

federa! register

THURSDAY, DECEMBER 4, 1975



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(Nov. 29, 1975; 89 Stat. 773)

ATTENTION: Questions, corrections, or requests for information regarding the contents of this issue only may be made by dialing 202-523-5282. For information on obtaining extra copies, please call 202-523-5240.

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

Title 1—General Provisions

CHAPTER IV—MISCELLANEOUS AGENCIES (PRIVACY REGULATIONS)

PART 425—PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS

Correction; Reclassification

FR Doc. 75-30114 published in the Proposed Rules section of the FEDERAL REGISTER of Monday, November 10, 1975 (40 FR 52416), should have appeared in the Rules and Regulations section.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Health, Education and Welfare

Section 213.3316 is amended to show that one position of Confidential Secretary to the Under Secretary has been reestablished and excepted under Schedule C.

Effective on December 4, 1975, § 213.3316(a) (5) is amended as set out below:

§ 213.3316 Department of Health, Education and Welfare.

(a) Office of the Secretary. . . .

(5) One Confidential Secretary to the Under Secretary.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc. 75-32741 Filed 12-3-75; 8:45 am]

PART 736—INVESTIGATIONS

Pledges of Confidence

A notice of proposed rulemaking was published in the FEDERAL REGISTER on August 25, 1975 (40 FR 37051), for issuance of a new part 5 CFR Part 736 entitled, "Investigations" to establish procedures for determining when a promise of confidentiality is to be made under subsection (k) (5), section 3 of the Privacy Act of 1974 (5 U.S.C. 552a, Pub. L. 93-579) and otherwise to implement this subsection for all purposes except those pertaining to military service. Interested persons were given until September 24, 1975, to submit written comments, suggestions, or objections. Full and careful consideration was given to all comments received.

The requirement that notifications of possible Privacy Act disclosures to the individual being investigated and of each source's right to ask that his or her identity not be disclosed be made at the beginning of the interview or review of records has been changed. The revision requires that each source of information in personal investigations be notified some time during the interview that all information provided, including the source's identity, may be disclosed to the individual being investigated upon that individual's request.

The investigating agent has the discretion of notifying the source that he may have confidentiality where he feels such notification is necessary to secure information pertinent to the investigation.

Each agency must prepare implementing instructions for its investigators or agents consistent with these regulations.

Agencies are given an option when using written inquiries, except for law enforcement or educational custodians of records, of providing a space for the respondent to ask for a pledge of confidentiality, or making an offer to use special arrangements to get information which the respondent does not want to provide without a pledge of confidentiality.

In consideration of the comments received, 5 CFR Part 736 is issued as follows:

Sec.

- 736.101 Definitions.
- 736.102 Purpose of investigation.
- 736.103 Personal investigation.
- 736.104 Written inquiry.

AUTHORITY: Pub. L. 93-579; (5 U.S.C. 552a).

§ 736.101 Definitions.

In this part: (a) "Federal employment" means all civilian service for the Federal government including (1) appointments to Federal Advisory Committees or to membership agencies, whether or not salaried; (2) cooperative work assignments in which the individual has access to Federal materials such as examination booklets or performs service for or under supervision of a Federal agency but may be paid by another organization, such as a State or local government; (3) volunteer arrangements in which the individual performs service for or under the supervision of a Federal agency; and (4) volunteer or other arrangements in which the individual represents the United States Government or any agency thereof.

(b) "Agency" means any authority of the Government of the United States,

whether or not it is within or subject to review by another agency and includes any executive department, military department, Government corporation, Government controlled corporation or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency.

§ 736.102 Purpose of investigation.

In conducting an investigation, either by personal investigation or by written inquiry, to determine suitability, eligibility or qualifications of individuals for Federal employment, Federal contracts or access to classified information or restricted areas, the investigating agency will notify the source from which information is requested of the purposes for which the information is sought and how it will be used. Procedures used in conducting investigations must take proper account of the rights of the individual being investigated as well as the rights of the individual furnishing testimony or information.

§ 736.103 Personal investigation.

In conducting a personal investigation, including a telephone inquiry, to determine suitability, eligibility or qualifications of individuals for Federal employment, Federal contracts or access to classified information or restricted areas in which selection standards demand loyalty, good character and trustworthiness, the interviewing agent will notify each person interviewed and each custodian of record contacted that all information provided, including the source's identity, may be disclosed to the individual being investigated upon that individual's request. This notification must be made at some time during the interview. The agent may promise confidentiality if requested by the source, and in his discretion notify the source that he may have confidentiality where the agent feels that such notification is necessary to secure information pertinent to his investigation or inquiry. If such a request is made, the confidentiality will apply only to the source's identity, and any information furnished by the source that would reveal the identity of the source. A promise of confidentiality will require the investigative agency and all other agencies that receive information obtained under the promise to take all reasonable precautions to protect the confidentiality of the source's identity. Pledges of confidentiality may not be assumed, and the interviewing agent may not ask a source to request confidentiality. Each agency

shall prepare implementing instructions for its investigators or agents consistent with these regulations.

§ 736.104 Written inquiry

In requesting information by a written inquiry concerning the character, loyalty and qualifications of an individual to determine suitability, eligibility or qualifications for Federal employment, Federal contracts or access to classified information or restricted areas, the form, instructions or correspondence used by an agency will include:

(a) A notification that information provided, including the respondent's identity, will be disclosed to the individual on his or her request; and

(b) Except for law enforcement or educational custodians of records,

(1) Space for the respondent to request a pledge that his or her identity will not be disclosed to the subject of the inquiry, or

(2) An offer to make special arrangements to obtain significant information which the respondent feels he or she cannot provide without a pledge of confidentiality as to identify.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc. 75-32749 Filed 12-3-75; 8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-SO-153, Amdt. 39-2448]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Model PA-34-200T Series Airplanes

There have been cracks of the engine oil pressure hose assembly on PA-34-200T airplanes that could result in loss of engine oil. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require replacement of the existing hose assembly with a tube assembly and new hose assembly for each engine on PA-34-200T airplanes.

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 Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PIPER AIRCRAFT CORPORATION. Applies to PA-34-200T airplanes, serial numbers 34-7570001 through 34-7670077 certificated in all categories.

Compliance required within the next 25 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent loss of engine oil, accomplish the following: Replace the existing engine oil pressure hose assemblies with a tube assembly and a new hose assembly in accordance with Piper Service Bulletin Number 483 or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320.

This amendment becomes effective December 10, 1975.

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

Issued in East Point, Ga., on November 24, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 75-32637 Filed 12-3-75; 8:45 am]

[Airspace Docket No. 75-NW-21]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Jet Route

On September 18, 1975, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (40 FR 43036) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate a jet route between Eugene, Ore., and Spokane, Wash., via The Dalles, Ore.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 29, 1976, as hereinafter set forth.

Section 75.100 (40 FR 705) is amended by adding the following:

Jet Route No. 143 from Eugene, Ore., via The Dalles, Ore.; to Spokane, Wash.

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

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

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

[FR Doc. 75-32635 Filed 12-3-75; 8:45 am]

[Airspace Docket No. 75-NW-22]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Jet Route

On September 22, 1975, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (40 FR 43513) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate a jet route between Portland, Ore., and Redmond, Ore.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. The only comment received in response to the NPRM was from the Air Transport Association (ATA) in which they offered no objection to the proposal.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 29, 1976, as hereinafter set forth.

Section 75.100 (40 FR 705) is amended by adding the following:

Jet Route No. 159 from Portland, Ore., to Redmond, Ore.

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

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

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

[FR Doc. 75-32636 Filed 12-3-75; 8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

[Reg. ER-940; Amdt. No. 46]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Minimum Rates for Certain Air Transportation

Part 288 of the Board's Economic Regulations (14 CFR Part 288) sets forth minimum rates for certain air transportation services performed by air carriers for the Department of Defense (DOD), and procured through the Military Airlift Command (MAC). At the present time, the minimum rates are subject to a surcharge based upon currently reported fuel prices. Under established procedure, the carriers report changes in fuel prices on a monthly basis, and, in the absence of precipitous changes in fuel prices, the Board automatically adjusts the surcharge rates on a quarterly basis. See ER-920, July 1, 1975.¹ The last fuel surcharge adjustment was adopted by ER-932, dated September 30, 1975, to be effective October 1, 1975.

Trans International Airlines, Inc. (TIA) by petition for rule making (Docket 28441) filed October 29, 1975, requests an increase in the surcharge rates established in ER-932 effective on or before the date of its petition, to provide the carrier relief from sharply higher fuel prices experienced since October 1. TIA contends that all of the MAC carriers are experiencing precipitous fuel price increases as a result of OPEC's recently announced increase in crude oil prices, so that the quarterly review procedure is no longer appropriate.

Pan American World Airways, Inc., The Flying Tiger Line Inc. and World Airways, Inc. filed answers in support of

¹ Prior to the adoption of ER-920, the established practice was to adjust the surcharge rates on a monthly basis.

the petition. The DOD answered in opposition to TIA's proposal both for a return to automatic monthly surcharge adjustments, and for a retroactive increase in the surcharge rate.

Upon consideration, we have determined to adopt an interim surcharge adjustment to be effective prospectively from December 1, 1975. However, we are not persuaded either to return to an automatic monthly fuel surcharge adjustment, or to abandon the established procedures which provide only for prospective surcharge adjustments. Accordingly, except to the extent granted herein, TIA's petition to amend Part 288

Contrary to the implications of the petition and answers, the Board has not abandoned its monthly review of the rate impact of reported fuel price changes. By ER-920, we merely dropped the automatic monthly surcharge rate adjustment in favor of a quarterly adjustment procedure. In doing so, however, the Board expressly indicated its intent to reported as of October 1, 1975, including change warrant amendment of the surcharge rates. Our review of the surcharge-rate impact for the fuel prices reported as at October 1, 1975, including the revised data for TIA, did not produce results for the International MAC carriers as a class to warrant an amendment to the existing fuel surcharge rates. The analysis of reported fuel prices as of November 1, 1975, however, indicates that adjustment to these rates should now be made.²

In addition, we are not persuaded that the recently announced increase in crude oil prices requires a return to a monthly surcharge adjustment procedure. In this respect, we agree with DOD that the recent experience does not establish that the fuel price situation is again so unstable that an automatic adjustment of the surcharge rate on a monthly basis is required. We will, however, continue to monitor fuel price changes on a monthly basis, and are prepared to adopt additional interim adjustments as required.³ In order to expedite the procedures, however, the carriers are requested to provide the Government Rates Division quarterly consumption figures 30 days following the close of each quarter, as opposed to the present 40 days.

Appendices A and B⁴ set forth the results of our computations of reported fuel price changes for commercial and military fuels as at November 1, 1975, based upon application of the "active

²We are not persuaded that an increase in the surcharge rate effective as of the date of TIA's petition would be appropriate. The effect of the carriers' request would be to retroactively increase the surcharge rate as of a date prior to Board action on the petition. Such a change would be inconsistent with the established principle that the minimum rates in Part 288 are final and not subject to retroactive adjustment to a date prior to Board action specifically "reopening" the rate. See ER-845, May 1, 1974.

³The next fuel surcharge adjustments will be based upon reported fuel price changes as of December 1, 1975, and be effective as of January 1, 1976.

⁴Appendices A and B filed as part of the original document.

stations" methodology to the fuel consumption reported for the quarter ended September 30, 1975;⁵ and the rate impact for the changes in current average fuel prices from that reflected in the base rates. Accordingly, we will revise the fuel surcharge rates effective December 1, 1975, as follows: (a) increase the long-range Category B and A rate from 2.30 to 3.45 percent; (b) maintain the Pacific interisland short-range Category B rate at 5.81 percent; and, (c) decrease the "all other" short-range Category B rate from 4.86 to 2.42 percent.

In view of the continuing need for a fuel surcharge to the minimum rates set forth in Part 288, we find good cause exists to make the within amendments effective on less than thirty (30) days' notice.

In consideration of the foregoing, the Board hereby amends Part 288 of its Economic Regulations (14 CFR Part 288) effective December 1, 1975, as follows:

§ 288.7 [Amended]

1. Amend § 288.7(a) (1) by amending the third proviso following the table to read as follows:

(a) * * *

(1) * * *: *Provided, however*, That effective December 1, 1975, the total minimum compensation pursuant to the rates set forth in paragraph (a) (1) of this section for (i) services performed with regular jet, wide-bodied jet, and DC-8F-61/63 aircraft, (ii) Pacific interisland services performed with B-727 aircraft, and (iii) all other services performed with B-727 aircraft shall be increased by surcharges of 3.45 percent, 5.81 percent, and 2.42 percent, respectively.⁶

2. Amend § 288.7(d) by amending the proviso to subparagraphs (2) to read as follows:

(d) For Category A transportation

(2) * * *

Provided, That effective December 1, 1975, the total minimum compensation pursuant to the rates specified in paragraphs (d) (1) and (2) of this section shall be increased by a surcharge of 3.45 percent.

(Secs. 204, 403 and 416 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758, 771, as amended; (49 U.S.C. 1324, 1373, 1386))

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-32731 Filed 12-3-75; 8:45 am]

⁵We note that in several telegrams addressed to Chief of the Government Rates Division of the Bureau of Economics, TIA has suggested certain modifications to the procedures for determining the surcharge rate. Because these suggestions are not properly before us, we have not considered them herein.

⁶The surcharge provisions for services performed with B-727 aircraft will be applied to all other common-rated aircraft types.

Title 15—Commerce and Foreign Trade
CHAPTER IX—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER D—GENERAL REGULATIONS OF THE ENVIRONMENTAL DATA SERVICE

PART 950—ENVIRONMENTAL DATA

NOVEMBER 28, 1975.

The general information that follows describes the type and availability of environmental data and information that may be obtained from the Environmental Data Service for use by Federal, State, and local agencies, and the general public, including those segments engaged in commerce, industry, science, and engineering.

ROBERT M. WHITE,
Administrator.

Part 950 is revised to read as follows:

- | | |
|--------|---|
| Sec. | Scope and purpose. |
| 950.1 | Environmental Data Service (EDS). |
| 950.2 | National Climatic Center (NCC). |
| 950.3 | National Oceanographic Data Center (NODC). |
| 950.4 | National Geophysical and Solar-Terrestrial Data Center (NGSDC). |
| 950.5 | Center for Experiment Design and Data Analysis (CEDDA). |
| 950.6 | Environmental Science Information Center (ESIC). |
| 950.7 | Center for Climatic and Environmental Assessment (CCEA). |
| 950.8 | Satellite Data Services Branch (SDSB). |
| 950.9 | Deepwater Ports Project Office (DWPPPO). |
| 950.10 | Comprehensive Referral Service. |

AUTHORITY: (5 U.S.C. 552, 553), Reorganization Plan No. 4 of 1970.

§ 950.1 Scope and purpose.

This part describes the Environmental Data Service (EDS), a principal organization element of the National Oceanic and Atmospheric Administration and EDS management of environmental data and information.

§ 950.2 Environmental Data Service (EDS).

The Environmental Data Service is the Government's first major line organization created specifically to manage environmental data. Under U.S. Department of Commerce, Department Organization Order 25-5B, EDS shall acquire, process, archive, analyze, and disseminate worldwide environmental (solid earth, marine, atmospheric, solar, and aeronomy) information, data, and products for use by commerce, industry, the scientific and engineering community, the general public and by Federal, State and local governments. It shall also guide applied research pertinent to the improvement of such services; provide relevant World Data Center facilities; coordinate international exchange activities in oceanic, climatological, geophysical, solar, and aeronomy data; and provide editorial, publishing, library, and related information services. In support of this mission EDS operates six centers: National Climatic Center, National Oceanographic Data Center, National Geophysical and Solar-Terrestrial Data Center, Center for Experiment Design and Data

Analysis, Environmental Science Information Center, and Center for Climatic and Environmental Assessment. It also operates a Satellite Data Services Branch, Deepwater Ports Project Office, and a comprehensive referral service.

§ 950.3 National Climatic Center (NCC).

The National Climatic Center acquires, processes, archives, and disseminates climatological data; develops analytical and descriptive products to meet user requirements; and provides facilities for the World Data Center—A (Meteorology and Nuclear Radiation). It is the collection center and custodian of all United States weather records, the largest of the EDS Centers, and the largest climatic center in the world:

(a) Climatic Data Available from NCC include:

(1) Hourly Surface Observations from Land Stations (ceiling, sky cover, visibility, precipitation or other weather phenomena, obstructions to vision, pressure, temperature, dew point, wind direction, wind speed, gustiness).

(2) Three-Hourly and Six-Hourly Surface Observations from Land Stations, Ocean Weather Stations, and Moving Ships (variable data content).

(3) Upper Air Observations (radiosondes, rawinsondes, rocketsondes, low-level soundings, pilot balloon winds, aircraft reports).

(4) Radar Observations (radar log sheets, radar scope photography).

(5) Selected Maps and Charts (National Meteorological Center products).

(6) Derived and Summary Data (grid points, computer tabulations, digital summary data).

(7) Special Collections (Barbados Oceanographic and Meteorological Experiment meteorological data, Global Atmospheric Research Program basic data set, solar radiation data, many others).

(b) Queries should be addressed to:

National Climatic Center, National Oceanic and Atmospheric Administration, Asheville, N.C. 28801, Tel: (704) 258-2850 Ext. 683.

§ 950.4 National Oceanographic Data Center (NODC).

The National Oceanographic Data Center acquires, processes, archives, and disseminates oceanographic data; develops analytical and descriptive products to meet user requirements; and provides facilities for the World Data Center—A (Oceanography). It was the first NODC established and houses the world's largest usable collection of marine data.

(a) Oceanographic Data Available from NODC include:

(1) Mechanical and expendable bathythermograph data in analog and digital form.

(2) Oceanographic station data for surface and serial depths, giving values of temperature, salinity, oxygen, inorganic phosphate, total phosphorus, nitrite-nitrogen, nitrate-nitrogen, silicate-silicon, and pH.

(3) Continuously recorded salinity-temperature-depth data in digital form.

(4) Surface current information obtained by using drift bottles or calculated from ship set and drift.

(5) Biological data, giving values of plankton standing crop, chlorophyll concentrations, and rates of primary productivity; also papers on marine biology.

(b) Queries should be addressed to:

National Oceanographic Data Center, National Oceanic and Atmospheric Administration, Washington, D.C. 20235, Tel: (202) 634-7500.

§ 950.5 National Geophysical and Solar-Terrestrial Data Center (NGSDC).

The National Geophysical and Solar-Terrestrial Data Center acquires, processes, archives, evaluates, and disseminates solid earth and marine geophysical data as well as ionospheric, solar, and other space environment data; develops analytical, climatological and descriptive products to meet user requirements; and provides facilities for World Data Center—A (Solid-Earth Geophysics and Solar Terrestrial Physics).

(a) Geophysical and solar-terrestrial data available from NSGDC include:

(1) Marine geology and geophysics. Bathymetric measurement; seismic reflection profiles; gravimetric measurements; geomagnetic total field measurements; and geological data, including data on heat flows, cores, samples, and sediments.

(2) Solar-terrestrial physics. Ionosphere data, including ionograms, frequency plots, riometer and field-strength strip charts, and tabulations; solar activity data; geomagnetic variation data, including magnetograms; auroral data; cosmic ray data; and airglow data.

(3) Seismology. Seismograms; accelerograms; digitized strong-motion accelerograms; earthquake data list (events since January 1900); earthquake data service, updates on a monthly basis.

(4) Geomagnetic main field. Magnetic survey data and secular-change data tables.

(b) Queries should be addressed to:

National Geophysical and Solar-Terrestrial Data Center, National Oceanic and Atmospheric Administration, Boulder, Colorado 80302, Tel: (303) 499-1000, ext. 6215.

§ 950.6 Center for Experiment Design and Data Analysis (CEDDA).

The Center for Experiment Design and Data Analysis provides service and support in data management and scientific analysis for large-scale environmental field research projects, and assists in the planning, design, and implementation of such projects to ensure that data needs are met:

(a) CEDDA is currently concerned with three major field projects:

(1) BOMEX—The Barbados Oceanographic and Meteorological Experiment. The complete set of data resulting from this project are available at the National Climatic Center.

(2) IFYGL—The International Field Year for the Great Lakes. Most of the data resulting from this project are available at the National Climatic Center.

(3) GATE—The Global Atmospheric Research Project (GARP) Atlantic Tropical Experiment. A set of basic data from this project is available from the National Climatic Center.

(b) Queries should be addressed to:

Center for Experiment Design and Data Analysis, National Oceanic and Atmospheric Administration, Washington, D.C. 20234, Tel: (202) 634-7251.

§ 950.7 Environmental Science Information Center (ESIC).

The Environmental Science Information Center develops policies for and provides editorial and publishing services to NOAA components; manages a central library system; provides functional guidance to other NOAA libraries; and develops and implements automated scientific information systems for NOAA and external use. It complements the Environmental Data Service family of data centers, enhancing the service structure necessary for a comprehensive, single source for environmental data and information within NOAA:

(a) ESIC issues a "NOAA Publications Announcement" several times a month. This booklet describes NOAA publications by title, author, source, date, abstract, keywords, and availability.

(b) The NOAA libraries, run by ESIC, are open to the public for reference use. The Atmospheric Sciences Library, 8060 13th Street, Silver Spring, Maryland, specializes in climatic publications; the Marine and Earth Sciences Library, 8001 Executive Boulevard, Rockville, Maryland, in cartographic, oceanographic, and fisheries publications; the NOAA Miami Library, 15 Rickenbacker Causeway, Miami, Florida, in oceanographic, cartographic, and climatic publications; the EDS Great Lakes Library, 630 Federal Building and U.S. Courthouse, Detroit, Michigan, in lake levels and hydrology of the Great Lakes; and the NOAA Environmental Research Laboratories Library, University of Colorado, Boulder, Colorado, in solar-terrestrial physics.

(c) ESIC also responds to requests for copies of NOAA technical publications by sending out those in stock or referring the request to the proper NOAA or non-NOAA source.

(d) Queries should be addressed to:

Environmental Science Information Center, National Oceanic and Atmospheric Administration, Washington, D.C. 20235, Tel: (202) 634-7334.

§ 950.8 Center for Climatic and Environmental Assessment (CCEA).

(a) CCEA provides tailored consultant services and products to Federal agencies concerned with the impact of the environment on national socioeconomic programs and policies. The center's mission is to statistically model and assess climate, climatic change, and other natural environmental phenomena and their variations, and to quantitatively evaluate their probable impact upon national and international socioeconomic issues.

(b) CCEA is participating in the joint USDA-NOAA-NASA program called the Large Area Crop Inventory Experiment (LACIE). The aim of the LACIE experiment is to improve the timeliness and accuracy of major crop forecasts by combining current and historical, surface and satellite, crop and weather source

data. CCEA will develop and refine the mathematical models which relate crop yields to weather conditions and provide processed climatological and meteorological data.

(c) Special studies and consultant services are provided to government agencies along with the following products: early warning and timely crop/climate alerts, crop yield estimates on a monthly basis, global weather briefings which relate climate impact on socioeconomic systems, and risk assessments of climatological phenomena on national resources. Queries should be addressed to:

Center for Climatic and Environmental Assessment, 600 East Cherry Street, Columbia, MO 65201, Tel: (314) 442-2271, Ext 3261.

§ 950.9 Satellite Data Services Branch (SDSB).

The Satellite Data Services Branch of the EDS National Climatic Center provides environmental and earth resources satellite data to other users once the original collection purposes (i.e., weather forecasting) have been satisfied. The branch also provides photographs collected during NASA's SKYLAB missions.

(a) Satellite data available from SDSB include: (1) Data from the TIROS (Television InfraRed Observational Satellite) series of experimental spacecraft; much of the imagery gathered by spacecraft of the NASA experimental NIMBUS series; full-earth disc photographs from NASA's Applications Technology Satellites (ATS) I and III geostationary research spacecraft; tens of thousands of images from the original ESSA and Current NOAA series of Improved TIROS Operational Satellites; and both full-disc and sectorized images from the Synchronous Meteorological Satellites (SMS) 1 and 2, the current operational geostationary spacecraft. In addition to visible light imagery infrared data are available from the NIMBUS, NOAA, and SMS satellites. Each day, SDSB receives about 239 negatives from the polar-orbiting NOAA spacecraft, more than 235 SMS-1 and 2 negatives, and several special negatives and movie film loops.

(2) Multispectral imagery derived from data collected by NASA's Earth Resources Technology Satellites (ERTS), currently LANDSAT-1 and 2.

(3) Photographs (both color and black-and-white) taken during the three SKYLAB missions (May-June, 1973, July-September, 1973, and November 1973-February 1974). Queries should be addressed to:

Satellite Data Services Branch, World Weather Building, Room 606, Washington, D.C. 20233, Tel: (301) 763-8111.

§ 950.10 Deepwater Ports Project Office (DWPP).

(a) The Deepwater Ports Project Office was established to meet requirements placed upon NOAA by the Deepwater Port (DWP) Act of 1974. The Act establishes procedures for the location, construction, and operation of deepwater

ports off the coasts of the United States. It invests licensing authority in the Secretary of Transportation, while the Administrator of NOAA is called upon to provide essential support. To meet NOAA's obligation, EDS' Project Office reviews, evaluates, and prepares recommendations for the Administrator on DWP license applications, related environmental impact statements, and adjacent coastal State status.

§ 950.11 Comprehensive referral service.

(a) Since 1969, EDS has been building the Environmental Data Index (ENDEX). When fully operational (target date, 1978), ENDEX will provide convenient, rapid referral to existing NOAA, national, and global environmental science data files and sources, as well as documentation concerning their quality, quantity, and character. A complementary, literature-based system, Oceanic and Atmospheric Scientific Information System (OASIS), will provide a parallel subject-author-abstract referral service. A telephone call to any EDS data or information center or NOAA library will allow a user to "plug into" this interdisciplinary NOAA data dialog machine.

[FR Doc.75-32658 Filed 12-3-75; 8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2751]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Baza'r, Inc.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; 13.10-1 Availability of merchandise and/or facilities; § 13.180 Quantity; 13.180-30 In stock; § 13.205 Scientific or other relevant facts. Subpart—Corrective actions and/or requirements; § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-25 Displays, in-house; 13.533-40 Furnishing information to media; 13.533-45 Maintain records; 13.533-45(k) Records, in general. Subpart—Misrepresenting oneself and goods—Goods: § 13.1572 Availability of advertised merchandise and/or facilities; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting unfairly or deceptively, to make material disclosure: § 13.1882 Prices; § 13.1895 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts.

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

In the Matter of Baza'r, Inc., a corporation.

Consent order requiring a Portland, Oreg., supermarket chain, among other things to cease not having advertised items readily available for sale at or below the advertised price. Further, re-

spondent is required to use shelf signs to indicate the location of items advertised below regular shelf price; to mark customarily price-marked items with the advertised prices; to post at store entrances and check-out counters notices (1) containing a copy of the ad, (2) listing any advertised items unavailable, and (3) announcing that rainchecks will be issued for them; and to maintain a program of continuing surveillance to ensure that their stores comply with the order.

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

ORDER

I. It is ordered, That respondent Baza'r, Inc., a corporation, its successors or assigns, its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of food or grocery products or other merchandise, hereafter sometimes referred to as items, offered or sold in its retail stores, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from, directly or indirectly:

A. Disseminating, or causing the dissemination of any advertisement by any means which offers any items for sale at a stated price, unless throughout the effective period of the advertised offer at each retail store covered by the advertisement:

1. Each advertised item is readily available for sale to customers in the public area of the store, or if not readily available there, a clear and conspicuous notice is posted where the item is regularly displayed which states that the item is in stock and may be obtained upon request, and said item is furnished on request;

2. There is a sign or other conspicuous marking at the place where an item advertised below regular shelf price is displayed for sale clearly disclosing that the item is "as advertised" or "on sale" or words of similar import as appropriate, and disclosing on such sign or marking, the advertised price;

3. Each advertised item, which is usually and customarily individually marked with a price, is individually, clearly, and conspicuously marked with the advertised price;

4. Each advertised item is sold to customers at or below the advertised price;

Provided, That it shall not be deemed a violation of the above subparagraphs A.1., A.2., A.3., or A.4., if respondent is complying with a specific exemption, limitation or restriction with respect to store, item or price which is clearly and conspicuously disclosed in all advertisements.

Provided, further, It shall constitute a defense to a charge of unavailability under subparagraph I.A.1. if respondent

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

maintains and furnishes or makes available for inspection and copying upon the request of the Federal Trade Commission, such records and affidavits as will show that (a) the advertised items were delivered to its stores in quantities sufficient to meet reasonably anticipated demand, or (b) the advertised items were ordered but not delivered due to circumstances beyond respondent's control, and that respondent, upon notice or knowledge of such nondelivery acted immediately to contact the media to correct the advertisement or proposed advertisement to reflect the limited availability or unavailability of each advertised item, and (c) respondent immediately offered to customers on inquiry a "rain check" for each unavailable item which entitled the holder to purchase the item in the near future at or below the advertised price.

In determining compliance with section I of this order, the Commission will consider the circumstances surrounding failure to make advertised items conspicuously and readily available for sale at or below the advertised prices due to circumstances beyond respondent's control.

II. *It is further ordered*, That respondent Baza'r, Inc., a corporation, its successors or assigns, its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of food or drugs, as those terms are defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Disseminating or causing to be disseminated, by United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, for the purpose of inducing, or which is likely to induce, directly or indirectly the purchase of any such product, any advertisement which contains any of the offers prohibited by section I of this order;

B. Disseminating or causing to be disseminated by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of any such product in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the offers prohibited by section I of this order.

III. *It is further ordered*, That throughout each advertised sale period in each of its retail stores covered by an advertisement, respondent shall post conspicuously (1) at or near each doorway affording entrance to the public, and (2) at or near the place where customers pay for merchandise, notices which contain the following:

- A. A copy of the advertisement.
- B. A statement that:

All items advertised are readily available for sale at or below advertised price except the following items:

Rain checks will be gladly issued for these items, that will enable you to purchase these items at or below the advertised price in the near future. If you have any questions, the store director will be glad to assist you.

IV. *It is further ordered*, That respondent shall cause the following statement to be clearly and conspicuously set forth in each advertisement which represents that items are available for sale at a stated price at any of its stores:

Each of these advertised items is required to be readily available for sale at or below the advertised price in each _____ (store name)

store, except as specifically noted in this ad.

V. *It is further ordered*, That:

A. Respondent shall forthwith deliver a copy of this order to each of its operating divisions and to each of its present and future officers and other personnel in its organization down to the level of and including assistant store directors who, directly or indirectly, have any supervisory responsibilities as to individual retail stores of respondent, or who are engaged in any aspect of preparation, creation, or placing of advertising, and that respondent shall secure a signed statement acknowledging receipt of said order from each such person;

B. Respondent shall institute and maintain a program of continuing surveillance adequate to reveal whether the business practices of each of its retail stores conform to this order, and shall confer with any duly authorized representative of the Commission pertaining to such program when requested to do so by a duly authorized representative of the Commission;

C. Respondent shall, for a period of three (3) years subsequent to the date of this order:

1. Maintain business records which show the efforts taken to ensure continuing compliance with the terms and provisions of this order;

2. Grant any duly authorized representative of the Federal Trade Commission access to all such business records;

3. Furnish to the Federal Trade Commission copies of such records which are requested by any of its duly authorized representatives;

D. Respondent shall, all other provisions of this order notwithstanding, on or before each of the first three (3) anniversary dates of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order in the preceding year.

It is further ordered, That respondent shall notify the Commission at least thirty days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the respondent which may affect compliance obligations arising out of this order.

It is further ordered, That respondent shall, within sixty days after service upon it of this order, file with the Commission a written report setting forth in detail the manner and form of its compliance with this order.

The Decision and Order was issued by the Commission October 28, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc. 75-32659 Filed 12-3-75; 8:45 am]

[Docket No. C-2754]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Sansui Electronics Corp.

Subpart—Coercing and intimidating: § 13.358 Distributors. Subpart—Combining or conspiring: § 13.395 To control marketing practices and conditions; § 13.425 To enforce or bring about resale price maintenance; § 13.430 To enhance, maintain or unify prices; § 13.431 To exchange future price information; § 13.450 To limit distribution or dealing to regular, established or acceptable channels or classes; § 13.497 To terminate or threaten to terminate contracts, dealings, franchises, etc. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-45 Maintain records; 13.533-45(k) Records, in general; 13.533-65 Renegotiation and/or amendment of contracts. Subpart—Cutting off supplies or service: § 13.655 Threatening disciplinary action or otherwise. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 Delaying or withholding corrections, adjustments or action owed; § 13.677 Delaying or failing to deliver goods or provide services or facilities. Subpart—Maintaining resale prices: § 13.1130 Contracts and agreements; § 13.1140 Cutting off supplies; § 13.1155 Price schedules and announcements; § 13.1160 Refusal to sell; § 13.1165 Systems of espionage; § 13.1165-80 Requiring information of price cutting; 13.1165-90 Spying on and reporting price cutters, in general.

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

In the Matter of Sansui Electronics Corporation, a corporation.

Consent order requiring a Woodside, N.Y., supplier of high fidelity audio components, among other things to cease fixing resale prices of its products; fair trading its products for five years; suggesting resale prices for two years; withholding earned advertising allowances from, or refusing to sell to, price-cutting dealers; requiring dealers to report price-cutters; and imposing customer restrictions upon dealers.

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

ORDER

I. *It is ordered*, That respondent Sansui Electronics Corporation, a corporation, its successors and assigns, and respondent's agents, representatives, including sales representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the manufacture, importation, distribution, offering for sale and sale of high fidelity audio components and other products in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

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

1. Establishing, continuing or enforcing any contracts, agreements, understandings or arrangements with distributors or retail dealers of respondent's products (hereinafter distributors and retail dealers are referred to in this order as "dealers") which have the purpose or effect of fixing, establishing, maintaining, stabilizing or enforcing the prices at which respondent's products are to be resold.

2. Fixing, establishing, controlling, maintaining or stabilizing the prices at which dealers may advertise, promote, offer for sale or sell respondent's products.

3. Publishing, disseminating, circulating or providing by any other means, any suggested resale prices: *Provided however*, That subsequent to two (2) years after the date on which this Order becomes final, respondent may suggest resale prices if it is clearly and conspicuously stated on each page of any price list, book, tag, advertising or promotional material or other document that the price is suggested.

4. Requiring any dealer to enter into written or oral agreements or understandings that such dealer will adhere to established or suggested prices for respondent's products as a condition to receiving or retaining its dealership.

5. Refusing to sell or threatening to refuse to sell to any dealer who desires to engage in the sale of respondent's products for the reason that such dealer will not enter into an understanding or agreement with respondent to advertise or sell said products at respondent's established or suggested resale price.

6. Threatening to withhold or withholding earned cooperative advertising credits or allowances from any dealer because said dealer advertises respondent's products at retail prices other than that which respondent deems appropriate or has approved.

7. Disseminating or circulating any warranty registration form or any other document which requires or requests that the price paid by the ultimate consumer for respondent's products be stated and reported to respondent.

8. Securing or attempting to secure any promises or assurances from dealers or prospective dealers regarding the prices at which such dealers will advertise or sell respondent's products or requesting or requiring any dealer or prospective dealer to obtain approval from respondent for prices offered by said dealers in advertisements for respondent's products.

9. Requiring, soliciting or encouraging any dealer, person or firm either directly or indirectly to report the identity of any dealer, person or firm who does not adhere to any resale price for any of respondent's products, or acting on reports so obtained by refusing or threatening to refuse sales to any dealer, person or firm so reported.

10. Terminating, threatening, intimidating, coercing, delaying shipments, or taking any other action to prevent the sale of respondent's products by a dealer because said dealer has advertised or sold, is advertising or selling, or is suspected of advertising or selling such

products at other than prices that respondent may deem to be appropriate or has approved.

11. Establishing, continuing or enforcing, by refusal to sell, termination or threat thereof, delay in shipment or threat thereof or in any other manner, any contract, agreement, understanding, or arrangement or method of doing business which has the purpose or effect of restricting, or limiting in any manner the customers or classes of customers to whom dealers may sell respondent's products.

12. Convening or participating in any meeting for the purpose of undertaking or engaging in any of the acts or practices prohibited by this Order.

In connection with the foregoing provisions under Part I of this order: *It is further provided*, That after the expiration of five (5) years from the date this Order becomes final, nothing contained in this Order shall prohibit respondent from lawfully exercising such rights, if any, as it may have to establish and distribute resale prices for its products under fair trade laws then in effect.

II. It is further ordered, That respondent shall:

1. Forthwith upon this order becoming final, mail or deliver, and obtain signed receipts therefor, copies of this Order to every present dealer, to every dealer terminated by respondent since January 1, 1972 and to every new dealer for period of three (3) years.

2. Forthwith distribute a copy of this order to each of its operating divisions and subsidiaries and to all officers, sales personnel, sales agents, sales representatives and advertising agencies and secure from each such entity or person a signed statement acknowledging receipt of said order.

3. Within thirty (30) days from the date on which this order becomes final, mail or deliver, and obtain a signed receipt therefor, written notice to all of respondent's sales personnel, sales agents, sales representatives and advertising agencies informing such persons that their violation of any provision of this order may result in the termination of said employment or business relationship. Respondent shall obtain prior approval from the New York Regional Office of the Federal Trade Commission of said written notification.

4. Forthwith terminate the employment or business relationship with any person or firm willfully violating any provision of this order and take appropriate disciplinary and corrective action, which may include termination, for non-willful violations.

5. Within sixty (60) days from the date on which this order becomes final, mail or deliver, and obtain a signed receipt therefor, a written offer of reinstatement, upon the same terms and conditions available to respondent's other dealers, to any distributor or dealer located in an area where resale prices were not or could not be lawfully controlled who was terminated by respondent from January 1, 1972 to the effective date of this order, unless respondent can establish that the appli-

cant does not or did not at the time of termination have good credit or that the dealer does not have reasonably adequate facilities for selling respondent's products at retail, and forthwith reinstate any such distributor or dealer who within thirty (30) days thereafter requests, in writing, reinstatement.

III. It is further ordered, That respondent:

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

2. For a period of three (3) years from the date this order becomes final, establish and maintain a file of all records referring or relating to respondent's refusal during such period to sell its products to any dealer, which file shall contain a record of a communication to each such dealer explaining respondent's refusal to sell, and which file will be made available for Commission inspection on reasonable notice; and, annually, for a period of three (3) years from the date hereof, submit a report to the Commission's New York Regional Office listing the names and addresses of all dealers with whom respondent has refused to deal during the preceding year, a description of the reason for the refusal and the date of the refusal.

IV. It is further ordered, That in the event the Commission issues any order which is less restrictive than the provisions of Paragraphs I, II, or III of this order, in any proceeding involving alleged resale price maintenance of a manufacturer or supplier of audio components subject to investigation by the Commission pursuant to File No. 741 0042, then the Commission shall, upon the application of Sansui Electronics Corporation reconsider this order and may reopen this proceeding in order to make whatever revisions, if any, are necessary to bring the foregoing paragraphs into conformity with the less stringent restrictions imposed upon respondent's competitors.

The Decision and Order was issued by the Commission October 24, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc. 75-32660 Filed 12-3-75; 8:45 am]

[Docket No. C-2750]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Taylor & Kimbrough Realty Co. and
Lloyd R. Taylor

Subpart—Advertising falsely or misleadingly: § 13.73 Formal regulatory and statutory requirements; 13.73-92 Truth in Lending Act; § 13.155 Prices; 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 Terms and conditions;

13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852-75 Truth in Lending Act; § 13.1905 Terms and conditions; 13-1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601, et seq.)

In the Matter of Taylor & Kimbrough Realty Company, a corporation, and Lloyd R. Taylor, individually and as an officer of said corporation.

Consent order requiring a Memphis, Tenn., realty company, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

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

ORDER

It is ordered, That respondents Taylor & Kimbrough Realty Company, a corporation, its successors and assigns, and its officers, and Lloyd R. Taylor, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension or arrangement for the extension of consumer credit, or any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "advertisement" and "consumer credit" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Pub. L. 90-321, 15 U.S.C. 1601, et seq.), do forthwith cease and desist from:

1. Stating the rate of a finance charge unless such rate is expressed as an annual percentage rate, using the term "annual percentage rate," as "finance charge" and "annual percentage rate" are defined in § 226.2 of Regulation Z, as prescribed by § 226.10(d) (1) of Regulation Z.

2. Representing in any such advertisement, directly or by implication, that no downpayment is required, the amount of the downpayment or the amount of any installment payment, either in dollars or as a percentage, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following items are clearly and conspicuously stated, in terminology prescribed under § 226.8 of Regulation Z, as required by § 226.10(d) (2) of Regulation Z:

- The amount of the loan;
 - The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended; and
 - The amount of the finance charge expressed as an annual percentage rate.
3. Failing, in any consumer credit transaction or advertisement, to make all

disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.8, 226.9 and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said copy of this order from each such person.

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

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

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

The Decision and Order was issued by the Commission October 28, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc. 75-32661 Filed 12-3-75; 8:45 am]

[Docket No. C-2752]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Teac Corporation of America

Subpart—Coercing and intimidating: § 13.358 Distributors. Subpart—Combining or conspiring: § 13.395 To control marketing practices and conditions; § 13.425 To enforce or bring about resale price maintenance; § 13.430 To enhance, maintain or unify prices; § 13.431 To exchange future price information; § 13.450 To limit distribution or dealing to regular, established or acceptable channels or classes; § 13.497 To terminate or threaten to terminate contracts, dealings, franchises, etc. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-45 Maintain records; 13.533-45 (k) Records, in general; 13.533-65 Renegotiation and/or amendment of contracts. Subpart—Cutting off supplies or service: § 13.655 Threatening disciplin-

ary action or otherwise. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 Delaying or withholding corrections, adjustments or action owed; § 13.677 Delaying or failing to deliver goods or provide services or facilities. Subpart—Maintaining resale prices: § 13.1130 Contracts and agreements; § 13.1140 Cutting off supplies; § 13.1155 Price schedules and announcements; § 13.1160 Refusal to sell; § 13.1165 Systems of espionage; 13.1165-80 Requiring information of price cutting; 12.1165-90 Spying on and reporting price cutters, in general.

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

In the Matter of TEAC Corporation of America, a corporation.

Consent order requiring a Montebello, Calif., supplier of high fidelity audio components, among other things to cease fixing resale prices of its products; fair trading its products for five years; suggesting resale prices for two years; withholding earned advertising allowances from, or refusing to sell to, price-cutting dealers; requiring dealers to report price-cutters; and imposing customer restrictions upon dealers.

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

ORDER

It is ordered, That respondent TEAC Corporation of America, a corporation, its successors and assigns, and respondent's employees, agents, representatives, including sales representatives, or other independent contractors, directly or through any corporation, subsidiary, division or other device, in connection with the manufacture, importation, distribution, offering for sale and sale of high fidelity audio components and other products in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Establishing, continuing or enforcing any contracts, agreements, understandings or arrangements with distributors or retail dealers of respondent's products (hereinafter distributors and retail dealers are referred to in this order as "dealers") which have the purpose or effect of fixing, establishing, maintaining, or enforcing the prices at which respondent's products are to be resold.

2. Fixing, establishing, controlling, or maintaining the prices at which dealers may advertise, promote, offer for sale or sell respondent's products.

3. Publishing, disseminating, circulating or providing by any other means, any suggested resale prices: *Provided however*, That subsequent to two (2) years after the date on which this order becomes final, respondent may suggest resale prices if it is clearly and conspicuously stated on each page of any price list, book, tag, advertising or promotional material or other document that the price is suggested.

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

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

4. Requiring any dealer to enter into written or oral agreements or understandings that such dealer will adhere to established or suggested prices for respondent's products as a condition to receiving or retaining its dealership.

5. Refusing to sell or threatening to refuse to sell to any dealer who desires to engage in the sale of respondent's products for the reason that such dealer will not enter into an understanding or agreement with respondent to advertise or sell said products at respondent's established or suggested resale price.

6. Threatening to withhold or withholding earned cooperative advertising credits or allowances from any TEAC dealer because said dealer advertises respondent's products at retail prices other than that which respondent deems appropriate or has approved.

7. Disseminating or circulating any warranty registration form or any other document which requires or requests that the price paid by the ultimate consumer for respondent's products be stated and reported to respondent.

8. Securing or attempting to secure any promises or assurances from dealers or prospective dealers regarding the prices at which such dealers will advertise or sell respondent's products or requesting or requiring any dealer or prospective dealer to obtain approval from respondent for prices offered by said dealers in advertisements for respondent's products.

9. Requiring, soliciting or encouraging any dealer, person or firm either directly or indirectly to report the identity of any dealer, person or firm who does not adhere to any resale price for any of respondent's products, or acting on reports so obtained by refusing or threatening to refuse sales to any dealer, person or firm so reported.

10. Terminating, threatening, intimidating, coercing, delaying shipments, or taking any other action to prevent the sale of respondent's products by a dealer because said dealer has advertised or sold, is advertising or selling, or is suspected of advertising or selling such products at other than prices that respondent may deem to be appropriate or has approved.

