A mobile home is 70×10 feet and has two portable appliance circuits, a 1000 watt 230 volt heater, a 200 watt 115 volt exhaust fan, a 400 watt 115 volt dishwasher and a 7000 watt electric range.

Lighting and small appliance load:	*Watts*
Lighting 70×10×3	2,100
Small appliance 1,500×2	3,000
Total	5,100
1st 3,000 W at 100 pct	3,000
Remainder (5,100−3,000=2,100) at 35 pct	735
Total	3,735

$$\frac{3,735}{230}=16 \text{ A per leg}$$

1,000 W (heater) ÷230=4.4 A.
200 W (fan) ÷115=1.7 A.
400 W (dishwaster) ÷115=3.5 A.
7,000 W (range) ×0.8÷230=24.0 A.

	Amperes per leg	
	A	B
Lighting and appliances	16	16
Heater (230 V)	4	4
Fan (115 V)	2	
Dishwasher (115 V)		4
Range	24	24
Totals	46	48

NOTE.—Based on the higher current calculated for either leg, use one 50-A supply cord.

(b) The following is an optional method of calculation for lighting and appliance loads for mobile homes served by a single 3-wire 115/230 volt set of feeder conductors with an ampacity of 100 or greater. The total load for determining the feeder ampacity may be computed in accordance with the following Table instead of the method previously specified. Feeder conductors whose demand load is determined by this optional calculation shall be permitted to have the neutral load determined by Section 220–22 of the National Electrical Code. The loads identified in the Table as "other load" and as "Remainder of other load" shall include the following:

(1) 1500 watts for each 2-wire, 20-ampere small appliance branch circuit and each laundry branch circuit specified.

(2) 3 watts per square foot for general lighting and general-use receptacles.

(3) The nameplate rating of all fixed appliances, ranges, wall-mounted ovens, counter-mounted cooking units, and including 4 or more separately controlled space heating loads.

(4) The nameplate ampere or kVA rating of all motors and of all low-power-factor loads.

(5) The largest of the following: (i) air conditioning load; (ii) the 65 percent diversified demand of the central electric space heating load; (iii) the 65 percent diversified demand of the load of less than four separately-controlled electric space heating units; (iv) the connected load of four or more separately-controlled electric space heating units.

OPTIONAL CALCULATION FOR MOBILE HOMES WITH 110-AMPERE OR LARGER SERVICE

Load (in kilowatt or kilovoltampere):	*Demand factor (percent)*
Air-conditioning and cooling including heat pump compressors	100
Central electric space heating	65
Less than 4 separately controlled electric space heating units	65
1st 10 kW of all other load	100
Remainder of other load	40

X. Subpart J—Transportation is amended as follows:

§ 230.904 [Amended]

1. On page 40303 under § 230.904 (b) (5) Spring Assemblies, delete lines 7 and 8 and replace with "for design spring assembly life as recommended by the spring assembly manufacturer."

[FR Doc.75-30258 Filed 11-7-75;9:50 am]

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