11. Establishing, continuing or enforcing, by refusal to sell, termination or threat thereof, delay in shipment or threat thereof, or in any other manner, any contract, agreement, understanding, or arrangement or method of doing business which has the purpose or effect of restricting or limiting in any manner the customers or classes of customers to whom dealers may sell respondent's products.

12. Convening or participating in any meeting for the purpose of undertaking or engaging in any of the acts or practices prohibited by this order.

In connection with the foregoing provisions under Part I of this order: *It is further provided*, That after the expiration of five (5) years from the date of this order becomes final, nothing contained in this Order shall prohibit respondent from lawfully exercising such

rights, if any, as it may have to establish and distribute resale prices for its products under fair trade laws then in effect.

II. *It is further ordered*, That respondent shall: 1. Forthwith upon this order becoming final, mail or deliver, and obtain signed receipts therefor, copies of this order to every present dealer, to every dealer terminated by respondent since January 1, 1972 and to every person or company that within three (3) years becomes a new dealer.

2. Forthwith distribute a copy of this order to each of its operating divisions and subsidiaries and to all officers, sales personnel, sales agents, sales representatives and advertising agencies and secure from each such entity or person a signed statement acknowledging receipt of said Order.

3. Within thirty (30) days from the date on which this Order becomes final, mail or deliver, and obtain a signed receipt therefor, written notice to all of respondent's sales personnel, sales agents, sales representatives, and advertising agencies informing such persons that their violation of any provision of this Order may result in the termination of said employment or business relationship. Respondent shall obtain prior approval from the New York Regional Office of the Federal Trade Commission of said written notification.

4. Forthwith terminate the employment or business relationship with any person or firm willfully violating any provision of this order and take appropriate disciplinary and corrective action, which may include termination, for non-willful violations.

5. Within sixty (60) days from the date on which this order becomes final, mail or deliver, and obtain a signed receipt therefor, a written offer of reinstatement, upon the same terms and conditions available to respondent's other dealers, to any distributor or dealer located in an area where resale prices were not or could not be lawfully controlled who was terminated by respondent from January 1, 1972 to the effective date of this Order, unless respondent can establish that the applicant does not or did not at the time of termination have good credit or that the dealer does not have reasonably adequate facilities for selling respondent's products at retail, and forthwith reinstate any such distributor or dealer who within thirty (30) days thereafter requests, in writing, reinstatement.

III. *It is further ordered*, That respondent: 1. Notify the Commission at least thirty (30) days prior to any proposed change in the respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation the creation of or dissolution of subsidiaries or any other such change in the corporation which may affect compliance obligations arising out of the Order.

2. For a period of three (3) years from the date of this Order becomes final, establish and maintain a file of all records referring or relating to respondent's refusal during such period to sell its

products to any dealer, which file shall contain a record of a communication to each such dealer explaining respondent's refusal to sell, and which file will be made available for Commission inspection on reasonable notice; and, annually, for a period of three (3) years from the date hereof, submit a report to the Commission's New York Regional Office listing the names and addresses of all dealers with whom respondent has refused to deal during the preceding year, a description of the reason for the refusal and the date of the refusal.

IV. *It is further ordered*, That in the event the Commission issues any order which is less restrictive than the provisions of Paragraphs I, II, or III of this Order, in any proceeding involving alleged resale price maintenance of a manufacturer or supplier of audio components subject to investigation by the Commission pursuant to File No. 741 0042, then the Commission shall, upon the application of TEAC Corporation of America, reconsider this Order and may reopen this proceeding in order to make whatever revisions, if any, are necessary to bring the foregoing paragraphs into conformity with the less stringent restrictions imposed upon respondent's competitors.

It is further ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

The Decision and Order was issued by the Commission October 24, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-32662 Filed 12-3-75;8:45 am]

SUBCHAPTER C—REGULATIONS UNDER
SPECIFIC ACTS OF CONGRESS

PART 302—RULES AND REGULATIONS
UNDER FLAMMABLE FABRICS ACT

Children's Sleepwear, Sizes 0-6X and Sizes
7-14; Labeling and Recordkeeping Re-
quirements

Correction

In FR Doc. 75-30922, appearing at page 53233 in the issue for Monday, November 17, 1975, in the middle column on page 53235 immediately following the last line insert the following: "turer. A style may be composed of garments that form all or part of one or more garment production units and the".

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Reg. No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Conditions of Participation; Home Health Agencies—Arrangements for Home Health Services Under Medicare

On June 9, 1975, there was published in the FEDERAL REGISTER (40 FR 24530) a notice of proposed rulemaking which

set forth proposed amendments to Subpart L of Regulations No. 5 of the Social Security Administration, as amended, (20 CFR Part 405).

At present, the regulations require public or nonprofit home health agencies to make arrangements for services not provided directly through agency employees, only with other public or nonprofit agencies and organizations. The amendments permit such arrangements to be made with proprietary agencies and organizations as well.

In order to participate in the health insurance for the aged and disabled program, a home health agency must meet the statutory requirements of section 1861(o) of the Social Security Act and, as further specified by section 1861(o) (6), certain conditions provided by regulation in the interest of health and safety. Since the beginning of the program, a public or nonprofit home health agency has been able to qualify for participation by providing skilled nursing and one other covered therapeutic service (i.e., physical therapy, speech therapy, occupational therapy, medical social services, or home health aide services). The public or nonprofit agency has been required to provide at least one of the above qualifying services directly through agency employees but could arrange with another public or nonprofit agency or organization to provide the second qualifying service and any additional services.

Before Medicare, visiting nurse organizations frequently did not furnish services other than skilled nursing services. In many communities, visiting nurse organizations and official health agencies were (and are now) the only agencies which provided any measure of health services to homebound patients. Therefore, in order to enable these particular visiting nurse organizations and official health agencies to qualify for participation in the Medicare program, the Congress authorized them to provide home health services through arrangements with like health care organizations.

In 1965, when Medicare was enacted, existing home health agencies included visiting nurse associations established in our larger cities, official health agencies of county or municipal governments, and a few large community hospitals which furnished home health services. Agencies operating on a profit basis were not in existence. In anticipation of the establishment of home health agencies for profit, the Congress authorized their participation, subject to limitation specified in the statute, with the understanding expressed in the committee reports that they be self-contained in providing a range of services directly, rather than under the arrangements which were intended to be available through the visiting nurse organizations with like health care organizations.

A major concern in the administration of the home health benefit has been the cost of home health services and this is reflected in the requirements established for home health agencies. The

Medicare program reimburses providers of services, including home health agencies, for the lesser of reasonable cost or customary charges (see section 1814(b) of the Act, 42 U.S.C. 1395f(b)). Because there was no history or experience concerning the cost of home health services, it was determined that the more conservative approach would be to assure that arranged for services should be obtained only from agencies which themselves operate on a nonprofit basis. Thus, the present regulation was consciously drafted to make an explicit distinction between proprietary and nonprofit home health agencies in the conditions of participation.

The Congress has now acted to reduce the basis for concern regarding excessive cost. Under section 251(c) of Pub. L. 92-603, the Social Security Amendments of 1972 (see 1861(v) (5) (A) of the Act—42 U.S.C. 1395x(v) (5) (A)) reimbursement for the reasonable cost of physical therapy and other therapy services, or services of other health-related personnel (other than physicians) furnished by a provider of services (i.e., a hospital, skilled nursing facility, or home health agency), rehabilitation agency, clinic, or public health agency under arrangements with others will be limited to amounts equivalent to the salary and other costs incurred if the services were performed by an employee, plus other costs such as maintaining an office, travel expenses, and similar costs which a therapist not employed might have. With the cost of therapy services under arrangements controlled by statute, we believe public or nonprofit agencies should now be allowed to make arrangements for such services with proprietary agencies or organizations organized for profit. It was made clear that the regulations implementing section 251(c) apply to the services of all health-related personnel other than physicians, including skilled nursing and home health aide services. Costs to the provider of such services could be evaluated and determined for reimbursement purposes under this provision.

In addition, there were other reasons for proposing a modification of the regulations relating to arrangements for services by a home health agency.

The Social Security Administration's Bureau of Health Insurance had been advised that a significant number of home health agencies are unable to employ or appropriately contract with individual therapists or with public or nonprofit agencies or organizations for the purpose of qualifying with skilled nursing and one other useful therapeutic service or to expand existing home health programs. Many therapists are organized as partnerships and corporations, and in most, if not all, instances as organizations for profit. Communities and home health agencies may thus be hard pressed to positively respond to the Social Security Administration's encouragement to respectively develop and expand home health services.

The Social Security Administration also believes that the intent of Congress in including the home health benefit in the health insurance program is to make this benefit most viable and available to as many beneficiaries as is possible, and that in the consideration of program requirements, viability and availability of services is to be given priority where feasible. In consideration of the recent statutory limitation on the cost of therapy services provided under arrangements, the statement in the Congressional committee report regarding establishment of agencies providing a wide range of organized home health services, the Social Security Administration's continued encouragement of the development, expansion, and utilization of services, and its belief that present regulations assure sufficient control of services provided under arrangements, the Social Security Administration proposed revising its regulations to permit a public or nonprofit home health agency to make arrangements for services with public, nonprofit, or proprietary agencies or organizations. However, under such circumstances the home health agency would not be considered merely a billing agency but would be required to assume control and supervision of the services under arrangements as it does with respect to services it provides directly through employees.

Interested parties were given 30 days within which to submit any data, views, or arguments with regard to the proposed amendments.

All except one of the comments reflected agreement with the proposed change. The one adverse comment expressed concern about possible increase in costs. However, we believe costs will be sufficiently controlled by existing regulations.

Accordingly, the amendments as announced under the notice of proposed rulemaking are hereby adopted and set forth below.

(Secs. 1102, 1861(o), and 1871 of the Social Security Act, 49 Stat. 647, as amended, 79 Stat. 320, as amended, and 79 Stat. 331 (42 U.S.C. 1302, 1395x (o), and 1395hh))

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance; No. 13.801, Health Insurance for the Aged—Supplementary Medical Insurance)

Effective date. These amendments shall be effective January 5, 1976.

Dated: September 16, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: November 26, 1975.

DAVID MATHEWS,
Secretary of Health, Education,
and Welfare.

Regulation No. 5 of the Social Security Administration, as amended (20 CFR 405), is further amended as follows:

1. Paragraphs (a) and (h) of § 405.1221 are revised to read:

§ 405.1221 Condition of participation: Organization, services, administration.

(a) *Standard: Services provided.* Part-time or intermittent skilled nursing services and at least one other therapeutic service (physical, speech, or occupational therapy; medical social services; or home health aide services) must be made available on a visiting basis, in a place of residence used as a patient's home. A public or nonprofit home health agency must provide at least one of the qualifying services directly through agency employees, but may provide the second qualifying service and additional services under arrangements with another agency or organization. A proprietary home health agency, however, must provide all services directly, through agency employees.

(h) *Standard: Services under arrangements.* Services (see paragraph (a) of this section) provided under arrangements must be subject to a written contract conforming with the requirements specified in paragraph (f) of this section and with the requirements of section 1861(w) of the Act (42 U.S.C. 1395x(w)).

[FR Doc. 75-32649 Filed 12-3-75; 8:45 am]

Title 22—Foreign Relations

**CHAPTER VI—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY
PART 602—FREEDOM OF INFORMATION POLICY AND PROCEDURES**

Part 602 of Chapter VI, Title 22 of the Code of Federal Regulations is hereby amended by deleting the current Part 602 in its entirety and substituting therefor a new part as shown below.

The purpose of amending Part 602 is to implement the Freedom of Information Act Amendments of 1974 (Pub. L. 93-502, 88 Stat. 1561, 5 U.S.C. 552) by providing new guidance to the general public in requesting information from the U.S. Arms Control and Disarmament Agency (hereinafter referred to as the "Agency" or "ACDA").

Pursuant to the 1974 Amendments to the Freedom of Information Act, the Agency hereby determines that publication of an index providing identifying information on matters described in 5 U.S.C. 552(a) (2) is unnecessary and impractical in view of the extremely small amount of material available at this time. As materials are created and become available they will be incorporated into a current index which will be available to the public free of charge.

Subpart C—Fees, was published as a notice of proposed rulemaking in 40 FR 36381, August 20, 1975. No comments from the public having been received, these sections are now reprinted in final form below with only minor editorial changes:

Part 602 of Chapter VI, Title 22 of the Code of Federal Regulations is hereby amended by deleting the current Part 602 entirely and substituting a new Part 602 as follows:

Subpart A—Basic Policy

- Sec.
602.1 Scope of part.
602.2 Definitions.
602.3 General policy.

Subpart B—Procedure for Requesting Records

- 602.10 Requests for records.
602.11 Requests in person.
602.12 Availability of records at the ACDA Library.
602.13 Copies of records.
602.14 Records of other agencies, governments and international organizations.
602.15 Overseas requests.
602.16 Responses and time limits on requests.
602.17 Time extensions.
602.18 Inability to comply with requests.

Subpart C—Fees

- 602.20 Schedule of fees.
602.21 Waiver of fees.
602.22 Fees for unsuccessful searches.
602.23 GPO and free publications.
602.24 Method of payment.

Subpart D—Denials of Records

- 602.30 Denials.
602.31 Exemptions.

Subpart E—Review of Denials of Records

- 602.40 Procedure for appealing initial determinations to withhold records.
602.41 Decision on appeal.

Subpart F—Annual Report to the Congress

- 602.50 Requirements for annual report.

AUTHORITY: Sec. 1, 81 Stat. 54, as amended by Sec. 1, 88 Stat. 1561 (5 U.S.C. 552); sec. 41, 75 Stat. 635, (22 U.S.C. 2581); and sec. 501, 65 Stat. 290, (31 U.S.C. 483a).

Subpart A—Basic Policy

§ 602.1 Scope of part.

This Part 602 establishes the policies, responsibilities and procedures for release to members of the public of Agency records which are under the jurisdiction of the U.S. Arms Control and Disarmament Agency.

§ 602.2 Definitions.

As used throughout this part, the following terms have the meaning set forth below:

(a) The term "Agency" and the acronym "ACDA" stand for the U.S. Arms Control and Disarmament Agency.

(b) The term "records" includes all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by the Agency in pursuance of Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by the Agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data contained therein. Library or museum material made or acquired

solely for reference or exhibition purposes, are not included within the definition of the term "records."

§ 602.3 General policy.

(a) In accordance with section 2 of the Arms Control and Disarmament Act, as amended (22 U.S.C. 2551), it is the policy of ACDA to carry out as one of its primary functions the dissemination and coordination of public information concerning arms control and disarmament.

(b) In compliance with the Freedom of Information Act, as amended (5 U.S.C. 552), ACDA will make available upon request by members of the public to the fullest practicable extent all Agency records under its jurisdiction, as described in the Act, except to the extent that they may be exempt from disclosure under § 602.31.

Subpart B—Procedure for Requesting Records

§ 602.10 Requests for records.

(a) A written request for records should be addressed to: Freedom of Information Officer, U.S. Arms Control and Disarmament Agency, Department of State Building, Washington, D.C. 20451. To facilitate processing, the letter of request and envelope should be conspicuously marked "FOIA request."

(b) The request should identify the desired record or reasonably describe it. The identification should be as specific as possible so that a record can be found readily. Blanket requests or requests for "the entire file of" or "all matters relating to" a specified subject will not be accepted. The Agency will make any reasonable effort to assist the requester in sharpening his request to eliminate extraneous and unwanted materials and to keep search and copying fees to a minimum. The ten day response time referred to in § 602.16 in this instance will begin when the records requested are identifiable or reasonably described.

(c) If a fee is chargeable under Subpart C of this part for search or duplication costs incurred in connection with a request for an Agency record, the request should include the anticipated fee or should ask for a determination of such fee. Any chargeable fee must be paid in full prior to issuance of requested materials. The method of payment is described in § 602.24. Cash should not be sent by mail.

§ 602.11 Requests in person.

A member of the public may request an Agency record by applying in person between the hours of 9 a.m. and 5 p.m. on weekdays (holidays excluded) at the ACDA Library located in Room 804, 1700 North Lynn Street, Rosslyn, Virginia. Form ACDA-21, Public Information Service Request, is available at the ACDA Library for the convenience of members of the public in requesting Agency records.

§ 602.12 Availability of records at the ACDA Library.

(a) A current index identifying all available records is kept on file at the

ACDA Library. Copies of this index may be obtained free upon request.

(b) In addition, the ACDA Library will maintain or have available, unless authorized to be withheld, certain types of unclassified records, including but not necessarily limited to the following:

(1) A copy of the ACDA Manual and other Agency regulations, including a copy of Title 22 of the Code of Federal Regulations (CFR) and any other title of the CFR in which Agency regulations have been published;

(2) Copies of arms control and disarmament treaties or agreements in force;

(3) Personnel information;

(4) Procurement information;

(5) Research contracts between the Agency and universities or other non-Government organizations;

(6) Reimbursable agreements with other Government agencies.

(c) Copies of records available to the public may be inspected by a requester in the ACDA Library during the business hours stated in § 602.10. Copies of records made available for inspection may not be removed by any requester from the Library.

§ 602.13 Copies of records.

(a) The Agency will provide copies of requested records of the same type and quality which it would provide to personnel of another U.S. Government agency in the course of official business. It will not accept requests for special types of copying processes or for special standards of quality of reproduction.

(b) Copies of records requested will be reproduced as promptly as possible and mailed to the requester. Chargeable fees will be determined according to the schedule set forth in Subpart C of this part. The Freedom of Information (FOI) Officer is authorized to limit the number of copies of each requested record to 10 or less when he finds that there exists an extraordinary demand for the number of available copies or where requirements place excessive demands on the Agency's copying facilities.

§ 602.14 Records of other agencies, governments and international organizations.

(a) Requests for records that have been originated by or are primarily the concern of another U.S. Government department or agency shall be forwarded to the particular department or agency involved, and the requester notified in writing. Proper referral of the request and notification to the requester will constitute completed action on the part of ACDA.

(b) Requests for records that have been furnished to the Agency by foreign governments or by international organizations will not be released unless the organization or government concerned has indicated that the particular information should or may be made public. Where international organizations or foreign governments concerned have not made such a determination the requester will be so advised, and if possible, fur-

nished the address to which the request may be sent.

§ 602.15 Overseas requests.

Pursuant to the general policy outlined in § 602.3, ACDA has made arrangements to provide the U.S. Information Agency (USIA) with material for dissemination abroad. Requests for information or materials originating in an area served by a USIA office, and which is received at Agency headquarters, will be referred to USIA when appropriate for direct response to the requester. The USIA also from time to time disseminates abroad information on official U.S. positions and arms control and disarmament policy for the Agency.

§ 602.16 Responses and time limits on requests.

(a) An initial determination on a request for an Agency record will be made within 10 working days after receipt of the request, and the requester notified immediately.

(b) If it is determined that the requested record (or portions thereof) will be made available, the requested material will be included in the notification or, if that is not feasible, forwarded promptly after the initial determination, provided the fee has been paid in full.

(c) If prior to making an initial determination it is anticipated that the search costs chargeable for a request will amount to more than \$10 or the amount of the payment accompanying the request, whichever is larger, the requester shall be promptly notified of the total amount of the anticipated fee or such portion thereof as can readily be estimated. In these instances an advance deposit in the estimated amount of the search costs may be required. The request for an advance deposit shall extend an offer to the requester to consult with Agency personnel in order to reformulate the request in a manner which will reduce the fee, yet still meet the needs of the requester.

(d) In instances where the Agency has requested an advance deposit, the date of receipt of the deposit will be considered as the request date which begins the period of response by the Agency.

(e) Receipt of a request for Agency records will be determined by the time and date the request is received in the ACDA Library, or, when classified records are requested, in the Office of the Chief, Communications and Information Center (CIC). Time and date of receipt will be recorded on the incoming request by use of an electrical time stamping device.

(f) Where an obvious delay in receipt of a request has occurred, such as in cases where the requester has failed to address the request properly, or where a delay has been caused in the mails, the Agency will dispatch to the requester an acknowledgment of the receipt of his request.

§ 602.17 Time extensions.

(a) In unusual circumstances the time limit for an initial or final determination

may be extended, but not to exceed a total of 10 working days in the aggregate in the processing of any specific request for an Agency record. Distribution of the 10 days between processing an initial and processing a final determination will be made by the FOI Officer.

(b) Unusual circumstances means, but only to the extent reasonably necessary to the proper processing of the particular case:

(1) The need to search for and collect the requested records from other establishments that are physically separate from ACDA headquarters;

(2) The need to search for, collect and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request.

(c) In exceptional circumstances, if it would be impossible to complete a search for or review of Agency records within the 10 working day period for an initial determination, the FOI Officer may seek an extension of time from the requester. If such an extension of time can be agreed upon, that fact will be clearly documented and the initial determination made within the extended time period; if not, an initial determination that the record cannot be identified or located, or reviewed, within the 10 working day time limit shall be made under § 602.16.

§ 602.18 Inability to comply with requests.

When a request cannot be fulfilled, the requester will be so informed with reasons, and any fees returned after deduction of applicable search costs. Such reasons may include, but are not limited to the following:

(a) Insufficient or vague identifying information which makes identification or location of the record impossible;

(b) No such record in existence;

(c) Record available for purchase from the Government Printing Office or elsewhere;

(d) Records destroyed pursuant to the Records Disposal Act.

Subpart C—Fees

§ 602.20 Schedule of fees.

(a) The following fees shall be applicable throughout the Agency with respect to service rendered to members of the public under this part:

(1) *Records Search.* By clerical personnel: First one-quarter hour free, each subsequent quarter hour or fraction thereof \$1.50. By professional or supervisory personnel: fee to be established in each case.

(2) *Copying Service.* \$0.10 per page.

(3) *Certification.* Certification of each record as a true copy, \$1.00.

(4) *Printed Research Reports.* Printed research reports which are not published by the Government Printing Office are

available in limited supply. The following schedule of fees for such reports will remain in effect until the supply of copies in stock is exhausted; thereafter reports will be copied at the expense of the requester in accordance with the fee schedule established for copying service.

- (i) \$1.00 per copy of each report of 50 pages or less.
- (ii) \$2.00 per copy of each report of 50 through 100 pages.
- (iii) \$4.00 per copy of each report of 101 through 300 pages.
- (iv) \$6.00 per copy of each report over 300 pages.

(b) When no specific fee has been established for a service or the request for a service does not fall under one of the above categories due to the amount or type thereof, the Chief, Communications and Information Center (CIC), is authorized to establish an appropriate fee based on "direct costs" as provided in the Freedom of Information Act and in accordance with Office of Management and Budget Circular No. A-25, "User Charges." An example of a service covered by this provision is a search involving computer time. Requesters will be provided with cost estimates in these instances.

§ 602.21 Waiver of fees.

The Chief, CIC, may waive or authorize the ACDA Librarian to waive all or part of any fee provided for in this subpart when he determines that waiver or reduction of the fee is either in the Agency's interest or in the public interest because furnishing the information can be considered as primarily benefiting the general public.

§ 602.22 Fees for unsuccessful searches.

Unless waived, search costs are due and payable even if the record which was requested cannot be located after all reasonable efforts have been made, or if the Agency determines that a record which has been requested, but which is exempt from disclosure under Agency regulations, is to be withheld.

§ 602.23 GPO and free publications.

(a) The index of records available in the Agency's Library will list the sales offices of records published by the Government Printing Office (GPO). The Agency will refer each requester to the appropriate sales office and refund any fee payments accompanying the request. Published records out of print at the GPO may be copied by the Agency for the requester at his expense in accordance with the fee schedule established for copying service. In some instances the Agency may have extra copies of out of print GPO records. These extra copies will be provided to requesters at the printed GPO price.

(b) The Agency makes some publications or records available to the public without charge. These regulations neither change that practice nor require payment of a fee by a requester unless the original stock has been exhausted and copying services are necessary to satisfy a request.

§ 602.24 Method of payment.

(a) Payment may be in the form of cash, a personal check or bank draft drawn on a bank in the United States, or a postal money order. Remittances shall be made payable to the Treasury of the United States and mailed or delivered to the Freedom of Information Officer, U.S. Arms Control and Disarmament Agency, Department of State Building, Washington, D.C. 20451.

(b) A receipt for fees paid will be given upon request.

Subpart D—Denial of Records

§ 602.30 Denials.

(a) Requests for inspection or copies of records may be denied where the information or record may be exempt from disclosure for reasons stated in § 602.31.

(b) Denials shall be in writing, shall set forth the reasons therefor, shall be signed by the name and title of the FOI Officer or person acting in his behalf and shall include an explanation of the requester's right to ask for an appeal, including the address to which an appeal may be directed.

§ 602.31 Exemptions.

The requirements of this part to make Agency records available do not apply to matters that are:

(a) Specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order;

(b) Related solely to the internal personnel rules and practices of the Agency;

(c) Specifically exempted from disclosure by statute;

(d) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(e) Interagency or intra-agency memorandums or letters which would not be available by law to a private party in litigation with the Agency;

(f) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(g) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (1) interfere with enforcement proceedings; (2) deprive a person of a right to a fair trial or an impartial adjudication; (3) constitute an unwarranted invasion of personal privacy; (4) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source; (5) disclose investigative techniques and procedures; or (6) endanger the life or physical safety of law enforcement personnel;

(h) Contained in or related to examination, operating or condition reports prepared by, on behalf of, or for the use

of an agency responsible for the regulation or supervision of financial institutions; or

(i) Geological and geophysical information and data, including maps, concerning wells.

Subpart E—Review of Denials of Records

§ 602.40 Procedure for appealing initial determinations to withhold records.

(a) A member of the public who has requested an Agency record in accordance with Subpart B of this part and who has received an initial determination which does not comply fully with the request, may appeal such a determination.

(b) The appeal shall:

(1) Be in writing;

(2) Be initiated within 30 working days of the initial determination denying the request;

(3) Be sent by certified mail;

(4) Include a copy of the initial written request, a copy of the letter of denial, and the requester's reasons for appealing the denial; and

(5) Be addressed to the Executive Officer, U.S. Arms Control and Disarmament Agency, Department of State Building, Washington, D.C. 20451.

(c) The 30 day period for appealing a denial begins on the date of receipt of the denial by the requester in cases of denial of the entire request and from date of receipt of any records being made available in case of partial denial. The 30 day limitation may be waived, in the discretion of the Executive Officer, for good cause shown. The Agency will consider any request closed if, within 30 working days after a complete or partial denial, the requester fails to respond in writing, outlining his appeal.

§ 602.41 Decision on appeal.

(a) Except as provided in paragraph (b) of this section, review and final determination on an appeal shall be made by the Executive Officer of ACDA.

(b) When an initial determination to withhold access to a record is predicated on exemption in paragraph (a) listed in § 602.31 (i.e., continued classification of the record under an executive order), review of an appeal shall be made by the ACDA Classification Review Committee (hereinafter referred to as the "Committee"). The Committee shall make a written record of the reasons for its decision and the views of each member. The final determination on the appeal shall be in writing from the Chairman of the Committee to the requester, shall briefly state the reasons for the determination, and shall be promptly communicated to the requester. Copies of the Committee's records shall be made available to all Committee members and to the FOI Officer.

(c) Review of an appeal shall be made on the submitted record. No personal appearance, oral argument, or hearing shall be permitted.

(d) The final determination on an appeal from a denial shall be made, by either the Executive Officer or the Com-

mittee as appropriate, within 20 working days of receipt of the appeal by the Agency. In unusual circumstances, and upon notification to the requester, a ten day extension of the time period may be authorized but only to the extent that such extension does not extend beyond 10 working days any time extension used under the initial review of the request.

(e) If the final determination is affirmative, the requester will be notified immediately and the requested material will be forwarded promptly in accordance with the procedure described in § 602.16 for notifications of initial determinations.

(f) If the final determination is to withhold a record in whole or in part, the requester will be notified immediately of the determination, the reasons therefore, and his right to judicial review.

(g) All decisions shall be indexed and available for inspection and copying in the same manner as other Agency final orders and opinions, if any, under 5 U.S.C. 552(a)(2).

Subpart F—Annual Report to the Congress § 602.50 Requirements for annual report.

(a) On or before March 1 of each calendar year, ACDA shall submit a report covering the preceding calendar year to the Speaker of the House of Representatives and President of the Senate for referral to the appropriate committees of the Congress. The report shall include the following information:

(1) The number of determinations made by ACDA not to comply with requests for records made to the Agency under this part and the reasons for each such determination;

(2) The number of appeals made by persons under Subpart E of this part, the result of such appeals, and the reason for the action upon each appeal that results in a denial of information;

(3) The names and titles or positions of each person responsible for the denial of records requested under this part, and the number of instances of participation for each;

(4) The results of each proceeding conducted pursuant to 5 U.S.C. 552(a)(4) (F), including a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken;

(5) A copy of this Part 602 and any other rule or regulation made by ACDA regarding 5 U.S.C. 552;

(6) A copy of the fee schedule and the total amount of fees collected by ACDA for making records available under this part; and

(7) Such other information as indicates efforts to administer fully this part.

(b) The FOI Officer shall be responsible for preparing the report for review and submission to the Congress by the Executive Officer of ACDA.

Dated: November 28, 1975.

FRED C. IKLE,
Director.

[FR Doc. 75-32710 Filed 12-3-75; 8:45 am]

Title 42—Public Health

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

PART 57—GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES (IN- CLUDING MENTAL RETARDATION RE- SEARCH FACILITIES), TEACHING FA- CILITIES, STUDENT LOANS, EDUCA- TIONAL IMPROVEMENT AND SCHOLAR- SHIPS

Subpart X—Financial Distress Grants to Schools of Nursing

In the FEDERAL REGISTER of April 3, 1975 (40 FR 14932), the Assistant Secretary for Health, with the approval of the Secretary of Health, Education, and Welfare, proposed to amend Part 57 by adding a new Subpart X to implement former section 805(b) of the Public Health Service Act (42 U.S.C. 296d(b)) authorizing the Secretary to award grants to assist public or nonprofit private schools of nursing which are in serious financial straits to meet operational costs required to maintain quality educational programs or which have special need for financial assistance to meet accreditation requirements.

Subsequent to publication of the notice of proposed rulemaking, Congress enacted the Nurse Training Act of 1975 (Pub. L. 94-63, title IX) which, effective July 1, 1975, repeals section 805 of the Public Health Service Act and adds a new section 815 continuing the authority of former section 805(b). In substance the new section 815 extends the same program of financial distress grants to schools of nursing which was formerly authorized by section 805(b). New section 815(b)(1) provides that the Secretary may not approve or disapprove an application for a grant except after consultation with the National Advisory Council on Nurse Training. Such consultation was formerly required under section 807 of the Public Health Service Act, and is provided for in § 57.2306(a) of the proposed regulations.

Since the financial distress program authorized by the new section 815 is substantively the same as that which was previously authorized under section 805 (b), the Department will adopt the proposed regulations with several minor changes to conform with the Nurse Training Act of 1975, as set forth below. Throughout the regulations, references to the statutory authority for financial distress grants have been changed from the former section 805(b) of the Public Health Service Act to the new section 815. In addition, references to other sections of title VIII of the Public Health Service Act have been revised to conform with the redesignation of such sections under the Nurse Training Act of 1975. (For example, sections 841 and 843 of the Public Health Service Act, which are referred to in § 57.2302 of the proposed regulations, are redesignated as sections 851 and 853, respectively.)

The notice of proposed rulemaking which was published on April 3, 1975, offered interested persons the opportunity to participate in the rulemaking through

submission of comments on or before May 5, 1975.

The only comment received concerned the eligibility of church-affiliated schools of nursing for financial distress grants and the related question of discrimination on the basis of religion in the admission of students to such schools. The writer expressed the view that grants to such schools would be in violation of the establishment of religion clause of the First Amendment to the Constitution. The Department recognizes the complexity of the issue of aid to church-affiliated educational institutions. This issue is currently before the Supreme Court in the form of a challenge to a State's program of general institutional support to all schools of higher education: "Roemer v. Board of Public Works of the State of Maryland" (Supreme Court No. 74-730). In light of the pendency of this issue and the lack of any statutory indication that church-affiliated institutions should be excluded from the financial distress grants program, which provides funds solely for the purposes of meeting operating costs of the nursing education programs of nursing schools or to assist such schools in meeting their accreditation requirements, it would be premature for the Department to prohibit such eligibility as a matter of law at this time.

The Department, however, has decided to make explicit in the regulations the existing constitutional prohibition against Federal assistance for sectarian instruction or other religious activities. In accordance with the Supreme Court's decision in "Tilton v. Richardson", 403 U.S. 672 (1970), concerning restrictions on the use of funds for sectarian activities, § 57.2308 of the proposed regulations has been revised to prohibit recipients of financial distress grant funds from using such funds for religious purposes.

With respect to the issue of discrimination on the basis of religion in the admission of students to church-affiliated schools, the Department considers such discriminatory practices to be contrary to the nurse training objectives of the financial distress grant program. The purpose of the program is to aid nursing schools which are in serious financial difficulty in order that they may continue to train nurses and thereby increase the supply and improve the distribution of nurses in the United States. Any nursing school which denies admission to qualified applicants for reasons unrelated to their qualification for the training involved, such as religion or creed, is less effective in meeting the nurse training needs of the Nation in that it arbitrarily excludes an element of the population which otherwise would be available to provide needed nursing services. Moreover, the capacity of such a school will not be utilized to the extent it would be were its students freely selected from among those persons best qualified to pursue its training program. For these reasons, a provision has been added to § 57.2309 of the proposed regulations, "Nondiscrimination," prohibiting grantees from discriminating on the basis of religion in the admission of individuals to their training programs.

Section 57.2309 of the proposed regulations, "Nondiscrimination," has also been revised to include a provision calling attention to the requirements of section 504 of the Rehabilitation Act of 1973, as amended, relating to nondiscrimination of the handicapped. Finally, several minor editorial or technical changes have been made in the regulations as proposed. Accordingly, a new Subpart X is added to 42 CFR Part 57 and is adopted as set forth below.

Effective date. These regulations are effective December 4, 1975.

Dated: October 23, 1975.

R. MOURE,
Acting Assistant Secretary
for Health.

Approved: November 21, 1975.

MARJORIE LYNCH,
Acting Secretary.

Subpart X—Financial Distress Grants to Schools of Nursing

- Sec.
57.2301 Applicability.
57.2302 Definitions.
57.2303 Eligibility.
57.2304 Application.
57.2305 Assurances required.
57.2306 Grant awards.
57.2307 Grant payments.
57.2308 Expenditure of grant funds.
57.2309 Nondiscrimination.
57.2310 Grantee accountability.
57.2311 Publications and copyright.
57.2312 Inspection and audit.
57.2313 Applicability of 45 CFR Part 74.
57.2314 Additional conditions.

AUTHORITY: Sec. 215, 58 Stat. 690, as amended (42 U.S.C. 216); sec. 815, 89 Stat. 358 (42 U.S.C. 296j).

§ 57.2301 Applicability.

The regulations of this subpart are applicable to the award of grants pursuant to section 815 of the Public Health Service Act (42 U.S.C. 296j) to assist public or nonprofit private schools of nursing which are in serious financial straits to meet operational costs required to maintain quality educational programs or which have a special need for financial assistance to meet accreditation requirements.

§ 57.2302 Definitions.

All terms not defined herein shall have the same meaning as given them under Title VIII of the Act. As used in this subpart:

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

(b) (1) "Construction" means the construction and equipping of new buildings and the acquisition and expansion of existing buildings (including related costs, such as architects' fees, acquisition of land, offsite improvements, and the initial equipping of such buildings), and (2) the remodeling, alteration and repair of existing buildings.

(c) "Council" means the National Advisory Council on Nurse Training (established by section 851 of the Act).

(d) "Fiscal year" means the Federal fiscal year as defined in 31 U.S.C. 1020(a).

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

(f) "School" or "school of nursing" means a school of nursing as defined in section 853(b) of the Act and which is accredited as provided in section 853(f) of the Act.

(g) "State" means any one of the several States of the United States, the Commonwealth of Puerto Rico, the District of Columbia, the Canal Zone, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

§ 57.2303 Eligibility.

To be eligible for a grant under this subpart the applicant shall:

(a) (1) Be a school as defined in § 57.2302(f)(1) with operating income insufficient to meet operational costs required to maintain quality educational programs or (2) with special need for financial assistance to meet accreditation requirements of a nonrecurring nature. For purposes of this paragraph, a school will be considered to have such "special need" for financial assistance where the requirements necessary in order to have the program of education in professional nursing of such school accredited by a recognized body or bodies, or by a State agency, approved for such purpose by the Commissioner of Education cannot be met within the school's operating income.

(b) Be located in a State as defined in § 57.2302(g).

§ 57.2304 Application.

(a) Each eligible school desiring a grant under this subpart shall submit an application in such form and at such time as the Secretary may require.

(b) Such application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including the regulations of this subpart.

(c) The application shall contain a full and adequate description of the purpose for which the application is made, the manner in which the applicant intends to utilize funds awarded in accordance with this subpart, the proposed plan to eliminate the need for support under this subpart, and such other pertinent information as the Secretary may require.

§ 57.2305 Assurances required.

(a) Pursuant to section 815(b)(2) of the Act, the applicant shall submit an assurance satisfactory to the Secretary that

¹ Applications and instructions may be obtained from the Division of Nursing, Bureau of Health Manpower, Health Resources Administration, Department of Health, Education, and Welfare, 9000 Rockville Pike, Bethesda, Maryland 20014.

the applicant will expend in carrying out its functions as a school of nursing during the fiscal year for which the grant is sought, an amount of non-Federal funds (excluding costs of construction as defined in § 57.2302(b) at least as great as the average amount of non-Federal funds (excluding expenditures of a non-recurring nature, including costs of construction as defined in § 57.2302(b) expended for this purpose during the 3 fiscal years immediately preceding such fiscal year. The determination of the average amount of non-Federal funds expended by a new school during such 3-year period shall be the average for such of the preceding years as expenditures were actually made in carrying out the functions of the school: *Provided*, That the Secretary may, after consultation with the Council, waive the above requirements with respect to any school if he determines that the application of such requirement to such school would be inconsistent with the purposes of section 815 of the Act.

(b) The Secretary may in individual cases require additional assurances where he finds that such additional assurances are necessary to carry out the purposes of section 815 of the Act.

§ 57.2306 Grant awards.

(a) Within the limits of funds available for such purpose, the Secretary, after consultation with the Council, may award grants to those applicants whose support will best promote the purposes of section 815 of the Act, taking into consideration among other pertinent factors:

(1) The extent of the applicant's financial need to meet its costs of operation to maintain quality educational programs or to meet accreditation requirements;

(2) The actions which the applicant has taken or proposes to take to ameliorate the problem;

(3) The alternatives available to the applicant to meet its need for financial assistance; and

(4) The merit of the applicant's proposed plan to eliminate the long-range need for support under this program.

(b) The amount of any award under this subpart shall be determined by the Secretary on the basis of his estimate of the sum necessary to carry out the purposes of the applicant's approved plan.

(c) All grant awards shall be in writing and shall set forth the amount of funds granted and the period for which such funds will be available for obligation by the grantee, generally a 12-month period.

(d) Neither the approval of any application nor the award of any grant shall commit or obligate the United States in any way to make any additional, supplemental, or other award with respect to any approved plan or portion thereof.

§ 57.2307 Grant payments.

The Secretary shall from time to time make payments to a grantee of all or a

portion of any grant award, either in advance or by way of reimbursement for expenses incurred or to be incurred to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved project.

§ 57.2308 Expenditure of grant funds.

(a) Grant funds awarded to schools for the purpose of meeting costs of operation to maintain quality educational programs may be expended in accordance with the applicable provisions of the Act, the regulations of this subpart, and the terms and conditions of the award to meet any operating costs of the school during the period for which the grant is made, including the liquidation of obligations incurred either by the grantee or parent institution prior to the date of the grant award to the extent such obligations were incurred for costs properly considered operating costs of the school: *Provided*, That such funds shall not be expended for (1) construction as defined in § 57.2302(b) (except that grant funds may be used for alteration and renovation); (2) student aid; or (3) depreciation, amortization or use charges: *And, provided, further*, That such funds shall not be expended for sectarian instruction or for any religious purpose. Such funds will be available for a fixed period set forth on the grant award statement based upon the Secretary's estimate of the time necessary to permit the school to utilize the grant funds to meet such operating costs.

(b) Grant funds awarded to schools for the purpose of meeting accreditation requirements shall be expended solely for carrying out the school's approved plan in accordance with the applicable provisions of the Act, the regulations of this subpart, the terms and conditions of the award and the applicable cost principles prescribed by Subpart Q of 45 CFR Part 74: *Provided*, That grant funds may only be used to pay direct costs: *And, provided, further*, That such funds shall not be expended for sectarian instruction or for any religious purpose. Such funds will be available for obligation through the end of the fiscal year following the fiscal year in which the grant is sought.

§ 57.2309 Nondiscrimination.

(a) Attention is called to the requirements of section 855 of the Act and to 45 CFR Part 83 which together provide that the Secretary may not make a grant, loan guarantee, or interest subsidy payment under Title VIII of the Act to, or for the benefit of any entity unless the application for the grant, loan guarantee, or interest subsidy payment contains assurances satisfactory to the Secretary that the entity will not discriminate on the basis of sex in the admission of individuals to its training programs.

(b) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 and in particular to section 601 of such Act which provides that no person in the United States shall, on the grounds of race, color, or national

origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such Title VI, which is applicable to grants made under this subpart, has been issued by the Secretary with the approval of the President (45 CFR Part 80).

(c) Attention is called to the requirements of Title IX of the Education Amendments of 1972 and in particular to section 901 of such Act which provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. A regulation implementing such Title IX, which is applicable to grants made under this subpart, has been issued by the Secretary with the approval of the President (45 CFR Part 86).

(d) Attention is called to the requirements of section 504 of the Rehabilitation Act of 1973, as amended, which provides that no otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

(e) The Secretary may not make a grant under this subpart to an entity unless the application for such grant contains assurances satisfactory to the Secretary that the entity will not discriminate on the basis of religion in the admission of individuals to its training programs.

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

§ 57.2310 Grantee accountability.

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

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

(1) Patent royalties, whether received during or after the grant period, shall

be governed by agreements between the Assistant Secretary for Health, Department of Health, Education, and Welfare, and the grantee, pursuant to the Department's patent regulations (45 CFR Parts 6 and 8).

(2) Copyright royalties, whether received during or after the grant period, shall first be used to reduce the Federal share of the grant to cover the costs of publishing or producing the materials, and any royalties in excess of the costs of publishing or producing the materials shall be distributed in accordance with Chapter 1-420, Department of Health, Education, and Welfare Grants Administration Manual.²

(c) *Grant Closeout.*—(1) *Date of final accounting.* A grantee shall render, with respect to each approved project, a full account, as provided herein, as of the date of the termination of grant support. The Secretary may require other special and periodic accounting.

(2) *Final settlement.* There shall be payable to the Federal Government as final settlement with respect to each grant the total sum of (i) any amount not accounted for pursuant to paragraphs (a) and (b) of this section and (ii) any other amounts due pursuant to Subparts F, M, and O of 45 CFR Part 74. Such total sum shall constitute a debt owed by the grantee to the Federal Government and shall be recovered from the grantee or its successors or assigns by set off or other action as provided by law.

§ 57.2311 Publications and copyright.

Except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films, or similar materials developed or resulting from a grant under this subpart, subject to a royalty-free, nonexclusive, and irrevocable license or right in the Government to reproduce, translate, publish, use, disseminate and dispose of such materials, and to authorize others to do so.

§ 57.2312 Inspection and audit.

Any application for a grant under this subpart shall constitute the consent of the applicant to inspections of the facilities, equipment and other resources of the applicant at reasonable times by the Secretary and the Comptroller General of the United States or any of their duly authorized representatives. In addition, the acceptance of a grant award under this subpart shall constitute the consent of the grantee to inspections and fiscal audits by such persons of the supported activity and of progress and fiscal records relating to the use of grant funds.

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

§ 57.2313 Applicability of 45 CFR Part 74.

The relevant provisions of the following subparts of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants awarded pursuant to this subpart:

Subpart

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

§ 57.2314 Additional conditions.

The Secretary may with respect to any grant impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved activity, the interests of the public health or the conservation of grant funds, including where applicable that the school agree (a) to disclose any financial information or data deemed by the Secretary to be necessary to determine the sources or causes of that school's financial distress, (b) to conduct a comprehensive cost analysis study in cooperation with the Secretary, and (c) to carry out appropriate operational and financial reforms on the basis of information obtained in the course of a comprehensive cost analysis study or on the basis of other relevant information.

[FR Doc. 75-32401 Filed 12-3-75; 8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5550; A-061629, AA-8353]

ALASKA

Partial Revocation of Executive Order No. 8278; Withdrawal of Lands for Native Selection; Transfer of Lands from Department of the Navy to the Coast Guard; Partial Revocation of Public Land Order No. 5187; Amendment of Public Land Order No. 5184

By virtue of the authority vested in the President and pursuant to sections 11(b)(3) and 17(d)(1) of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 696 (hereafter referred to as the Act), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Executive Order No. 8278 of October 28, 1939, as amended, which withdrew lands for the Department of the Navy for naval purposes, is hereby revoked so far as it affects the following described lands:

Starting from Corner No. 5, U.S. Survey 2539 go east, 8,440 feet to a point on the 5-6 line of said survey, thence N. 47°09' E., 4,500 feet to Corner No. 1, which is the point of beginning; thence N. 42°51' W., 7,636 feet to Corner No. 2; N. 47°09' E., 3,925 feet to Corner No. 3; S. 42°51' E., 7,636 feet to Corner No. 4; S. 47°09' W., 3,925 feet to the point of beginning. Containing approximately 688.05 acres.

2. The lands described in paragraph 1 are hereby withdrawn pursuant to section 11(b)(3) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688), for selection by the Koniag Regional Corporation and appropriate village corporations within that Region.

3. Executive Order No. 8278 of October 28, 1939, as amended, which withdrew lands for use of the Department of the Navy for naval purposes is hereby revoked so far as it affects the following described lands, for the reason that said lands were on May 21, 1975, transferred pursuant to section 2571a, Title 10, U.S.C. (1970), to the Coast Guard, Department of Transportation for defense purposes and said lands are hereby reserved to the Coast Guard for such purposes:

All public land and water within the former Kodiak Naval Station and Kodiak Naval Communication Station more particularly described as:

KODIAK ISLAND

All land and water withdrawn by E.O. No. 8278 of October 28, 1939, as amended by PLO No. 1182 of July 1, 1955, and PLO No. 4119 of December 13, 1966, excepting those lands described in paragraph 1.

Containing approximately 29,182 acres.

4. Public Land Order No. 5187 of March 15, 1972, which withdrew lands in military reservations for the protection of the public interest under section 17 (d)(1) of the Act is hereby revoked so far as it relates to the lands described in paragraph 1 of this order.

5. Public Land Order No. 5184 of March 9, 1972, which withdrew certain lands for classification and reclassification under section 17(d)(1) of the Act is hereby amended to include the lands described in paragraph 1 of this order.

6. Prior to any conveyance of the lands described in paragraph 1, the lands shall be subject to administration by the Secretary of the Interior under the applicable laws and regulations, and his authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by this order. Applications for leases under the Mineral Leasing Act, as amended, 30 U.S.C. 181-287 (1970), will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

JACK O. HORTON,
Assistant Secretary of the Interior.

DECEMBER 1, 1975.

[FR Doc. 75-32700 Filed 12-3-75; 8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-14; Notice 4]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Occupant Crash Protection; Correction

In FR Doc. 75-21282, appearing at page 33977 in the issue of Wednesday, August 13, 1975, a conforming amendment of the date "August 15, 1975" as it appears in S6.2 and S6.3 of the standard was inadvertently omitted, although this change to these underlying sections is necessary to fully extend the effectiveness of S4.1.2.3 of the standard as intended.

Accordingly, the date "August 15, 1975", appearing in sections S6.2 and S6.3 of Standard No. 208, *Occupant Crash Protection*, is changed to "August 31, 1976".

(Sec. 103, 119 Pub. L. 80-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.51)

Issued on November 28, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc. 75-32732 Filed 12-3-75; 8:45 am]

[Docket No. 3-3; Notice 11]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Flammability of Interior Materials

This notice establishes a new section, S3A. *Definitions*, in Motor Vehicle Safety Standard No. 302, 49 CFR 571.302.

On September 16, 1975, the NHTSA published in the Federal Register its response to a petition for reconsideration of Motor Vehicle Safety Standard No. 302, *Flammability of interior materials* (40 FR 42746). The rule established a definition of the term "occupant compartment air space" that was supposed to be added to "S3A. *Definitions*." The wording of the amendment was faulty, however, since the *Definitions* section had not yet been established in Standard No. 302. This notice corrects the error by adding that section to the standard.

Petitions have been received from General Motors Corporation, Motor Vehicle Manufacturers Association, American Motors Corporation, and Ford Motor Company requesting that the definition of "occupant compartment air space" in Notice 9 be revoked. These petitions will be addressed in a separate notice. The purpose of this notice is only to promulgate the section heading which was omitted in error from Notice 9.

In light of the above, in place of the amendment numbered 1. in Docket 3-3, Notice 9 (40 FR 42746, September 16, 1975), Motor Vehicle Safety Standard No. 302 is amended by adding a new S3A. *Definitions*, reading as follows:

S3A. Definitions.

"Occupant compartment air space" means the space within the occupant compartment that normally contains refreshable air.

Effective date: December 4, 1975. Because this amendment is of an interpretative nature and makes no substantive change in the rule, it is found for good cause shown that an immediate effective date is in the public interest.

(Sec. 103, 119 Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.51)

Issued on November 28, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc. 75-32733 Filed 12-3-75; 8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Ex parte No. 54]

PART 1010—COMPETITIVE BIDS

Bids of Carriers Subject to the Clayton Antitrust Act

DECEMBER 1, 1975.

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 20th day of November, 1975.

It appearing, That by order of the Commission, dated October 6, 1919, as amended October 4, 1920, this proceeding was instituted for the purpose of establishing the rules and regulations pertaining to competitive bidding for the securities, supplies, other articles of commerce, and certain contracts, as directed by section 10 of the Clayton Antitrust Act (38 Stat. 734, 15 U.S.C. 20), which regulations are presently found in 49 CFR 1010.1 to 1010.7;

It further appearing, That, by petition filed August 29, 1975, Southern Railway Company, of Washington, D.C., and Union Pacific Railroad Company, of Salt Lake City, Utah, both class I railroads subject to Part I of the Interstate Commerce Act, request that the regulations found at 49 CFR 1010.1(b) and 1010.2(a) be amended; that at present the regulations read, as pertinent herein, as follows:

Section 1010.1(b)

* * * Such published notices shall describe in general but intelligible terms the proposed contract, giving its serial number, and the special matter or things for which bids are requested, and the date on or before which the bids must be submitted * * *

Section 1010.2(a)

Every bid to receive consideration shall be submitted at the place specified in the notice on or before noon of the day on which the bids shall be opened after noon and before 6 o'clock, on the day and at the place and by the person or persons designated in the notice * * *;

that the petition seeks to amend the regulations to read as follows:

Section 1010.1(b)

* * * Such published notices shall describe in general but intelligible terms the proposed contract, giving its serial number, and the special matter or things for which bids are requested, and the date and time at or before which the bids must be submitted, and the person by whom * * * (modification underscored)

Section 1010.2(a)

Every bid to receive consideration shall be submitted at the place and at or before the hour specified in the notice for the receipt of bids. The time specified may be any hour from 10:00 a.m. until 3:00 p.m. of any business day, and the bids shall be opened after the specified hour and before six o'clock on the day and at the place and by the person or persons designated in the notice * * * (modifications in *italics*);

and, that the reason for the proposed modifications is that at the present time the winning bidder is unable to confirm its own sales of the securities, etc., resulting in unnecessary risks which will be alleviated by the proposed modification;

It further appearing, That statements in support of the modifications of the regulations were submitted by spokesmen for Salomon Brothers; Merrill Lynch, Pierce, Fenner & Smith Incorporated; Halsey, Stuart & Co., Inc.; Burlington Northern Inc.; The Chesapeake and Ohio Railway Company, The Baltimore and Ohio Railroad Company and Western Maryland Railway Company jointly; Norfolk and Western Railway Company; Seaboard Coast Line Railroad Company; and The Atchison, Topeka and Santa Fe Railway Company; and that all the supporting statements maintain that the procedural modifications requested in the petition are reasonable and will improve the procedure for competitive bidding;

It further appearing, That, as presently set forth in the above regulations, the procedure and notice requirements may be, under certain circumstances, cumbersome and result in unnecessary risks to the winning bidders; that the modifications of the regulations would eliminate such difficulties; and that under these circumstances and for other good cause, the regulations should be modified as shown below; and

It further appearing, That such modifications constitute procedural rule changes within the exception to section 553 of the Administrative Procedure Act; and that notice and hearing of the proposed modifications are therefore not required.

It is ordered, That for the aforesaid reasons, the regulations found at 49 CFR 1010.1(b) and 1010.2(a), as modified and set forth below, be, and they are hereby, adopted;

It is further ordered, That this order shall become effective on the date of service;

It is further ordered, That except as herein modified, the report and order of October 6, 1919, in this proceeding, as amended by order of October 4, 1920, and as modified and supplemented, shall remain in full force and effect; and

It is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL]

ROBERT L. OSWALD,
Secretary.

NOTE: This decision is not a major Federal action having a significant impact on the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

§ 1010.1 Specifications, form of proposal and contract; publication of request of bids; variation from the generally applicable procedure.

(b) The carrier shall publish in each case a request for bids in at least two daily newspapers of general circulation, at least two publications in each week for 2 weeks, the first publication to be at least 2 weeks immediately preceding the day when the bids are to be submitted; one such newspaper shall be published or shall be of general circulation in the city or town where the principal operating office of the carrier is located and the other newspaper shall be published in one other of the following cities nearest to the operating or financial office of the carrier or the place where the contract is to be performed, namely: New York, N.Y., Boston, Mass., Chicago, Ill., St. Louis, Mo., Atlanta, Ga., San Francisco, Calif., and Portland, Oreg.; and a printed copy of the published notice in each case shall be posted in plain view, for 2 weeks immediately preceding the day on which bids are to be received, on a bulletin board, designated for that purpose, in a public and conspicuous place in the building where the principal operating office of the carrier is located.

(1) Such published notices shall describe in general but intelligible terms the proposed contract, giving its serial number, and the special matter or things for which bids are requested, and the date and time at or before which the bids must be submitted, and the person by whom the office at which the bids submitted will be received and opened as provided in this part. The carrier may in said notice reserve the right to reject, any and all bids and may, at its option, require each bidder to tender a bond in a reasonable sum to be therein named, with sufficient surety or sureties conditioned upon the faithful and prompt performance of the terms of the contract.

§ 1010.2 Opening of bids; bonds; forms and contents of bids.

(a) Every bid to receive consideration shall be submitted at the place and at or before the hour specified in the notice for the receipt of bids. The time specified may be any hour from 10:00 a.m. until 3:00 p.m. of any business day, and the bids shall be opened after the specified hour and before six o'clock on the day and at the place and by the person or persons designated in the notice. Each bidder may attend in person or by duly authorized representative at the opening of the bids, and shall be afforded an opportunity to do so and to examine each bid. The bids shall forthwith be tabulated in conformity with the form of proposal prepared

and a copy of such tabulation shall be promptly furnished to any bidder or his authorized representative upon application therefor.

Consideration by the Interstate Commerce Commission of a petition to modify the notice requirements embodied in 49 CFR 1010.1(b) and 1010.2(a) pertaining to the request for and consideration of bids for the securities, supplies, other articles of commerce, and certain contracts of carriers subject to the Clayton Antitrust Act.

On August 29, 1975, a petition was filed by Southern Railway Company and the Union Pacific Railway Company requesting that the regulations found at 49 CFR 1010.1(b) and 1010.2(a) be amended.

Two proposed changes were requested. The first involved changing the contents of the published notice of the competitive bidding to include the time at or before which the bids must be submitted. The second concerned a change in the time the bids shall be submitted, from "on or before noon" to "at or before the hour" specified in the notice, provided the time is from 10:00 a.m. until 3:00 p.m.

No hearing will be held as the matter is procedural in nature and as such falls within the exception to section 553 of the Administrative Procedure Act.

It is ordered, That 49 CFR 1010.1(b) and 1010.2(a) are revised to read as follows:

§ 1010.1 Specifications, form of proposal and contract; publication of request for bids; variation from the generally applicable procedure.

(b) The carrier shall publish in each case a request for bids in at least two daily newspapers of general circulation, at least two publications in each week for 2 weeks, the first publication to be at least 2 weeks immediately preceding the day when the bids are to be submitted; one such newspaper shall be published or shall be of general circulation in the city or town where the principal operating office of the carrier is located and the other newspaper shall be published in one other of the following cities nearest to the operating or financial office of the carrier or the place where the contract is to be performed, namely: New York, N.Y., Boston, Mass., Chicago, Ill., St. Louis, Mo., Atlanta, Ga., San Francisco, Calif., and Portland, Oreg.; and a printed copy of the published notice in each case shall be posted in plain view, for 2 weeks immediately preceding the day on which bids are to be received, on a bulletin board, designated for that purpose, in a public and conspicuous place in the building where the principal operating office of the carrier is located.

(1) Such published notices shall describe in general but intelligible terms the proposed contract, giving its serial number, and the special matter or things

for which bids are requested, and the date and time at or before which the bids must be submitted, and the person by whom and the office at which the bids submitted will be received and opened as provided in this part. The carrier may in said notice reserve the right to reject, any and all bids and may, at its option, require each bidder to tender a bond in a reasonable sum to be therein named, with sufficient surety or sureties conditioned upon the faithful and prompt performance of the terms of the contract.

§ 1010.2 Opening of bids; bonds; form contents of bids.

(a) Every bid to receive consideration shall be submitted at the place and at or before the hour specified in the notice for the receipt of bids. The time specified may be any hour from 10:00 a.m. until 3:00 p.m. of any business day, and the bids shall be opened after the specified hour and before six o'clock on the day and at place and by the person or persons designated in the notice. Each bidder may attend in person or by duly authorized representative at the opening of the bids, and shall be afforded an opportunity to do so and to examine each bid. The bids shall forthwith be tabulated in conformity with the form of proposal prepared and a copy of such tabulation shall be promptly furnished to any bidder or his authorized representative upon application therefor.

Issued in Washington, D.C. on the 20th day of November 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-32744 Filed 12-3-75;8:45 am]

Title 50—Wildlife and Fisheries
CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Mason Neck National Wildlife Refuge, Virginia

The following special regulations are issued and are effective during the period January 1, 1976 through December 31, 1976.

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

VIRGINIA

MASON NECK NATIONAL WILDLIFE REFUGE

Entry on foot is permitted from April 1 through November 30, during daylight hours on Woodmarsh Trail only, as posted, for nature study, photography, and sightseeing. Advance appointments for environmental education trips must be made with the refuge manager.

The refuge, comprising 1,025 acres, and those portions open to public access

are delineated on maps available from the Refuge Manager, Mason Neck National Wildlife Refuge, 14015 Jefferson Davis Highway, Woodbridge, Virginia 22191, or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations Part 28, and are effective through December 31, 1976.

HOWARD N. LARSEN,
Regional Director,
Fish and Wildlife Service.

NOVEMBER 28, 1975.

[FR Doc.75-32665 Filed 12-3-75;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Miscellaneous Amendments

Part 2, Subtitle A of Title 7, Code of Federal Regulations, is amended to revise the delegations of authority to the Administrator, Agricultural Marketing Service, to delete the designation as Chairman of the Commodity Exchange Commission and to add the management support functions for the Packers and Stockyards Administration that were formerly assigned to the Economic Management Support Center, as follows:

Subpart F—Delegations of Authority by the Assistant Secretary for Marketing and Consumer Services

1. Section 2.50(a) is amended to revise subparagraph (5) to read as follows:

§ 2.50 Administrator, Agricultural Marketing Service.

(a) Delegations. * * *

(5) Provide management support services for the Packers and Stockyards Administration, as agreed upon by the agencies, with authority to take actions required by law or regulation. As used herein, the term, management support services, includes budget, finance, personnel, procurement, property management, communications, messenger and paperwork management, and related administrative services, but excludes fiscal accounting.

(5 U.S.C. 301, Reorganization Plan No. 2 of 1953 (5 U.S.C. Appendix)).

Effective date: December 4, 1975, for Subpart F.

Dated: December 1, 1975.

RICHARD L. FELTNER,
Assistant Secretary for
Marketing and Consumer Services.

[FR Doc.75-32743 Filed 12-3-75;8:45 am]

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

[Navel Orange Reg. 356]

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

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period December 5-11, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.656 Navel Orange Regulation 356.

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

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

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges is fairly strong. Prices f.o.b. averaged \$4.65 a carton on a reported sales volume of 693 cartons last week, compared with an average f.o.b. price of \$5.01 per carton and sales of 424 cartons a week earlier. Track and rolling supplies at 312 cars were up 266 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the *FEDERAL REGISTER* (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges: it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 2, 1975.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period December 5, 1975, through December 11, 1975, are hereby fixed as follows:

(i) District 1: 1,330,000 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: 70,000 cartons."

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

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

Dated: December 3, 1975.

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

[FR Doc. 75-32919 Filed 12-3-75; 11:44 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FI-804]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

• *Purpose.* The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128). •

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186-93). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Colorado	Arapahoe	Deer Trail, town of	Nov. 24, 1975, emergency	Nov. 29, 1974		
Idaho	Kootenai	Worley, city of	do	Sept. 6, 1974		
Indiana	Vigo	Seelyville, town of	do	Nov. 29, 1974		
Maine	Penobscot	Hampden, town of	do	Nov. 8, 1974		
Massachusetts	Worcester	West Boylston, town of	do	July 26, 1974		
Michigan	Oakland	Highland, township of	do			
New Jersey	Sussex	Hardy, township of	do	Sept. 6, 1974		
Do	do	Lafayette, township of	do	Dec. 20, 1974		
New York	Genesee	Bergen, village of	do			
Do	Madison	Smithfield, town of	do	Oct. 25, 1974		
North Carolina	Beaufort	Pantego, town of	do	Sept. 6, 1974		
Oklahoma	Woods	Freedom, town of	do	Nov. 8, 1974		
Do	Caddo	Gracemont, town of	do	Dec. 6, 1974		
Do	Le Flore	Poteau, city of	do	Nov. 1, 1974		
Pennsylvania	Berks	Brecknock, township of	do	Sept. 13, 1974		
Do	Chester	Charlestown, township of	do	Oct. 15, 1974		
Do	Cambria	Ferndale, borough of	do	Nov. 8, 1974		
Do	Blair	Logan, township of	do	Jan. 3, 1975		
Do	Berks	Longswamp, township of	do	Nov. 1, 1974		
Do	Montour	Washingtonville, borough of	do			
South Carolina	Spartanburg	Landrum, town of	do	Nov. 8, 1974		
Texas	Travis	Sunset Valley, city of	do			
Vermont	Orange	Braintree, town of	do	Dec. 13, 1974		
West Virginia	Preston	Reedsville, town of	do	Nov. 15, 1974		
Wisconsin	Washburn	Minong, village of	do	Aug. 30, 1974		

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Alabama	Barbour	Louisville, town of	Nov. 25, 1975, emergency	Jan. 10, 1975		
Florida	Highland	Unincorporated areas	do	Dec. 30, 1974		
Illinois	Clinton	New Baden, village of	do	May 24, 1974		
Do	Sangamon	Thayer, village of	do	Mar. 22, 1974		
Kentucky	Jackson	Unincorporated areas	do			
New Mexico	Los Alamos	do	do	Oct. 25, 1974		
New York	Rensselaer	Berlin, town of	do	Aug. 30, 1974		
Do	Lewis	Harrisburg, town of	do	do		
Ohio	Highland	Greenfield, city of	do	Mar. 1, 1974		
Oregon	Morrow	Irrigon, city of	do	Nov. 29, 1974		
Pennsylvania	Cambria	Adams, township of	do	Oct. 3, 1975		
Do	Huntingdon	Brady, township of	do	July 18, 1975		
Do	Cumberland	Penn, township of	do	Jan. 24, 1975		
West Virginia	Jackson	Unincorporated areas	do	Jan. 3, 1975		

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Indiana	Boone	Unincorporated areas	Nov. 26, 1975, emergency	Nov. 29, 1974		
Ohio	Cuyahoga	Beachwood, city of	do	July 11, 1975		
Pennsylvania	Wayne	Starrucca, borough of	do	Sept. 6, 1974		
Do	Centre	Snow Shoe, township of	do	Sept. 13, 1974		
Wisconsin	Price	Catawba, village of	do	Nov. 8, 1974		

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Illinois	Sangamon	Springfield, city of	Nov. 28, 1975, emergency	June 7, 1974		
Indiana	Tippecanoe	Battle Ground, town of	do	Oct. 3, 1975		
Kansas	Wabaunsee	Paxico, city of	do	May 24, 1974		
Massachusetts	Plymouth	Bridgewater, town of	do	Dec. 20, 1974		
Missouri	Scott	Scott City, city of	do	July 19, 1974		
New York	Oneida	Boonville, town of	do	Apr. 12, 1974		
Do	Cattaraugus	Franklinville, town of	do	Nov. 14, 1975		
Do	Rockland	Haverstraw, village of	do	Sept. 6, 1974		
Do	Cattaraugus	Little Valley, town of	do	Apr. 12, 1974		
Do	Schoharie	Middleburgh, village of	do	Oct. 25, 1974		
North Dakota	Cass	Horace, city of	do	May 31, 1974		
Ohio	Hamilton	Mount Healthy, city of	do	Nov. 29, 1974		
Pennsylvania	Greene	Richhill, township of	do	June 7, 1974		
South Carolina	Lexington	Pine Ridge, town of	do	Jan. 17, 1975		
South Dakota	Brown	Hecla, city of	do	June 21, 1974		
Washington	Whatcom	Nooksack, town of	do	Nov. 22, 1974		
Wisconsin	Richland	Boar, village of	do	Aug. 23, 1974		

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Connecticut	Litchfield	Bethlehem, town of	Nov. 28, 1973, emergency	Feb. 21, 1975		
Florida	Putnam	Crescent City, city of	do	do		
Georgia	Effingham	Unincorporated areas	do	do		
Illinois	La Salle	Sheridan, village of	do	Apr. 12, 1974		
Kansas	Shawnee	Auburn, city of	do	Oct. 25, 1974		
				Nov. 7, 1957		
New York	Sullivan	Bloomington, village of	do	Nov. 15, 1974		
Do	Essex	Lake Placid, village of	do	do		
Ohio	Lake	Mentor-on-the-Lake, city of	do	July 11, 1975		
Oklahoma	Muskogee	Webbers Falls, town of	do	Jan. 10, 1975		
Oregon	Sherman	Rufus, city of	do	Dec. 13, 1974		
Pennsylvania	Tioga	Duncan, township of	do	Nov. 1, 1974		
Do	Potter	Genesee, township of	do	Apr. 4, 1975		
Do	Susquehanna	Montrose, borough of	do	Jan. 10, 1975		
Do	Beaver	Patterson, township of	do	Dec. 13, 1974		
Do	Bradford	Terry, township of	do	Oct. 18, 1974		
Do	Chester	Warwick, township of	do	Sept. 13, 1974		
South Dakota	Yankton	Mission Hill, town of	do	Dec. 12, 1974		
Wisconsin	Dane	Cambridge, village of	do	Dec. 17, 1973		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended, (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator (34 F.R. 2680, Feb. 27, 1969) as amended (39 F.R. 2787, Jan. 24, 1974)).

Issued: November 20, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc. 75-32595 Filed 12-3-75; 8:45 am]

[Docket No. FI-806]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

Administrative Withdrawal of Special Flood Hazard Maps

• **Purpose.** The purpose of this notice is to amend Part 1915 of Title 24 of the Code of Federal Regulations to indicate periods in which the insurance purchase requirement under the National Flood Insurance Program, authorized by the National Flood Insurance Act of 1968 (Pub. L. 90-448), as amended; and the Flood Disaster Protection Act of 1973 (Pub. L. 92-234, December 31, 1973), 42 U.S.C. 4001-4128, was suspended. •

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

Prior to July 1, 1975, the statutory requirement for the purchase of flood insurance did not apply until and unless the community entered the program and the special flood hazard areas were identified by the issuance of a flood insurance map. However, after July 1, 1975, or one year after identification, whichever is later, the requirement applies to all communities in the United States that are identified as having special flood hazard areas within their community boundaries, so that, no such financial assistance can legally be provided for buildings in these areas unless the community has entered the program. The denial of such financial assistance has no application outside of the identified special flood hazard areas of such flood-prone communities.

The insurance purchase requirement with respect to a particular community may be altered by the issuance or withdrawal of the Federal Insurance Administration's (FIA's) official flood maps, the Flood Insurance Rate Map (FIRM) or the Flood Hazard Boundary Map (FHBH). A FHBH is designated by the letter "H" preceding the map number and a FIRM by the letter "I" preceding the map number. If the FIA withdraws a FHBH for any reason the insurance purchase requirement is suspended during the period of withdrawal. However, if the community is in the Regular Program and only the FIRM is withdrawn but a FHBH remains in effect, then flood insurance is still required for properties located in identified special flood hazard areas, but the maximum amount of insurance available for new applications or renewal is first layer coverage under the Emergency Program, since the community's Regular Program status is suspended while the map is withdrawn. (For definitions see 24 CFR Part 1909 et. seq.).

As the purpose of this revision is the convenience of the public, notice and public procedure are unnecessary, and cause exists to make this amendment effective upon publication. Accordingly, Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended as follows:

1. Section 1915.1 is revised to read as follows:

§ 1915.1 Purpose of this part.

42 U.S.C. 4101 authorizes the Administrator to identify and publish information with respect to all flood plain areas within the United States having special flood hazards, mudslide (i.e., mudflow) areas having special mudslide hazards, and flood-related erosion areas having special erosion hazards. The purpose of this part is to list those communities

that have been identified by the Administrator as having such special flood, mudslide (i.e., mudflow) or flood-related erosion hazards. Additional communities will be added to this list from time to time as the necessary information becomes available. This part also provides a list of communities for which detailed engineering data in the form of water surface elevation data for the flood with one percent chance of annual occurrence has been made available, and the flood insurance rate zones for the special hazard areas within those communities. Additionally, this Part contains information concerning the revision of Flood Hazard Boundary Maps (FHBH's) or Flood Insurance Rate Maps (FIRM's), and notice of administrative withdrawal of special flood hazard maps (i.e., FHBH's or FIRM's).

2. Present § 1915.6 is revised to read as follows:

§ 1915.6 Administrative withdrawal of maps.

(a) **Flood Hazard Boundary Maps (FHBH's).** The following is a cumulative list of withdrawals pursuant to this part:

40 F.R. 5149
40 F.R. 17015
40 F.R. 20793
40 F.R. 46102
40 F.R. 53579
40 F.R. 56572

(b) **Flood Insurance Rate Maps (FIRM's).** The following is a cumulative list of withdrawals pursuant to this part:

40 F.R. 17015

3. The following additional entries (which will not appear in the Code of Federal Regulations) are made pursuant to § 1915.6.

State	County	Location	Map number and F.R. citation	Effective date of withdrawal
Arkansas	Hempstead	McNab, town of ²	H 050258 01; Vol. 40, No. 93, pg. 30868.	Sept. 30, 1975.
California	Los Angeles	Artesia, city of ¹	H 060097 01; Vol. 39, No. 152, pg. 28249.	Sept. 25, 1975.
Do	Santa Clara	Unincorporated areas ²	H 060337 01-06; Vol. 39, No. 216, pg. 39444.	Oct. 28, 1975.
Do	Los Angeles	South El Monte, city of ¹	H 060162 01-02; Vol. 39, No. 135, pg. 25643.	Oct. 6, 1975.
Do	Sutter	Unincorporated areas ²	H 060394 01-03; Vol. 39, No. 212, pg. 38626.	Oct. 2, 1975.
Colorado	Bent	Las Animas, city of ¹	H 08 011 1470 01; Vol. 39, No. 6, pg. 1431.	Sept. 25, 1975.
Do	Logan	Merino, town of ¹	H 080113 01; Vol. 39, No. 238, pg. 43080.	Do.
Florida	Bay	Edgewater Beach, town of ²	H 120007 01; Vol. 39, No. 156, pg. 34270.	Oct. 28, 1975.
Do	do	Long Beach Resort, city of ²	H 120045 01; Vol. 39, No. 156, pg. 34270.	Do.
Georgia	Upson	Flowery Branch, city of ²	H 130245 01; Vol. 39, No. 212, pg. 38626.	Sept. 24, 1975.
Do	Gordon	Ranger, town of ²	H 130320 01; Vol. 40, No. 93, pg. 30868.	Sept. 30, 1975.
Idaho	Madison	Sugar City, city of ¹	H 06 065 1760 01; Vol. 38, No. 233, pg. 33467.	Oct. 22, 1975.
Illinois	Cook	Hillside, village of ¹	H 17 031 2940 01-02; Vol. 39, No. 81, pg. 14602.	Sept. 25, 1975.
Do	McLean	Chenoa, city of ¹	H 170492 01; Vol. 40, No. 19, pg. 4126.	Oct. 28, 1975.
Do	Vermillion	Ridge Farm, village of ¹	H 170669 01; Vol. 39, No. 241, pg. 43363.	Oct. 31, 1975.
Do	Schnyder	Rushville, city of ¹	H 17 169 7600 01; Vol. 39, No. 42, pg. 7934.	Do.
Indiana	Wayne	Pennville, town of ²	H 18 177 3930 01; Vol. 39, No. 23, pg. 4099.	Sept. 24, 1975.
Do	Warren	State Line City, town of ¹	H 180366 01; Vol. 40, No. 42, pg. 8812.	Oct. 10, 1975.
Iowa	Lee	Donnellson, city of ¹	H 19 111 2370 01; Vol. 39, No. 83, pg. 15103.	Oct. 22, 1975.
Kansas	Harper	Anthony, city of ¹	H 200126 01; Vol. 39, No. 182, pg. 28255.	Sept. 25, 1975.
Do	Kearny	Lakin, city of ¹	H 20 093 2940 01-04; Vol. 39, No. 6, pg. 1432.	Do.
Maryland	Dorchester	Church Creek, town of ²	H 240101 01; Vol. 39, No. 224, pg. 40571.	Oct. 23, 1975.
Missouri	Andrain	Benton City, village of ²	H 290015 01; Vol. 39, No. 248, pg. 44395.	Oct. 1, 1975.
Do	Benton	Lincoln, city of ¹	H 290029 01; Vol. 39, No. 115, pg. 20691.	Oct. 28, 1975.
Do	Gasconade	Rosebud, city of ¹	H 290144 01; Vol. 39, No. 224, pg. 40571.	Sept. 25, 1975.
Nebraska	Dawson	Cozad, city of ¹	H 310039 01; Vol. 39, No. 119, pg. 21144.	Do.
New Jersey	Union	Westfield, town of ¹	H 340478 01-03; Vol. 39, No. 130, pg. 24642.	Do.
New York	Chenango	Smithville, town of ²	H 361040 01-04; Vol. 40, No. 33, pg. 6900.	Oct. 7, 1975.
Do	Columbia	Valatie, village of ²	H 361508 01; Vol. 39, No. 231, pg. 41595.	Oct. 14, 1975.
Ohio	Hardin	Ada, village of ¹	H 360251 01; Vol. 39, No. 119, pg. 21146.	Sept. 25, 1975.
Oregon	Douglas	Oakland, city of ²	H 410271 01; Vol. 40, No. 19, pg. 4130.	Oct. 1, 1975.
Pennsylvania	Chester	East Fallowfield, township of ²	H 421479 01-03; Vol. 39, No. 186, pg. 34275.	Oct. 28, 1975.
Do	Huntingdon	Marklesburg, borough of ¹	H 422574 01-03; Vol. 40, No. 24, pg. 5157.	Sept. 30, 1975.
Texas	Hidalgo	Palmhurst, city of ¹	H 480346 01-02; Vol. 39, No. 178, pg. 32899.	Oct. 22, 1975.

REASONS FOR WITHDRAWAL:

¹ The community appealed its flood-prone designation and FIA determined the community would not be inundated by a flood having a 1-percent chance of occurrence in any given year.

² The Flood Hazard Boundary Map (FHBM) contained printing errors or was improperly distributed. A new FHBM will be prepared and distributed.

³ The community lacked enabling authority over the special flood hazard areas.

⁴ The FHBM does not accurately reflect the community's special flood hazard areas (i.e. sheet flow flooding, extremely inaccurate map, etc.). A new FHBM will be prepared and distributed.

⁵ A revision of the FHBM within a reasonable period of time was not possible. A new FHBM will be prepared and distributed.

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

Issued: November 19, 1975.

J. ROBERT HUNTER,

Acting Federal Insurance Administrator.

[FR Doc.75-32596 Filed 12-3-75; 8:45 am]

proposed rules

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

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Parts 141, 142, 143, 159]

ENTRY OF MERCHANDISE

Proposed New Duty Assessment by Account (DABA) Procedure

Notice of proposed amendments to Parts 141, 142, 143, and 159 of Customs Regulations (19 CFR Parts 141, 142, 143, 159), pertaining to the establishment of a new Duty Assessment by Account (DABA) procedure, which would permit an importer who qualifies for the proposed procedure to file at a single designated port of entry a package of entry documents and one estimated duty deposit covering all of the importer's shipments released in the United States during the previous month, was published in the FEDERAL REGISTER on Friday, October 3, 1975 (40 FR 45825). Pursuant to that notice, the public was given until December 2, 1975, to submit data, views, or arguments pertaining to the proposed amendments.

Requests have been received for an extension of the time for the submission of comments. Therefore, the period for submission of data, views, or arguments with respect to the cited amendments is extended to February 2, 1976.

VERNON D. ACREE,
Commissioner of Customs.

[FR Doc. 75-32912 Filed 12-3-75; 10:21 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1060]

MILK IN MINNESOTA-NORTH DAKOTA MARKETING AREA

Proposed Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Minnesota-North Dakota marketing area is being considered for the months of December 1975, January and February 1976.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250, on or before December 9, 1975. The time provided for such filing is reasonable under the circumstances. If it should be found that

an emergency marketing situation exists that would warrant suspension action and an effective date beginning December 1, 1975, as proposed, only a limited time would be available to effectuate such emergency action. Any such action would not require of persons affected substantial or extensive preparation prior to the effective date. Persons known to be interested in the proposed suspension have been notified prior to FEDERAL REGISTER publication of this notice. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be suspended are as follows:

1. In § 1060.13, *Producer milk*:

a. The parts of paragraph (c) (1) that read, "During March through June" and "During the months of July through February such handler may divert an aggregate quantity not exceeding 50 percent of the milk of all such producers whose milk has been received at a pool plant(s) for at least 3 days during the month."

b. The parts of paragraph (c) (2) that read, "During March through June" and "During the months of July through February such handler may divert an aggregate quantity not exceeding 50 percent of the milk of all such producers whose milk has been received at his pool plant(s) for at least 3 days during the month."

STATEMENT OF CONSIDERATION

The proposed suspension would permit unlimited diversion of producer milk under the Minnesota-North Dakota order during the months of December 1975 and January and February 1976.

The order provides that during any month of July through February a cooperative association may divert for its account a total quantity of milk not in excess of 50 percent of the milk of all member producers whose milk has been received at a pool plant(s) for at least 3 days during the month. Similarly, a handler in his capacity as the operator of a pool plant, may divert for his account the milk of producers (other than a member of a cooperative association that is a diverting handler during the same month) in a total quantity not exceeding 50 percent of the milk of all such producers whose milk has been received at his pool plant(s) for at least 3 days during the month. Provision is made for unlimited diversion during the months of March through June.

The suspension action is requested by Land O'Lakes, Inc., to accommodate the

handling of reserve milk on the market. The producer association, which represents producers supplying a substantial portion of the market's total fluid needs, claims that such suspension action is necessary in order to allow more economic handling of the market's reserve milk during the months of December 1975, and January and February, 1976.

The association expressed the belief that in the months of December 1975, January and February 1976, reserve milk supplies associated with regulated plants under the Minnesota-North Dakota order will exceed the specified diversion limits. Thus, they contend, if the diversion limitations are not suspended for the three months, a portion of the reserve milk of the market, if it is to be priced under the order, must be moved from farms to pool plants and then re-shipped to manufacturing plants rather than being moved directly from the farms to such plants. The association estimates that under such circumstances, additional handling costs would be incurred amounting to about \$5,000 dollars during each of the three months.

The petitioner pointed out that diversion limitations under the order have been a recurring problem the same provisions having been suspended for the months of January, February, July, and August 1975. Petitioner further pointed out that "the problem, was dealt with at the November 1974 hearing to consider merging the Minnesota-North Dakota order with other orders. A final decision is now pending in that proceeding. In the interim, suspension of diversion limitations would create potential cost savings and promote orderly marketing."

Signed at Washington, D.C., on November 28, 1975.

WILLIAM H. WALKER, III,
Acting Administrator.

[FR Doc. 75-32652 Filed 12-3-75; 8:45 am]

[7 CFR Part 1063]

MILK IN QUAD CITIES—DUBUQUE MARKETING AREA

Proposed Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Quad Cities—Dubuque marketing area is being considered for the months of December 1975 and January 1976.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250, on or before December 9, 1975. The time provided for such filing is reasonable under the circumstances. If it should be found that

tion with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250 on or before December 9, 1975. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be suspended are as follows:

Section 1063.13(b)(2), that limits diversion of a producer's milk from a pool plant to a nonpool in September through January to the number of days that his milk was delivered from his farm to a pool plant during the month.

The proposed suspension would remove the limitation on diversion of producer milk in December 1975 and January 1976.

Land O'Lakes, Inc., requests this suspension to accommodate the handling of reserve supplies of milk for this market. The cooperative states that in order to maintain pool status for the milk of certain of its producers, it is directing the milk from farms in the Clinton, Iowa area to its pool plant in Cedar Rapids, Iowa, and then reloading the milk for transfer to a nonpool plant in Clinton. This proposed suspension would permit continued producer milk status for milk moved directly from producers' farms to a nonpool plant.

Signed at Washington, D.C., on November 28, 1975.

WILLIAM H. WALKER, III,
Acting Administrator.

[FR Doc. 75-32651 Filed 12-3-75; 8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 91]

INSPECTION AND HANDLING OF LIVESTOCK FOR EXPORT

Proposed Revision of Animal Export Regulations

Correction

In FR Doc. 75-30791 appearing at page 53262 in the issue of Monday, November 17, 1975, in the table to § 91.9(c) on page 53266, under "Containers 7 feet 3 inches in width," the second and third entries in the fourth column reading "70.1 and 75.5" should read "70.0 and 75.6" respectively.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 310, 330]

[Docket No. 75N-0345]

MARKETING STATUS OF INGREDIENTS RECOMMENDED FOR OVER-THE-COUNTER USE

Proposed Rulemaking and Enforcement Policy

The Commissioner of Food and Drugs is proposing to amend Part 330 (21 CFR

Part 330) to set forth the policy of the Food and Drug Administration regarding the marketing of over-the-counter (OTC) drug products containing either (a) an ingredient at a dosage level higher than that currently available in an OTC product or (b) an ingredient that is currently limited to prescription use, but is regarded by an OTC drug advisory review panel as generally recognized as safe and effective and not misbranded for OTC use. Interested persons have until February 6, 1975 to submit comments. The proposed effective date of the regulation is 30 days after the date of publication of the final regulation in the *FEDERAL REGISTER*, but the Commissioner intends to make the enforcement policy set forth effective immediately.

THE OVER-THE-COUNTER DRUG REVIEW

Under procedures promulgated in the *FEDERAL REGISTER* of May 11, 1972 (37 FR 9464), a review of the safety and effectiveness of OTC drug ingredients was undertaken by the Food and Drug Administration. Advisory review panels were appointed to evaluate the safety and effectiveness of OTC ingredients, to review labeling for OTC drugs, and to advise the Commissioner on the promulgation of monographs establishing conditions under which OTC drug ingredients are generally recognized as safe and effective and not misbranded (category I). Each advisory review panel was instructed to include in its report to the Commissioner a statement of all active ingredients, labeling claims or other statements, or other conditions reviewed and excluded from the monograph on the basis of the panel's determination that their use would result in OTC products not being generally recognized as safe and effective or would result in misbranding (category II). Each panel was also instructed to include in its report a statement of all ingredients, labeling claims or other statements, or other conditions reviewed and not included in the monograph on the basis of the panel's determination that the available data are insufficient to classify a drug in category I or category II and for which further testing is required (category III).

The advisory review panels were also directed to review and make recommendations concerning any prescription drug ingredients that could be used safely and effectively by laymen. Several panels have considered or are considering ingredients that are currently marketed only in prescription drug products. A number of the panels have also recommended that the dosage level of some ingredients currently available in OTC products be increased to a level that the panel believes is generally recognized as or likely to be safe and effective.

The OTC panels' consideration of prescription ingredients and of increased dosage levels of OTC ingredients is appropriate, but it has raised questions about the current marketing status of such ingredients and dosage levels. A number of years prior to establishing the OTC review procedures in Part 330, the agency adopted by regulation under

§ 310.200 (21 CFR 310.200) a procedure for transferring to OTC status new drugs which had previously been marketed only as prescription products. This regulation was not amended at the time the OTC procedures were adopted, and there has been some confusion over whether both regulations apply to a new drug ingredient which is a prescription drug under review by an OTC review panel. It is therefore necessary to clarify the relationship between § 310.200 and Part 330.

Confusion has also resulted from the fact that some OTC review panels have tentatively determined that certain ingredients that have been used only in prescription drug products can be considered as safe and effective in OTC drug products (category I), or as potentially safe and effective for OTC use pending the outcome of additional studies (category III). In addition, some panels have concluded that the currently available OTC dosage levels of some ingredients are too low to be effective, and have therefore recommended that higher dosage levels should be used.

Some manufacturers have, in light of these recommendations, initiated OTC marketing of these prescription ingredients pending completion of the OTC drug review, relying on previous informal expressions of general Food and Drug Administration policy. The Commissioner is also concerned that some manufacturers may be contemplating increasing the dosage level of some OTC ingredients on the basis of these anticipated recommendations to the agency.

Accordingly, the Commissioner is now stating the enforcement policy of the Food and Drug Administration so that all interested persons will know the regulatory status of such ingredients prior to final promulgation of an applicable OTC drug monograph.

PROCEDURES FOR CHANGING FROM PRESCRIPTION TO OTC STATUS

There are two procedures, described in § 310.200 and in Part 330, by which a prescription drug ingredient may lawfully be marketed for OTC use. Virtually all of the prescription drug ingredients that the OTC panels are considering were introduced into the market as prescription drug products through the new drug procedures under Part 314 (21 CFR Part 314). Prior to the OTC drug review, the procedures for obtaining approval to market a prescription ingredient as an OTC ingredient were by petition to the Food and Drug Administration following procedures set forth under § 310.200 (implementing section 503(b)(3) (21 U.S.C. 353(b)(3)) of the Federal Food, Drug, and Cosmetic Act by providing a procedure for transferring a prescription new drug to OTC status). This procedure may be initiated by the Commissioner or by a petition from any interested person, which may be in the form of a supplement to an approved new drug application. Paragraph (c) of § 310.200 provides that a drug so transferred continues to be regarded as a new drug, and this procedure thus differs from the pro-

cedure afforded by the OTC drug review process.

The OTC drug review process under Part 330 provides another procedure by which a prescription ingredient can be transferred to OTC status. This process includes review by an OTC review panel (with a resulting recommendation for OTC use), publication in the *FEDERAL REGISTER* of a proposed monograph (ordinarily accompanied by the adopted report of the panel) for comment, publication of a tentative final monograph, and finally promulgation of a final OTC drug monograph. Only after promulgation of a final monograph will drug products containing ingredients classified by an OTC review panel as category I for a particular indication, route of administration, and in a specified dosage level, whether or not introduced to the market through the new drug procedures, no longer be regarded as new drugs subject to section 505 of the act. At the time of publication of a final monograph prescription requirements will also be waived; a new drug application will not be required for marketing of any OTC drug product complying with the monograph; and any outstanding approved new drug applications for products that can be marketed under the conditions set out in the monograph will be revoked.

Any ingredient that is not being or has not been reviewed by an OTC review panel and that is limited to prescription use under section 503(b)(1)(C) of the act may be the subject of a proposal initiated by the Commissioner or by a petition from an interested party under the procedures set forth in § 310.200. Because there may be some confusion as to whether such a petition pursuant to § 310.200 is required for a prescription drug ingredient that is the subject of an approved new drug application and that has been classified as generally recognized as safe and effective in a final monograph, the Commissioner proposes to amend that section to make clear that the OTC drug review process is another procedure for transferring an ingredient from prescription to OTC status.

OTC REVIEW PROCESS AND MARKETING POLICY

Section 330.10 describes a three-stage procedure for promulgating OTC drug monographs. This administrative process is completed only upon promulgation of a final monograph for a class of drug ingredients.

The Commissioner is aware, however, that before the publication of a final monograph, some manufacturers have begun marketing OTC drug products containing ingredients currently limited to prescription use or dosage levels of ingredients that are higher than currently available in OTC drug products. In some cases marketing of such products has occurred even before the publication of a proposed monograph. Those manufacturers appear to have assumed that the panel's preliminary judgments, as revealed through summary panel minutes, would ultimately be adopted by the Food

and Drug Administration when the administrative process was completed.

The Commissioner emphasizes that the OTC drug review panels are established solely to provide recommendations to the Food and Drug Administration. Determination of actions to be taken and policy to be followed with respect to matters upon which an advisory panel makes recommendations must be made solely by the Commissioner. He may reach conclusions and make decisions contrary to a panel's recommendations.

It has been the policy of the Food and Drug Administration to encourage drug manufacturers to reformulate and/or relabel currently marketed OTC drug products to bring them into conformity with current medical knowledge and experience. This policy has permitted manufacturers and distributors to improve the safety and effectiveness of their OTC drug products based on an advisory panel's judgment even before the effective date of the final monograph. Thus many products have been reformulated so that they no longer contain category II ingredients; in other cases category III ingredients have been replaced by category I ingredients. The Commissioner believes this policy to be in the public interest. However, he advises that this policy extends only to drug products containing ingredients or dosage levels of ingredients already marketed for OTC use.

The Commissioner emphasizes that this policy does not permit the marketing, prior to publication in the *FEDERAL REGISTER* of a proposed monograph, of products containing ingredients that are currently limited to prescription use or dosage levels of ingredients above those currently available OTC, even though a panel may tentatively and/or finally regard such ingredients or dosage levels as appropriate for classification in category I. He reminds all persons so affected that, after review and evaluation of a panel's report, he may reach conclusions contrary to a panel's report and recommendations. For example, the Commissioner may conclude that an ingredient currently limited to prescription use which a panel regards as generally recognized as safe and effective for OTC use, nonetheless lacks such general recognition for OTC use because of problems such as manufacturing or formulation difficulties, or unresolved questions concerning potential for abuse or misuse. Any drug product containing an ingredient that lacks general recognition of safety and effectiveness is classified in category II under the OTC review procedures.

The Commissioner is of the opinion that, to assure orderly implementation of a panel's recommendations and to prevent precipitous marketing of OTC drug products that may not be safe and effective, the agency's policy concerning the OTC marketing of such drug products should be clarified in a regulation. Accordingly, he is proposing to amend Part 330 of Title 21 of the Code of Federal

Regulations by adding a new section setting forth that policy.

The Commissioner also wishes to advise all persons that any opinions informally expressed by officials of this agency in conference or in writing prior to and inconsistent with the policy as announced and proposed for codification herein are hereby revoked. This includes any previous statements regarding reclassification of prescription drugs for OTC marketing both prior to and during the OTC drug review. The policy announced in this proposed regulation shall constitute the enforcement policy of the Food and Drug Administration pending promulgation of the final regulation. The announcement of this enforcement policy will be the occasion for agency review of prescription drugs already introduced into the OTC market in anticipation of a final monograph to determine whether regulatory action is appropriate. Consideration will be given to the safety, effectiveness, and current labeling of these products.

As indicated earlier, the Commissioner is aware that, prior to clarification of this policy, some ingredients marketed only as prescription ingredients such as oxymetazoline, diphenhydramine, and chlorpheniramine (at a dosage level currently permitted only for prescription use) have been introduced into the market for OTC use prior to the Commissioner's receipt or acceptance of a panel's report. The Commissioner concludes that such OTC products are subject to the policy stated herein, and they are under review to determine their regulatory status.

The Commissioner does not wish to impede the relabeling and reformulation that can occur for products in the marketplace as long as such revisions are consistent with presently marketed OTC drugs and/or are consistent with the enforcement policy set forth in this proposal.

The Commissioner is proposing to amend Part 330 to set forth the following policy:

1. Any OTC drug product containing an ingredient previously limited to prescription use for the indication and route of administration under consideration by an OTC advisory review panel or containing any active ingredient at a dosage level higher than that currently available in an OTC drug product, which ingredient and/or dosage level is classified by the panel in category I, will be regarded as a new drug within the meaning of section 201(p) of the act if marketed prior to the date of publication in the *FEDERAL REGISTER* of a proposed monograph. Marketing of such a product prior to such date will be subject to regulatory action against the product, the marketer, or both.

2. Any such OTC drug product marketed after publication in the *FEDERAL REGISTER* of a proposed monograph, but prior to the effective date of a final monograph, would be subject to the risk that the Commissioner may not accept the panel's recommendation and instead

adopt a different position that could require relabeling, recall, or other regulatory action. Marketing of such a product with a formulation or labeling not in accord with the proposed monograph or the tentative final monograph may also result in regulatory action against the product, the marketer, or both.

The Commissioner advises that, in the preamble to the proposed monograph (and published adopted report of a panel), he may indicate his disagreement with the panel's recommendation(s) regarding specific ingredients proposed for classification in category I, e.g., ingredients having manufacturing or formulation problems or unresolved questions concerning a potential for abuse or misuse, and may make a tentative determination that an approved new drug application is required for marketing an OTC drug product containing such ingredients. If the Commissioner makes such a determination, the marketing of such a product without an approved new drug application will be subject to regulatory action unless and until the final monograph for that class of drug products classifies the ingredient in category I.

3. Any OTC drug product containing an ingredient previously limited to prescription use for the indication and route of administration under consideration by an OTC advisory review panel or containing any active ingredient at a higher dosage level than that available in any OTC drug product on December 4, 1975, which ingredient and/or dosage level is classified by the panel in category II, will be regarded as a new drug within the meaning of section 201(p) of the act, requiring an approved new drug application prior to marketing. When such a drug product is the subject of a previously approved new drug application for prescription use, the procedures set out in § 310.200 must be followed before OTC marketing and the requirements for conducting clinical investigations with unapproved new drugs will apply.

4. Any OTC drug product containing an ingredient previously limited to prescription use for the indication and route of administration under consideration by an OTC advisory review panel or containing any active ingredient at a higher dosage level than that available in any OTC drug product on December 4, 1975, which ingredient and/or amount is classified by the panel in category III, may be marketed for OTC use only after one of the following has occurred: (a) The ingredient is determined by the Commissioner to be generally recognized as safe and effective and not misbranded or (b) a new drug application for the product for OTC use has been approved.

The Commissioner points out that the policy stated in paragraph 4 above applies only to ingredients previously limited exclusively to prescription use or to dosage levels of any active ingredient higher than those previously marketed for OTC use. The conditions under which a product already marketed for OTC use and placed by a panel or final monograph in category III may continue to be mar-

keted, pending development of data to support approval of the ingredient or its labeling as safe and effective and not misbranded, were published as a proposed regulation in the FEDERAL REGISTER of October 21, 1975 (40 FR 49097).

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 701(a), 52 Stat. 1050-1053, as amended, 1055 (21 U.S.C. 352, 355, 371(a))) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 310 and Part 330 be amended as follows:

1. In Part 310, by amending § 310.200 by revising paragraphs (a) and (c) and adding a new paragraph (e) to read as follows:

§ 310.200 Prescription-exemption procedure.

(a) *Duration of prescription requirement.* Any drug limited to prescription use under section 503(b)(1)(C) of the act remains so limited until it is exempted as provided in paragraph (b) or (e) of this section.

(c) *New drug status of drugs exempted from the prescription requirement.* A drug exempted from the prescription requirement under the provisions of paragraph (b) of this section is a "new drug" within the meaning of section 201(p) of the act until it has been used to a material extent and for a material time under such conditions except as provided in paragraph (e) of this section.

(e) *Prescription-exemption procedure of OTC drug review.* A drug limited to prescription use under section 503(b)(1)(C) of the act may also be exempted from prescription-dispensing requirements by the procedure set forth in § 330.13 of this chapter.

2. In Part 330 by adding a new § 330.13 to read as follows:

§ 330.13 Conditions for marketing ingredients recommended for over-the-counter (OTC) use under the OTC drug review.

(a) Before the publication in the FEDERAL REGISTER of an applicable proposed monograph, an OTC drug product that contains: (1) An active ingredient previously limited to prescription use for the indication and route of administration under consideration by an OTC advisory review panel, or

(2) An active ingredient at a dosage level higher than that available in any OTC drug product on December 4, 1975, shall be regarded as a new drug within the meaning of section 201(p) of the act for which an approved new drug application is required.

(b) (1) An OTC drug product that contains: (i) An active ingredient previously limited to prescription use for the indication and route of administration under consideration by an OTC advisory review panel, or

(ii) An active ingredient at a dosage level higher than that currently avail-

able in an OTC drug product, which ingredient and/or dosage level is classified by the panel in category I, shall be regarded as a new drug within the meaning of section 201(p) of the act for which an approved new drug application is required if marketed for OTC use prior to the date of publication in the FEDERAL REGISTER of a proposed monograph.

(2) An OTC drug product covered by paragraph (b)(1) of this section which is marketed after the date specified in that paragraph but prior to the effective date of a final monograph shall be subject to the risk that the Commissioner may not accept the panel's recommendation and may instead adopt a different position that may require relabeling, recall, or other regulatory action. Marketing of such a product with a formulation or labeling not in accord with a proposed monograph or tentative final monograph also may result in regulatory action against the product, the marketer, or both.

(c) An OTC drug product that contains: (1) An active ingredient previously limited to prescription use for the indication and route of administration under consideration by an OTC advisory review panel, or

(2) An active ingredient at a dosage level higher than that available in any OTC drug product on December 4, 1975, which ingredient and/or dosage level is classified by the panel in category II, shall be regarded as a new drug within the meaning of section 201(p) of the act for which an approved new drug application is required for marketing.

(d) An OTC drug product that contains: (1) An active ingredient previously limited to prescription use for the indication and route of administration under consideration by an OTC advisory review panel, or

(2) An active ingredient at a dosage level higher than that available in any OTC drug product on December 4, 1975, which ingredient and/or dosage level is classified by the panel in category III, may be lawfully marketed only after either the ingredient is determined by the Commissioner to be generally recognized as safe and effective, or a new drug application for the product has been approved.

Interested persons may, on or before February 2, 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.

NOTE: 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: December 1, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc. 75-32645 Filed 12-3-75; 8:45 am]

Office of Education

[45 CFR Part 162]

NATIONAL READING IMPROVEMENT PROGRAMS

Proposed Rules and Criteria Governing Contract Awards

Pursuant to the authority contained in title VII of Pub. L. 93-380 (20 U.S.C. 1901, 1921, 1941-44, 1961-63, 1981-82), 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 162 to read as set forth below.

The proposed regulation would set forth rules and criteria governing grant and contract awards by the Commissioner of Education to State and local educational agencies and other nonprofit organizations, where eligible under the following subparts, to:

- (a) Strengthen reading instructional programs in elementary grades;
- (b) Develop the capacity of preelementary school children for reading;
- (c) Establish and improve preelementary school programs in language and reading;
- (d) Develop and enhance skills of instructional and other educational staff for reading programs;
- (e) Support State-administered reading programs;
- (f) Test the effectiveness of intensive instruction by reading specialists and reading teachers; and
- (g) Promote literacy among youths and adults.

(a) *Summary of proposed regulations*—1. *Organization*. Proposed Part 162 is divided into a number of subparts. Subpart A sets forth general introductory provisions, including common definitions, for the part as a whole; Subpart B governs direct project grants under part A of title VII, Pub. L. 93-380; Subpart C governs the State-administered programs under part B of title VII of Pub. L. 93-380; Subpart D governs Special Emphasis Projects under section 721 of Pub. L. 93-380; and Subpart E governs adult academy grants under section 723 of Pub. L. 93-380. Appendix A sets forth the statutory provisions of part B of title VII, Pub. L. 93-380 and Appendix B contains guidelines for the adult academy program under section 723 of Pub. L. 93-380.

2. *Subpart A—General*. Section 162.1 sets forth the scope and purposes for reading programs under this part. Section 162.2 includes definitions which are applicable throughout this part.

3. *Subpart B—Reading Improvement Projects*. (i) Section 162.10 describes the nature of the federally supported projects to be carried out by eligible recipients:

- (A) Projects to strengthen reading instructional programs in elementary schools having large numbers or a high percentage of children with reading deficiencies; and
- (B) Projects to establish and improve programs in language arts and reading

in preelementary schools, in areas where there are large numbers or a high percentage of elementary school children with reading deficiencies;

(ii) Section 162.11 provides further explanation of the nature of projects to be carried out with awards under this subpart and indicates that projects receiving assistance must be designed to establish, expand, or improve the reading programs in one or more specific elementary or preelementary schools. The section indicates that two types of grants will be made:

(A) Grants for elementary school projects may be made to State or local educational agencies;

(B) Grants for preelementary school projects may be made to State or local educational agencies or nonprofit educational or child care institutions.

Section 162.11(b)(4) makes it clear that reading program activities and services assisted under this subpart must be directly administered by or under the supervision of the grantee. Subgrants may not be made to other entities; however, contracts may be made to secure services necessary to assist the grantee in carrying out a portion of the program activities, subject to certain conditions. State educational agencies may receive grants only if they will directly administer or supervise assisted reading programs where an SEA:

(A) Directly operates an elementary or preelementary school;

(B) Applies jointly with a local educational agency or other eligible applicant; or

(C) Assumes responsibility for reading activities in schools administered by the LEA or other eligible applicant, under proper arrangements;

(iii) Section 162.12 sets forth application requirements including, in § 162.12 (a), project objectives which include measurable objectives for overcoming reading deficiencies with timetables and an appropriate evaluation component. With respect to elementary school projects, the objectives must include plans for having children in project schools reading at the appropriate grade level at the end of grade three.

Section 162.12(b) requires that project school(s) be identified with supporting information on selection, numbers, and percentages of children with reading deficiencies attending the identified schools, the nature of the deficiencies, demographic information on children to be served, and information on existing reading programs and activities in the project schools with an explanation of how the proposed project will improve or expand the existing programs.

Section 162.12(c) requires that the application set forth a reading program including specified elements; this requirement is divided into three parts:

(A) Elements to be included in all applications;

(B) Those to be included in applications for elementary school projects; and

(C) Those to be included in preelementary school projects. Requirements which all applications must contain in-

clude documentation of on-going participation of specified parties in planning and developing the program, and evidence of planning for comprehensive programs which includes appropriate testing of students, staff training, use of bilingual education methods, and dissemination of information on results of the program.

Each relevant application requirement in § 162.12 would have to be met by an application for assistance under Subpart B in order for the application to be considered for funding;

(iv) Section 162.13 sets out the requirements for review of applications by State educational agencies and State advisory councils. The State educational agency must approve every application and establish an advisory council on reading, broadly representative of the educational resources and the general public of the State, which will designate priorities among applications for grants under this subpart in its State. Section 162.13 (c) indicates that the Commissioner may establish a cut-off date for approval of applications by a State educational agency, with failure to approve by that date regarded as State disapproval of the application;

(v) Section 162.14 sets forth evaluation criteria and is divided into general criteria and specific programmatic criteria. Specific programmatic criteria include the extent the proposed project is designed to achieve high quality with respect to certain specific program elements required by § 162.12(c).

With respect to many of the specific program criteria, the proposed provisions set out the criterion and follow the criterion with a number of examples of considerations which may enter into the Commissioner's judgment of how many points to assign a particular criterion for each application. These examples are introduced by the language "as measured by factors such as whether." They are not requirements or hard and fast criteria and are not intended as an exhaustive list of considerations which will influence application of the stated criterion. However, they do give guidance to applicants as to some of the kinds of factors which might be addressed in the application to receive the maximum number of points under each respective criterion;

(vi) Section 162.15 indicates the criteria the Commissioner will use to seek to assure an equitable distribution of funds throughout the United States and among urban and rural areas in approving applications under this part. Not more than 12½ percent of funds available under this subpart in any fiscal year may be expended in any State;

(vii) Section 162.17 sets forth provisions on project duration, indicating that grants will be made for a period of up to one year, with the possibility that continuation grants may be made to support some two-year projects. Any continuation awards will be competitive with other applications for continuation

awards, but not with applications for new grants; and

(viii) Section 162.18 provides information on the expected size of awards.

4. Subpart C—*State Reading Improvement Programs*. The Commissioner has determined that only limited proposed regulations are needed to implement part B of title VII of Pub. L. 93-380. The proposed regulations cover information which may be required by the Commissioner for purposes of reallocations (§ 162.26); the standard of excellence to be developed by the State educational agency with the advice of the State advisory council on reading (§ 162.27); and judicial review of the Commissioner's final action on State agreements (§ 162.29).

In the event that appropriations are made at a level which would trigger part B of title VII, the program would be administered under the terms of the statute (which is set forth in Appendix A) with limited regulatory provisions which may be adopted pursuant to this rulemaking process.

5. Subpart D—*Special Emphasis Projects*. Subpart D sets forth proposed regulations governing projects under section 721 of Pub. L. 93-380. These projects involve awards to local educational agencies to determine the relative effectiveness of intensive reading instruction by reading specialists and reading teachers.

Because the purpose of the statute is to evaluate an approach to reading instruction, a number of requirements in the proposed regulation relate to necessary conditions for the evaluation, including the designation of a project and a control school, the relationship between the project and control schools, and co-operation by the award recipient in an evaluation to be conducted by the Commissioner or by a contractor.

Awards to recipients under this subpart would be by means of assistance, rather than procurement, contracts, with awards to be made on the basis of applications submitted pursuant to a notice of closing date in the FEDERAL REGISTER.

Many of the application requirements in proposed § 162.40 derive from section 721(b)(1) of Pub. L. 93-380, which requires each application for a special emphasis project to provide assurances that the provisions of section 705(b) of Pub. L. 93-380 are met.

6. Subpart E—*Reading Academy Program*. Subpart E sets forth proposed regulations for the Reading Academy Program authorized by section 723 of Pub. L. 93-380. This program was first funded in FY 1975 under the authority of the Cooperative Research Act, and the proposed regulations follow closely regulations which were in effect for the Academy Program in FY 1975 (45 CFR Part 151, Subpart E).

The Reading Academy Program will provide exemplary reading assistance and instruction for functionally illiterate out-of-school youths and adults not reached through other reading programs. Grants for reading academy programs may be made to State and local educa-

tional agencies, institutions of higher education, and community and other non-profit organizations.

According to a 1970 Harris survey, approximately 18 million adult Americans are functionally illiterate, lacking even minimal reading skills. Of this number, it is estimated that 1.5 million are totally illiterate. An analysis of the limited literature available on functionally illiterate youths and adults reveals that this group is the most difficult to recruit into educational programs and, once recruited, the most difficult to retain. Many come into an educational program with a feeling of failure and are easily discouraged. It is hypothesized, however, that given highly personalized instruction and educational counseling, a significant number of these youths and adults can be helped to attain a functional level of literacy.

The proposed rules set forth in Subpart E set out the funding requirements and application criteria which will be used in awarding grants under this program. Information on allowable costs and project duration is also provided. Following the proposed rules, in Appendix B, are proposed guidelines for the Reading Academy Program which provide guidance, suggestions, and recommendations for meeting the funding requirements and application criteria set out in the proposed rules.

(b) *Citations of legal authority*. As required by section 431(a) of the General Education Provisions Act, a citation of statutory or other legal authority for each section of the regulations has been placed in parentheses on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In that case, the citation applies to all that appears in that section between the citation and the immediately preceding citation. When the citation appears only at the end of the section, it applies to the entire section.

(c) *Other applicable regulations*. The proposed regulation does not contain provisions relating to general fiscal and administrative matters. Requirements of this nature are covered by the Office of Education General Provisions Regulations (45 CFR Part 100a) and the Appendices thereto, which include rules on direct and indirect costs.

(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 answered 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.

The publication of a proposed regulation is only a beginning step in a series of formal procedures and actions required before funds can be awarded to recipients. Further administrative steps would have to take place before the

award of grants or contracts, including the preparation for distribution of appropriate application forms, the publication in the FEDERAL REGISTER of notices of closing dates informing applicants of the period within which applications must be filed and where application forms may be obtained, and allowing the applicants sufficient time for the preparation of applications, and the receipt, processing, evaluation, and selection of applications for funding. Finally, the terms of the actual award documents must be negotiated with those applicants whose applications have been selected for funding. No applications are being accepted at the present time.

(e) *Submission of comments*. All interested parties are invited to submit written comments and recommendations concerning the proposed regulation to the Director, Right to Read Effort, Room 2131, U.S. Office of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202. These comments and recommendations will be available for public inspection on Mondays through Fridays between 8:00 a.m. and 4:30 p.m. at the above office.

All relevant material must be received not later than January 5, 1976, unless January 5, 1976 is a Saturday, Sunday, or Federal holiday in which case the material must be received by the next following business day.

(Catalog of Federal Domestic Assistance No. 13.533, Right to Read)

Dated: October 6, 1975.

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

Approved: November 21, 1975.

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

PART 162—NATIONAL READING IMPROVEMENT PROGRAM

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Appendix A—Part B of title VII of Pub. L. 93-380.

Appendix B—Manual of Guidelines for the Reading Academy Program.

AUTHORITY: Title VII of Pub. L. 93-380 (20 U.S.C. 1901-1982).

Subpart A—General

§ 162.1 Scope and purposes.

(a) *Scope.* This part applies to projects assisted with funds appropriated pursuant to the National Reading Improvement Program, title VII of Pub. L. 93-380.

(b) *Purposes.* The purposes of the programs carried out pursuant to this part are, through grants and contracts to State and local educational agencies and other non-profit organizations, to:

(1) Provide financial assistance to encourage State and local educational agencies to undertake projects to strengthen reading instructional programs in elementary grades;

(2) Provide financial assistance for the development and enhancement of necessary skills of instructional and other educational staff for reading programs;

(3) Develop a means by which measurable objectives for reading programs can be established and progress toward these objectives assessed;

(4) Develop the capacity of preelementary school children for reading;

(5) Establish and improve preelementary school programs in language arts and reading; and

(6) Provide financial assistance to promote literacy among youths and adults.

(c) *Other pertinent regulations.* Awards under this part are subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters, 45 CFR Parts 100, 100a, 100b).

(20 U.S.C. 1901)

§ 162.2 Definitions.

As used in this part:

"Act" means title VII of the Education Amendments of 1974, Pub. L. 93-380.

"Elementary school" means a day or residential school which provides elemen-

tary education, as determined under State law.

"Commissioner" means the U.S. Commissioner of Education.

"Innovative" means a program element which is new and different to participants in project activities.

"Institution of higher education" means an institution of higher education in any State as defined under the Higher Education Act of 1965, as amended.

(20 U.S.C. 1141)

"Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or a combination of school districts or counties recognized in a State as an administrative agency for its public elementary or secondary schools. The term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

"Non-profit educational or child care institution" means any public or private non-profit organization which sponsors a regular, on-going educational or child care program for preschool age children.

"Reading deficiencies" means that reading achievement is less than that which would normally be expected for children of comparable ages or comparable grades of school; for children in grades 2-8 this would mean one or more years below grade level in reading.

"Project" means those activities of a grantee or contractor which the Commissioner determines to be eligible for Federal financial assistance.

"Reading-related activities" means any activities directly or indirectly connected with skills and/or behaviors in the area of reading; for example, listening, speaking, writing activities, reading games, discussing illustrations, classifying and categorizing, and developing auditory and visual perceptual skills.

(20 U.S.C. 1901 and 1921)

"State" means, except as used in Subpart C, the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands. As used in Subpart C, "State" means the several States of the Union, the District of Columbia, and the Commonwealth of Puerto Rico.

(20 U.S.C. 1942(a)(2))

"State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools or, if there is no such office or agency, an officer or agency designated by the Governor or by State law.

(20 U.S.C. 1901 and 1921)

§ 162.3-162.9 [Reserved]

Subpart B—Reading Improvement Projects

§ 162.10 Scope and purpose.

(a) *Scope.* This subpart applies to projects assisted with funds appropriated to carry out part A, section 705 of title VII of Pub. L. 93-380;

(20 U.S.C. 1921)

(b) *Purpose.* The purpose of the program carried out pursuant to this subpart is, through grants to eligible recipients, to support:

(1) Projects to strengthen reading instructional programs in elementary school(s) having large numbers or a high percentage of children with reading deficiencies; and

(2) Projects to establish and improve programs in language arts and reading in preelementary school(s), in areas where there are large numbers or a high percentage of elementary school children with reading deficiencies, to develop the capacity of preelementary school children for reading.

(20 U.S.C. 1921(a))

§ 162.11 Eligible applicants; nature of projects.

(a) *Eligible applicants.* (1) As stated in section 705 of the Act, local educational agencies, State educational agencies, or both, may apply for elementary school projects described in paragraph (b) (1) (i) of this section and for preelementary school projects described in paragraph (b) (1) (ii) of this section.

In addition, non-profit educational or child care institutions may apply for the preelementary school projects;

(2) Though multiple applications may be submitted by a single applicant, in no case will more than one grant for an elementary school project and one grant for a preelementary school project be awarded to the same applicant;

(b) *Nature of projects.* (1) Two types of grants will be awarded pursuant to this subpart:

(i) Projects to carry out in elementary school(s) having large numbers or a high percentage of children with reading deficiencies, programs involving the use of innovative methods, systems, materials, or other elements which show promise of overcoming the reading deficiencies; and

(ii) Projects to carry out in kindergarten(s), nursery school(s), child care institution(s), or other preschool institution(s) in areas where elementary schools having large numbers or a high percentage of children with reading deficiencies are located, programs involving the use of innovative methods, systems, materials, or other elements which show promise of developing the capacity for reading of preelementary school children who might otherwise develop reading deficiencies;

(2) (i) Applications for elementary school projects under paragraph (b) (1) (i) of this section which propose to carry out reading activities in elementary

schools for children above the kindergarten level may involve children in any or all grades within the elementary schools, including children at the kindergarten level;

(ii) Applications which do not propose to carry out activities for children above the kindergarten level shall be reviewed as preelementary school projects;

(3) Projects assisted pursuant to this subpart must be designed to establish, to expand, or to improve the reading programs in one or more specific and identified elementary or preelementary schools;

(20 U.S.C. 1921(a), S. Rep. No. 763, 93d Cong. 2d Sess. 125 (1974))

(4) (i) Reading program activities and services assisted under the project must be directly administered by, or under the supervision of, the grantee;

(ii) Grantees may not use any Federal funds awarded pursuant to this subpart to award subgrants to other entities or persons;

(iii) Grantees may, with Federal funds awarded pursuant to this subpart, enter into contracts with other entities or persons to secure services which will assist them in carrying out a portion of the program activities, as provided in § 100a.30 of this chapter, subject to the conditions set forth in § 100a.30 of this chapter which prohibit transfer of responsibility (or conduit arrangements) by the grantee and require a statement of intention to enter into a service contract in the approved application or an approved amendment thereto; and

(iv) In accordance with paragraphs (b) (4) (i) and (ii) of this section, State educational agencies may receive grants under this subpart only if they will directly administer or supervise reading programs to be assisted by the project in cases where the State educational agency;

(A) Is directly responsible for operating an elementary or preelementary school;

(B) Applies jointly with a local educational agency or other eligible applicant responsible for administering an elementary or preelementary school, pursuant to § 100a.19 of this chapter (General Provisions Regulations for Office of Education programs; 45 CFR 100a.19); or

(C) Under arrangements with a local educational agency or other eligible applicant, assumes responsibility for reading activities to be assisted by the project in schools administered by the local educational agency or other eligible applicant.

(20 U.S.C. 1921(a), (b), and (c); 1221c(b) (1), 1232c(b) (1))

§ 162.12 Application requirements.

The Commissioner will award a grant to a State educational agency, local educational agency, or other eligible applicant under this subpart only upon an application submitted to the Commissioner which meets the following requirements:

(a) *Project objectives.* The application must set forth:

(1) Specific and measurable objectives related to overcoming reading deficiencies of children in the project school(s) including (only with respect to elementary school projects described in § 162.11 (b) (1) (i)) plans and strategies for having the children in project schools reading at the appropriate grade level at the end of grade three;

(2) A proposed time frame for accomplishing these objectives; and

(3) An evaluation component providing for the collection, verification, and analysis of data to measure the extent the objectives are accomplished by the project;

(20 U.S.C. 1921(a), (b), (c) (2))

(b) *Project school(s).* (1) The application must identify the school(s) and the class(es) to be served by the project and provide information on how the school(s) and class(es) were selected for the project, the numbers and percentages of children in the project school(s) with reading deficiencies, and the nature of reading deficiencies of those children, including (only with respect to elementary school projects described in § 162.11 (b) (1) (i)) documentation that appropriate measures have already been taken by the applicant to analyze the reasons why elementary school children are not reading at the appropriate grade levels and the results of those measures;

(2) The application must provide demographic information on children in the school(s) to be served by the project, including information on the socio-economic, racial, ethnic, language and cultural composition of the school(s); and

(3) The application must:

(i) Provide information on existing reading programs and activities in the project school(s), including information on the resources and methods used to teach reading or reading-related activities to children and the extent of effectiveness of those resources and methods; and

(ii) Explain how the proposed project will improve or expand upon the existing reading activities and programs, including a description of innovative methods, systems, materials, or other elements which will be used in the project to overcome reading deficiencies;

(20 U.S.C. 1921(a), (b), (c) (1))

(c) *Program requirements.* The Commissioner will award a grant under this subpart only upon an application submitted to the Commissioner which meets the requirements in paragraphs (a) and (b) of this section, as applicable, and which sets forth a reading program which includes the following elements, as applicable:

(1) *All applications.* All applications under this subpart must:

(i) (A) Document that there has been participation in the planning and development of the program described in the application by parents of children to be served by the program, the policy-making board of the applicant, and lead-

ers of the cultural and educational resources of the area to be served, including representatives of such organizations as institutions of higher education, non-profit private schools, public and private non-profit agencies such as libraries, museums, educational radio and television organizations, and other cultural and educational resource agencies of the community.

(B) Include a description of procedures which have been used to provide the public at large in the area or areas proposed to be served by the project with an opportunity to have input in the planning of the program described in the application (such as through public notice and hearings); and

(C) Provide for the continuing participation of groups and representatives described under paragraph (c) (1) (i) (A) of this section in the development and implementation of the program described in the application;

(ii) Set forth a reading program which provides for:

(A) Diagnostic testing designed to identify children with reading deficiencies, including the identification of conditions which, without appropriate other treatment, can be expected to impede or prevent children from learning to read;

(B) Planning and establishing comprehensive reading programs in project schools;

(C) Preservice training programs for project teaching personnel, including teacher aides and other ancillary educational personnel, within the project schools, and inservice training and development programs, where feasible, designed to enable these personnel to improve their ability to teach students to read;

(D) Participation of the school faculty, the policy-making board of the applicant, members of the school administration, parents, and students in reading-related activities which stimulate an interest in reading and are conducive to the improvement of reading skills;

(E) With respect to tests of reading proficiency administered pursuant to paragraphs (c) (2) (i) (B) and (3) (i) of this section:

(i) Publication of test results on reading achievement by grade level and, where appropriate, by school, without identification of individual children; and

(ii) The availability of test results on reading achievement on an individual basis to parents and guardians of any child tested;

(F) Use of bilingual education methods and techniques consistent with the number of elementary school age children (or of preelementary school age children with respect to preelementary school projects under § 162.11 (b) (1) (ii)) in the area served by a reading program who are of limited English-speaking ability; and

(G) Dissemination of information on the results of the program and of the means used to achieve the results to State educational agencies, local educational agencies, other educational

agencies and institutions, and the Commissioner;

(2) *Elementary school projects.* (i) Applications under this subpart for elementary school programs under § 162.11(b) (1) (i) must set forth a reading program which, in addition to meeting the requirements in paragraph (c) (1) of this section, provides:

(A) Reading instruction focused upon elementary school children whose reading achievement is less than that normally expected for children of comparable ages or in comparable grades of school, but also instruction which provides for every child in classes involved in the project;

(B) Periodic testing for elementary school children on a sufficiently frequent basis to measure accurately reading achievement;

(C) Participation on an equitable basis by children enrolled in non-profit private elementary schools in the area to be served (after consultation with the appropriate private school officials) to an extent consistent with the number of such children whose educational needs are of the kind the program is intended to meet.

(ii) Applications must also: (A) Indicate the number of children enrolled in nonpublic schools who are expected to participate in each program and the manner of their expected participation; and

(B) Document that there has been participation in the planning and development of the program described in the application by officials representing non-profit private elementary schools in the area to be served with children whose educational needs are of the kind which the program is intended to meet, and provide for what kind of continuing participation by those officials there will be in the development and implementation of the program;

(3) *Preelementary school projects.* Applications for preelementary school programs under § 162.11(b) (1) (ii) must set forth a reading program which, in addition to meeting the requirements in paragraph (c) (1) of this section, provides:

(i) A test of reading proficiency at the conclusion, minimally, of the first-grade programs into which the preelementary school program is integrated for children who had previously participated in the preelementary school program;

(ii) Assessment, evaluation, and collection of information on individual children by teachers during each year of the preelementary program to be made available for teachers in the subsequent year, in order that continuity for the individual child be maintained; and

(iii) Appropriate coordination with the reading programs of the educational agencies or institutions where the preelementary school children will be next in attendance, including any necessary arrangements by the applicant with those educational agencies or institutions for meeting the requirements relating to testing and test results described in para-

graph (c) (3) (i) of this section and paragraph (c) (1) (ii) (E) of this section; and

(d) *Other information.* Applications may include other appropriate information to respond to criteria in § 162.14. (20 U.S.C. 1921(b))

§ 162.13 Review of applications by State educational agencies and State advisory councils.

(a) The Commissioner will not approve an application submitted under this subpart unless the State educational agency has:

(1) (i) Established and appointed an advisory council on reading broadly representative of the educational resources and of the general population of the State, including but not limited to persons representative of:

(A) Public and private non-profit elementary and secondary schools;

(B) Institutions of higher education;

(C) Parents of elementary and secondary school children; and

(D) Areas of professional competence relating to instruction in reading; and

(ii) Authorized and provided the opportunity to the advisory council to receive and designate priorities among applications for grants under this subpart in that State; and

(2) Approved the application;

(20 U.S.C. 1921(d), (e) (1), S. Rep. No. 1026, 93d Cong. 2d Sess. 198 (1974))

(b) Applicants other than the State educational agency must provide a copy of their application to the State educational agency of the State in which they are located 15 days prior to their submission of the application to the Commissioner;

(c) The Commissioner may establish a cut-off date for approval of applications by the State educational agency. If the Commissioner establishes such a date, failure by the State educational agency to indicate its approval to the Commissioner within the period specified shall be deemed a disapproval of the application by the State educational agency, and the application will not be considered for funding by the Commissioner;

(d) (1) The State educational agency must inform the Commissioner, in writing, in accordance with any cut-off date established by the Commissioner under paragraph (c) of this section, of those applications within its State which it approves for funding under this subpart;

(20 U.S.C. 1921(e) (1))

(2) The State educational agency must include in its written submission to the Commissioner:

(i) Documentation that it has established and appointed an advisory council in accordance with paragraph (a) (1) of this section, including information on the membership of the council, and that the council has been provided with an opportunity to receive and designate priorities among applications for grants under this subpart in that State (includ-

ing applications by the State educational agency);

(ii) Information on any priorities designated by the advisory council among applications for grants under this subpart in that State; and

(iii) With respect to applications from local educational agencies, assurances that the State educational agency will supervise (if the application is funded under this subpart) compliance by the local educational agencies in that State with the requirements set forth in § 162.12(c), including specific plans and arrangements for doing so; and

(e) While there is no specific limitation on the number of applications which may be approved by the State educational agency, State educational agencies are urged to approve only a reasonable number of applications and to forward to the Commissioner the rankings and copies of any written reviews of the applications.

(20 U.S.C. 1921(d), (e) (2))

§ 162.14 Evaluation criteria.

Applications for grants under this part which meet all of the application requirements in § 162.12 and which are approved by the appropriate State educational agency will be evaluated by the Commissioner on the basis of the following criteria, weighted according to the indicated points (in addition to the priorities designated by the State advisory councils pursuant to § 162.13, and the provisions of § 162.15 concerning equitable distribution of funds and State maximums):

(a) *General criteria.* (1) The need for the proposed activity in the area to be served by the applicant, particularly as it relates to the percentage or numbers of children with reading deficiencies in school(s) to be served by the project (10 points);

(2) Whether the program to be assisted responds to the reading needs it identifies and holds substantial promise of overcoming the reading deficiencies of children in the project schools (10 points);

(3) The adequacy of qualifications and experience of personnel designated to carry out the proposed project (10 points);

(4) The adequacy of facilities and other resources to carry out the project and, in particular, the use staff will make of those facilities in the project (5 points);

(5) Reasonableness of estimated cost in relation to anticipated results (5 points);

(6) Whether the proposed methods, systems, materials, or approaches of the program are sufficiently exemplary to be utilized in other projects or programs for similar educational purposes (5 points);

(7) Sufficiency of size, scope, and duration of the project so as to secure productive results (5 points);

(8) Soundness of the proposed plan of operation, including consideration of the extent to which (15 points):

(i) The objectives of the proposed project are sharply defined, clearly stated, capable of being attained by the proposed procedures, and capable of being measured;

(ii) Provision is made for high quality evaluation of the effectiveness of the project and for determining the extent the objectives are accomplished; and

(iii) Provision is made for disseminating the results of the project and for making the resulting materials, techniques, and other inputs available to the general public and specifically to those concerned with the area of education with which the project is itself concerned;

(9) The likelihood that program activities to be carried out under the project will be sustained and expanded by the applicant following the expiration of Federal assistance, as measured by:

(i) Evidence of financial and other commitment of the applicant, including its policymaking board, to the program; and

(ii) The extent the project is designed to build the capacity of the applicant to plan, expand, and improve effective reading programs on the elementary or pre-elementary school level (5 points); and

(10) Extra points will be awarded to projects which provide for reaching a large number of schools through:

(i) Their direct involvement in the project as project schools;

(ii) A statement of commitment by the applicant and reasonable time-tables to implement, after the expiration of Federal assistance under this subpart, innovative methods, systems, materials, or other elements developed in the project in all other schools administered by the applicant; and/or

(iii) Provisions for dissemination of information to other agencies, institutions, and schools concerning innovative methods, systems, materials, or other elements developed in the project, including documentation of the applicant's access to existing networks of potential users (10 points);

(20 U.S.C. 1921 (a), (b), (c))

(b) *Specific programmatic criteria.* The extent the proposed project is designed to achieve high quality (beyond meeting minimum requirements) for the following specific program elements required by § 162.12(c) to be contained in each program funded under this subpart:

(i) Diagnostic testing to identify school children with reading deficiencies (5 points), as measured by factors such as whether:

(i) Testing with children will be done at appropriate times and frequencies;

(ii) Tests will assist teachers and administrators in making decisions within the classroom and school;

(iii) Tests will diagnose the student's strengths and identify areas to be taught;

(iv) Tests will be used which are most specific and which give recommendations for specific treatments in cognitive and affective areas;

(v) Diagnosis will be an ongoing process; and

(vi) Tests are valid and reliable, as well as culturally and linguistically fair;

(2) Planning and establishing comprehensive reading programs (10 points), as measured by factors such as whether:

(i) The program focuses on the training of existing staff and would be carried out with existing staff rather than hiring additional staff members with Federal funds;

(ii) The project objectives are derived from and responsive to the findings of the needs assessment and diagnostic testing in the school(s) proposed to be served;

(iii) The reading program is designed to focus on children with reading deficiencies, but also provides reading instruction for every child in classes involved in the project;

(iv) Provision is made for individualized instruction which allows individual children to proceed at their own pace and in appropriate skill sequences; (20 U.S.C. 1921)

(v) Continuity in teaching methods from grade to grade is attempted within each project school, while at the same time there is flexibility to adjust methods and techniques for individual children based on the results of diagnostic testing; (S. Rep. No. 463, 93d Cong. 2d Sess. 125 (1974))

(vi) Children are not separated away from the classroom by ability or lack of ability, unless the applicant demonstrates that separation for a portion of the school day for supplementary instruction and instruction different from that offered in the classroom:

(A) Is essential to the purpose of the program; and

(B) Is essential to the needs of the child; and

(vii) Attention is given in the pre-elementary school program and in the early primary grades to reading readiness activities.

(3) Preservice and inservice training for teaching personnel (15 points), as measured by factor such as whether:

(i) The training to be provided relates to the assessed needs of teaching and ancillary educational personnel and children in project school(s);

(ii) The training will be offered at convenient times and locations;

(iii) Provision is made for classroom application of newly learned competencies and for follow up technical assistance to staff members;

(iv) Provision is made for evaluation of the training; and

(v) Instructional theory and experiences are offered which provide trainees with a capacity to:

(A) Understand the language arts process, children's literature, and reading readiness;

(B) Use diagnostic techniques to identify the reading needs of individual children and to evaluate student progress toward instructional objectives;

(C) Develop and carry out reading programs designed to meet the needs of

individual children, including activities to meet the special reading needs of children from diverse cultural and linguistic backgrounds;

(D) Work constructively and positively, on a group and individual basis, with children, parents, and other educational personnel;

(E) Effectively utilize a variety of approaches to the teaching of reading, including sequenced instruction, integration of reading instruction into other subject matter areas, flexible grouping of students based on student interest, needs, and abilities, and individualized instruction; and

(F) Plan and manage overall reading programs, including aspects such as problem-solving techniques, needs assessment and planning instruments, record-keeping, the identification and use of program resources, and program evaluation;

(4) Involvement in the project of school faculty, parents, the policymaking board of the applicant, and leaders of educational and cultural resources of the area to be served (15 points) as measured by such factors as whether:

(i) Two way communication is fostered between the project schools and appropriate groups outside the school;

(ii) Practical involvement of parents and board members in carrying out project activities is permitted; and

(iii) The project staff provides evaluative information to parents and board members;

(5) Periodic achievement testing (5 points), as measured by such factors as whether:

(i) Testing will be done with the children at appropriate times and frequencies;

(ii) The project staff delineates before the testing what the tests are intended to measure, how the test results are going to be used, and the audiences for whom the test results are intended;

(iii) The same level of the same test is used for both pre- and post-testing of children;

(iv) Project staff will carefully administer and score the tests according to the procedures outlined by test publishers;

(v) There is a clear rationale why the test measures will be criterion-referenced, norm-referenced, or informal; and

(vi) Project staff will scrutinize carefully whether the causes for observed gains are due to the treatment or other factors;

(6) Appropriate use of bilingual education methods and techniques (5 points) as measured by such factors as whether:

(i) There will be increased use of culturally relevant resources appropriate to the children in project school(s);

(ii) Students will be provided a knowledge of the history and culture associated with their languages;

(iii) Students will develop listening, speaking, reading, writing, and other academic skills in two languages;

(iv) The project will prevent the separation of children away from the classroom by language or ethnic background in any activity included in the programs, unless the applicant demonstrates that separation for a portion of the school day for specific language/reading activities is essential to the purpose of the program and needs of the child; and

(v) The project will utilize bilingual teaching and administrative staff;

(7) Collection and assessment of information on the reading needs of individual children to be made available for teachers in the subsequent year, including that information yielded by periodic testing (5 points), as measured by such factors as whether the assessment is designed to:

(i) Aim at factual information rather than mere opinion;

(ii) Include information on both cognitive and affective factors related to reading; and

(iii) Be done with uniform data collection instruments that can be used as a part of the school's total evaluation design;

(20 U.S.C. 1921(b)).

(8) Publication of the test results on achievement by grade level and, where appropriate, by school, without identification of achievement of individual children (5 points), as measured by such factors as whether publication and interpretation of test results is done in a way to:

(i) Protect the children;

(ii) Be understandable to the people who receive the results;

(iii) Present pre-test and post-test results with adequate explanation of the correlations;

(c) *Additional criteria for preelementary school projects.* The Commissioner will evaluate applications for preelementary school projects on the basis of the criteria set forth in paragraphs (a) and (b) of this section, according to the indicated weights, and the following criteria, weighted as indicated:

(1) The extent the project goals are commensurate with the appropriate developmental stages for the children to be served (10 points);

(2) The extent the project assesses the needs of preschool children by employing reliable and field-tested tools which can diagnose, screen, and predict potential readiness for reading (10 points);

(3) The extent qualified teachers use multi-teaching strategies and varied materials and resources in providing reading readiness experiences (5 points);

(4) The extent the project takes into account the various modalities for learning (5 points); and

(5) The extent provision is made for parent education in child management (5 points).

(20 U.S.C. 1921(b)).

§ 162.15 Equitable geographic distribution.

(a) In approving applications under this subpart the Commissioner will, to the maximum extent feasible, assure an

equitable distribution of funds throughout the United States and among urban and rural areas. In assuring an equitable distribution of funds throughout the United States, the Commissioner will consider:

(1) School-age population within a State;

(2) Urban and rural population distribution;

(3) Percentage of children with reading deficiencies;

(4) A widespread geographic distribution of projects;

(5) Ethnic/racial and cultural diversity of population to be served;

(6) Any other pertinent information;

(b) Not more than 12½ percent of the funds expended under this subpart in any fiscal year may be expended in any State in that year.

(20 U.S.C. 1921(g))

§ 162.16 [Reserved]

§ 162.17 Duration of projects.

(a) Individual grant awards under this subpart shall be for a period of up to one year, subject to the possibility that continuation grants may be made to support a project for a second year in accordance with the provisions of this section;

(b) Grant awards to support the second year of a project already funded under this subpart may be made, subject to the availability of funds and to the following provisions:

(1) Continuation applications will not be competitive with applications for new grant awards, but will be competitive with other applications for continuation awards; and

(2) Applications for continuation awards will be reviewed to determine:

(i) If the grantee has complied with the grant terms and conditions, the Act, and any applicable regulations;

(ii) The project's effectiveness to date;

(iii) The extent continuation of Federal assistance to the project is in the best interests of the Government; and

(iv) The extent continuation of Federal assistance would further a multiplier effect through:

(A) Directly involving additional schools and students in the project;

(B) Provisions for implementing, after the expiration of Federal assistance under this subpart, innovative methods, systems, materials, or other elements developed in the project in all other schools administered by the applicant; and/or

(C) Provisions for dissemination of information to other agencies, institutions, and schools concerning innovative methods, systems, materials, or other elements developed in the project.

(20 U.S.C. 1921)

§ 162.18 Size of awards; allowable costs.

(a) Although there will be no formula for establishing any limits to the amount of assistance provided under this subpart, it is suggested that applicants base their total dollar request under this subpart on the product of \$15 multiplied by

the number of elementary school children to be served within the project school(s);

(b) It is expected that most awards under this subpart will range between \$15,000 and \$125,000 for elementary school projects and between \$5,000 and \$25,000 for preelementary school projects with most of the awards made at the lower halves of these ranges. Nothing in this section shall be construed to limit the size of any particular grant award under this subpart; and

(c) Allowable costs under grants awarded under this subpart shall be determined in accordance with the cost principles provided under Subpart G of 45 CFR Part 100a, subject to the restrictions that:

(1) A maximum of 10 percent of the amount of the grant award may be spent for evaluation purposes; and

(2) A maximum of 10 percent of the grant award may be spent for the purchase of inexpensive books for distribution on a loan basis to elementary and preelementary school children.

(20 U.S.C. 1921, S. Rep. No. 1026, 93d Cong. 2d Sess. 198 (1974))

Subpart C—State Reading Improvement Programs

§ 162.25 Scope and purpose.

(a) This subpart governs grants to State educational agencies under part B of title VII of Pub. L. 93-380;

(20 U.S.C. 1941 and 1944(b)).

(b) Grants under this subpart shall be made in accordance with the provisions of part B of title VII of Pub. L. 93-380 (set forth in Appendix A of this part) and shall be subject to the General Provisions Regulations contained in 45 CFR Parts 100, 100b; and

(c) Grants under this subpart are to provide assistance to State educational agencies to enable them to:

(1) Provide financial assistance for projects designed to reach the objectives of this part, as set out in § 162.1;

(2) Develop comprehensive programs to improve reading proficiency and instruction in reading in the elementary schools of the State;

(3) Provide State leadership in planning, improving, executing and evaluating reading programs in elementary schools; and

(4) Arrange for and assist in the training of special reading personnel and specialists needed in programs assisted under this part.

(20 U.S.C. 1941)

§ 162.26 Allotments; reallocations.

(a) Section 713(b) of Pub. L. 93-380 authorizes the Commissioner to reallocate sums allotted to a State under section 713(a) which the Commissioner determines will not be required by the allottee for that year. The reallocation to other States is in proportion to the amounts originally allotted, but with the proportionate amount for any of the other States being reduced to the extent it exceeds the sum the Commissioner esti-

mates the local educational agencies of that State need and will be able to use for that year; and

(b) In order to provide a basis for allotment of sums by the Commissioner pursuant to this section, each State educational agency shall, if requested, submit to the Commissioner, by a date or dates the Commissioner may specify, a statement or statements showing the anticipated need for the funds previously allotted during the period for which the funds are available, or any amount needed to be added by allotment. Further information the Commissioner may request for the purpose of making reallocations shall be reflected in these statements.

(20 U.S.C. 1943)

§ 162.27 Standard of excellence.

(a) Section 714(a) of Pub. L. 93-380 provides that any State which desires to receive grants under part B of title VII of Pub. L. 93-380 must, through its State educational agency, enter into an agreement with the Commissioner which, among other things, provides for the establishment of a State advisory council on reading to advise the State educational agency on the formulation of a standard of excellence for reading programs in the elementary schools;

(b) The standard of excellence adopted by the State educational agency with the advice of the State advisory council under paragraph (a) of this section shall include, but need not be limited to, those statements of conditions that address or characterize a quality reading program in elementary schools;

(c) States are encouraged to consider at least the following factors when constructing a standard of excellence:

- (1) Community and school climate;
- (2) Organizing and managing a reading program;
- (3) Staffing a reading program;
- (4) Selecting and utilizing materials; and
- (5) Fostering reading interests; and

(d) The standard of excellence developed pursuant to this section must be designed for use by local educational agencies to plan, develop, implement, and evaluate their reading programs, and as a means for State educational agencies to evaluate the elementary reading programs of local educational agencies within their State.

(20 U.S.C. 1944(a))

§ 162.28 [Reserved]

§ 162.29 Judicial review.

(a) If any State is dissatisfied with the Commissioner's final action with respect to entering into an agreement with the State under this subpart, the State may, within sixty days after notice of the action, file a petition for review of that action with the United States court of appeals for the circuit in which the State is located. A copy of the petition shall be immediately transmitted by the clerk of the court to the Commissioner. The Commissioner shall then file in the court

the record of the proceedings on which the Commissioner's action was based, as provided in section 2112 of title 28, United States Code;

(b) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may then make new or modified findings of fact and may modify the previous action, and shall certify to the court the record of the further proceedings. New or modified findings of fact shall likewise be conclusive if supported by substantial evidence; and

(c) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(20 U.S.C. 1944(d), 827)

Subpart D—Special Emphasis Projects

§ 162.35 Scope and purpose.

(a) *Scope.* The regulations in this part govern projects awarded with funds pursuant to section 721 of Pub. L. 93-380; and

(b) *Purpose.* The purpose of the program carried out pursuant to this part is to support, through contracts with local educational agencies, special emphasis projects to determine the relative effectiveness of intensive reading instruction by reading specialists and reading teachers.

(20 U.S.C. 1961)

§ 162.36 Definitions.

As used in this subpart:

"Intensive reading instruction" means instruction in reading that would provide pupils with a minimum of 20 to 30 minutes of direct teacher-pupil instructional interaction each day (either individually or in small groups) and 15 to 20 minutes per day of independent reinforcement activities.

"Reading problem" means reading achievement which is less than would normally be expected for children of comparable ages in comparable grades of school.

"Reading specialist" means an individual who has a master's degree, with a major or specialty in reading, from an accredited institution of higher education and has successfully completed three years of teaching experience, which included reading instruction.

"Reading teacher" means an individual, with a bachelor's degree, who has successfully completed a minimum of twelve credit hours, or its equivalent, in courses in the teaching of reading at an accredited institution of higher education, and has successfully completed two years of teaching experience, which included reading instruction.

(20 U.S.C. 1961 and 1961(f))

§ 162.37 Eligibility; number of applications.

(a) Local educational agencies are eligible to file applications for contract awards under this subpart; and

(b) An applicant may submit only one application in a given fiscal year for an award pursuant to this subpart.

(20 U.S.C. 1961)

§ 162.38 Nature of projects.

(a) Projects supported under this subpart must be designed to carry out:

(1) The teaching of reading by reading specialists or reading teachers to all children in the first and second grades of an elementary school and to those children in grades three through six who have reading problems; and

(2) An intensive vacation reading program for elementary school children found to be reading below the appropriate grade level or who are experiencing problems in learning to read;

(b) Projects funded under this subpart must be designed to permit an evaluation by the Commissioner or by a contractor selected by the Commissioner of the effectiveness of intensive instruction by reading specialists and reading teachers;

(1) This evaluation will require the establishment or maintenance of a control school and may include a reasonable number of interviews, questionnaires, achievement tests, and other evaluation instruments administered to administrators, principals, teachers and students, project staff, and community members at reasonable times and places; and

(2) The evaluation may require the applicant to provide reasonable assistance in the organization and administration of the evaluation, including record keeping.

(20 U.S.C. 1961(a))

§ 162.39 Review and certification by State educational agencies.

(a) *Review of applications.* (1) The Commissioner will not approve an application submitted by a local educational agency under this subpart unless the State educational agency of the State in which the local educational agency is located has first approved it;

(2) Applicants must provide a copy of their application to the appropriate State educational agency concurrently with the submission of the application to the Commissioner;

(3) The Commissioner may establish a cut-off date for approval of applications by the State educational agency. If the Commissioner establishes such a date, failure by the State educational agency to indicate its approval to the Commissioner within the period specified shall be deemed a disapproval by the State educational agency of the application, which thereafter will not be considered for funding by the Commissioner; and

(4) The State educational agency must inform the Commissioner in writing, in accordance with any cut-off date established by the Commissioner under par-

agraph (a) (3) of this section, of those applications within its State which it approves for funding under this subpart.

(20 U.S.C. 1961(c))

(b) *Certification of reading specialists and teachers.* (1) The Commissioner will not approve any application unless it provides assurances that the State educational agency has certified that individuals employed as reading specialists and reading teachers meet the requirements set out in the definitions in § 162.36, except as provided in paragraph (b) (3) of this section;

(2) A reading teacher may be used in lieu of a reading specialist in projects under this subpart;

(i) If the Commissioner finds that the local educational agency applicant is unable to secure individuals who meet the requirements of a reading specialist; and

(ii) If the reading teacher is enrolled or will enroll in a program to become a reading specialist;

(3) A regular elementary teacher may be used in lieu of a reading teacher in projects funded under this subpart;

(i) If the Commissioner finds that the local educational agency applicant is unable to secure individuals who meet the requirements of the reading teacher; and

(ii) If the regular elementary teacher is enrolled or will enroll in a program to become a reading teacher.

(20 U.S.C. 1961(b) (2) and (e))

§ 162.40 Application requirements.

(a) With respect to activities to determine the relative effectiveness of intensive reading instruction to be carried out in the project, an application submitted under this subpart must set forth:

(1) Documentation that each of the provisions in § 162.38 will be satisfied by the project;

(2) Documentation that the project school has an enrollment which includes a substantial number of students who have a serious deficiency in reading achievement. For the purposes of this paragraph, "substantial number" means that 50 percent of the students in grades three through six are reading one or more years below grade level;

(3) A commitment by the applicant to cooperate with the Commissioner and with any contractor selected by the Commissioner in an evaluation to determine the effectiveness of intensive instruction by reading specialists and reading teachers in the project assisted under this subpart;

(4) The name of the project school and the name of the control school, and a commitment that these schools will remain the participating schools for the duration of the project;

(5) Documentation that:

(i) The project and control schools will be comparable (matched) as to:

- (A) Instructional approaches;
- (B) Curriculum materials; and
- (C) Size of enrollment; and

(ii) The control school will not have reading specialists or reading teachers responsible for reading instruction;

(6) Documentation that the project and control schools have comparable student bodies regarding:

- (i) Socio-economic status;
- (ii) Ethnicity; and
- (iii) Scores on standardized tests;

(7) A management plan that includes a process evaluation to measure the extent the project is meeting stated objectives; and

(8) A description of a reading specialists' format plan which includes a description of the instructional strategies, staffing plans (including the pupil-teacher ratio), instructional intensity pattern, and grouping patterns;

(b) The Commissioner will award a contract under this subpart only upon an application which meets the requirements in paragraph (a) of this section, and which:

(1) (i) Documents that there has been participation in the planning and development of the program described in the application by parents of children to be served by the program, the policy-making board of the applicant, and leaders of the cultural and educational resources of the area to be served, including representatives of such organizations as institutions of higher education, non-profit private schools, public and private non-profit agencies such as libraries, museums, educational radio and television organizations, and other cultural and educational resources of the community;

(ii) Includes a description of procedures used to provide the public at large in the area or areas proposed to be served by the project with an opportunity to have input in the planning of the program described in the application (such as through public notice and hearings); and

(iii) Provides for the continuing participation of groups and representatives described under paragraph (b) (1) (i) of this section in the development and implementation of the program described in the application; and

(2) Sets forth a reading program which provides:

(i) Plans for facilitating the re-entry and integration of students into the regular classroom program;

(ii) (A) A vacation reading program of at least four weeks including information about student selection procedures, duration, curriculum, and staffing; and

(B) A commitment that participation in the vacation program will be limited to children enrolled in the project school;

(iii) Diagnostic testing designed to identify children with reading deficiencies, including the identification of conditions which, without appropriate other treatment, can be expected to impede or prevent children from learning to read;

(iv) Planning and establishing comprehensive reading programs in project schools;

(v) Preservice and inservice training programs for project teaching personnel, including teacher aides and other ancillary educational personnel designed to enable these personnel to improve their ability to teach students to read;

(vi) Participation of the school faculty, the policy-making board of the applicant, members of the school administration, parents, and students in reading-related activities which stimulate an interest in reading and are conducive to the improvement of reading skills;

(vii) Sufficient periodic testing of elementary school children to accurately measure reading achievement; and

(A) Publication of test results on reading achievement by grade level and, where appropriate, by school, without identification of individual children; and

(B) The availability of test results on an individual basis to parents or guardians of any child tested;

(viii) Use of bilingual education methods and techniques consistent with the number of elementary school age children in the area served by a reading program who are of limited English-speaking ability;

(ix) Participation on an equitable basis by children enrolled in non-profit private elementary schools in the area to be served (after consultation with the appropriate private school officials) to an extent consistent with the number of such children whose educational needs are of the kind the program is intended to meet. The application must:

(A) Indicate the number of children enrolled in nonpublic schools who are expected to participate in each program and the manner of their expected participation;

(B) Document that there has been participation in the planning and development of the program described in the application by officials representing non-profit private elementary schools in the area to be served with children whose educational needs are of the kind which the program is intended to meet and provide for the continuing participation of these officials in developing and implementing the program; and

(x) *Other information.* Applications may include other information appropriate to respond to the criteria in § 162.41.

(20 U.S.C. 1921)

§ 162.41 Evaluation criteria.

In reviewing applications under this subpart, the Commissioner will seek to identify a small number of high quality projects and will apply the following criteria and point system totaling 175 points:

(a) The soundness of the proposed plan of operation, including consideration of the extent to which:

(1) The objectives of the project are sharply defined, clearly stated, and capable of being attained by the proposed program and capable of being measured and evaluated (20 points); and

(2) Provision is made for inservice training appropriate to the needs of the project (10 points);

(b) The overall quality of the instructional design including:

(1) The extent the project plans promise an effective instructional climate (15 points);

(2) The quality and comprehensiveness of plans for improving the whole school reading program (15 points);

(3) The extent plans for the summer school are integrated with the overall school reading program (10 points);

(4) The adequacy of the diagnostic program to identify students with reading problems and needs (10 points); and

(5) The extent the project will utilize recent research findings and provide for the adoption of innovative products and practices;

(c) Provision is made for the sole use of reading specialists or reading teachers, rather than regular classroom teachers, under the conditions set out in § 162.39(b) (50 points);

(d) The qualifications of the project director (15 points);

(e) The reasonableness of cost in relation to anticipated results (10 points);

(f) The quality of the proposed management design that includes process evaluation, schedules, and resource utilization plans (10 points); and

(g) Evaluation criteria set forth in § 100a.26(b) of this chapter will not apply to applications submitted under this subpart.

(20 U.S.C. 1921)

§ 162.42 District-wide project award.

(a) Subject to the availability of funds for a district-wide project, the Commissioner will consider awarding one or more district-wide projects which would be conducted in all schools within a local educational agency;

(b) Any award pursuant to this section will be subject to all other provisions of this subpart on the same basis as other projects funded under this subpart;

(c) In addition to the criteria set out in § 162.41, priority will be given to applications:

(1) Where the local educational agency:

(i) Gives credit for any course to be developed for reading teachers or reading specialists under section 722 of the Act; and

(ii) Encourages participation by the teachers of the agency in the training;

(2) Where the local public educational television station:

(i) Will present or distribute, in the event supplementary noncommercial telecommunication is utilized, any course to be developed under section 722 of the Act at a convenient time for viewing by elementary school teachers; and

(ii) If possible, at a convenient time for these teachers to take the course as a group at the elementary school where they teach; and

(3) Where the local educational agency makes arrangements with the appropriate officials of institutions of higher education to obtain academic credit for their elementary school teachers for the completion of a course described in paragraph (c) (2) of this section.

(20 U.S.C. 1961(d))

§ 162.43 [Reserved]

§ 162.44 Duration of projects.

(a) Individual contracts under this subpart shall be for one year, subject to

the possibility that continuation contracts may be made to support a multi-year (up to three year) project in accordance with the provisions of this section;

(b) Applications proposing multi-year projects must be accompanied by an explanation of the need and usefulness for evaluation purposes for multi-year support, an overview of the objectives and activities proposed, and budget estimates to attain these objectives in any proposed subsequent year;

(c) If the application demonstrates to the Commissioner's satisfaction that multi-year support is needed to carry out the proposed project, the Commissioner may, in the initial contract award for the project, indicate an intention to assist the project on an appropriate multi-year basis through continuation contracts; and

(d) Continuation awards may be made to projects described in paragraph (c) of this section, subject to the availability of funds and to the following provisions:

(1) Continuation applications will not be competitive with applications for new contract awards, but will be competitive with other applications for continuation awards; and

(2) Applications for continuation awards will be reviewed to determine:

(i) If the contractor has complied with the contract terms and conditions, the Act, and applicable regulations;

(ii) The project's effectiveness to date;

(iii) The extent the project is meeting the applicable priorities; and

(iv) The extent continuation of Federal assistance to the project is in the best interests of the Government.

(20 U.S.C. 1961)

§ 162.45 Size of awards; allowable costs.

(a) The size of individual contract awards under this subpart will depend upon the number of children and educational personnel to be served by the proposed project. It is expected that contract awards will generally range between \$100,000 and \$200,000. Nothing in this section shall be construed as a limit on the amount of individual contract awards; and

(b) Allowable costs under grants awarded under this subpart shall be determined in accordance with the cost principles provided under Subpart G of 45 CFR Part 100a, subject to the restriction that a maximum of five percent of funds may be spent on equipment.

(20 U.S.C. 1961)

Subpart E—Reading Academies Program

§ 162.50 Scope and purpose.

(a) This subpart governs applications for grants from State and local educational agencies, institutions of higher education, and community and other non-profit organizations to support exemplary reading assistance and instruction for functionally illiterate out-of-school youths and adults under section 723 of Pub. L. 93-380; and

(b) Grants under this subpart will support the development and installation

of these activities in facilities to be known as reading academies.

(20 U.S.C. 1963)

§ 162.51 Definitions.

As used in this subpart:

"Adult" means an individual 18 years of age or older.

"Functional illiteracy" means the absence of reading skills necessary to enable individuals to function effectively in society.

"Participant" means an individual enrolled in an academy program for the purpose of receiving reading instruction.

"Service area" means the geographic area to be served by a project funded pursuant to this subpart.

"Youth" means an individual 16 or 17 years old.

(20 U.S.C. 1963)

§ 162.52 Application requirements.

(a) With respect to reading assistance and instruction activities proposed to be carried out in the project, an application submitted under this subpart must set forth:

(1) Specific and measurable project objectives which will contribute to the elimination of functional illiteracy of adults and youths within the service area;

(2) A proposed time frame for accomplishing each of the objectives;

(3) An explanation of proposed procedures and strategies for accomplishing each objective; and

(4) An evaluation component providing for the collection, verification, and analysis of data to measure the extent each objective is accomplished by the project, and including pre- and post-use of appropriate standardized reading achievement tests which indicate reading grade level and, insofar as possible, relate to the cultural and linguistic variables of the target population;

(b) An applicant for assistance pursuant to this subpart must provide evidence of demonstrated experience and/or capability in providing reading instruction to youths and adults; and

(c) The Commissioner will approve an application submitted under this subpart only upon his determination that the requirements in paragraphs (a) and (b) of this section are satisfied and that the application:

(1) Describes project components involving the use of methodologies, systems, materials, or programs which show promise of overcoming the reading deficiencies of adults and youths in need of reading instruction and of making the project worthy of replication in other communities;

(2) Defines the geographic area to be served ("service area"), such as a city, county, regional area, or a smaller area within these units, and provides demographic and educational data supporting the need for a functional literacy program in the service area;

(3) Describes a system which the applicant either has in place or will develop for the identification and recruitment, as participants in the project, of youths and adults in need of reading instruction;

(4) Describes and provides for the implementation of a staffing plan that would:

- (i) Provide one-to-one or individualized instruction to participants; and
- (ii) Establish reading academies that would offer instruction at locations and times convenient to the participants; for example, through decentralized facilities or satellite academies;

(5) Provides for utilization of materials suitable for youths and adults related to their expressed needs and interests; e.g., employment tasks, consumer information, health and welfare services, and current events;

(6) Describes a strategy to involve community and service organizations in the elimination of illiteracy in the service area;

(7) Describes job position qualifications for the project director and other staff which include experience in administration and knowledge of adult education in non-school settings, literacy education, teacher or tutor training, recruitment of volunteers, and community resources;

(8) Describes administrative arrangements whereby the project director assumes responsibility for all project activities; and

(9) Provides for the establishment of a unit task force which will play an active role in planning and implementing the project and which will include representatives from the applicant agency, out-of-school youths and adults from the potential target population to be served, and, wherever possible and appropriate, representatives from community groups, other Federal or State programs, and business and industry.

(20 U.S.C. 1963)

§ 162.53 Evaluation criteria.

In evaluating project proposals under this subpart, the Commissioner will seek to identify a small number of exemplary projects and will evaluate proposals in accordance with the following criteria and point system totaling 200 points:

(a) The criteria set forth in § 100.226 (b) of this chapter (the Office of Education General Provisions Regulations) (10 points);

(b) The extent the project is designed to achieve high quality (beyond meeting minimum requirements) with respect to each of the requirements set forth in § 162.52 (total of 110 points), weighted as follows:

(1) The quality of the project objectives described pursuant to § 162.52(a) (1) (25 points);

(2) The time frame for accomplishing each objective, as provided in § 162.52(a) (2) (5 points);

(3) Procedures and strategies for accomplishing these objectives as provided in § 162.52(a) (3) (5 points);

(4) The evaluation component described pursuant to § 162.52(a) (4) (10 points);

(5) The experience and capability of the applicant in providing reading instruction to youths and adults, as provided in § 162.52(b) (5 points); and

(6) Each of the subparagraphs under paragraph (c) of § 162.52 will be weighted 5 points, except that paragraph (c) (2) of § 162.52 will be assigned 15 points and § 162.52(c) (4) will be assigned 10 points;

(c) The relationship of projected costs to both the numbers of functionally illiterate youths and adults to receive reading assistance and instruction and to the quality and intensity of the instruction to be offered (for example, one low-cost approach that might be considered could be the utilization of volunteers as tutors) (10 points); and

(d) The extent to which:

(1) Appropriate procedures will be used for measuring the achievement of the participants (10 points);

(2) The applicant plans to develop materials and provide assistance designed to meet the individual needs of participants (5 points);

(3) The applicant will provide periodic inservice training for tutors, supervisory staff, and organizations interested in establishing similar literacy programs (10 points);

(4) The applicant will carry out the project in cooperation with other local programs concerned with adult education and, where appropriate, will utilize volunteers from such programs as VISTA, the Retired Senior Citizens Program, college work-study programs, and community service organizations (10 points);

(5) The applicant will establish working relationships with such programs as manpower programs under the Comprehensive Employment and Training Act of 1974 and the Neighborhood Youth Corps as part of its recruitment strategy (5 points);

(6) The applicant plans to provide appropriate supportive services to tutors or other instructional personnel in any decentralized, satellite, or branch academies (20 points); and

(7) Where applicable, the applicant proposes to utilize materials and approaches that take into account the language and heritage of those participants of limited or no English-speaking ability (10 points).

(20 U.S.C. 1963)

§ 162.54 Allowable costs.

Allowable costs under grants awarded under this subpart shall be determined in accordance with the cost principles provided for under Subpart G of 45 CFR Part 100a, subject to the following restrictions:

(a) A maximum of 5 percent of funds may be spent on equipment; and

(b) It is anticipated that grants under this subpart will generally range from \$30,000 to \$80,000 per year depending on the size of the service area, the number of adults and youths proposed to be served, the scope and nature of the proposed project, and relative local costs. The thrust of the Reading Academy Program is to provide good quality, individualized instruction to large numbers of functionally illiterate youths and adults at the lowest possible cost. This will

necessitate strong reliance on the multiplier effect, the utilization of volunteer assistance, and the coordination of support services and facilities. It is expected that a substantial number of projects will be funded rather than concentrating on relatively few projects with big budgets. Nothing in this section shall be construed to limit the size of any particular grant award.

(20 U.S.C. 1963)

§ 162.55 Project duration.

(a) Projects may be for up to three years duration; and

(b) Grants will be made for twelve-month periods, and decisions on refunding will be made yearly on the basis of the extent the grantee has satisfactorily performed during the previous grant period, and on the availability of funds. A budget for the first twelve-month period must be developed. Tentative projected budgets and a planned scope of work for each subsequent year must also be developed if a project of more than one year's duration is planned.

(20 U.S.C. 1963)

APPENDIX A—PART B OF TITLE VII OF PUB. L. 93-380

STATE READING IMPROVEMENT PROGRAMS

STATEMENT OF PURPOSE

Sec. 711. It is the purpose of this part to provide financial assistance to the States to enable them—

(1) To provide financial assistance for projects designed to facilitate reaching the objectives of this title;

(2) To develop comprehensive programs to improve reading proficiency and instruction in reading in the elementary schools of the State;

(3) To provide State leadership in the planning, improving, execution, and evaluation of reading programs in elementary schools; and

(4) To arrange for and assist in the training of special reading personnel and specialists needed in program assisted under this title.

APPLICABILITY AND EFFECTIVE DATE

Sec. 712. (a) The provisions of this part shall become effective only in any fiscal year in which appropriations made pursuant to section 732(a) exceed \$30,000,000 and then only with respect to the amount of such excess.

(b) The provisions of this part shall be effective on and after the beginning of fiscal year 1976.

ALLOTMENTS TO STATES

Sec. 713. (a) (1) From the sums appropriated pursuant to section 732(a) for each fiscal year which are available for carrying out this part, the Commissioner shall reserve such amount, but not in excess of 1 per centum of such sums, as he may determine, and shall apportion such amount to Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for assistance under this title. Of the remainder of such sums, he shall allot an amount to each State which bears the same ratio to the amount available for allotment as the number of school age children (aged 5 to 12, inclusive) in each such State bears to the total number of such children in all the States, as determined by the Commissioner on the basis of the most recent satisfactory data

available to him. The allotment of a State which would be less than \$50,000 under the preceding sentence shall be increased to \$50,000, and the total of the increases thereby required shall be derived by proportionately reducing the allotments to the remaining States under the preceding sentence, but with such adjustments as may be necessary to prevent the allotments to any such remaining States from being reduced to less than \$50,000.

(2) For the purpose of this section, the term "State" includes the District of Columbia and the Commonwealth of Puerto Rico.

(b) The amount allotted to any State under subsection (a) for any fiscal year which the Commissioner determines will not be required for that year shall be available for reallocation from time to time, on such dates during that year as the Commissioner may fix, to other States in proportion to the amounts originally allotted among those States under subsection (a) for that year, but with the proportionate amount for any of the other States being reduced to the extent it exceeds the sum the Commissioner estimates the local educational agencies of such State need and will be able to use for that year; and the total of these reductions shall be similarly reallocated among the States whose proportionate amounts were not so reduced. Any amount reallocated to a State under this subsection from funds appropriated pursuant to section 732 for any fiscal year shall be deemed part of the amount allotted to it under subsection (a) for that year.

AGREEMENTS WITH STATE EDUCATIONAL AGENCIES

SEC. 714. (a) Any State which desires to receive grants under this part shall, through its State educational agency, enter into an agreement with the Commissioner, in such detail as the Commissioner deems necessary, which—

(1) Designates the State educational agency as the sole agency for administration of the agreement;

(2) Provides for the establishment of a State advisory council on reading, appointed by the State educational agency, which shall be broadly representative of the educational resources of the State and of the general public, including persons representative of—

(A) Public and private nonprofit elementary school children, and

(B) Institutions of higher education,

(C) Parents of elementary school children, and

(D) Areas of professional competence relating to instruction in reading,

to advise the State educational agency on the formulation of a standard of excellence for reading programs in the elementary schools and on the preparation of, and policy matters arising in the administration of, the agreement (including the criteria for approval of applications for assistance under such agreement) and in the evaluation of results of the program carried out pursuant to the agreement;

(3) Describes the reading programs in elementary schools for which assistance is sought under this part and procedures for giving priority to reading programs which are already receiving Federal financial assistance and show reasonable promise of achieving success;

(4) Sets forth procedures for the submission of applications by local educational agencies within that State, including procedures for an adequate description of the reading programs for which assistance is sought under this part;

(5) Sets forth criteria for achieving an equitable distribution of that part of the assistance under this part which is made available to local educational agencies pursuant to the second sentence of subsection (b) of this section, which criteria shall—

(A) Take into account the size of the population to be served, beginning with preschool, the relative needs of pupils in different population groups within the State for the program authorized by this title, and the financial ability of the local educational agency serving such pupils,

(B) Assure that such distribution shall include grants to local educational agencies having high concentrations of children with low reading proficiency, and

(C) Assure an equitable distribution of funds among urban and rural areas;

(6) Sets forth criteria for the selection or designation and training of personnel (such as reading specialists and administrators of reading programs) engaged in programs assisted under this part, including training for private elementary school personnel, which shall include qualifications acceptable for such personnel;

(7) Provides for the coordination and evaluation of programs assisted under this part;

(8) Provides for technical assistance and support services for local educational agencies participating in the program;

(9) Makes provision for the dissemination to the educational community and the general public of information about the objectives of the program and results achieved in the course of its implementation;

(10) Provides for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to evaluate the effectiveness of the program and to carry out his other functions under this title;

(11) Provides that not more than 5 per centum of the amount allotted to the State under section 713 for any fiscal year may be retained by the State educational agency for purposes of administering the agreement; and

(12) Provides that programs assisted under this part shall be of sufficient size, scope, and quality so as to give reasonable promise of substantial progress toward achieving the purposes of this title.

(b) Grants for projects to carry out the purposes of this part may be made to local educational agencies (subject to the provision of subsection (e) relating to the participation of private elementary and secondary school pupils), institutions of higher education, and other public and nonprofit private agencies and institutions. Not less than 60 per centum of the amount allotted to a State under section 713 for any fiscal year shall be made available by the State for grants to local educational agencies within that State.

(c) The Commissioner shall enter into an agreement which complies with the provisions of subsection (a) with any State which desires to enter into such an agreement.

(d) The Commissioner's final action with respect to entering into an agreement under subsection (a) shall be subject to the provisions of section 207 of the Elementary and Secondary Education Act of 1965, relating to judicial review.

(e) The provisions of section 141A of the Elementary and Secondary Education Act of 1965 relating to the participation of children enrolled in private elementary and secondary schools shall apply to programs assisted under this part.

APPENDIX B—MANUAL OF GUIDELINES FOR THE READING ACADEMY PROGRAM

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AUTHORITY: Sec. 723, Pub. L. 93-380.

CHAPTER I—INTRODUCTION

Part 1—Guidelines

SEC. 1.1 Scope of guidelines. (a) These guidelines are recommendations and suggestions for meeting the funding requirements and evaluation criteria for reading academy programs under section 723 of Pub. L. 93-380 (20 U.S.C. 1963), and Subpart E of 45 CFR Part 162. The legal requirements include the Act and the regulations (Subpart E of 45 CFR Part 162). The guidelines are not to be construed as requirements; however, where the guidelines set forth a permissible means of meeting a legal requirement, the guidelines may be relied upon.

Projects which do not come within these guidelines will not be prejudiced. Projects are not subject to termination proceedings or audit exceptions for conduct which is recommended or suggested in the guidelines; and

(b) Where a guideline is issued in connection with or affecting a provision in the regulations, the pertinent regulation will be cited after the citation of legal authority for the guideline, in the parentheses following the guideline. For example, if the legal authority for the guideline is the Act (20 U.S.C. 1963) and the guideline affects § 162.52 of the regulation (45 CFR 162.52), the follow-

ing citation will be placed on the line immediately following the guideline: (20 U.S.C. 1963) (45 CFR 162.52). If no particular section of the regulation is affected, no citation to the Code of Federal Regulations (CFR) will be made.

(20 U.S.C. 1232(a))

CHAPTER II—GENERAL INFORMATION FOR THE APPLICANT

Part 1—General Information

Sec. 1.1 General. The Reading Academy Program provides grants to State and local educational agencies, institutions of higher education, and community and other non-profit organizations to provide exemplary reading assistance and instruction to functionally illiterate out-of-school youths and adults not reached through other reading programs. The instruction is to be provided in facilities to be known as reading academies. While there are a variety of ways that an applicant may plan for, and then implement, a reading academy, the following suggestions and guidelines are intended to provide assistance which may help in developing a project to meet the requirements, or in implementing a funded project.

(20 U.S.C. 1963) (45 CFR 162.50)

Part 2—Planning

Sec. 2.1 General planning information. The regulations set out several requirements concerning a description of an applicant's proposed project which can be met only if adequate planning has been done for developing the project. In planning, it is generally helpful to go through the following steps:

- Identification of the problem (needs assessment);
- Analysis of community resources;
- Community involvement;
- Establishing objectives and strategies to solve the problems; and
- Staff development.

(20 U.S.C. 1963) (45 CFR 162.52(a)(1))

Sec. 2.2 Identification of the problem. To determine the number and characteristics of youths and adults with reading problems in a given area, and therefore the type of reading academy program which will best solve the problems, the following types of information are relevant:

- The number of adults and youths (out-of-school) who have not finished elementary and secondary school;
- The number of youths and adults who may be defined as functionally illiterate;
- The age range and sex of target groups (between 16-20, 21-35, over 35);
- The ethnic backgrounds of the target groups;
- The non-English-speaking populations;
- The estimated income levels of target groups (below \$3,600, \$3,600 to \$7,200, and so forth);
- Their employment profiles (number of full-time, part-time, and unemployed; whether skilled, semi-skilled, unskilled); and
- Identification of the neighborhoods where the target population lives.

(20 U.S.C. 1963) (45 CFR 162.52(c)(2))

Sec. 2.3 Identification of community resources. Knowledge of what educational services are available to adults in their communities is helpful in determining how a reading academy should be structured to supplement existing services or to build bridges between agencies and services. Information may be obtained by making an inventory of community agencies, service organizations, local business and industry, State agencies, local and federally funded programs; and

by identifying which agencies might be helpful in identifying and recruiting participants and/or serving as sources of volunteers, providing materials and facilities, providing publicity, offering special expertise in training volunteers, or having the capability of sponsoring or housing reading academy branches in neighborhood facilities convenient to participants.

(20 U.S.C. 1963) (45 CFR 162.53(d)(5) and (6))

Sec. 2.4 Community involvement. Involving diverse segments of the community in planning, developing, and operating a project increases the possibilities for greater project success. Applicants are encouraged to consider developing an effective structure of involvement entailing extensive planning on the part of each applicant (and follow-up planning by each grantee). Recognition of the competence and interest of a variety of groups both within and outside formal educational institutions in planning and operating project activities may result in programs which can best meet the needs of the target population and sustain the interest and support of the community. As one means of ensuring community involvement, the regulations require establishing a unit task force. Further guidance on the unit task force is provided in Part 7 of these guidelines.

(20 U.S.C. 1963) (45 CFR 162.52(c)(6) and (c)(9))

Sec. 2.5 Establishing objectives. (a) Section 162.52(a) of the regulations requires the applicant, having identified the needs of functionally illiterate youths and adults in a given area, to develop objectives that relate to the overall project activities. A number of provisions in the regulations also concern the meeting of participants' individual needs (§§ 162.52(c)(4)(1), 162.53(c)(1) and (2)). To do this, it is suggested that participants in a project be involved with their tutors in the formulation of their own learning objectives. Objectives allow participants and staff to see what behaviors must be demonstrated for successful completion of the program, in addition to allowing them to evaluate their own progress toward the successful accomplishment of the objectives. For the project director and the teachers, the objectives serve to identify problems encountered by the learners at various stages, providing the opportunity for revising the learning approaches utilized. Furthermore, clearly stated objectives for individual participants make it possible to evaluate learner progress as well as the instructional design's effectiveness; and

(b) With respect to overall project objectives called for in § 162.52(a) of the regulations, objectives in three areas might be identified: operational objectives, instructional objectives, and product objectives.

(1) Operational objectives refer to the goals for the processes that are necessary to carry out the project, such as recruiting and teaching participants and recruiting and training volunteer and other teaching and administrative staff;

(2) Instructional objectives refer to the goals for changes in students' (and staff members') cognitive and affective behavior (see Part 4—Instructional Program); and

(3) Product objectives refer to goals in developing such material items as criterion-referenced tests, curriculum guides, or reading materials. It is useful to set out time schedules for the production of materials.

The effectiveness of the instructional program is likely to be directly related to the clarity of the operational objectives and the instructional objectives. The operational objectives, in addition to reflecting the total program planning design and the process

necessary to carry out the program, are based upon the applicant or grantee agency's philosophy about adult education. The instructional objectives specify the observable results by which the project's activities can be measured. The instructional objectives set the stage for the specific behavioral objectives which will be achieved by the participants. Clarity of the objectives will also facilitate the selection of instructional materials.

(20 U.S.C. 1963) (45 CFR 162.52(a) and (c)(1) and (2); 162.53(d)(2))

Sec. 2.6 Staff development. The regulations set out several requirements designed to ensure that staff have adequate experience and expertise with adult education in non-school settings, literacy education, teacher or tutor training, recruitment of volunteers, administration, and knowledge of community resources. While any one person may not have all of the above experience or expertise, the staff as a whole should have these experiences, which should be enhanced by further training. The regulations do require that the project director assume responsibility for all aspects of the program.

(20 U.S.C. 1963) (45 CFR 162.52(b), (c)(7) and (8) and 162.53(d)(4) and (5))

Part 3—Participant Recruitment and Retention

Sec. 3.1 Recruitment. The regulations require developing and implementing a system to identify and recruit participants. Identifying and recruiting youths and adults who are functionally illiterate are sensitive and complicated tasks. Due to the social stigma attached to illiteracy, individuals are often too shy to admit that they cannot read. Many have developed a whole series of protective mechanisms to hide their disability from family and friends. In the past, the school failed to serve them adequately; consequently, they are suspicious of educational programs. It may be that the best way to identify and approach potential participants is to reach them indirectly through community, youth, and social organizations will help to establish awareness of the program. Other agencies such as social service agencies, State employment agencies, and the Department of Motor Vehicles might be encouraged to refer to the academy those persons they have identified as in need of basic reading instruction. In some communities, staff may have to organize door-to-door recruitment campaigns. Volunteers from local organizations have proven in the past to be very effective in these recruitment campaigns. Obviously, it is important to plan well in advance the types of recruitment strategies that are appropriate for a particular service area, to implement these plans as soon as possible after the receipt of the grant award. Applicants and grantees are encouraged to consider whether special emphasis might be given to plans for the participation of out-of-school youths, as experience has shown that this group is the most difficult to recruit into literacy programs and the most difficult to retain once enrolled.

(20 U.S.C. 1963) (45 CFR 162.52(c)(3) and (6) and 162.53(d)(6))

Sec. 3.2 Retention. Attracting functionally illiterate youths and adults to the reading academy project is only part of the effort needed to have a successful project. Keeping their interest with a relevant and interesting curriculum, and providing supportive services are additional elements of a successful program. Out-of-school youths and adults come to reading programs with a variety of problems. For them, learning is never easy;

they are quickly discouraged and need continual encouragement. Many are unemployed and looking for work. Some are employed in physically exhausting labor. Others must rely on public transportation or the generosity of friends in order to reach the academy. An applicant may have a more successful program if the staff is able to anticipate these and other problems which might cause the participant to drop out. Experience with successful adult literacy programs indicates that a project may need to include a referral service to appropriate social service and health agencies, provide help in cutting through red tape to gain a much needed service and, at times, provide minimal funds to offset the cost of transportation. In very isolated areas where public transportation does not exist, some projects have found that it is necessary to provide transportation to the instructional site. Applicants are encouraged to consider and provide for these elements as appropriate.

(20 U.S.C. 1963) (45 CFR 162.53(d) (4), (5), and (6))

Part 4—Instructional program

Sec. 4.1 Program. The regulations require that an exemplary program of reading assistance be developed for teaching the functionally illiterate youth and adult target population. It is hoped that programs will be planned to provide participants with opportunities for immediate reading success, practice of reading and related skills, and positive reinforcement. A more successful program may result where supervisory and teaching staff have an understanding of the process of reading development for adults, of how to assess a participant's reading ability, a working knowledge of available instructional print and other media materials suitable for adults, and the ability to exercise creativity in developing instructional programs. A program more relevant to the needs and interests of the target population may be developed if representatives of the target population and the community are involved in planning and implementing the project.

The Right to Read Office of the U.S. Office of Education does not advocate any one method or set instructional materials; rather, it advocates that instruction be tailored to meet the needs of the individual learner. As a means of facilitating individualization, applicants are urged to adopt a diagnostic/prescriptive approach to instruction. This approach requires that each individual be diagnosed to determine the strengths and the needs he or she has regarding reading. Following the diagnosis, it is then necessary to prescribe a program of experiences utilizing appropriate materials and activities which will meet the needs which have been identified. Participant needs will dictate what kinds of materials should be used in the instructional process; since participants' needs will likely be varied, a variety of materials at different levels of difficulty may be required to provide necessary individualized instruction.

If English as a second language is a component of the instructional program, the participants should be given ample opportunity for practice of oral English.

(20 U.S.C. 1963) (45 CFR 162.52(c) (1) and (5) and 162.53(d) (2), (7) and (8))

Sec. 4.2 Materials. Choosing appropriate learning materials is an important part of the program. More learning is likely to take place if the materials are relevant to the backgrounds and immediate reading needs and interests of participants, and if the staff understands how the materials are to be used (and any prerequisites necessary to their use). Both commercially produced materials

(adopted or adapted) and relevant teacher-made materials may be used together. The materials, whether commercially produced or teacher-made, should be realistic, practical, functional, usable, and reflective of the needs and interests of the participants.

Whenever appropriate, the native language and culture of the participants should be used as an integral part of the instructional program. Instruction is more meaningful if focused around real-life coping skills such as consumer education and consumer rights, the world of work, job application skills, job or vocation-related skills, and so forth. Teachers may also use a variety of materials such as newspapers, cooking recipes, various types of application forms, signs, or any other printed materials that are interesting and relevant to the adult and youth participants.

(20 U.S.C. 1963) (45 CFR 162.52(c) (1) and (5) and 162.53(d) (2) and (7))

Part 5—Evaluation

Sec. 5.1 General. The regulations require an evaluation component for each project providing for the collection, verification, and analysis of data to measure the extent to which the project objectives are accomplished and procedures for measuring the achievement of participants. Both process (formative) and impact (summative) evaluation should be conducted. Process evaluation can be defined as a timely examination of project activities that actually occur with a view to:

(1) How they correspond with what was promised;

(2) To what extent the activities appear to be effective; and

(3) How they can be improved by modification. Within this system, as each modification is implemented, the cycle would start again. In its simplest form, process evaluation can be defined as a management information system. Impact evaluation examines the final results and asks whether the objectives were achieved.

(20 U.S.C. 1963) (45 CFR 162.52(a) and 162.53(d) (1))

Part 6—Project Director and Staff

Sec. 6.1 Staff. The regulations require that:

(a) The project director and the staff have specified experiences and expertise in the areas of adult education and in non-school settings, literacy education, administration, teacher or tutor training, recruitment of volunteers, and knowledge of community resources; and

(b) The applicant develop a system whereby the project director assumes responsibility for directing the project and all of its activities, including communication, programming, and evaluation. The following discussion presents some practical considerations which may be helpful in meeting these requirements.

An enormous part of the responsibility for the program rests with the project director, and it is important that he or she spend a major part of his or her time on the project. A suitable candidate for the position of project director should be identified during the planning stage prior to submission of the application so that he or she may be hired as soon as approval is granted and, if possible, be involved in the planning of the program. Other staff, paid and volunteer, should be chosen to complement the experience and expertise of the project director as well as to carry out training and/or teaching functions. In areas with high concentrations of participants of limited or no English-speaking ability, the applicant is encouraged to actively recruit project staff who speak the same language as the participants and who are of the same ethnic background as the

participants. The director is responsible for all project activities, evaluations, and communication concerning the project. It is important to establish efficient internal and external communication systems so that feedback to and by project staff, participants, and the community is timely and continuous. A determination should also be made as to which reports should be prepared about the program for the Office of Education according to the General Provisions Regulations (45 CFR Part 100a, Subparts P-R), and what communications might be desirable for informing the public about the existence of the program, its services, and accomplishments.

NOTE: Grantees will be provided with instructions and format for submission of required Office of Education reports.

(20 U.S.C. 1963) (45 CFR 162.52(c) (7) and (8) and 162.53(d) (8))

Sec. 6.2 Volunteers. (a) *General.* A review of the literature of volunteers in adult literacy programs and Right to Read program experience suggests that functionally illiterate youths and adults need instruction that is frequent, intensive, and personal. The limited financial resources available to the academy program necessitates that a project use imaginative schemes to insure that an academy offers this type of instruction. One effective way to stretch program funds is to enlist the aid of volunteers. Volunteer tutors, when given appropriate training and support, have been particularly effective in working with adults in reading programs.

Projects which put strong emphasis on the use of volunteers will need to develop detailed plans that include volunteer recruitment, preservice and inservice training, placement of volunteers and supportive services. The guidelines below present recommendations for projects which choose to make use of volunteer staff:

(b) *Recruitment.* If a project determines that it will rely on volunteer tutors, it should estimate the total number and types of volunteers it will need in order to form a resource pool of tutors and then set recruitment goals. Any plan to recruit volunteers should include identification of sources of volunteers (such as service organizations and college work study programs), establish working relationships with these groups, and launch a public awareness program through the media. The recruitment strategy should be designed to continue through the duration of the project and should take into account the traditionally high turnover rate of volunteers in the early part of any project;

(c) *Responsibilities.* It is helpful if job descriptions for volunteers are written and used as a basis for any recruitment campaign. These descriptions might include some indication of the type of commitment that will be expected from a volunteer. For example, "A tutor will teach reading to an individual adult, a minimum of three hours a week for thirty weeks," or "The tutor will participate in x number of preservice training sessions and periodic inservice training sessions"; and

(d) *Training.* Objectives for the training of volunteers should be clearly stated. Generally, they would include both affective and cognitive behaviors. The training should develop an awareness of, and a sensitivity to, the needs of the target population, orientation to the community and its resources, some basic reading instructional approaches and skills, and a familiarity with the instructional materials. The training program goal is to lead to the establishment of a helping relationship between the tutor and the professional staff. This preservice training sequence could be anywhere from 15 to 45 hours in length and might be followed by

inservice training and supportive service offered once the volunteer tutor is in the field. Regularly scheduled contact between the tutor and the professional staff of the academy is important. Inservice training needs will be as varied as the number and types of volunteers and participants involved in the program. General training sessions should be directed toward the resolution of problems common to all literacy programs; the informal followup services should concentrate on the resolution of specific problems.

(20 U.S.C. 1963) (45 CFR 162.52(c) (4) and (6) and 162.53(c) and (d) (7))

Part 7—The Unit Task Force

Sec. 7.1 *Composition.* The regulations require that a unit task force be established consisting of representatives from the applicant agency, out-of-school youths and adults from the potential target population, representatives from community groups, other Federal or State programs, and business and industry. Some points that might be considered in selecting members of the unit task force are:

(a) Special care might be taken to select youths who have demonstrated leadership among their peer groups;

(b) Community groups which might be involved include social agencies, adult education programs, local action groups, the public library, youth organizations, labor unions and municipal agencies; and

(c) Federal and State programs might include Adult Basic Education, the Model Cities Program, manpower training programs, Neighborhood Youth Corps, State employment agencies and volunteer organizations, particularly those sponsored by Federal programs (such as the retired senior citizens programs and VISTA).

It is important to keep in mind that while the unit task force should be large enough to represent diverse groups and interests, it should not be so large that its size limits efficient operation. For some projects, a unit task force and several sub-unit task forces might be established. For instance, if several neighborhood facilities are used to provide reading instruction, different sub-unit task forces for each neighborhood facility might be established so that more grassroots involvement and identification are obtained.

(20 U.S.C. 1963) (45 CFR 162.52(c) (9))

Sec. 7.2 *Responsibilities.* The following are examples of functions which might be performed by the unit task force to satisfy the regulation requirement that it play an active role in planning and implementing the project:

(a) Assistance in program planning including the identification of the target population, the assessment of needs, and the selection of project activities and priorities;

(b) Recruitment of volunteers and assistance in the mobilization of community resources;

(c) Assistance in staff development programs for project staff and volunteers;

(d) Assistance in identifying agencies which might serve as sponsors of locations for neighborhood reading academies;

(e) Assistance in the dissemination of information about the project throughout the community; and

(f) Coordination of the project with other community groups, with professional organizations, and with public and private agencies.

(20 U.S.C. 1963) (45 CFR 162.52(c) (9))

CHAPTER III—A MODEL: ACADEMY CENTERS AND SATELLITES

Part 1—The Model

Sec. 1.1 *General.* Several of the funding requirements and evaluation criteria suggest and support the development of a model for a reading academy project. In short summary they are: that low-cost individualized instruction be provided at locations and times convenient to participants; that the community be involved, perhaps by providing community or neighborhood facilities; that because of the difficulty in reaching the target populations, the staff be knowledgeable about providing instruction in non-school settings and in recruiting volunteers to work with participants. A model is therefore suggested which would include an academy center where planning, programming, staff recruitment, training and evaluation would be conducted, and satellite academies which would be located in facilities in neighborhoods convenient to potential participants where instruction would actually be provided. Volunteer tutors would provide the one-to-one instruction and would individualize attention and assistance to participants.

This model is not given as the exclusive approach to meeting the requirements and criteria contained in the regulations, but as one possible approach recommended for consideration by applicants.

(20 U.S.C. 1963) (45 CFR 162.52(c) (3), (4) (6), and (7) and 162.53(d) (2) and (7))

Sec. 1.2 *Academy Centers.* Under the model, the reading academy grantee would be responsible not only for carrying out an instructional program for youths and adults in a centralized reading academy, but also for developing a network of neighborhood-based or satellite academies staffed by trained volunteers who would provide instruction in the neighborhoods of the target population. The academy center would be responsible for developing a comprehensive volunteer system which would include recruitment and training of volunteers and placement of volunteer tutors in satellite academies. The academy center would also provide a wide variety of supportive services to the volunteer once he or she starts tutoring, an adult, whether the instruction occurs at the center or in a neighborhood satellite academy. Such service might include help for the tutors in material selection, in diagnostic testing and instructional prescription. The center would provide specific services to participants such as education counseling, referral service to appropriate social service or health agencies, and job placement. The academy center, as part of its effort to launch neighborhood-based academies or satellites, would work with various community groups, neighborhood councils and with branch libraries to identify appropriate places to house the instructional programs which are convenient to the target population. It would also mobilize a variety of community resources to support the academy.

(20 U.S.C. 1963) (45 CFR 162.52(c) (3), (4), (6), and (7) and 162.53(d) (2) and (7))

Sec. 1.3 *Satellites.* The satellite academies would take instruction to the places that are most suitable, convenient and easily accessible to the adult participants. They could be housed in libraries, community centers, homes, places of employment, schools, YMCA's or in a variety of other appropriate facilities. The center might adopt any one of a number of strategies to implement the satellite concept. It could establish a satellite academy or a network of academies as a

direct outgrowth of its own operation and carry the full responsibility for its management. Under this arrangement the center would identify and obtain community facilities but without further commitment from an organization. In communities with already established literacy programs, the center might establish a cooperative arrangement whereby it would provide certain specified professional services. In other communities the center could work through local organizations which would be willing to sponsor an academy, provide facilities and serve as a source of volunteers. Whichever arrangements are made for the establishment of a satellite academy, it would have a coordinator who would be responsible for recruiting participants who lived in the neighborhood, scheduling sessions with tutors and participants, maintaining a communication link between the tutor and participants, keeping records (attendance, progress charts, test scores), storage of instructional materials, and making sure that facilities are available as scheduled.

(20 U.S.C. 1963) (45 CFR 162.52(c) (3), (4), (6), and (7) and 162.53(d) (2) and (7))

[FR Doc. 75-31403 Filed 12-3-75; 8:45 am]

Public Health Service

[42 CFR Part 2a]

PROTECTION OF IDENTITY—RESEARCH SUBJECTS AND PATIENTS

Proposed Procedures

Notice is hereby given that the Assistant Secretary for Health, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Subchapter A, Chapter I of Title 42, Code of Federal Regulations, by adding a new Part 2a, entitled "Protection of Identity—Research Subjects."

This proposed amendment sets forth procedures under which persons engaged in research on mental health, including research on the use and effect of alcohol and other psychoactive drugs, may apply for an authorization under section 303(a) of the Public Health Service Act (42 U.S.C. 242a(a)) as amended by Pub. L. 93-282, to protect the privacy of the research subjects by withholding from all persons not connected with the conduct of the research the names and other identifying characteristics of such research subjects.

As set forth in § 2a.1, the proposed regulations are not applicable to authorizations of confidentiality for research on drugs which are classified, under the Federal Food, Drug, and Cosmetic Act, as investigational new drugs or as approved new drugs subject to special requirements (methadone). The Secretary's authority to grant authorizations of confidentiality to persons engaged in research on these drugs has been delegated to the Commissioner of the Food and Drug Administration.

Section 2a.1 also refers to the separate authority of the Attorney General to issue authorizations of confidentiality and notifies researchers that implementation of the various authorities for grant of confidentiality will be coordinated in order to avoid delay. Further coordina-

tion is provided in § 2a.5(b), which affords a researcher the opportunity to include a request to the Drug Enforcement Administration for exemption from prosecution for possession, distribution, and dispensing of controlled drugs in the application to the Secretary.

The proposed regulations provide that persons receiving an authorization of confidentiality may not be compelled in any Federal, State, or local civil, criminal, administrative, legislative, or other proceeding to identify the research subjects encompassed by the authorization (§ 2a.7(a)), but that such persons are not authorized to refuse to reveal identifying information where (1) the subject (or, if legally incompetent, his guardian) consents, in writing, to the disclosure of identifying information, (2) the medical welfare of the subject would be threatened by a failure to reveal such information, or (3) release of such information is required by the Federal Food, Drug, and Cosmetic Act or the regulations promulgated thereunder (§ 2a.7(b)). The purpose of these exceptions is to prevent the protection against compulsory disclosure of identifying information from being invoked to the detriment of the research subject.

The regulations also set forth procedures on termination of Confidentiality Certificates. The protection afforded by a confidentiality certificate is, however, permanent with respect to subjects who participated in research during any time the authorization was in effect.

Interested persons are invited to submit written comments, suggestions, or objections regarding this proposed amendment to the Alcohol, Drug Abuse, and Mental Health Administration, 5600 Fishers Lane, Room 13C-06, Rockville, Maryland 20852 on or before January 19, 1976. Comments received will be available for public inspection at that address during regular office hours.

Dated: October 28, 1975.

THEODORE COOPER,
Assistant Secretary
for Health.

Approved: November 21, 1975.

MARJORIE LYNCH,
Acting Secretary.

It is proposed to amend Subchapter A of Chapter I, Title 42 CFR, by adding a new Part 2a to read as follows:

PART 2a—PROTECTION OF IDENTITY—RESEARCH SUBJECTS

- Sec.
- 2a.1 Applicability; coordination.
- 2a.2 Definitions.
- 2a.3 Application.
- 2a.4 Contents of application; in general.
- 2a.5 Contents of application; research projects in which drugs will be administered.
- 2a.6 Issuance of Confidentiality Certificates; single project limitation.
- 2a.7 Effect of Confidentiality Certificate; exceptions.
- 2a.8 Termination.

AUTHORITY: Sec. 3(a), Pub. L. 91-513 as amended by sec. 122(b), Pub. L. 93-282; 84

Stat. 1241 (42 U.S.C. 242a(a)), as amended by 88 Stat. 132.

§ 2a.1 Applicability; coordination.

(a) Under section 303(a) of the Public Health Service Act (42 U.S.C. 242a(a)) the Secretary of Health, Education, and Welfare may authorize persons engaged in research on mental health, including research on the use and effect of alcohol and other psychoactive drugs, to protect the privacy of individuals who are the subject of such research by withholding from all persons not connected with the conduct of such research the names and other identifying characteristics of such individuals. The regulations in this part establish procedures pursuant to which any person engaged in such research may, subject to the exceptions set forth in paragraph (b) of this section, apply to the National Institute on Drug Abuse, the National Institute of Mental Health, or the National Institute on Alcohol Abuse and Alcoholism for such an authorization of confidentiality. Persons unsure of which Institute has the authority and jurisdiction to grant the Confidentiality Certificate may submit an application to any of the three Institutes.

(b) These regulations do not apply to:

- (1) Authorizations of confidentiality for research requiring an Investigational New Drug exemption under section 505 (i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) or to approved new drugs, such as methadone, requiring continuation of long-term studies, records, and reports. Attention is called to 21 CFR 310.505(g) relating to authorizations of confidentiality for patient records maintained by methadone treatment programs.
- (2) Authorizations of confidentiality for research which are related to law enforcement activities or otherwise within the purview of the Attorney General's authority to issue authorizations of confidentiality pursuant to section 502 (c) of the Controlled Substances Act (21 U.S.C. 872(c)) and 21 CFR 1316.21.

(c) Persons who are uncertain with regard to the application of these regulations to a particular type of research may apply for an authorization of confidentiality under this part. Requests which are within the scope of the authorities described in paragraph (b) of this section will be forwarded to the appropriate agency for consideration and the applicant will be advised accordingly.

(d) "Research" means any activity that is intended and designed to establish, discover, develop, elucidate, demonstrate,

§ 2a.2 Definitions.

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

(b) "Person" means any individual, corporation, government, or governmental subdivision or agency, business trust, partnership, association, or other legal entity.

(c) "Research" means any activity that is intended and designed to establish, discover, develop, elucidate, demonstrate,

or confirm information or procedures. The term includes, but is not limited to, behavioral science studies, surveys, evaluations, and clinical investigations.

(d) "Drug" has the meaning given that term by section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1)).

(e) "Controlled drug" means a drug which is included in schedule I, II, III, IV, or V of Part B of the Controlled Substances Act (21 U.S.C. 811-812).

(f) "Administer" refers to the direct application of a drug to the body of a human research subject, whether such application be by injection, inhalation, ingestion, or any other means, by (1) a qualified researcher (or, in his presence, by his authorized agent), or (2) a research subject in accordance with instructions of a qualified researcher, whether or not in the presence of a qualified researcher.

(g) "Identifying characteristics" refers to any data collected on an individual by a researcher that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual which could reasonably distinguish that individual from all others in the study, including but not limited to fingerprints, voiceprints, or photographs.

(h) "Psychoactive drug" means, in addition to alcohol, a drug which has its principal action an effect on thought, mood, or behavior.

§ 2a.3 Application.

(a) Any person engaged in applicable research as discussed in § 2a.1, who desires authorization to withhold the names and other identifying characteristics of individuals who are the subject of such research from any person or authority not connected with the conduct of such research may apply to the Office of the Director of the National Institute on Drug Abuse, Rockwall Building, 11400 Rockville Pike, Rockville, Maryland 20852, or the Office of the Director, National Institute of Mental Health, or the Office of the Director, National Institute on Alcohol Abuse and Alcoholism, 5600 Fishers Lane, Rockville, Maryland 20852 for an authorization of confidentiality. Such an application may accompany the submission of an application for grant or contract assistance.

(b) A separate application, submitted in triplicate, is required for each research project for which an authorization of confidentiality is requested.

§ 2a.4 Contents of application; in general.

(a) In addition to any other pertinent information which the Secretary may require, each application for an authorization of confidentiality for a research project shall contain:

- (1) The name and address of the individual primarily responsible for the conduct of the research and the sponsor or institution with which he is affiliated, if any;

(2) The location of the research project and a description of the facilities available for conducting the research, including the name and address of any hospital, institution, or clinical laboratory facility to be utilized in connection with the research;

(3) The names, addresses, and summaries of the scientific or other appropriate training and experience of all personnel having major responsibilities in the research project;

(4) An outline of the research protocol for the project including, where applicable, the following information:

(i) A clear and concise statement of the purpose and rationale of the research project;

(ii) A statement of the methodology to be followed, including: (A) The number and types of subjects (e.g., age, sex, education) who will be used in the research project;

(B) The type of information which is to be collected and the instruments and methods for such collection; and

(C) The procedures for the safeguarding of data on the research subjects, which shall include as a minimum an assurance that records containing any information pertaining to research subjects shall be kept in a locked file cabinet, safe, or other similar container when not in use; and

(iii) A statement: (A) From applicants who receive DHEW grant or contract support for the research project with respect to which a Confidentiality Certificate is requested assuring that they will comply with all the requirements of 45 CFR Part 46, "Protection of Human Subjects," or

(B) From all other applicants assuring that they will, if it is determined by the Secretary, on the basis of information submitted by the applicant, that (1) the subjects will be placed at risk and (2) a decision to allow the subjects to accept the risks is warranted, comply with the informed consent requirements of 45 CFR 46.3(c) and document legally effective informed consent in a manner consistent with the principles stated in 45 CFR 46.10. If a modification of paragraphs (a) or (b) of 45 CFR 46.10 is to be used, as permitted under paragraph (c) of this section, the applicant will describe the proposed modification and submit it for approval by the Secretary.

(5) The estimated date for completion of the project;

(6) A specific request for authority to withhold the names and other identifying characteristics of the research subjects and the reasons supporting such request;

(7) An assurance that if an authorization of confidentiality is given it will not be represented as a general endorsement of the research project by the Secretary or used to coerce individuals to participate in the research project; and

(8) An assurance that the research subjects will be immediately advised of any termination of the authorization of confidentiality.

(See § 2a.8(c)).

§ 2a.5 Contents of application; research projects in which drugs will be administered.

(a) In addition to the information required by § 2a.4 and any other pertinent information which the Secretary may require, each application for an authorization of confidentiality for a research project which involves the administering of a drug shall contain:

(1) In the case of a controlled drug, a copy of the Drug Enforcement Administration Certificate of Registration (BND Form 223) under which the research project will be conducted;

(2) Identification of the drugs to be administered in the research project and a description of the methods for such administration, which shall include a statement of the dosages to be administered to the research subjects; and

(3) Evidence that individuals who administer drugs are authorized to do so under applicable Federal and State law.

(b) An application for an authorization of confidentiality with respect to a research project which involves the administering of a controlled drug may include a request for exemption of persons engaged in the research from State or Federal prosecution for possession, distribution, and dispensing of controlled drugs as authorized under section 502

(d) of the Controlled Substances Act (21 U.S.C. 872(d)) and 21 CFR 1316.22. If the request is in such form, and is supported by such information, as is required by 21 CFR 1316.22, the Secretary will forward it, together with his recommendation that such request be approved or disapproved, for the consideration of the Administrator of the Drug Enforcement Administration.

§ 2a.6 Issuance of Confidentiality Certificates; single project limitation.

(a) In reviewing the information provided in the application for a confidentiality certificate, the Secretary will take into account:

(1) The soundness of the purposes and methods of the research project;

(2) The scientific or other appropriate training and experience of all personnel having major responsibilities in the research project;

(3) The suitability for use in the research project of the proposed subject population and the protections to be afforded to subjects; and

(4) Such other factors as he may consider necessary and appropriate. All applications for confidentiality certificates shall be evaluated by the Secretary through such officers and employees of the Department and such experts or consultants engaged for this purpose as he determines to be appropriate.

(b) After consideration and evaluation of an application for an authorization of confidentiality, the Secretary will either issue a Confidentiality Certificate or a letter denying a Confidentiality Certificate, which will set forth the reasons for such denial, or will request additional information from the applicant. The Confidentiality Certificate will include:

(1) The applicant's name and address;

(2) The name and address of the individual primarily responsible for conducting the research, if such individual is not the applicant;

(3) The location of the research project;

(4) A brief description of the research project;

(5) The Drug Enforcement Administration registration number for the project, if any; and

(6) The date of expiration of the Confidentiality Certificate.

(c) A Confidentiality Certificate is not transferable and is effective only with respect to the names and other identifying characteristics of those individuals who are the subjects of the single research project specified in the Confidentiality Certificate. The recipient of a Confidentiality Certificate shall, within 15 days of any completion or discontinuance of the research project which occurs prior to the expiration date set forth in the Certificate, provide written notification to the Secretary. If the recipient determines that the research project will not be completed by the expiration date set forth in the Confidentiality Certificate he may submit a written request for an extension of the expiration date which shall include a justification for such extension and a revised estimate of the date for completion of the project. Upon approval of such a request, the Secretary will issue an amended Confidentiality Certificate.

(d) The protection afforded by a Confidentiality Certificate does not extend to significant changes in the research project as it is described in the application for such Certificate (i.e., changes in the personnel having major responsibilities in the research project, or changes in the research protocol affecting the number and types of research subjects or the nature of their participation in the project). The recipient of a Confidentiality Certificate shall notify the Secretary of any proposal for such a significant change by submitting an amended application for a Confidentiality Certificate in the same form and manner as an original application. On the basis of such application and other pertinent information the Secretary will either:

(1) Approve the amended application and issue an amended Confidentiality Certificate together with a Notice of Cancellation terminating the original Confidentiality Certificate in accordance with § 2a.8; or

(2) Disapprove the amended application and notify the applicant in writing that adoption of the proposed significant changes will result in the issuance of a Notice of Cancellation terminating the original Confidentiality Certificate in accordance with § 2a.8.

§ 2a.7 Effect of Confidentiality Certificate; exceptions.

(a) Subject to the exceptions set forth in paragraph (b) of this section, a Confidentiality Certificate authorizes the withholding of the names and other identifying characteristics of individuals

who participate as subjects in the research project specified in the Certificate while the Certificate is in effect. The authorization applies to all persons who, in the performance of their duties in connection with the research project, have access to information which would identify the subjects of the research. Persons so authorized may not, at any time, be compelled in any Federal, State, or local civil, criminal, administrative, legislative, or other proceeding to identify the research subjects encompassed by the Certificate, except in those circumstances specified in paragraph (b) of this section.

(b) *Exceptions.* A Confidentiality Certificate granted under this part does not authorize any person to refuse to reveal information which would identify a research subject where (1) the subject (or, if he is legally incompetent, his guardian) consents, in writing, to the disclosure of such information, (2) the medical welfare of the research subject would

be threatened by a failure to reveal such information, or (3) release of such information is required by the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301) or the regulations promulgated thereunder (Title 21, Code of Federal Regulations).

§ 2a.8 Termination.

(a) A Confidentiality Certificate is in effect from the date of its issuance until the effective date of its termination. The effective date of termination shall be the earlier of:

(1) The expiration date set forth in the Confidentiality Certificate; or

(2) Ten days from the date of mailing a Notice of Cancellation to the applicant, pursuant to a determination by the Secretary that the research project has been completed or discontinued or that retention of the Confidentiality Certificate is otherwise no longer necessary or desirable.

(b) A Notice of Cancellation shall include: an identification of the Confidentiality Certificate to which it applies; the effective date of its termination; and the grounds for cancellation. Upon receipt of a Notice of Cancellation the applicant shall return the Confidentiality Certificate to the Secretary.

(c) Any termination of a Confidentiality Certificate pursuant to this section is operative only with respect to the names and other identifying characteristics of individuals who begin their participation as research subjects after the effective date of such termination (see §§ 2a.4(a)(8) and 2a.5 requiring researchers to immediately notify subjects of any termination of the Confidentiality Certificate). The protection afforded by a Confidentiality Certificate is permanent with respect to subjects who participated in research during any time the authorization was in effect.

[FR Doc.75-32402 Filed 12-3-75; 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

[Public Notice No. 473]

Office of the Secretary

FIELD ORGANIZATION

Pursuant to the requirements of the Administrative Procedure Act (5 U.S.C. 552(a)) there follows a list of the field organization (foreign) of the Department of State as of September 16, 1975.

EMBASSIES

Afghanistan, Kabul
Algeria, Algiers
Argentina, Buenos Aires
Australia, Canberra
Austria, Vienna
Bahamas, The, Nassau
Bahrain, Manama
Bangladesh, Dacca
Barbados, Bridgetown
Belgium, Brussels
Bolivia, La Paz
Botswana, Gaborone
Brazil, Brasilia
Bulgaria, Sofia
Burma, Rangoon
Burundi, Bujumbura
Cameroon, Yaounde
Canada, Ottawa
Central African Republic, Bangui
Chad, N'Djamena
Chile, Santiago
China, Taipei (Taiwan)
Colombia, Bogota
Costa Rica, San Jose
Cyprus, Nicosia
Czechoslovakia, Prague
Dahomey, Cotonou
Denmark, Copenhagen
Dominican Republic, Santo Domingo
Ecuador, Quito
Egypt, Cairo
El Salvador, San Salvador
Equatorial Guinea, Malabo
Ethiopia, Addis Ababa
Fiji, Suva
Finland, Helsinki
France, Paris
Gabon, Libreville
Gambia, The, Banjul
Germany, Federal Republic, Bonn
Germany, Democratic Republic, Berlin
Ghana, Accra
Greece, Athens
Guatemala, Guatemala
Guinea, Conakry
Guyana, Georgetown
Haiti, Port-au-Prince
Honduras, Tegucigalpa
Hungary, Budapest
Iceland, Reykjavik
India, New Delhi
Indonesia, Jakarta
Iran, Tehran
Iraq, Baghdad (U.S. Interests Section, Belgian Embassy)
Ireland, Dublin
Israel, Tel Aviv
Italy, Rome
Ivory Coast, Abidjan
Jamaica, Kingston
Japan, Tokyo
Jordan, Amman
Kenya, Nairobi
Korea, Seoul
Kuwait, Kuwait
Laos, Vientiane
Lebanon, Beirut
Lesotho, Maseru
Liberia, Monrovia
Libya, Tripoli
Luxembourg, Luxembourg
Madagascar, Tananarive
Malawi, Blantyre
Malaysia, Kuala Lumpur
Mali, Bamako
Malta, Valletta
Mauritania, Nouakchott
Mauritius, Port Louis
Mexico, Mexico, D.F.
Morocco, Rabat
Nepal, Kathmandu
Netherlands, The Hague
New Zealand, Wellington
Nicaragua, Managua
Niger, Niamey
Nigeria, Lagos
Norway, Oslo
Oman, Muscat
Pakistan, Islamabad
Panama, Panama
Papua New Guinea, Port Moresby
Paraguay, Asuncion
Peru, Lima
Philippines, Manila
Poland, Warsaw
Portugal, Lisbon
Qatar, Doha
Romania, Bucharest
Rwanda, Kigali
Saudi Arabia, Jidda
Senegal, Dakar
Sierra Leone, Freetown
Singapore, Singapore
Somalia, Mogadiscio
South Africa, Pretoria
Soviet Union, Moscow
Spain, Madrid
Sri Lanka, Colombo
Sudan, Khartoum
Swaziland, Mbabane
Sweden, Stockholm
Switzerland, Bern
Syria, Damascus
Tanzania, Dar es Salaam
Thailand, Bangkok
Togo, Lome
Trinidad and Tobago, Port-of-Spain
Tunisia, Tunis
Turkey, Ankara
United Arab Emirates, Abu Dhabi
United Kingdom, London
Upper Volta, Ouagadougou
Uruguay, Montevideo
Venezuela, Caracas
Yemen, Sana'a
Yugoslavia, Belgrade
Zaire, Kinshasa
Zambia, Lusaka

U.S. MISSIONS TO INTERNATIONAL ORGANIZATIONS

Austria, Vienna: U.S. Mission to the International Atomic Energy Agency (IAEA); U.S. Mission to the U.N. Industrial Development Organization (UNIDO).
Belgium, Brussels: U.S. Mission to the European Communities (USEC); U.S. Mission to the North Atlantic Treaty Organization (USNATO).
Canada, Montreal: U.S. Mission to the International Civil Aviation Organization (ICAO).
France, Paris: Office of Permanent U.S. Representative to United States Educational, Scientific, and Cultural Organization (UNESCO); U.S. Mission to the Organization for Economic Cooperation and Development (USOECD).
Italy, Rome: Office of U.S. Representative to Food and Agriculture Organization (FAO).
Switzerland, Geneva: U.S. Mission to the European Office of the United Nations and other International Organizations.

SPECIAL OFFICES

China: Peking
Germany: Berlin, U.S. Mission
Malawi: Lilongwe

CONSULATES GENERAL

Australia: Melbourne
Sydney
Belgium: Antwerp
Brazil: Rio de Janeiro
Sao Paulo
Canada: Calgary
Halifax
Montreal
Quebec
St. John's
Toronto
Vancouver
Winnipeg
Ecuador: Guayaquil
Egypt: Alexandria
Ethiopia: Asmara
France: Bordeaux
Lyon
Marseille
Strasbourg
Germany: Berlin
Bremen
Dusseldorf
Frankfurt am Main
Hamburg
Munich
Stuttgart
Greece: Thessaloniki
India: Bombay
Calcutta
Madras

Italy: Genoa
Milan
Naples
Palermo
Japan: Naha
Osaka-Kobe
Jerusalem: Jerusalem
Mexico: Guadalajara
Hermosillo
Monterrey
Tijuana
Morocco: Casablanca
Tangier
Netherlands: Amsterdam
Rotterdam
(Americas): Curacao, Netherlands Antilles
Paramaribo, Surinam
New Zealand: Auckland
Pakistan: Karachi
Lahore
Portugal: (Africa):
Luanda, Angola
Saudi Arabia: Dhahran
South Africa: Cape Town
Durban
Johannesburg
Soviet Union: Leningrad
Spain: Barcelona
Seville
Switzerland: Zurich
Turkey: Istanbul
Izmir
United Kingdom (Great Britain and Northern Ireland): Belfast
Edinburgh
Liverpool
(Americas): Belize City, Belize
Hamilton, Bermuda
(Asia): Victoria, Hong Kong
Yugoslavia: Zagreb

CONSULATES

Algeria: Oran
Australia: Brisbane
Perth
Austria: Salzburg
Brazil: Belem
Porto Alegre
Recife
Salvador
Cameroon: Douala
Colombia: Cali
Medellin
France: Nice
(Americas): Fort-de-France, Martinique
Indonesia: Medan
Surabaya
Iran: Isfahan
Shiraz
Tabriz
Italy: Florence
Trieste
Turin
Japan: Fukuoka
Sapporo
Mexico: Ciudad Juarez
Matamoros
Mazatlan
Merida
Nuevo Laredo
Nigeria: Ibadan
Kuduna
Pakistan: Peshawar
Philippines: Cebu
Poland: Krakow
Poznan
Portugal: Oporto
Ponta Delgada
Sao Miguel
Azores
Spain: Bilbao
Tanzania: Zanzibar
Thailand: Chiang Mai
Udon
Turkey: Adana
Venezuela: Maracaibo
Zaire: Eukavu
Lubumbashi

SPECIAL PURPOSE POSTS

(No consular district; contact embassy for consular matters.)

Burma: Mandalay
Thailand: Songkhla

CONSULAR AGENCIES

Australia: Adelaide	Portugal: Funchal,
Bolivia: Santa Cruz	Madeira Islands
Brazil: Manaus,	Spain:
Amazonas	Ibiza
Colombia:	Las Palmas-Santa
Buenaventura	Cruz de Tenerife
Israel: Haifa	Malaga
New Zealand:	Palma de Mallorca
Christchurch	Valencia
Peru: Piura	

This notice supersedes Public Notice No. 360 (37 F.R. 13814, 13815 July 14, 1972).

Dated: November 24, 1975.

For the Secretary of State.

[SEAL] LAWRENCE S. FOGLEBURGER,
Deputy Under Secretary of
State for Management.

[FR Doc.75-32668 Filed 12-3-75;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

FLOAT GLASS FROM FRANCE

Final Countervailing Duty Determination

On June 30, 1975, a "Notice of Preliminary Countervailing Duty Determination" was published in the FEDERAL REGISTER (40 FR 27499) with respect to float glass from France.

The notice stated that, on the basis of an investigation conducted pursuant to § 159.47(c), Customs Regulations (19 CFR 159.47(c)), a preliminary determination had been made that no bounty or grant is being paid or bestowed, directly or indirectly, within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303).

The notice further stated that, before a final determination would be made in the proceeding, consideration would be given to any relevant data, views or arguments submitted in writing within 30 days from the date of the notice of preliminary determination. The 30-day period was extended to September 3, 1975, by notice published in the FEDERAL REGISTER of August 15, 1975 (40 FR 34423).

On the basis of the investigation it has also been determined that the allowable method of depreciation is not a bounty or grant, and that none of the exporters involved receive a remission of the trading license tax.

After consideration of all information received, a final determination is hereby made, that, for the reasons stated in the preliminary determination and for the reasons stated above, no bounty or grant is being paid or bestowed, directly or indirectly, within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303), upon the manufacture, production or exportation of float glass from France.

This notice is published pursuant to section 303(a), Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

VERNON D. ACREE,
Commissioner of Customs.

Approved: November 26, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-32647 Filed 12-3-75;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

WAGE COMMITTEE

Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, January 6, 1976; Tuesday, January 13, 1976; Tuesday, January 20, 1976; and Tuesday, January 27, 1976 at 9:45 a.m. in Room 1E801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Pub. L. 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, the Federal Advisory Committee Act, meetings may be closed to the public when they are "concerned with matters listed in section 552(b) of Title 5, United States Code." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency" (5 U.S.C. 552(b)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552(b)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that this meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552(b)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552(b)(4)).

However, members of the public who may wish to do so, are invited to submit

material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 2D281, The Pentagon, Washington, D.C.

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

DECEMBER 1, 1975.

[FR Doc.75-32728 Filed 12-3-75;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance
Administration

JUVENILE DELINQUENCY RESEARCH

Deadline for Submission of Concept Papers

Notice is hereby given that the deadline for submission of concept papers on Juvenile Delinquency Research topics under LEAA's 1976-1977 Visiting Fellowship Program is extended from November 15, 1975 to December 31, 1975. Concept papers on all other topics will not be included in LEAA's present review cycle.

The Visiting Fellowship Program supports a community of criminal justice scholars at the National Institute of Law Enforcement and Criminal Justice and the National Institute for Juvenile Justice and Delinquency Prevention in Washington, D.C. Fellowship recipients come to the Nation's Capital to work on projects of their own design for periods of three months to two years. The emphasis is on creative, independent research on major issues relating to crime prevention and control and the administration of justice. Interaction with LEAA staff and criminal justice professionals is encouraged through informal discussions, seminars, and conferences.

The Visiting Fellowship Program is open to highly qualified persons in the criminal justice professions or the academic community seeking support on projects related to law enforcement and criminal justice. Each Fellow is selected on the basis of past work either in an academic position or a professional career, the potential impact of the project, the quality and feasibility of the research methodology, and the feasibility of conducting the project in the Washington, D.C. area. Project periods are flexible, but should not begin before July 1, 1976.

Researchers and practitioners are encouraged to take advantage of the extended deadline to submit concept papers on proposed research in juvenile delinquency areas for consideration under the 1976-1977 Program. Concept papers should include details on the juvenile delinquency research topic, the project's scope, methodology, estimated cost and time necessary to complete the research.

For further information, please contact: Ms. Phyllis Modley, National Institute for Juvenile Justice and Delinquency Prevention, LEAA, U.S. Department of Justice, 633 Indiana Avenue, NW., Washington, D.C., 20531, (202) 376-3645.

GERALD H. YAMADA,
Attorney-Advisor,
Office of General Counsel.

[FR Doc.75-32667 Filed 12-3-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

INDIAN TRIBES PERFORMING LAW ENFORCEMENT FUNCTIONS

Determination; Amendment

NOVEMBER 20, 1975.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM2.

Section 601(d), Title I of the Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. 90-351, places responsibility on the Secretary of the Interior to

determine those Indian tribes which perform law enforcement functions. The listing published beginning on page 13758 of the May 25, 1973, FEDERAL REGISTER (38 FR 13758) identified all eligible Indian tribes and the specific law enforcement functions they have responsibility to exercise. Determinations concerning Indian tribes not listed are made on an individual basis upon application by such tribes under the provisions of the Act of the Law Enforcement Assistance Administration, Department of Justice. The Secretary's authority to make such determinations was delegated to the Commissioner of Indian Affairs by 230 DM1.

It has been determined by the Commissioner of Indian Affairs that certain tribes in the State of Nevada have responsibility to exercise all six of the law enforcement functions in the published listing.

Therefore, the listing published beginning on page 13758 of the May 25, 1973, FEDERAL REGISTER (38 FR 13758) as amended is further amended by revising the entry for the Indian Tribes of Nevada to read as follows:

Tribal entities recognized by the Federal Government listed by State	To employ tribal Police	To establish a tribal court	To adopt a tribal law & order code	To undertake correction functions	To undertake programs aimed at prevention of adult crime and delinquency	To undertake adult and juvenile rehabilitation programs
Nevada						
Battle Mountain Colony ²	X	X	X	X	X	X
Carson Colony ¹	X	X	X	X	X	X
Dresslerville Colony ¹	X	X	X	X	X	X
Elko Colony ²	X	X	X	X	X	X
Goshute Reservation	X	X	X	X	X	X
Lovelock Colony	X	X	X	X	X	X
Odger's Ranch ²	X	X	X	X	X	X
Reno-Sparks Colony	X	X	X	X	X	X
Ruby Valley Allotment ²	X	X	X	X	X	X
South Fork Reservation ²	X	X	X	X	X	X
Washoe Tribal Farms ¹	X	X	X	X	X	X
Washoe Pinenut Allotment ¹	X	X	X	X	X	X
Winnemucca Colony	X	X	X	X	X	X
Yomba Reservation	X	X	X	X	X	X
Duckwater Reservation	X	X	X	X	X	X

1 Under Washoe Constitution

2 Under Toiyabe Constitution

MORRIS THOMPSON,
Commissioner of
Indian Affairs.

[FR Doc.75-32626 Filed 12-3-75;8:45 am]

Bureau of Land Management COLORADO STATE MULTIPLE USE ADVISORY BOARD

Meeting

NOVEMBER 26, 1975.

Notice is hereby given that the Colorado State Multiple Use Advisory Board of the Bureau of Land Management will meet in the Colorado State Bank Building, Room 709, 1600 Broadway, Denver, Colorado, January 9, 1976 from 9:00 a.m. to 4:00 p.m.

The meeting will be devoted to reviewing the board's role—significance and responsibilities. There will be an election of Chairman and Vice-Chairman and a briefing by District Managers on district resources.

The meeting will be open to the public. Time will be made available from 1:00 p.m. to 2:00 p.m. for brief statements by members of the public. Such statements must not exceed ten minutes, and be limited in content to suggested topics or issues for consideration by the Board.

DALE R. ANDRUS,
State Director.

[FR Doc.75-32663 Filed 12-3-75;8:45 am]

[Wyoming 53141]

WYOMING Application

NOVEMBER 26, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Kansas-Nebraska Natural Gas Company, Inc., has applied for a natural gas pipeline right-of-way across the following land:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 34 N., R. 95 W.,
Sec. 23,
Sec. 26.

The pipeline will convey natural gas from a well in sec. 23 to an existing gathering system in sec. 26, T. 34 N., R. 95 W., Fremont County, Wyoming.

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 send their name and address to the District Manager, Bureau of Land Management, P.O. Box 670, Rawlins, WY 82301.

PHILIP C. HAMILTON,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.75-32664 Filed 12-3-75;8:45 am]

Geological Survey NEW MEXICO

Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Department Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby added to the Baca Location No. 1 known geothermal resources area, effective February 1, 1974:

(31) NEW MEXICO

BACA LOCATION NO. 1 KNOWN GEOTHERMAL RESOURCES AREA

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T.18 N., R. 3 E.,

Secs. 19 to 23, inclusive, and 27 to 32, inclusive.

T.19 N., R. 2 E.,

Secs. 1, 2, 12 and 13.

T.20 N., R. 2 E.,

Secs. 11 to 14, inclusive, 23 to 26, inclusive, 35 and 36.

T.20 N., R. 3 E.,

Secs. 5, 7 and 18.

The area described aggregates 15,898.45 acres, more or less.

Dated: November 18, 1975.

GEORGE H. HORN,
Conservation Manager,
Central Region.

[FR Doc.75-32666 Filed 12-3-75; 8:45 am]

National Park Service

NATIONAL CAPITAL PARKS

Authorization of Additional Interpretive Visitor Transportation Services

Pub. L. 93-62 (Act of July 6, 1973, 87 Stat. 146), directed the Secretary of the Interior to provide interpretive visitor transportation services between the Mall and on the grounds of the North Pentagon Parking Lot and the Robert F. Kennedy Memorial Stadium, which was authorized in a letter of amendment to Concessions Contract No. 14-10-9-990-27 on January 25 and subsequently discontinued, is desirable to facilitate visitation and to insure proper management and protection of such areas. Therefore, notice is hereby given that, pursuant to the direction of Public Law 93-62 and the authority of the Act of August 25, 1916, as amended and supplemented (16 U.S.C. 1, et seq.), interpretive visitor transportation services are to be provided between the Mall and the grounds of the

North Pentagon Parking Lot and the authorized service to the Robert F. Kennedy Memorial Stadium reinstated.

MANUS J. FISH, Jr.,
Director,
National Capital Parks.

[FR Doc.75-32650 Filed 12-3-75; 8:45 am]

Office of the Secretary

SURFACE MANAGEMENT AND MINING OF FEDERALLY-OWNED COAL RESOURCES

Public Meetings

Notice is hereby given that a series of public meetings will be held in Cheyenne, Wyoming; Denver, Colorado; and Billings, Montana; to afford the public an opportunity to comment upon proposed rulemaking by the Department of the Interior relating to the surface management of Federally-owned coal resources and operating regulations for coal mining. The proposed rules were published September 5, 1975 in Volume 40 of the FEDERAL REGISTER, beginning on page 41122 (40 FR 41122).

The first meeting will be held in the auditorium of the Wyoming Highway Department, I-25 north of Cheyenne, Wyoming, December 18, 1975, commencing at 9:30 a.m. Persons wishing to offer their views should contact Mr. John Burnette, Office of Public Affairs, Bureau of Land Management, O'Mahoney Federal Center, Cheyenne (Tel. 778-2220, Ext. 2384).

On Friday, December 19, there will be a meeting held in the Weyer Auditorium of the Denver Public Library, 1375 Broadway, Denver, beginning at 9:30 a.m. Persons wanting to be heard should contact Mr. George C. Hinton, Office of Public Affairs, Bureau of Land Management, Colorado State Bank Building, Denver (Tel. No. 837-4481).

The last meeting will be held in Room 152 of the Library Building, Eastern Montana University, Billings, on Saturday, December 20, commencing at 9:30 a.m. Persons wishing to offer their views should contact Mr. Rod Ottenbryht, Office of Public Affairs, Bureau of Land Management, Federal Building and U.S. Courthouse, Billings (Tel. No. 245-6711, Ext. 6561).

The meetings will be open to the public. Depending upon the number of people desiring to be heard, the Chairperson may limit the amount of time available for each statement. Accordingly, those wishing to make an oral statement should plan to limit their remarks to 15 minutes. Additionally, such remarks should be reduced to writing and at least two copies filed with the Chairperson at the meetings. Individuals desiring to present extended remarks or written comments only for the record may do so at the meetings through the filing of at least two copies.

All meetings will conclude by early evening. Mr. Hugh C. Garner, Associate Solicitor, Division of Energy and Resources, U.S. Department of the Interior,

will serve as Chairperson for all three meetings.

KENT FRIZZELL,
Acting Secretary of the Interior.

NOVEMBER 28, 1975.

[FR Doc.75-32646 Filed 12-3-75; 8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

LONG ISLAND UNIT MANAGEMENT PLAN

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Long Island Unit Management Plan, USDA-FS-R10-DES(Adm) 76-01.

This environmental statement concerns a proposed land use plan for Long Island, on the Ketchikan Area of the Tongass National Forest. The plan gives direction for managing the timber, recreation, fish, wildlife, water, and minerals resources of Long Island. Timber, commercial fish, and mineral commodities are optimized. No significant recreation use is anticipated. Timber harvest is anticipated to have the greatest impact on the land and wildlife. Water quality will be protected and critical wildlife habitat maintained.

This draft environmental statement was transmitted to CEQ on November 25, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture

Building, Room 3231, 12th St. & Independence Avenue, SW., Washington, D.C. 20250

USDA, Forest Service, Alaska Region, Federal Office Building, Juneau, Alaska 99802

Forest Supervisor, Chatham Area, Tongass National Forest, 329 Harbor Drive, Sitka, Alaska 99835

Forest Supervisor, Stikine Area, Tongass National Forest, Federal Building, Petersburg, Alaska 99833

Forest Supervisor, Ketchikan Area, Tongass National Forest, Federal Building, Room 313, Ketchikan, Alaska 99901

A limited number of single copies are available upon request to James S. Watson, Forest Supervisor, Ketchikan Area, Tongass National Forest, Box 2278, Ketchikan, Alaska 99901.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to James

S. Watson, Forest Supervisor, Ketchikan Area, Tongass National Forest, Box 2278, Ketchikan, Alaska 99901. Comments must be received by January 24, 1975 in order to be considered in the preparation of the final environmental statement.

C. A. YATES,
Regional Forester, Alaska Region.

NOVEMBER 20, 1975.

[FR Doc.75-32654 Filed 12-3-75; 8:45 am]

Soil Conservation Service

CHEAHA CREEK WATERSHED, ALABAMA

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for a portion of the Cheaha Creek Watershed Project, Clay, Cleburne, and Talladega Counties, Alabama.

The environmental assessment of this federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with this portion of the project. As a result of these findings, Mr. W. B. Lingle, State Conservationist, Soil Conservation Service, USDA, 138 South Gay Street, Auburn, Alabama 36830, has determined that the preparation and review of an environmental impact statement is not needed for this portion of the project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement as described in the negative declaration include conservation land treatment supplemented by 1,800 feet of channel work on an existing, ephemeral stream (Bowden Lateral).

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, 138 South Gay Street, Auburn, Alabama 36830

Requests for the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken on or before December 19, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: November 24, 1975.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-32657 Filed 12-3-75; 8:45 am]

KETCHEPEDRAKEE CREEK WATERSHED, ALABAMA

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for a portion of the Ketchepedrakee Creek Watershed Project, Clay, Cleburne, and Randolph Counties, Alabama.

The environmental assessment of this federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with this portion of the project. As a result of these findings, Mr. W. B. Lingle, State Conservationist, Soil Conservation Service, USDA, 138 South Gay Street, Auburn, Alabama 36830, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement as described in the negative declaration include conservation land treatment supplemented by one single purpose floodwater retarding structure (FRS No. 15).

The environmental assessments file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA,
138 South Gay Street,
Auburn, Alabama 36830

Requests for the negative declaration should be sent to the above address.

No administrative action on the proposal will be taken until on or before December 19, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: November 24, 1975.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-32656 Filed 12-3-75; 8:45 am]

SANDY CREEK WATERSHED, OKLAHOMA

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice

that an environmental impact statement is not being prepared for an independent portion of the Sandy Creek Watershed project described below, in Garvin and Pontotoc Counties, Oklahoma.

The environmental assessment of the federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the action. As a result of these findings, Mr. Hampton Burns, State Conservationist, Soil Conservation Service, USDA Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074, has determined that the preparation and review of an environmental impact statement is not needed for this action.

The project concerns a plan for watershed protection and flood prevention. The planned action covered by this negative declaration includes conservation land treatment supplemented by three floodwater retarding structures.

The environmental assessment file is available for inspection during regular working hours and the negative declaration is available for single copy requests at the following location:

Soil Conservation Service, USDA Building,
Farm Road and Brumley Street, Stillwater,
Oklahoma 74074

No administrative action on implementation of the proposal will be taken on or before December 19, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: November 24, 1975.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-32655 Filed 12-3-75; 8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-477]

FARRELL LINES INC.

Application

Notice is hereby given that Farrell Lines Incorporated has applied for permission to amend its Trade Route No. 15-A service as described in Appendix A to Operating-Differential Subsidy Agreement, Contract No. MA/MSB-352, effective January 1, 1976, to permit Farrell Lines' vessels on Trade Route No. 15-A to call at Puerto Rico for the purpose of carrying cargo and/or passengers between Puerto Rico and ports in South and East Africa. Farrell presently has this privilege in its Operating-Differential Subsidy Agreement, Contract No. FMB-64, which expires December 31, 1975.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent thereto should, by the close of business

on December 15, 1975, notify the Secretary, Maritime Subsidy Board, in writing, in triplicate, and file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Maritime Subsidy Board.

Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605 (c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), and with as much specificity as possible state the facts the intervenors would undertake to prove at such a hearing.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

By order of the Maritime Subsidy Board.

Dated: December 1, 1975.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.75-32740 Filed 12-3-75;8:45 am]

National Oceanic and Atmospheric Administration

ALASKA DEPARTMENT OF FISH AND GAME

Modification of Permit

Notice is hereby given that, pursuant to the provisions of § 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (39 FR 1851, January 15, 1974), the Scientific Research Permit issued to the Alaska Department of Fish and Game on July 19, 1974, is modified in the following manner:

The prohibitions relating to taking of pregnant, lactating or unweaned marine mammals do not apply to the taking authorized by the Permit.

This modification is effective on December 4, 1975.

The Permit, as modified, and documentation pertaining to the modification, is available for review in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and the Office of the Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99801.

Dated: November 17, 1975.

ROBERT W. SCHONING,
Director,
National Marine Fisheries Service.

[FR Doc.75-32711 Filed 12-3-75;8:45 am]

CENTRAL MAINE POWER CO.

Issuance of a Permit To Take Marine Mammals

On August 12, 1975, notice was published in the FEDERAL REGISTER (40 FR

33848), that an application had been filed with the National Marine Fisheries Service by Central Maine Power Company, 9 Green Street, Augusta, Maine 04330, for a permit to take an unspecified number of marine mammals for the purpose of scientific research, incidental to environmental monitoring activities.

Notice is hereby given, that on November 13, 1975, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a permit to take by accidental capture an aggregated total, per year for five years, of up to fifteen marine mammals from one or more species not listed as threatened or endangered under the Endangered Species Act of 1973. This Permit issued to Central Maine Power Company is subject to certain conditions therein.

The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and in the Office of the Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Dated: November 13, 1975.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.75-32713 Filed 12-3-75;8:45 am]

LOUISIANA STATE UNIVERSITY

Issuance of Permit To Take and Import

On October 2, 1975, notice was published in the FEDERAL REGISTER (40 FR 45458) that an application had been filed with the National Marine Fisheries Service by the Museum of Zoology, Louisiana State University, Baton Rouge, Louisiana 79803, for a permit to take and import cetacean specimen materials which are killed incidental to fishing or other operations or dead of natural causes from various locations worldwide.

Notice is hereby given that on November 14, 1975, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a permit for the above taking and importing to the Museum of Zoology, Louisiana State University, subject to certain conditions set forth therein. The permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and in the Office of the Regional Director, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702.

Dated: November 14, 1975.

ROBERT W. SCHONING,
Director,
National Marine Fisheries Service.

[FR Doc.75-32712 Filed 12-3-75;8:45 am]

OCEAN WORLD, INC.

Receipt of Application for Public Display Permit

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the Regulations Governing the Taking and Importing of Marine Mammals.

Ocean World, Inc., 1701 S.E. 17th Street, Fort Lauderdale, Florida 33316, to take three (3) Atlantic bottlenosed dolphins (*Tursiops truncatus*), for the purpose of public display.

The bottlenosed dolphins will be captured in the Gulf of Mexico, off the west coast of Florida, by a professional collector using a seine net.

The dolphins will be maintained and displayed in a 220,000 gallon salt water tank, 50 feet in diameter and 16 feet deep.

Ocean World, Inc. is a profit organization. The facility hosts 250,000 visitors annually, in addition to 12,000 school children and others in educational programs.

The staff at Ocean world, Inc. has had considerable experience in oceanarium maintenance techniques and animal handling and has contributed significantly to further development of such techniques.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Documents submitted in connection with the above application are available for review at the following locations: Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235; and the Office of the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is sending copies of the application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written views or data, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 on or before January 5, 1976.

All statements and opinions contained in this Notice in support of this application are summaries based upon information supplied by the Applicant and, therefore, do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: November 24, 1975.

HARVEY M. HUTCHINGS,
Acting Associate Director for
Resource Management, Na-
tional Marine Fisheries Ser-
vice.

[FR Doc.75-32715 Filed 12-3-75;8:45 am]

SOUTHWEST FISHERIES CENTER

Issuance of Permit for Marine Mammals

On October 10, 1975, notice was published in the FEDERAL REGISTER (40 FR 47816), that an application had been filed with the National Marine Fisheries Service by the Southwest Fisheries Center, National Marine Fisheries Service, La Jolla, California 92038, for a scientific research permit to tag 7,000 spotted dolphins (*Stenella attenuata*) and 3,000 spinner (*Stenella longirostris*), and to import specimen materials from any dolphins of either species which accidentally die in the course of the tagging.

Notice is hereby given that, on November 24, 1975, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit for the above described activities to the Southwest Fisheries Center, National Marine Fisheries Service, subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: November 24, 1975.

ROBERT W. SCHONING,

Director,

National Marine Fisheries Service.

[FR Doc. 75-32714 Filed 12-3-75; 8:45 am]

Office of the Secretary

[Dept. Organization Order 10-4]

ASSISTANT SECRETARY FOR ECONOMIC DEVELOPMENT

Organization and Authority

This order, effective September 30, 1975, supersedes the material appearing at 35 FR 5970 of April 10, 1970, 40 FR 12532 of March 19, 1975, 40 FR 17772 of April 22, 1975, and 40 FR 36604 of August 21, 1975.

SECTION 1. Purpose. .01 This order prescribes the scope of authority of the Assistant Secretary for Economic Development and the functions of the Economic Development Administration.

.02 This revision incorporates the provisions of prior amendments 2 and 3 (subparagraph 4.01d., paragraph 5.n., and subparagraphs 4.01e. and 4.01f., respectively) and delegates to the Assistant Secretary for Economic Development the authority for final approval of allocation of funds under Title X of the Act which had been reserved to the Secretary under a prior amendment of March 6, 1975.

Sec. 2. General. Pursuant to the authority vested in the Secretary by law, the Economic Development Administration (the "Administration") is continued as a primary operating unit of the Department of Commerce.

Sec. 3. Designation of positions. .01 The position of Assistant Secretary of

Commerce, established by Title VI of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3121) (the "Act") shall continue to be designated the Assistant Secretary for Economic Development (the "Assistant Secretary"), and shall continue to serve as the operating head of the Administration.

.02 The following Deputy Assistant Secretarial positions are continued as the principal assistants of the Assistant Secretary:

Deputy Assistant Secretary for Economic Development, Deputy Assistant Secretary for Economic Development Operations, and Deputy Assistant Secretary for Economic Development Planning.

Sec. 4. Delegation of authority. .01 The Assistant Secretary is hereby delegated the functions, powers, duties, and authorities vested in the Secretary of Commerce by:

(a) The Act except that:

1. Reports to the Congress required by Section 707 of the Act shall be transmitted by the Secretary.

2. The functions, powers, duties, and authorities contained in Title V—Regional Action Planning Commissions, and that part of section 601(a) relating to coordinating the Federal Cochairmen shall be excluded from this delegation.

3. Appointment of a National Public Advisory Committee on Regional Economic Development as required by section 602 of the Act shall be reserved to the Secretary.

(b) The Manpower Development Training Act of 1962, as amended (42 U.S.C. 2571).

(c) Section 217 of Pub. L. 89-298 (42 U.S.C. 3142a) relating to rivers and harbors projects.

(d) 41 CFR Part 101-43, Public Contracts and Property Management, for the acquisition, use and eventual disposition of excess personal property obtained by the Administration and furnished to the Administration's project grantees and cost reimbursement type contractors.

(e) Chapters 3 and 4 of Title II of the Trade Act of 1974 (Pub. L. 93-618, 88 Stat. 1978, 19 U.S.C. 2101 et seq.) as they pertain to providing adjustment assistance to firms and communities which are certified eligible to apply or be considered for adjustment assistance.

(f) Chapter 2 of Title III of the Trade Expansion Act of 1962 (76 Stat. 872, 19 U.S.C. 1801 et seq.), as amended by the Trade Act of 1974, relating to the administration of adjustment assistance authorized to firms under the Trade Expansion Act.

.02 The Assistant Secretary may redelegate any functions, powers, duties and authority conferred on him by this order to any officer of the Economic Development Administration subject to such conditions as he may prescribe.

Sec. 5. General functions. The Assistant Secretary shall have primary responsibility for domestic economic development activities of the Department of Commerce except those relating to Regional Commissions. In carrying out

this responsibility, the Assistant Secretary shall:

(a) Serve as the principal advisor to the Secretary on economic development responsibilities and activities.

(b) Propose general Federal policies for the Secretary to establish relating to economic development of undeveloped or underdeveloped portions of the country.

(c) Designate redevelopment areas, economic development districts and economic development centers in accordance with provisions of the Act and terminate such designations when conditions require.

(d) Encourage and assist State and local agencies in planning and carrying out economic development programs for designated areas, districts and centers; establish guides as to nature, scope, content, and format of any overall economic development programs submitted for approval; and review, evaluate, and act upon requests for approval of overall economic development programs.

(e) Consistent with approved overall economic development programs, encourage and assist State and local agencies in developing proposals for technical and financial assistance through loans, guarantees, and grants, including assistance for public works and development facilities, review, evaluate and act upon requests for approval of economic development projects; and develop, issue and interpret policy guides and criteria to be followed by other agencies performing functions under these financial assistance programs.

(f) Determine occupational training and retraining needs in redevelopment areas, in consultation with the Department of Labor, and coordinate training in accordance with applicable provisions of law.

(g) Coordinate the Administration's plans for specific grants and loans for economic development assistance within the boundaries of Regional Commissions with the Federal Cochairmen of the Commissions involved, consulting with the Special Assistant for Regional Economic Coordination as may be required; and review and comment on proposed Regional Commission comprehensive long-range plans and on plans for specific projects.

(h) Perform or sponsor research applicable to authorities delegated the Assistant Secretary; perform or provide for growth studies for specific areas, districts and centers; perform special studies and compile information related to economic development; and make the results of research and studies compiled available to Government agencies or others interested in economic development.

(i) Serve as a principal advisor to the Secretary on matters dealt with by the Federal Advisory Council on Regional Economic Development, including recommendations of the Council to promote effective coordination of the activities of the Federal Government relating to regional economic development.

(j) Establish and maintain effective relations with other Federal agencies and national organizations concerned with policies and programs for economic development.

(k) Within resources available, provide professional and administrative assistance on a reimbursable basis as may be requested by the Special Assistant for Regional Economic Coordination or by the Federal Cochairmen.

(l) Provide assistance to the Secretary in connection with matters related to meetings of the National Public Advisory Committee on Regional Economic Development, such assistance to include the provision of executive secretariat services for the Committee.

(m) Serve as the Department's point of contact with international organizations concerned with economic development, and in consultation with the Secretary determine the Department's representation at meetings of such organizations.

(n) Establish the Administration's policy and procedures for fulfilling requirements for an excess personal property program, including requirements of EDA grantees.

(o) Issue such rules and regulations as may be required to carry out these functions.

GUY W. CHAMBERLAIN, Jr.,
Acting Assistant Secretary
for Administration.

[FR Doc. 75-32632 Filed 12-3-75; 8:45 am]

[Dept. Organization Order 35-2B]

BUREAU OF THE CENSUS

Authority and Organization

This order is effective September 29, 1975.

SECTION 1. Purpose. .01 This order prescribes the organization and assignment of functions within the Bureau of the Census (the "Bureau").

.02 The major changes made in the Bureau's organization and assignment of functions include: the addition of an Equal Employment Opportunity Officer (subparagraph 3.03c.), the addition of a Program Planning Staff (subparagraph 3.03d.), the creation of the position of Associate Director for Administration (Section 4.), and the assignment to the Economic Surveys Division of certain functions formerly carried out by the Transportation Division, which was abolished (paragraph 6.05).

Sec. 2. Organization Structure. The principal organization structure and lines of authority shall be as depicted in the attached organization chart (Exhibit 1). A copy of Exhibit 1 is on file with the original of this document with the Office of the Federal Register.

Sec. 3. Office of the Director. .01 The Director determines policies and directs the programs of the Bureau, taking into account applicable legislative requirements and the needs of users of statistical information. He is responsible for the conduct of the activities of the Bu-

reau of the Census and for coordinating its statistical programs and activities with those of other Federal statistical agencies with due recognition of the programs developed and regulations issued by the Office of Management and Budget.

.02 The Deputy Director assists the Director in the direction of the Bureau and performs the functions of the Director in the latter's absence.

.03 **Staff Elements.** (a) The Congressional Liaison Office shall advise on all Congressional matters related to the Bureau's activities and serve as the primary point of coordination for maintaining liaison on such activities with the Congress in collaboration with the Departmental Office of Congressional Affairs.

(b) The Public Information Office shall, under the policy guidance of the Director of the Bureau and in liaison with the Departmental Office of Communications (as provided by DOO 15-3), develop public information programs and coordinate and review for clearance the release and distribution of information disseminated by the Bureau.

(c) The Equal Employment Opportunity Officer designated under the provisions of subparagraph 3.02b. of Department Organization Order 10-5, "Assistant Secretary for Administration," shall provide guidance and assistance to Bureau officials in Equal Employment Opportunity matters, shall perform the duties and activities prescribed by subparagraph 2.01e.3. of Department Administrative Order 202-713, "Equal Employment Opportunity" and shall participate in the planning and direction of the Equal Employment Opportunity program.

(d) The Program Planning Staff shall assist in the overall planning, review and evaluation of Bureau programs. The Staff shall, in consultation with the Director, develop overall program plans for the Bureau; review and evaluate program accomplishments in relation to plans; and serve as the focal point for determining and assessing goals and long range plans for the Bureau as a whole. The staff shall provide Emergency Planning support to the Bureau and shall assist and advise the Director in these matters.

Sec. 4. The Associate Director for Administration. The Associate Director for Administration shall provide administrative management services to all components of the Bureau and advise the Director on administrative management and shall have and direct the following units:

.01 The Administrative Services Division shall provide administrative services to include physical security, property, space and facilities management, procurement control, library, communications, records disposition, files, mail and forms management and related administrative operations.

.02 The Budget Division shall perform budget functions which shall include preparation of official budget estimates and justification and allocation and control of all funds.

.03 The Finance Division shall perform financial analysis, maintenance of financial accounts, coordination of payroll and leave audits, and preparation of financial reports.

.04 The Management Information System Staff shall develop and implement an information system; provide ongoing information systems maintenance and upgrading; provide computer programming services for the processing of administrative and management data; and support management in planning and controlling its programs and projects.

.05 The Management and Organization Division shall conduct studies and perform related activities concerned with improving organization structure and management practices; design and develop administrative and management systems; provide technical support for work measurement programs; perform directives and reports management functions; carry out the staff responsibility for the Bureau committee management function; and prepare special analytical reports on management matters.

.06 The Personnel Division shall provide personnel management services, which shall include position classification and pay administration, recruitment and employment, employee training, employee relations and services, labor relations, and related personnel operations. The Division shall also provide assurance of equal opportunity in all employment matters in the Bureau.

.07 The Publications Services Division shall provide publication, printing and graphic art services, including publications design and distribution planning and control.

Sec. 5. The Associate Director for Demographic Fields. The Associate Director for Demographic Fields shall plan and direct the social and demographic statistical programs and advise the Director in these fields and shall have and direct the units described below. He shall be assisted by an Assistant Director for Demographic Censuses who shall direct and provide planning and coordination for the demographic censuses and also head the Demographic Census Staff.

.01 The Office of Demographic Analysis shall provide support in developing social indicators; conduct research on the need for additional indicators; develop data sources; conduct research into possible data gaps; develop recommendations to fill these needs; and develop reports and publications.

.02 The Demographic Census Staff shall provide overall direction for program planning of demographic censuses; develop overall budget requirements and time schedules; maintain liaison with other divisions for data needs and associated information and materials; develop plans for publication and other data dissemination programs; develop census methodology, including processing procedures, instructions and controls, and computer programming; and organize and conduct pretest research programs.

.03 The Demographic Surveys Division shall plan and develop specifications, survey design and methodology for, and provide technical direction over the development of statistical data collection in current and special surveys; plan and develop systems and prepare computer programs for the processing of applicable data on electronic data processing equipment; perform non-mechanical processing for specified current and special surveys; and conduct surveys and methodology studies for other agencies.

.04 The Housing Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from censuses and from special and current surveys relating to general housing characteristics; and conduct research and prepare special analytical reports, monographs, and special studies.

.05 The International Statistical Programs Center shall plan and conduct the Bureau's foreign consultation and training programs and represent the Bureau in international statistical activities; conduct research on international statistical program of methodology and content and coordinate other research of similar nature in the Bureau; assemble, through foreign publications, exchange data for use by the Government and the public and provide statistical information to foreign governments and international organizations; and prepare analytical studies of information available for inclusion in an international demographic data system and provide consultative services on matters relating to information contained in the system.

.06 The Population Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from special and current surveys and censuses; prepare estimates and projections of the population; plan and develop systems and prepare computer programs for the processing of population data on electronic data processing equipment; and conduct special studies and publish analytical reports and monographs.

.07 The Statistical Methods Division shall develop and coordinate the application of mathematical statistical techniques in the design and conduct of statistical programs in the demographic fields.

Sec. 6. *The Associate Director for Economic Fields.* The Associate Director for Economic Fields shall plan and direct the economic statistical programs and advise the Director in these fields, and he shall have and direct the units described below. He shall be assisted by an Assistant Director for Economic Censuses who shall direct the Economic Surveys Division and direct and provide planning and coordination for the economic censuses and also head the Economic Census Staff.

.01 The Agriculture Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from surveys or censuses relating to ag-

riculture, agricultural activities and products, equipment and facilities, irrigation and drainage enterprises, and cotton ginning; plan and develop systems and prepare computer programs for the processing of agricultural data on electronic data processing equipment; and conduct research and prepare analytical reports, monographs, and special studies.

.02 The Business Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from special and current surveys and censuses relating to business enterprises engaged primarily in the distribution of goods and services; plan and develop systems and prepare computer programs for the processing of business data on electronic data processing equipment; perform non-mechanical processing for current Division programs; and conduct research and prepare analytical reports, monographs and special studies.

.03 The Construction Statistics Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from current surveys and studies relating to construction activity and from construction industry censuses and surveys relating to the characteristics and operations of firms in the construction industry; plan and develop systems and prepare computer programs for the processing of construction data on electronic data processing equipment; perform non-mechanical processing for current Division programs; and conduct research and prepare special analytical reports, monographs, and studies.

.04 The Economic Census Staff shall provide overall direction for program planning of the economic censuses; develop overall budget requirements and time schedules; maintain liaison with other divisions for data needs and associated information and materials; develop plans for publication and other data dissemination programs; develop census methodology including processing procedures, instructions and controls and computer programming; and organize and conduct pretest research programs.

.05 The Economic Surveys Division shall plan and develop specifications, survey design and methodology for, and provide technical direction over, the processing of statistical data collection in assigned current and special surveys relating to firms engaged in a variety of economic activities; develop classification manuals and systems for the coding and identification of industries and commodities for use in the Bureau's statistical programs; conduct research into the application and use of administrative records, including development of a current industrial directory; plan and develop systems and prepare computer programs for the processing of economic data on electronic data processing equipment; and develop overall plans and programs for the collection, processing and dissemination of statisti-

cal data from surveys or censuses relating to the transportation industry.

.06 The Foreign Trade Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data relating to various aspects of the export and import trade of the United States and foreign trade shipping; plan and develop systems and prepare computer programs for the processing of foreign trade data on electronic data processing equipment; perform non-mechanical processing for current Division programs; conduct research on programs of international comparability of trade statistics; and prepare special reports, monographs and studies.

.07 The Governments Division shall formulate and develop overall plans and programs for the collection of statistical data from special and current surveys and censuses relating to State and local governments; plan and develop systems and prepare computer programs for the processing of Government data on electronic data processing equipment; conduct research on governmental operations and finances; and prepare special analytical reports, monographs, and special studies.

.08 The Industry Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from special and current surveys and censuses relating to manufacturing, mining, and related industries; plan and develop systems and prepare computer programs for the processing of industry data on electronic data processing equipment; and conduct research and prepare special analytical reports, monographs, and special studies.

Sec. 7. *The Associate Director for Statistical Standards and Methodology.* The Associate Director for Statistical Standards and Methodology shall plan and direct programs relating to the statistical adequacy of proposed collections and the application of appropriate statistical methodology and techniques, programs of geographical services, and programs for the enhancement of the availability and utility of data to meet State and local government needs, and advise the Director in these fields. The Associate Director shall have and direct the units described below and he shall be assisted by an Assistant Director for Statistical Standards and Methodology who shall assist in providing technical direction and coordination in these program areas and also head the Statistical Research Division.

.01 The Research Center for Measurement Methods shall provide research facilities oriented toward long-range studies in methods of measurement with a view toward obtaining a deeper understanding of the basic problems of social and economic phenomena.

.02 The Statistical Research Division shall develop and promote effective use of mathematical, statistical, and psychological methods and techniques in the work of the Bureau; conduct research in

these areas; provide guidance to theoretical and applied statisticians and subject matter specialists in the Bureau and other organizations on all aspects of mathematical, statistical, and research problems; and shall perform Departmental review and clearance of proposals of any organization of the Department for requests for information from the public that require the approval of the Office of Management and Budget under DAO 216-8, dealing with the Federal Reports Act, 44 U.S.C. 3501.

.03 The Center for Census Use Studies shall plan, coordinate, and develop systems that will allow efficient interrelating of Census Data with other local and State data to meet specific needs; explore current uses and future needs of Census and local data; and investigate the benefits of cooperative data collection between the Bureau and other local, State, and Federal agencies and the level of detail and form in which Census data should be made available to local users both in the Government and private sector; develop and analyze programs to allow the rapid conversion of census data into information useful to local communities for analysis; publish reports relating to such programs; and serve as Census liaison to Federal agencies sponsoring the studies.

.04 The Geography Division shall plan, coordinate and administer those geographic services needed to facilitate the Bureau's data collection program; develop computer programs, systems, methods and procedures for the cartographic and geographic operations; develop and implement a nationwide program to maintain and update geographic base files; conduct research into geographic concepts and methods; develop plans for the establishment of geographic statistical areas of the United States; and prepare density and other specialized maps and geographic reports for publication.

Sec. 8. *The Associate Director for Field Operations and User Services.* The Associate Director for Field Operations and User Services shall plan and direct programs of field data collection, non-computer processing operations, and the coordination of the Bureau's user program through both Headquarters and Regional Offices, and advise the Director in these matters. The Associate Director shall have and direct the following units:

.01 The Data Preparation Division located in Jeffersonville, Indiana, shall carry out non-computer statistical processing operations for assigned current and special surveys or censuses; provide related administrative and logistics services for assigned programs; exercise such authority in personnel and other management areas as is specifically delegated; and administer through its Pittsburgh, Kansas branch, a personal census service to furnish information about individuals as reflected by Census records, as provided by law.

.02 The Field Division shall plan, organize, coordinate, and carry out the Bureau's field data collection program;

maintain and administer a flexible field organization through the Regional Offices and temporary district and other branch or area offices; and provide for the effective deployment of field personnel to assure the efficient conduct of data collection at the local level.

.03 The Data User Services Division shall devise, test, and apply techniques of improving access to the Census data base, research new techniques for incorporation into regular Bureau operations and procedures to improve all services to data users; serve as the focal point for the coordination of requests for data tapes, published and unpublished data, maps, etc.; prepare general-purpose statistical compendia such as the Statistical Abstract of the United States and its supplements and coordinate and prepare technical reports that cross subject-matter lines or concern the Bureau as a whole.

Sec. 9. *The Associate Director for Electronic Data Processing.* The Associate Director for Electronic Data Processing shall plan and direct programs for electronic data processing operations and techniques, and advise the Director in these matters. The Associate Director shall have and direct the following units:

.01 The Computer Services Division shall operate and manage the electronic digital computer and mechanical tabulating facilities of the Bureau; and plan and perform associated coordination, scheduling of computer processing, staging, and tape library services.

.02 The Systems Software Division shall design tests to measure relevant significant factors of programs during their developmental stages and evaluate the results therefrom; modify existing executive systems to improve efficiency; develop general purpose programs; research new programming languages and techniques; provide support for computer related training; and conduct research and development concerned with new equipment needs, conceptual methods, and systems designs for the various programs of the Bureau.

.03 The Engineering Division shall plan and perform engineering services, including research, development, equipment requirements and maintenance activities, to provide and support electro-mechanical and electronic equipment required for data processing.

Sec. 10. *The Regional Offices.* .01 The principal field structure of the Bureau shall consist of twelve Regional Offices, each headed by a Field Director who shall report to the Chief of the Field Division in the Office of the Associate Director for Field Operations and User Services. The location and geographic area covered by each Regional Office shall be as shown in Exhibit 2. A copy of Exhibit 2 is on file with the original of this document with the Office of the Federal Register.

.02 Each Regional Office shall carry out assigned field data collection programs, including recurring and special sample surveys of varying sizes and complexity, periodic censuses, and special censuses and surveys.

.03 As may be required for a specific census or special survey, temporary district or other subordinate offices shall be established under the Regional Offices.

.04 The Seattle Regional Office shall have an Area Office in San Francisco, and the Kansas City Regional Office shall have an Area Office in St. Paul, Minnesota, which shall carry out assigned field data collection programs.

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

Approved:

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary
for Administration.

[FR Doc.75-32631 Filed 12-3-75; 8:45 am]

[Dept. Organization Order 40-1, Amdt. 3]

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Organization and Function

This order, effective September 24, 1975, further amends the materials appearing at 40 FR 8978 of March 4, 1975, 40 FR 12532 of March 19, 1975, and 40 FR 31651 of July 28, 1975.

Department Organization Order 40-1, dated February 11, 1975, is hereby further amended as shown below. The purpose of this amendment is to reflect the abolishment of the Office of Energy Programs.

1. In Section 7. Bureau of Resources and Trade Assistance, paragraph .04 is deleted.

2. The organization chart Exhibit 1, attached to this amendment supersedes the organization chart dated June 30, 1975. A copy of Exhibit 1 is on file with the original of this document with the Office of the Federal Register.

Effective date: September 24, 1975.

DONALD E. JOHNSON,
Acting Assistant Secretary for
Domestic and International
Business.

Approved:

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary
for Administration.

[FR Doc.75-32638 Filed 12-3-75; 8:45 am]

INFLATIONARY IMPACT OF LEGISLATIVE AND REGULATORY PROPOSALS

Criteria, Procedures and Responsibilities

This order is effective November 28, 1974.

SECTION 1. *Purpose.* This order establishes criteria, procedures, and responsibilities for determining and certifying the inflationary impact of all proposed legislation, rules, and regulations originating within the Department.

Sec. 2. *Authority.* This order is issued pursuant to OMB Circular No. A-107 of January 28, 1975 (Appendix A hereto), and in implementation of Executive Order 11821 of November 27, 1974 (Appendix B hereto). A copy of the Appen-

pieces are on file with the Office of the Federal Register with the original of this document.

Sec. 3. Scope. .01 *Included.* This order applies to all operating units and staff offices of the Department. It encompasses:

(a) All legislative proposals, including those which have already been submitted (to either OMB or the Office of the General Counsel) for transmittal to the 1st Session, 94th Congress. With respect to those already submitted, see Section 8 of this order.

(b) All rules and regulations issued either in final form or in a notice of proposed rule making. With respect to those which have been issued for the first time since November 27, 1974, action to effect the requirements of this order shall be initiated within 60 days of the issuance date of this order.

.02 *Excluded.* This order does not apply to housekeeping matters (e.g., S and E matters) which involve minimal probabilities of inflationary consequences, nor to legislative proposals which merely appropriate sums contained in the President's budget.

Sec. 4. Responsibilities. .01 The Assistant Secretary for Economic Affairs shall be responsible for all matters of policy or subject matter interpretation with respect to this order; and shall serve as the designated official responsible for Department compliance pursuant to section 4.d. of Circular A-107.

Further, the Assistant Secretary may amend, append, or revise the criteria and procedural provisions of this order as deemed necessary, in accordance with the provisions of DAO 200-3 on Department Administrative Orders, subject to approval by the Office of Management and Budget of any substantive revision of criteria.

.02 "Heads of Operating Units and Departmental Offices" shall be responsible for the implementation of this order with respect to all legislative and regulatory proposals originating within their organizations, and for clearing with the Assistant Secretary for Economic Affairs or his designee all analysis certification statements prepared pursuant to Section 6 of this order.

Sec. 5. Inflationary review procedures. .01 *Review Requirement and Criteria.* Every legislative or regulatory proposal shall be reviewed to determine whether the matter is a major proposal requiring evaluation and certification under Section 6 of this order. The review shall be carried out by applying the six inflationary determination criteria set forth under a. through f., below.

(a) Will the proposal be expected, during any one year period of its implementation, to result in a price change of one percent or more for the most specific affected item or category for which data are regularly published in connection with the Wholesale Price Index, the Consumer Price Index, or the GNP Implicit Price Deflator, or a $\frac{1}{10}$ of one percent change in either index or the deflator?

(b) Will the proposal be expected to:

1. Result in increased combined budget outlays by consumers, businesses, and Federal, state and local governments exceeding \$100 million in any one year period, or \$150 million in any two year period as a consequence of compliance costs associated with the program, or

2. Result in increased budget outlays by either consumers, businesses, or Federal, state and local governments exceeding \$50 million in any one year period, or \$75 million in any 2 year period as a consequence of compliance costs associated with the program?

(c) Will the proposal be expected to reduce labor productivity by one percent or more in the item which is the unit of focus in the proposal (i.e., workers per ship, safety people per construction site, etc.)? If the proposed action, due to such factors as constraints on output or investment, barriers to substitution of materials supplies, or limitation on use of technologies or skills, would restrict increases in labor productivity which otherwise would have occurred, such restriction shall be considered as a reduction.

(d) Will the proposal be expected to change employment by one percent or more in the activity which is the unit of focus in the proposal?

(e) For the explicitly defined relevant market affected, will the proposal be expected to result in a one percent or more decline in supply of materials, products, or services, or a one percent or more increase in consumption of these materials, products or services after all incipient compliance adjustments have occurred? These materials, products, or services include, but are not limited to, energy and energy products, components of the National Stockpile, materials or services identified as critical by either the National Security Council, Economic Policy Board, or Council on International Economic Policy, and other materials, services, or products as the Secretary may designate. In the case of energy, if the impact on supply or consumption exceeds $\frac{1}{10}$ of one percent of total U.S. consumption an impact analysis will be required.

(f) For the same explicitly defined relevant market, will the proposal be expected to result in a clearly identifiable decline in competition, including such factors as limitation of market entry, restraint of market information, or other impediments to the functioning of the market system, after all incipient compliance adjustments have occurred?

.02 *Negative finding.* If the review determines that the proposal does not meet any of the six criteria, then the subsequent transmittal letter to OMB, or transmittal letter to the Congress (with respect to proposed legislation), or preamble (with respect to rules or regulations being transmitted to the FEDERAL REGISTER), shall contain a statement that the subject proposal has been reviewed pursuant to E.O. 11821 and OMB Circular A-107 and it was determined to have no major inflationary impact.

.03 *Positive finding.* If the review reveals that the proposal does meet one or

more of the six interrogatory criteria, an inflationary analysis must be undertaken by the operating unit or staff office. The provisions of Section 6, below, shall apply.

Sec. 6. Inflationary analysis procedures. .01 *The Analysis.* When the inflationary review of a proposal yields a positive finding (as explained in Section 5), the originating organization shall effect a detailed economic evaluation. This evaluation shall include, as applicable:

(a) An analysis of the principal cost or other inflationary effects of the action on markets, consumers, businesses or industries, etc., and, where practical, an analysis of secondary cost and price effects. These analyses should include confidence interval estimates where possible and should encompass a time period sufficient to determine all significant economic and inflationary consequences, and the explicit market or markets affected shall, to the extent possible, be described using appropriate levels of detail set forth in the Standard Industrial Classification Manual.

(b) Comparison of the benefits to be derived from the proposed action with estimated costs and inflationary impacts. These benefits should be quantified on the basis of generally acceptable value judgments; and

(c) A brief comparison between alternatives and the proposed action, including probable costs, benefits, risks, and inflationary implications.

.02 *The Analysis Certification.* At all times thereafter, the legislative or regulatory proposal shall include a statement certifying that the inflationary impact of the proposal has been analyzed and evaluated. Further:

(a) With respect to legislative proposals, these evaluations will be forwarded to OMB on request. When the legislation has been submitted to Congress, such information will be forwarded to the Congress on request and, in any event, no later than the date of agency testimony on the proposal; and

(b) With respect to agency rules and regulations:

1. The proposed issuance, the certification, and a summary of the evaluation shall be submitted to the Council on Wage and Price Stability immediately upon certification.

2. The document when presented to the FEDERAL REGISTER shall include, immediately preceding the signature of the authorizing official, the following standard certification language: "It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A-107."

Sec. 7. Additional requirements. .01 In conducting the analysis under paragraph 6.01, all significant value judgments and probabilistic statements must be explicit.

.02 All analysis certification statements made under paragraph 6.02 shall be cleared with the Assistant Secretary for Economic Affairs, or his designee.

.03 The requirements of this order shall be met within existing resources.

Sec. 8. DOC proposals to the 1st session, 94th Congress. With respect to proposals which have already been submitted to OMB or OGC for the 1st Session of the 94th Congress, the following procedures shall apply:

a. The originating operating unit or departmental office shall review the proposal in accordance with Section 5 of this order.

b. If the review results in a positive finding, or if OMB advises that the proposal could have an inflationary impact, an analysis in accordance with Section 6 of this order shall be effected by the originating DOC component before the proposal is submitted to the Congress.

c. In the event that neither OMB nor the originating office or operating unit finds that an inflationary impact is likely, the transmittal letter to the Congress shall include a statement as explained in paragraph 5.02.

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary
for Administration.

[FR Doc. 75-32634 Filed 12-3-75; 8:45 am]

[Dept. Organization Order 25-2, Amdt. 3]

MARITIME ADMINISTRATION

This order, effective September 29, 1975, further amends the materials appearing at 38 FR 30757 of November 7, 1973, 40 FR 16707 of April 14, 1975, and 40 FR 31824 of July 29, 1975.

Department Organization Order 25-2, dated October 23, 1973, is hereby further amended, as shown below. The purpose of this amendment is to transfer certain accounting and payroll functions from the Office of Budget and Program Analysis to the former Office of Financial Analysis, renamed the Office of Financial Management.

1. In Section 9, Assistant Administrator for Policy and Administration, paragraphs .02 and .03 are amended to read:

.02 The Office of Budget and Program Analysis shall conduct studies to evaluate the effectiveness of operating programs in accomplishing established objectives; develop and maintain the Agency program category structure and a system of multi-year program analysis and evaluation; direct and coordinate the development and operation of a system of management by objectives, including identification of program objectives and measurement of accomplishments against these objectives; formulate, recommend and interpret budgetary policies and procedures; develop and present budget requests and justifications; allocate and maintain budgetary control of funds available; analyze fiscal and program plans and reprogramming proposals for conformance with established policies; and maintain a continuous review of the status of funds and program performance in relation to fiscal plans.

.03 The Office of Financial Management shall render financial advice and opinions with respect to the substantive programs and contractual activities of

the Administration; prescribe a uniform system of accounts for subsidized operators, agents, charterers, and other contractors; administer a program of external audits of contractors' accounts (except those of research and development contractors) to determine compliance with applicable laws, regulations and contract provisions concerning costs and profits; analyze financial statements and other data submitted by contractors to determine financial qualifications and limitations; make special financial surveys and analyses of contractors or of their operations, when necessary; develop a data base and a financial analysis system to determine the financial condition of the American merchant marine, segments thereof, or individual contractors under the substantive programs of the Administration; perform accounting, payroll and related functions, including preparation of financial statements and reports, auditing and certification of vouchers for payment, and collection of amounts due the Administration; and develop and maintain a financial information reporting system to assist officials in managing their programs and resources.

2. The organization chart of the Maritime Administration is amended, by changing the Office of Financial Analysis to "Office of Financial Management," under the box headed Assistant Administrator for Policy and Administration.

ROBERT J. BLACKWELL,
Assistant Secretary
for Maritime Affairs.

Approved:

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary
for Administration.

[FR Doc. 75-32630 Filed 12-3-75; 8:45 am]

[Dept. Organization Order 25-7A]

OFFICE OF ENERGY PROGRAMS

This order is effective September 24, 1975.

SECTION 1. Purpose. This order establishes the Office of Energy Programs and prescribes its functions.

SEC. 2. Establishment. .01 Pursuant to the authority vested in the Secretary of Commerce by 15 U.S.C. 1513, Reorganization Plan No. 5 of 1950, and other law, the Office of Energy Programs is hereby established as a primary operating unit of the Department of Commerce. It shall be headed by a Director who shall report, and be responsible to the Secretary.

.02 The Office of Energy Programs of the Bureau of Resources and Trade Assistance in the Domestic and International Business Administration, in existence pursuant to Department Organization Order 40-1 of February 11, 1975, as amended, is hereby abolished and its functions are transferred to the Office of Energy Programs herein established.

SEC. 3. Functions. The Office of Energy Programs shall assist the Secretary in carrying out his responsibilities under 15 U.S.C. 175, 5 U.S.C. 1512 and other

law, with respect to energy matters by performing the following functions:

a. Develop and implement the Department of Commerce programs on energy and ensure consistency with the Department's positions on energy;

b. Coordinate the formulation of the Department's energy policy, energy conservation programs and energy-related analytical activities;

c. Provide comment on legislative proposals related to energy;

d. Develop and carry out energy programs, such as energy conservation, optimum fuel utilization, etc., in cooperation with the business and industrial sectors, with trade associations and with other government agencies;

e. Collect, analyze and disseminate information on the impact of Federal energy-related activities on the business community, on corporate energy conservation, and on Federal energy conservation programs; and

f. Provide staff assistance and support for the Energy Working Group of the DOC Policy Council, and for Departmental participation in the Energy Resources Council, the National Industrial Energy Council, their sub-councils and other committees contributing to the formulation or execution of Federal energy programs.

SEC. 4. Support services. The Office of the Assistant Secretary for Administration shall perform personnel, procurement, accounting, payroll, and budget services for the Office of Energy Programs.

SEC. 5. Transitional provisions. The Assistant Secretary for Administration shall determine the funds, personnel, property and records transferred by this order and shall arrange for such transfers.

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary
for Administration.

[FR Doc. 75-32629 Filed 12-3-75; 8:45 am]

[Dept. Organization Order 20-13]

OFFICE OF PROGRAM EVALUATION

Organization and Authority

This order, effective October 22, 1975, supersedes the material appearing at 38 FR 12146 of May 9, 1973.

SECTION 1. Purpose. .01 This order prescribes the functions of the Office of Program Evaluation.

.02 This revision redesignates the Office of Planning and Evaluation as the Office of Program Evaluation.

SEC. 2. Status and line of authority. The Office of Program Evaluation, a Departmental Office, shall be headed by a Director who shall report and be responsible to the Assistant Secretary for Administration.

SEC. 3. Functions. .01 Pursuant to the authority vested in the Assistant Secretary for Administration by Department Organization Order 10-5 and subject to such policies and directives as the Assistant Secretary for Administration may prescribe, the Office shall:

(a) Interpret Presidential initiatives in the areas of program planning, management control, and operational evaluation.

(b) Conduct special studies to evaluate the effectiveness of Departmental programs in meeting objectives established through legislation or other appropriate authority.

(c) Identify major program, operational, or management issues and problems, and undertake analyses to resolve them.

(d) Advise and assist operating units in the development and operation of systems for the identification of program objectives and the measurement of the results of actions taken against these objectives.

.02 The Director shall exercise such authorities of the Assistant Secretary for Administration as are implicit and essential to carrying out the functions assigned in this order.

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary
for Administration.

[FR Doc. 75-32633 Filed 12-3-75; 8:45 am]

[Dept. Organization Order 15-5]

OFFICE OF REGIONAL ECONOMIC COORDINATION

Organization and Authority

This order, effective August 20, 1975, supersedes the material appearing at 37 FR 3460 of February 16, 1972.

SECTION 1. *Purpose.* .01 This order prescribes the functions of the Office of Regional Economic Coordination.

.02 This revision delegates to the Special Assistant to the Secretary for Regional Economic Coordination certain of the Secretary's authorities under Title V and Section 601(a) of the Public Works and Economic Development Act of 1965, as amended, and under Executive Order 11386, as amended. (Section 3)

SEC. 2. *General.* The Office of Regional Economic Coordination (the "Office") is hereby continued as a Departmental office. The Office shall be headed by the Special Assistant to the Secretary for Regional Economic Coordination (the "Special Assistant") who shall report and be responsible to the Secretary.

SEC. 3. *Delegation of Authority.* The authorities of the Secretary under Title V of the Public Works and Economic Development Act of 1965, as amended (the "Act"), (42 U.S.C. 3181 et. seq.), except for the authority to designate or to modify the boundaries of economic development regions, and the authorities of the Secretary under section 601(a) of the Act (42 U.S.C. 3201) and Executive Order 11386, as amended, with respect to coordination and liaison with the Federal Cochairmen are hereby delegated to the Special Assistant.

SEC. 4. *Functions.* In exercising the authorities delegated under section 3 of this order, the Special Assistant shall, where necessary, assist the Federal Cochairmen, and in dealings with the Re-

gional Commissions shall work through the Federal Cochairmen.

Specifically, the Office shall:

(a) Propose or review proposals for the designation of economic development regions and the establishment of Regional Commissions, and make recommendations to the Secretary for modifications in the geographic area of a designated region.

(b) On behalf of the Secretary, assist the Federal Cochairmen in providing effective and continuing liaison between the Federal Government and each Regional Commission.

(c) Develop for the Secretary, in cooperation with the Federal Cochairmen, guidelines for the use of funds appropriated under Title V of the Act, including standards for meeting the requirements of Section 604 of the Act for proper and efficient management of projects; and review for the Secretary's action proposed budgets and subsequent financial plans submitted by the Federal Cochairmen on behalf of the Regional Commissions.

(d) Be responsible for issuance of instructions (in accord with Section 7, subparagraph 102a, of the Department of Commerce Handbook of Accounting Principles and Standards) to establish and administer a system of fund control over funds appropriated for Regional Development Programs, as authorized by Title V of the Act. The instructions shall include provisions to assure that Federal Cochairmen, in accordance with approved financial plans, will have final authority to commit such funds for Federal grants and supplements approved by the Regional Commissions and for technical, planning assistance, and administrative grants to the Regional Commissions.

(e) Assist the Secretary in communicating to the Federal Cochairmen such general policies affecting regional economic development and any other forms of program guidance and policy direction with respect to their Federal functions as the Secretary may establish.

(f) Assure adequate coordination between the Regional Commissions and all Commerce organizations, such coordination encompassing planning, development, and the execution of economic development activities, including individual projects.

(g) Assist the Secretary in achieving effective coordination of the activities of the Federal Government, relating to economic development regions.

(h) With the Federal Cochairmen obtain a coordinated review within the Federal Government of plans (including comprehensive long-range economic development plans), programs, proposals, and recommendations submitted by the Regional Commissions; and based on such coordinated review, comment on and present such matters to the Secretary for appropriate action.

(i) Serve as Executive Secretary of the Federal Advisory Council on Regional Economic Development (the "Council") established by Executive

Order 11386, and provide staff support to the Council in performing its functions set forth in the Executive Order and as may be requested by the Secretary.

(j) Perform or sponsor research related to objectives of Title V of the Act, coordinating such research plans with the Federal Cochairmen.

(k) Develop, in collaboration with the Federal Cochairmen, proposed agreements or memoranda of understanding between the Federal Cochairmen and other Federal agencies when required for the conduct of Regional Commission programs; attempt to resolve by mutual agreement any differences in policy that may arise between a Federal Cochairman and a Federal department or agency, and, if necessary, propose action to the Secretary for resolving such questions.

(l) Review proposed Regional Commission annual reports prior to transmittal to the Congress.

(m) Review the effectiveness of programs of Regional Commissions in achieving statutory objectives, and submit recommendations thereon to the individual Federal Cochairmen or, when appropriate, to the Secretary.

(n) Perform such other duties as may be necessary to assist the Secretary and the Federal Cochairmen, including the development of policies and legislative proposals relating to economic development regions.

(o) Provide budgetary services to the Federal Cochairmen, and arrange for the provision of other support services by units of the Office of the Secretary, directly to the Federal Cochairmen as may be required.

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary
for Administration.

[FR Doc. 75-32627 Filed 12-3-75; 8:45 am]

[Dept. Organization Order 30-3B]

PATENT AND TRADEMARK OFFICE

Organization and Authority

This order, effective September 9, 1975, further amends the materials appearing at 40 FR 3627 of January 23, 1975, and 40 FR 16707 of April 14, 1975.

Department Organization Order 30-3B dated December 31, 1974 is hereby further amended as shown below. This amendment establishes an Office of International Classification and an Office of Micrographic Systems.

1. In section 5. Offices reporting to the Assistant Commissioner for Patents, paragraph .02 is amended by the addition of subparagraphs e. and f. which read as follows:

(e) The Office of International Classification shall direct Patent and Trademark Office initiatives designed to foster harmonization of the United States Patent Classification System with the International Patent Classification System. The Office shall also consult and participate with foreign counterparts representing national offices and appropriate international groups in further devel-

opment and refinement of the International Patent Classification System. In carrying out such consultations and participations, it shall coordinate all related policy matters with the Office of Legislation and International Affairs.

(f) The Office of Micrographic Systems shall develop and recommend plans for micrographic information systems including analyses of existing and proposed micrographic hardware and techniques suitable for meeting the particular demands of the U.S. Patent and Trademark Office. It shall also evaluate ongoing micrographic information systems in respect to the responsiveness of such systems to evolving informational needs. The foregoing shall be coordinated with other appropriate offices such as the Office of Computer Services and the Office of Search Systems.

2. The organization chart attached to this amendment supersedes the organization chart dated January 2, 1975. A copy of the organization chart is on file with the original of this document with the Office of the Federal Register.

C. MARSHALL DANN,
*Commissioner of Patents
and Trademarks.*

DAVID B. CHANG,
*Acting Assistant Secretary
for Science and Technology.*

Approved:

GUY W. CHAMBERLIN, JR.,
*Acting Assistant Secretary
for Administration.*

[FR Doc.75-32628 Filed 12-3-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health
Administration

ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory body scheduled to assemble during the month of December 1975:

Minority Advisory Committee, ADAMHA
December 15, 16, and 17—Open meeting.
December 15: 1:00 p.m.; December 16 and
17: 9:00 a.m.

Conference Room No. 3837, 26 Federal Plaza,
New York, N.Y. 10007.

Contact Ernest F. Hurst, Parklawn Building,
Room 13C-15, 5600 Fishers Lane, Rockville,
Md. 20852, 301-443-3838.

Purpose. The Minority Advisory Committee, ADAMHA, advises the Secretary, Department of Health, Education, and Welfare, and the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, on needs, programs, and activities regarding minority alcohol, drug abuse, and mental health matters, and makes recommendations for possible solutions which meet the needs and concerns of minority groups throughout the United States. The Committee functions in an advisory capacity to the Adminis-

trator, ADAMHA, on these matters which relate to the National Institute on Alcohol Abuse and Alcoholism, National Institute on Drug Abuse, and the National Institute of Mental Health.

Agenda. This meeting will be open to the public. December 15, from 1:00 to 5:00 p.m., will be devoted to a report by the Executive Secretary and a planning session on the fiscal year 1976-1977 Operating Plan. From 6:30 to 10:00 p.m., the public is invited to discuss the impact of the current financial problems of New York City on the delivery of alcohol, drug abuse, and mental health services to minority groups. On December 16, there will be further discussion on issues, objectives, and assignments relating to the Operating Plan, and between 1:00 and 5:00 p.m., there will be meetings with minority community groups and agency staff to review and discuss the impact of the current fiscal and economic problems of New York City on the delivery of alcohol, drug abuse, and mental health services to minority groups. On December 17, the agenda will include a review and discussion of special alcohol, drug abuse, and mental health needs and concerns of minority groups in New York City. Agenda items are subject to change as priorities dictate. Attendance by the public will be limited to space available.

It had not been previously planned to convene a meeting during the month of December; however, the unique alcohol, drug abuse, and mental health problems of minority groups in New York City require immediate attention.

Substantive program information may be obtained from the contact person listed above.

Mr. James C. Helsing, Deputy Director, Office of Public Affairs, ADAMHA, will furnish, on request, summaries of the meeting and a roster of committee members. Mr. Helsing is located in Room 16-95, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 301-443-3783.

Dated: November 28, 1975.

DAVID F. KEFAUVER,
*Assistant Administrator for Ex-
tramural Programs, Alcohol,
Drug Abuse, and Mental
Health Administration.*

[FR Doc.75-32640 Filed 12-3-75;8:45 am]

Food and Drug Administration

ADVISORY COMMITTEE

Cancellation of Meeting

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of November 17, 1975 (40 FR 53285), public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a)(1) and (2) of the act.

Notice is hereby given that the meeting of the Panel on Review of Bacterial Vaccines and Bacterial Antigens scheduled for December 8 and 9, has been cancelled.

Dated: November 28, 1975.

SAM D. FINE,
*Associate Commissioner
for Compliance.*

[FR Doc.75-32643 Filed 12-3-75;8:45 am]

ADVISORY COMMITTEE

Meeting Change

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of November 17, 1975 (40 FR 53290), public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a)(1) and (2) of the act.

Notice is hereby given that the meeting of the Panel on Review of Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drugs scheduled for December 17-19 will be held in Rm. 1409, 200 C St. SW., Washington, DC. and that the open public hearing has been changed from December 19 to December 17 at 9 a.m.

Dated: November 28, 1975.

SAM D. FINE,
*Associate Commissioner
for Compliance.*

[FR Doc.75-32642 Filed 12-3-75;8:45 am]

PANEL ON REVIEW OF ANESTHESIOLOGY DEVICES

Availability of Panel Report

In accordance with the provisions of a notice to manufacturers concerning medical device classification procedures, published in the FEDERAL REGISTER of May 19, 1975 (40 FR 21848), the Food and Drug Administration announces the availability of the Report of the Anesthesiology Panel's Classification Results. This report contains the tentative classification conclusions of the Anesthesiology Panel and includes a list of the devices reviewed, the answers to the classification logic scheme questions, and the recommended classification for each device.

Copies of this report are available upon request from the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-35, 5600 Fishers Lane, Rockville, MD 20852. In addition, this report has been placed on public display at the office of the Hearing Clerk and may be viewed at that office during working hours Monday through Friday.

Dated: November 26, 1975.

SAM D. FINE,
*Associate Commissioner
for Compliance.*

[FR Doc.75-32644 Filed 12-3-75;8:45 am]

[Docket No. 75F-0335]

WITCO CHEMICAL CORP.**Filing of Petition for Food Additive**

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b) (5), 72 Stat. 1786 (21 U.S.C. 348(b) (5))), notice is given that a petition (FAP 5A3032) has been filed by Witco Chemical Corp., Organics Div., 400 North Michigan Ave., Chicago, IL 60611, proposing that § 121.1099 *Defoaming agents* (21 CFR 121.1099) be amended to provide for the safe use of octadecylsiloxyl dimethylsiloxypolysiloxane as a component of defoamers intended for use in processing sugar beets and yeast.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: November 24, 1975.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc. 75-32541 Filed 12-3-75; 8:45 am]

Office of Education**EDUCATIONAL PROGRAMS FOR
MIGRATORY CHILDREN****Closing Date for Receipt of Applications**

Notice is hereby given pursuant to the authority contained in section 122 of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 241c-2), that applications are being accepted from State educational agencies for grants to establish or improve programs of education for migratory children of migratory agricultural workers or of migratory fishermen.

Complete applications for grants for such programs for Fiscal Year 1976 must be submitted on or before February 2, 1976. Such applications shall include, in addition to the required descriptions and budgets for programs to be funded with Fiscal Year 1976 funds, separate descriptions and budgets for programs for migratory children being conducted or to be conducted with Title I migrant funds which may be available from the appropriations for Fiscal Year 1975.

A. *Applications sent by mail.* An application sent by mail shall be addressed as follows: Mr. Vidal A. Rivera, Jr., Chief, Migrant Branch, Division of Education for the Disadvantaged, U.S. Office of Education 400 Maryland Avenue, SW., (Room 3642-G, ROB-3), Washington, D.C. 20202. An application sent by mail will be considered to be received on time by the Migrant Branch if:

(1) The application was sent by registered or certified mail not later than

January 28, 1976 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 application 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 rooms in Washington, D.C. In establishing the date of receipt, the Commissioner 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 applications.* An application to be hand delivered must be taken to the Migrant Branch, Division of Education for the Disadvantaged, U.S. Office of Education, Room 3642-G, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand delivered applications 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. Applications will not be accepted after 4:00 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the Migrant Branch, Division of Education for the Disadvantaged, Bureau of School Systems, U.S. Office of Education, Room 3642-G, 7th and D Streets SW., Washington, D.C. 20202.

D. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Part 100b) published in the FEDERAL REGISTER on November 6, 1973 at 38 FR 30654 and Financial Assistance to Meet the Special Educational Needs of Educationally Deprived Children (45 CFR Part 116).

(20 U.S.C. 241c-2)

(Catalog of Federal Domestic Assistance Program Number 13.429, Educationally Deprived Children)

Dated: November 25, 1975.

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

[FR Doc. 75-32549 Filed 12-3-75; 8:45 am]

**NATIONAL ADVISORY COUNCIL ON
EXTENSION AND CONTINUING EDUCATION****Public Meeting**

Notice is hereby given, pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, that a meeting of the Title I Committee of the National Advisory Council on Extension and Continuing Education will be held on December 19, 1975, in the Council Office, 425 13th St., NW., Suite 529, Washington, D.C. The meeting will begin at 9:00 a.m. and adjourn at 4:30 p.m.

The National Advisory Council on Extension and Continuing Education is authorized under Pub. L. 89-329. The Council is directed to advise the Commissioner of Education in the preparation of general regulations and with respect to policy matters arising in the administration

of Title I, and to report annually to the President on the administration and effectiveness of all federally supported extension and continuing education programs, including community service programs.

The meeting of the Title I Committee will be open to the public, but because of the limited space available in the Council office, anyone wishing to attend the meeting should inform the Council's staff office (376-8888) no later than December 15, 1975. The purpose of the meeting will be to review the annual submission to the Council by the USOE/DHEW, National Title I Office, the status of the Title I (HEA) program. All records of Council proceedings are available for public inspection at the Council's staff office, located in Suite 529, 425 13th St., NW., Washington, D.C.

RICHARD M. MCCARTHY,
Associate Director.

NOVEMBER 25, 1975.

[FR Doc. 75-32396 Filed 12-1-75; 8:45 am]

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT****Office of the Secretary**

[Docket No. D-75-378]

**ASSISTANT SECRETARY FOR COMMUNITY
PLANNING AND DEVELOPMENT****Delegation of Authority****Correction**

In FR Doc. 75-29112 appearing on page 50557 in the issue of Thursday, October 30, 1975, in the sixth line of the document the item number reading "15" should read "5".

[Docket No. D-75-393]

FEDERAL INSURANCE ADMINISTRATOR**Delegation of Authority**

Section 7(d)(6) of the Department of Housing and Urban Development Act, Pub. L. 89-174, 42 U.S.C. 3531 et seq., authorizes the Secretary of the Department of Housing and Urban Development to "include in any contract or instrument such other covenants, conditions, or provisions as he may deem necessary." Pursuant to this authority, a provision requiring safeguarding of program assets by program participants through insurance or bonding has been included in contracts used in several of the programs of this Department. In order to assure that this safeguarding is adequately carried out at a minimal cost to the program participant, and therefore the Department, the Department provides professional and technical advice and guidance on insurance and bonding matters to program participants. Related to the contract requirements, the Department also provides approval of non-Federal insurance contracts as meeting the contract requirement and endorsement of insurance checks, including loss claim checks, on which the United States of America, the Department, or any predecessor of the Department is a joint payee. These functions until re-

cently had been carried out by headquarters and field personnel of the Assistant Secretary for Housing Management. With the development of insurance expertise in the Federal Insurance Administration, the Secretary determined that these functions should be carried out by that office. Accordingly, the delegation of these functions to the Assistant Secretary for Housing Management was revoked, and the authority for carrying out all aspects of the Department-wide program insurance and bonding function was delegated to the Federal Insurance Administrator in a Delegation of Authority published at 40 FR 37075, August 25, 1975. That delegation omitted a necessary reference to the Urban Growth and New Community Development Act of 1970 (40 U.S.C. 4501 et seq.). That delegation is now being superseded by this one in which the omission is corrected.

SECTION A. Authority Delegated. The Federal Insurance Administrator is, except as provided in section B, delegated the authority and responsibility of the Secretary for all aspects of the Department-wide program insurance and bonding function with respect to the following programs:

(1) Slum Clearance and Urban Renewal Program under Title I of the Housing Act of 1949 (42 U.S.C. 1450-1468), and section 312 of the Housing Act of 1954 (42 U.S.C. 1450 Note).

(2) Program of Loans for Housing of the Elderly or Handicapped under Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q).

(3) College Housing under Title IV of the Housing Act of 1950 (12 U.S.C. 1749-1749c).

(4) Low-Rent Public Housing Program under the United States Housing Act of 1937 (42 U.S.C. 1401 et seq. and 42 U.S.C. 1430 et seq.).

(5) New Communities Program under the Housing Act of 1968 (42 U.S.C. 3901 et seq.) and the Urban Growth and New Community Development Act of 1970 (42 U.S.C. 4501 et seq.).

(6) Comprehensive Planning, 701b Program under the Housing Act of 1954 (40 U.S.C. 461).

This authority and responsibility shall include the following:

1. The authority and responsibility for rendering professional and technical advice and guidance on insurance and bonding matters, including the development and selection of all procedures and training materials.

2. The authority and responsibility for the making of policy with respect to the insurance and bonding matters involved in this delegation.

3. The authority and responsibility for review and evaluation of field office performance of the insurance and bonding function, as well as for recommendations for appropriate corrective actions where needed.

4. With respect to master contracts for insurance and bonding, the authority and responsibility for appropriate bid requests, openings and recordings, analysis, awarding of contracts, ongoing administrative functions (including service-

ing) with respect to the contracts, and liaison between Area and Insuring Offices, local HUD program participants, and private insurers who issue policies under the contracts.

5. The authority and responsibility to approve or disapprove non-Federal insurance contracts and to execute endorsements on insurance checks, including loss claim checks, on behalf of the Department of Housing and Urban Development on which the United States of America, the Department of Housing and Urban Development or any predecessor agency of the Department of Housing and Urban Development is a payee (joint or otherwise).

Sec. B. Authority excepted. There is excepted from the authority delegated under section A the power to sue and be sued.

Sec. C. Authority to redelegate. The Federal Insurance Administrator is authorized to redelegate to the employees of the Department any of the authority delegated under section A.

Sec. D. Delegations revoked and superseded. This delegation revokes paragraph 18 of Section A of the delegation of authority to the Assistant Secretary and Deputy Assistant Secretary for Housing Management with respect to the approval of non-Federal insurance contracts and the endorsements on behalf of the Department of insurance checks, published at 36 FR 5006, March 16, 1971. It also supersedes the delegation of authority to the Federal Insurance Administration with respect to the insurance and bonding function, published at 40 FR 37075, August 25, 1975.

(Sec. 7(d), Department of HUD Act, (42 U.S.C. 3535(d)).)

Effective date. This delegation of authority is effective as of August 19, 1975.

CARLA A. HILLS,
Secretary,

Housing and Urban Development.

[FR Doc.75-32653 Filed 12-3-75; 8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety
Administration

[Docket No. EX75-25; Notice 2]

AUTOMOBILI LAMBORGHINI

Petition for Temporary Exemption From
Federal Motor Vehicle Safety Standards

Automobili Ferruccio Lamborghini S.p.A. of Italy has been granted a 3-year exemption of its Countach model from Motor Vehicle Safety Standard No. 215, *Exterior Protection*, on the basis that compliance would cause it substantial economic hardship.

Notice of the petition was published on September 30, 1975 (40 FR 44859) and an opportunity afforded for comment.

Lamborghini's annual production is approximately 350 passenger cars. It manufactured 60 Countachs from June 1974 to June 1975, and anticipates that 20 vehicles per year will be produced under the exemption for the United

States market. Although the car entered production relatively recently, its design and engineering date from late 1968 and early 1969 before the proposal and adoption of Standard No. 215, which was initially effective September 1, 1972. The company has spent approximately \$268,000 conforming the vehicle with all other Federal motor vehicle safety standards, and it submitted a detailed estimate of 40 changes plus costs necessary to effect compliance with Standard No. 215. Conformance would require \$435,960, which is approximately 90 percent of the company's cumulative net profits in the years 1971-73. Lamborghini has spent \$17,855 on tooling for bumper equipment to be added to Countachs to be sold in the United States that will afford partial compliance with Standard No. 215. The company intends to conform at the end of the 3-year period. Because of the decline in luxury auto sales in Europe, the company argued that failure to enter the American market with the Countach would cause it further hardship.

One comment was received on the petition, supporting it.

The NHTSA notes that the petitioner has evidenced its good faith by bringing the Countach into compliance with all but a portion of the applicable Federal standards, by the expenditure of sums that are sizable in comparison with its net income. The company's finances appear to have become more marginal with the decline of the sales of luxury automobiles in Europe, and entry of the Countach into the American market (for which money has already been expended) should assist the company financially. The failure of only 60 Countachs to partially meet Standard No. 215 should not have a significant effect upon motor vehicle safety.

For the above reasons, the Administrator finds that a denial of the petition would cause the petitioner substantial economic hardship, and that a temporary exemption is in the public interest and consistent with the objectives of the National Traffic and Motor Vehicle Safety Act. Accordingly, Automobili Lamborghini is hereby granted NHTSA Exemption No. 75-25 from 49 CFR 571.215, Motor Vehicle Safety Standard No. 215, *Exterior Protection*, for its Countach model only, expiring November 1, 1978.

(Sec. 3, Pub. L. 92-543, 88 Stat. 1150 (15 U.S.C. 1410), delegation of authority at 49 CFR 1.51)

Issued on November 28, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc.75-32735 Filed 12-3-75; 8:45 am]

[Docket No. EX75-8; Notice 4]

KOEHRING CO.

Petition for Exemption From Federal Motor
Vehicle Safety Standard

This notice denies the petition by Koehring Company for an extension until December 1, 1976, of NHTSA Exemption No. 75-8 excusing it from compliance with Federal Motor Vehicle Safety

Standard No. 121, *Air Brake Systems* (49 CFR 571.121).

Notice of Koehring's petition was published on September 5, 1975 (40 FR 41169), and an opportunity accorded for comment. Notice of Koehring's original petition was published on February 13, 1975 (40 FR 6702). The notice that the petition was granted was published on April 22, 1975 (40 FR 17775).

Koehring requested an extension based upon the reasons set forth in both its original and current petitions. The vehicles concerned are trucks, primarily hydraulic excavators and crane carriers manufactured by its Bantam Division. They are six-wheel units with front driving steerable axles. The smaller models are the T-644 excavator and T-350 crane using steering driving axles rated at 11,000 pounds GAWR. The larger models are the T-744 excavator and the T-588 crane using steering driving axles rated at 18,000 pounds GAWR. Koehring stated that it had been unable to find a supplier other than Rockwell Standard to build front driving axles for its lighter vehicles, but "Because of previous order commitments Rockwell Standard will not be able to deliver complying axles to Koehring [until approximately July 1976]." Although Oshkosh Truck Corporation had commented that it could supply Koehring with axles for its heavier vehicles, Koehring, after investigation, argued that Oshkosh would not be a realistic source of supply. The axle ratings differ, and, in Koehring's words, "The Oshkosh Truck axles use air over hydraulic brakes whereas Bantam Division uses full air brakes; the gear ratios available from Oshkosh Truck would require redesign of the gears currently in use by Bantam Division whereas the Rockwell Standard axles would not; the price quoted by Oshkosh Truck is approximately \$4,300 to \$4,500 per axle as compared to Rockwell Standard's quote of \$2,700 per axle." Koehring also argued that relying upon Oshkosh "would require Bantam to . . . start afresh with new designs . . . which might further delay . . . the date on which Bantam Division would comply with FMVSS-121 . . ."

Comments were received from Oshkosh Truck Corporation, Kelsey-Hayes Company, and Warner & Swasey. The three commenters opposed an extension. Oshkosh remarked that Koehring's investigation of its axles consisted of one "brief telephone conversation" summarizing describing the axles and that "Koehring did not volunteer technical information or request technical assistance from Oshkosh Truck Corporation." Oshkosh admitted, however, that "the full air brakes required by the Bantam Division do not appear to be available" for axles with 18,000 pound GAWR. Kelsey-Hayes commented that it can presently supply axles through the 16,000 pound GAWR range and will have full air 18,000 pound GAWR axles available in mid-1976. Warner & Swasey noted that Koehring seeks an extension only with respect to one-third of the vehicles that were the subject of the initial pe-

tition and that denial of the extension, in its view, should not cause substantial economic hardship to Koehring whose net income in fiscal 1974 exceeded \$5,250,000. Both Oshkosh and Warner & Swasey commented that with minor modifications of their high speed capability, the vehicles in question could be permanently excluded from standard No. 121 by the amendment of August 27, 1975 (40 FR 31860), excepting vehicles whose top speed does not exceed 45 mph. (The top speed of the Koehring T-644 excavator is advertised as 52 mph, and the T-744 as 61-62 mph.) Warner & Swasey also argued that an extension would not be in the public interest since Koehring through its exemption has enjoyed an advantage over its competitors Harnischfeger and Warner & Swasey whose petitions for exemption were denied.

On September 9, 1975, NHTSA asked Koehring to provide its views:

... as to why Koehring cannot or is unwilling to meet the "interim" (dynamometer) requirements that are applicable to vehicles with front driving steerable axles having GAWR's of less than 18,000 pounds. Your supplier, Rockwell International, is believed to have front steerable driving axles that can be given a GAWR of 11,000 pounds and permit a vehicle to meet the interim requirements of Standard No. 121. It is also believed to have front steerable driving axles available that can be given a GAWR of slightly less than 18,000 pounds that would permit Koehring's larger vehicles to meet the interim requirements.

The Administrator must make the same findings in granting an extension as he did in issuing the original exemption, specifically that compliance would cause the petitioner substantial economic hardship and that the extension would be in the public interest and consistent with the objectives of the National Traffic and Motor Vehicle Safety Act.

Koehring's exemption was predicated upon the hardship that might be caused by "economic disruption and uncertainty in the event of a shutdown of facilities during the period before conforming vehicles could be produced" and the effect upon "the economic wellbeing of the community of Waverly, Iowa." Because of the apparent ability of Oshkosh, reflected in its comment, to supply conforming axles, the exemption was limited to the period before June 1, 1975. Since the grant of the original petition it appears that Koehring has been able to conform much of its production to Standard No. 121. Standard No. 121 has also been amended to exclude Koehring's non-conforming vehicles if modifications, that do not appear significant, are performed to reduce their top-speed capability. Even if Koehring chose not to modify its excavators, it does not appear that a denial would cause it to cease operations, since a portion of its production apparently meets Standard No. 121. The Administrator further notes that Koehring has not supplied a dollar figure with respect to the cost that a denial would cause, nor has it answered NHTSA's letter of September 9, 1975. Accordingly, the Administrator is unable to

find that a denial would cause petitioner substantial economic hardship. Findings of public interest and consistency with objectives of traffic safety are therefore not reached.

For the foregoing reasons the petition by Koehring Company for an extension of its temporary exemption is denied. NHTSA Exemption No. EX75-8 expires on January 5, 1976.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegation of authority at 49 CFR 1.51)

Issued on November 28, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc.75-32734 Filed 12-3-75;8:45 am]

[Docket No. EX75-28; Notice 2]

TVR ENGINEERING LTD.

Petition for Temporary Exemption From Federal Motor Vehicle Safety Standard

TVR Engineering Ltd., Blackpool, England, has been granted a 3-year exemption from Federal Motor Vehicle Safety Standard No. 215, *Exterior Protection*, on the basis that compliance would cause it substantial economic hardship.

Notice of TVR's petition appeared in the FEDERAL REGISTER on September 30, 1975 (40 FR 44859), and an opportunity afforded for comment.

TVR manufactured 450 passenger cars from January 1, 1974, to August 31, 1975. Approximately 80 percent of its 1974 production was shipped to North America (388 cars to the United States, 12 to Canada). On January 3, 1975, its factory was almost completely destroyed by a fire. Petitioner was in the process of designing and testing procedures related to Standard No. 215 at that time, but "all of the stock, including the developmental work in progress, was destroyed." As a result, TVR "was unable to produce and market a production model for the year 1975, and to complete its research, development, testing" and work related to compliance with Standard No. 215. Unless the exemption is granted, "Petitioner will be deprived of its 1976 sales year." The effect of this "will be the financial ruin and collapse of Petitioner's business." Its net income in 1974 was approximately \$8,000 (3519 Pounds).

No comments were received on the petition.

Because of TVR's past reliance upon the American market to absorb 80 percent of its production, and the damages incurred in the fire, TVR's prediction that without an exemption the company will be financially ruined appears justified. The agency also notes that even with small resources and production the petitioner has nevertheless, with this one exception, been able apparently to meet all Federal safety standards that apply to its products.

For the reasons discussed above it is found that the denial of the petition would create substantial economic hardship, and that a temporary exemption

would be in the public interest and consistent with the objectives of the National Traffic and Motor Vehicle Safety Act. Accordingly, TVR Engineering Ltd. is hereby granted NHTSA Exemption No. 75-28 from 49 CFR 571.215, Motor Vehicle Safety Standard No. 215, *Exterior Protection*, expiring November 1, 1978.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegation of authority at 49 CFR 1.51)

Issued on November 23, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc. 75-32736 Filed 12-3-75; 8:45 am]

CIVIL AERONAUTICS BOARD

[Docket Nos. 25953, 22322; Order 75-12-5]

FEDERAL EXPRESS CORPORATION ET AL.

Order Granting and Denying Petitions for Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of December 1975.

By Order 75-3-42, March 13, 1975, the Board consolidated and set for hearing applications in two related dockets. The first application, in Docket 25953, involved the joint request of General Dynamics Corporation (General Dynamics) and certain other investors (the "investors") along with Federal Express Corporation (Federal Express) for disclaimer of jurisdiction in part and grant of an exemption or approval, pursuant to sections 408 and 409 of the Federal Aviation Act, of the acquisition by General Dynamics and the other investors of varying amounts of equity securities of Federal Express.

The second application, in Docket 22322, involved the joint request of Mr. Lester Crown and Trans World Airlines (TWA), for indefinite renewal of the approval heretofore granted by Order 71-11-92 and by letter to counsel for the joint applicants dated February 13, 1972, of the interlocking relationships resulting from Mr. Crown's position as a member of the Board of Directors of TWA, on the one hand, and various close relationships between Mr. Crown and General Dynamics, a business engaged in a phase of aeronautics, on the other hand.¹

The pertinent facts concerning the transactions and relationships involved in the two applications are set forth in some detail in Order 75-3-42, and need not be repeated here. Various petitions for reconsideration of Order 75-3-42 have been filed.

1. TWA and Mr. Lester Crown have filed a joint petition for reconsideration asking that the issue of the renewal of the TWA/Lester Crown interlocking relationship pending in Docket 22322 not be consolidated for hearing with the matter of control of Federal Express Corporation pending in Docket 25953. The joint petitioners urge that a non-hearing proceeding, through the device of a show cause order, be used to expedite the application. In so doing, the joint petitioners propose a specific restriction on the participation of Lester Crown in any discussion or other action by the Boards of Directors of TWA or General Dynamics having to do with ownership or control of Federal Express or having to do with any transaction in excess of \$100,000 between Federal Express and General Dynamics or TWA, or among them all, without prior approval of the Board.

2. The investors have filed a petition requesting that the Board reconsider its order with respect to the inclusion of both the senior bank creditors of Federal Express, and the holders of "nonvoting" equity interests. It is the contention of the investors that the inclusion of the banking creditors² in a full evidentiary hearing is inappropriate in light of the pending Institutional Control of Air Carriers Investigation, Docket 26349. To assure consistency with the ultimate findings of the Institutional Control Investigation, the investors request the Board to modify its order by either disclaiming jurisdiction as to the bank creditors or exempting the acquisition pending the outcome of the investigation. The investors contend that the only conceivably unique aspect of the Federal Express financing is the issuance of warrants to the lenders. These warrants, they argue, by their express terms cannot be exercised by the banks, but may only be exercised by transferees of the banks. The petitioners suggest that the Board may specifically reserve a right of prior approval over any sale or transfer of the warrants.

The investors further request the Board to reconsider its decision with respect to the Allstate and Prudential Insurance Companies, holders of "non-voting" equity interests in Federal Express. While the nonvoting restriction on these shares currently extends only to election of directors, the petitioners state

²The "bank creditors" consist of six banks who have received, in partial consideration for their loans to Federal Express, warrants for the purchase of common stock. Through increased financing, these banks continue to receive additional warrants as consideration for deferral on interest payments. The current warrant holdings would comprise about 10 percent of the outstanding common stock if exercised. Assuming that Federal Express continues to issue warrants in lieu of interest payments to the extent of their ability to do so under the agreement, the total warrants issued to the banks could equal the equivalent of 18.48 percent of the outstanding common stock. The warrants are not exercisable by the banks, but may be so exercised by any transferee.

that Allstate and Prudential would be prepared to relinquish any additional voting rights as the Board may determine. They further stipulate their willingness to accept a specific condition that any bulk sale of the shares held by them would be subject to prior Board approval.

Finally, the investors propose an alternate solution. Citing the current financial condition of Federal Express and the possibility of additional financing during 1975, they suggest that the hearing in this case be postponed until a decision is reached in the Institutional Control Investigation.

3. Federal Express has filed a petition for reconsideration, expressing as its primary concern the "potentially staggering cost" of hearings of the scope presently ordered by the Board, as well as its conviction that the procedures instituted are wholly disproportionate to the relatively limited importance of the issues in the present proceeding.

In support of its petition, Federal Express states that the case merely involves consideration of the transfer of control or potential control interests in a non-certificated air taxi operating pursuant to the free entry provisions of Part 298 of the Board's Economic Regulations. As such, it argues, there should be a strong presumption toward the propriety of nonhearing relief. Further, Federal Express contends that the case arises out of relatively short-term financing transactions and does not reflect the purchasers' intent to acquire control. The petitioner also notes that virtually all of the applicant's costs in the case must be borne by Federal Express,³ and suggests that the cost of the hearings could result in a severe cash drain and might exhaust the working capital needed to sustain the carrier's operations.

Further, Federal Express contends that the opposition to its application by Executive Jet Aviation⁴ "might be neutralized" by a firm assurance eliminating the potential competitive threat to that air taxi operator. The petitioner proposes to accept, without objection or reservation, a restriction limiting it to cargo-only operations as a condition precedent to Board approval, in the event that EJA withdraws its prior demand for a hearing and its opposition to approval of the application.

Finally, Federal Express urges the Board to adopt one of three possible courses of action. The first is that the acquisitions of its equity securities should

³By virtue of the Purchase Agreement, dated November 9, 1973, Section 12. C; Submitted as Appendix A to Amendment No. 1 to the Joint Application, filed December 7, 1973.

⁴An answer in opposition to the application as well as a petition for leave to intervene were filed by Executive Jet Aviation (EJA), an air taxi operator. In its answer, EJA requested that the Board assert jurisdiction over the entire transaction, deny the request for an exemption, and either deny the request for approval or, at a minimum, set the matter for a full evidentiary hearing.

¹These relationships include (a) the holding by the Crown family and business associates of a controlling interest in General Dynamics, (b) Mr. Crown's position as a member of the Board of Directors of General Dynamics, (c) Mr. Crown's position as a member of the board and an officer of certain subsidiaries of General Dynamics, and (d) the position of Mr. Crown's father, Mr. Harry Crown, Sr., as a member of the Board of Directors of General Dynamics.

be authorized by exemption. Secondly, in the alternative, it is proposed that the acquisitions may be approved by show-cause procedures. Finally, Federal Express declares that at a minimum any hearings found to be necessary must be limited by the exclusion of institutional control case issues. Additionally, the petitioner urges the Board to extend its disclaimer of jurisdiction to include the two investors, Allstate and Prudential, who purchased "nonvoting" securities.

Upon careful review of the matters presented in the petitions for reconsideration, the Board has decided to grant, in part, the relief sought. The petitioners have persuasively shown that the present scope of the proceedings may be unduly broad, and that with the imposition of appropriate conditions, some of the concerns previously expressed by the Board can be alleviated.

At the same time, however, the magnitude of the operations and financial transactions of the parties is sizeable. After less than three years of operation Federal Express operates one of the largest, if not the largest, fleets of business jet aircraft in the nation. Moreover, as Federal Express itself states, we are dealing with "the establishment of a brand-new and unique air transportation service which is a rare occurrence."

The leading investor in the current financing of this venture is General Dynamics, a business engaged in a phase of aeronautics and one of the country's 100 largest corporations, with 1974 sales of almost two billion dollars and assets of \$1.184 billion.² The total financing of Federal Express, under the initiative and with the participation of General Dynamics, exceeds \$50 million. Further, the new investors apparently control three of the five seats on the Board of Directors.

Given these circumstances, we must reject the petitioners' proposals to proceed by nonhearing procedures. We are not persuaded by the arguments of Federal Express that opposition which exists to its application can be "neutralized" by a stipulation that it would refrain from carrying passengers. While Federal Express clearly is free to so stipulate, it is not at all clear that such a condition would meet the objection to Federal Express' application. In any event, while our decision to set this matter for hearing took into consideration the answer of Executive Jet Aviation opposing the application, it has always been our basic view that a hearing in this instance is needed in the public interest, regardless of lack of formal opposition.

In any case, the proceedings are being limited herein to such an extent that they will not produce too severe a financial burden upon the applicant, but at the same time will allow the Board to exercise its legitimate responsibility under Section 408 of the Act to evaluate the very real question of whether the transactions for which the applicants seek approval affect the control of the

air carrier, and if so whether it is in the public interest to approve that control relationship. Accordingly, we will scope the proceeding along the following lines.

LESTER CROWN-INTERLOCKING RELATIONSHIPS

Order 75-3-42 consolidated for hearing the proceeding in Docket 22322, involving the interlocking relationships of Mr. Lester Crown, with the proceeding in Docket 25953, involving the control and acquisition of Federal Express. Upon reconsideration, the Board has decided to reaffirm its determination that these two matters be consolidated and set for concurrent hearing.

Despite Mr. Crown's willingness to accept a condition which would prohibit his participation in any discussion or other action by the Board of Directors of General Dynamics with respect to important matters concerning Federal Express Corporation, we have determined that a hearing on the question of the pertinent interlocking relationships is required in the public interest. Our determination is based in large part upon the possibility that General Dynamics may be found to be in control of Federal Express within the meaning of section 408 of the Act. In that event, Mr. Crown would be both a director of a certificated airline (TWA), and a director and major stock holder of a business involved in a phase of aeronautics (General Dynamics) which is also in control of perhaps the largest air taxi operator in the nation (Federal Express). Such possible interlocking relationships require close scrutiny under Section 409 regardless of the conditions proposed by the joint petitioners.

The determination under Section 409 of whether the public interest would be adversely affected by the Lester Crown interlocking relationships is closely related to, and to some extent dependent upon, the extent to which General Dynamics might be found to be in control of Federal Express under section 408. We are not convinced that consolidation and concurrent hearing will be unduly burdensome. In the first place, we are confident that the Administrative Law Judge assigned to the consolidated proceeding will, within reason, be able to schedule procedural dates and witness appearances in a manner convenient to the parties concerned. Moreover, by virtue of the automatic extension provisions of section 9(c) of the Administrative Procedure Act (5 U.S.C. 558), the Board's previous approval of the interlocking relationships involved in Docket 22322 will continue in effect pending final Board determination in the consolidated proceeding, and thus the applicant will not be prejudiced by any delay as a result of consolidation.

NONVOTING EQUITY SHAREHOLDERS

The Allstate and Prudential Insurance Companies together own over thirty percent of the equity interest in Federal

Express.³ These shares consist of "non-voting" Class B common stock only. By their terms, such securities may be converted into voting securities only upon transfer to a holder other than Prudential or Allstate. This nonvoting restriction, however, extends only to election of directors, and does not restrict the right to vote on other corporate matters. As noted in Order 75-3-42, these remaining voting rights in Federal Express present questions under Section 408 of the Act which weigh against a disclaimer of jurisdiction.⁴ Moreover, in the absence of a full hearing, the Board cannot, as the investors suggest, simply determine a priori which, if any, of the retained voting rights raise questions of control. However, as an alternative to a hearing, the Joint applicants have indicated their willingness to resolve these potential control problems by, if necessary, relinquishing their remaining voting rights and obtaining prior Board approval of any substantial future transfers of securities held in Federal Express.

Upon reconsideration, the Board has determined that the conditions suggested by Allstate and Prudential will adequately resolve any remaining questions of control in Federal Express. Accordingly, we have decided to disclaim jurisdiction over Allstate and Prudential, subject of the filing of statements by the two investors verifying their relinquishment of voting rights in Federal Express and indicating their acceptance of the prior approval requirement on substantial future transfers of Federal Express securities.⁵

BANK CREDITORS

The strongest objections in the petitions of both Federal Express and the investors concern the inclusion of the bank creditors as parties to the proceeding. While the petitioners are objecting to the propriety of our decision, there is no contention that the Board lacks the legal right to examine the question of possible control which may result from the debt financing of Federal Express. Section 408(a)(5) of the Federal Aviation Act of 1958, as amended by Pub. L. 91-62 in 1969, gives the Board jurisdiction over any person who may acquire control in any manner whatsoever.

The Board thus has a legitimate statutory interest in the question of control as it relates to the bank creditors of Federal Express. However, in reviewing the petitioners' arguments, we have taken into consideration a condition proposed

² Letter of information to the Board, dated October 18, 1974, Appendix A, page 1, Docket 25953.

³ Such rights presumably include the right to vote on mergers or consolidations, approval of bylaws, sale of corporate assets, basic charter amendments, reorganization of the corporate structure, and voluntary dissolution.

⁴ A substantial transfer will be defined as any transaction or series of transactions occurring within a one-year period which results in a transfer of five percent or more of the voting securities of Federal Express.

⁵ Fortune Magazine, Directory of the 500 Largest Corporations, May 1975 at 212.

by the petitioners which will help to alleviate our previously expressed reservations about one aspect of the debt financing of Federal Express. Specifically, in Order 75-3-42, the Board expressed its special concern about interests held by the creditor banks of Federal Express in the form of warrants to purchase common stock. Petitioners point out that the warrants are expressly not exercisable by the banks themselves and suggest that any sale or transfer of the warrants to other persons can be made subject to prior Board approval.

In our view, such a prior-approval requirement will satisfactorily meet the Board's principal concerns over the holding of warrants by creditor banks. Accordingly, upon reconsideration, we will not place in issue the specific warrants currently held by the creditor banks, although we will adopt the suggested prior-approval requirement. However, it is not our intent to completely dismiss the question of the debt financing of Federal Express as an aspect of the entire control issue in the hearing. All credit agreements entered into by Federal Express are pertinent to this case. Consideration of possible conditions on Federal Express in regard to its debt financing, aside from the above-mentioned condition on creditor bank warrant holdings, is certainly within the scope of this proceeding. Consequently, while we have decided not to require that the bank creditors be formal parties to the proceeding, to the extent that they determine it to be in their interest to participate in this proceeding, they may do so pursuant to the Rules of Practice in Part 302 of the Board's Procedural Regulations.

THE MAJOR EQUITY SHAREHOLDERS

Finally, Federal Express, in its petition, has urged the Board to utilize non-hearing procedures to approve its application. The Board will deny this request. There are still unanswered questions of fact, law, and Board policy related to the acquisition of such a large air taxi operator by a major aircraft manufacturer (General Dynamics) which can only be resolved by a hearing procedure.*

Accordingly, it is ordered, That: 1. The petitions of Federal Express Corporation and its investors requesting that the Board disclaim jurisdiction over the acquisition of Federal Express stock by the Allstate and Prudential Insurance Companies is granted: *Provided*, That, this disclaimer shall not become effective unless, within 30-days of the effective date of this order, Allstate and Prudential, file statements with the Board's Docket Section indicating that:

(a) All voting rights which are now held or may be acquired in Federal Express have been relinquished; and

(b) Any transaction or series of transactions occurring within a one-year pe-

riod which results in the transfer of five percent or more of the securities of Federal Express will be subject to prior approval of the Board;

2. The petitions of Federal Express and its investors requesting reconsideration of the inclusion of bank creditor relationships in the investigation instituted in Order 75-3-42 is granted insofar as the bank creditors of Federal Express are hereby excused as formal parties to this proceeding and upon the condition that any sale or transfer of warrants to purchase stock in Federal Express which are now held or may be acquired by the creditors of Federal Express be subject to the express prior approval by the Board; and

3. Except to the extent granted herein, the petitions of (1) Lester Crown and Trans World Airlines, Inc., (2) Federal Express Corporation, and (3) the Investors in Federal Express for reconsideration of Order 75-3-42 setting for hearing the applications in Dockets 23322 and 25953 be and they hereby are denied.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc. 75-32730 Filed 12-3-75; 8:45 am]

[Docket No. 27573 Agreement C.A.B. 25515
R-1 and R-2; Order 75-11-120]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority November 28, 1975.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreement was adopted at the 14th TC3 Specific Commodity Rates Board and the 20th Joint Specific Commodity Rates Board and has been assigned the above C.A.B. agreement number.

The agreement would establish three new specific commodity descriptions (Item 4305 for "Teleprinters", Item 5210 for "Pottery", and Item 6858 for "Machine parts and Automobile weather shields made of plastic") as well as specific commodity rate for several items to apply between various world markets outside of air transportation. We will approve the new descriptions which have general application within air transportation as defined by the Act but will disclaim jurisdiction with respect to the new rates which involve points solely outside of air transportation.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14:

1. It is not found that the new specific commodity descriptions incorporated in

Agreement C.A.B. 25515, which have general application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act.

2. It is not found that the specific commodity rates incorporated in Agreement C.A.B. 25515 which involve transportation solely between foreign points affect air transportation within the meaning of the Act.

Accordingly, it is ordered, That: 1. That portion of Agreement C.A.B. 25515 described in finding paragraph 1 above, which has general application in air transportation as defined by the Act, be and hereby is approved; and

2. Jurisdiction be and hereby is disclaimed with respect to that portion of Agreement C.A.B. 25515 described in finding paragraph 2 above.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc. 75-32729 Filed 12-3-75; 8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 10:00 a.m. on Wednesday, December 24, 1975. This meeting will be held in room 5A06A of the U.S. Civil Service Commission building, 1900 E Street, NW., and will consist of continued discussions on future comparability adjustments for the statutory pay systems of the Federal Government, which are defined in section 5301 of title 5, United States Code.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10 (d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent:

RICHARD H. HALL,
Advisory Committee Management
Officer for the President's Agent.

[FR Doc. 75-32742 Filed 12-3-75; 8:45 am]

* Acquisition of Los Angeles Airways, Inc., by Westgate-California Corporation, Order 69-1-40, effective January 10, 1969, concerning, inter alia, acquisition of an air taxi operator, Catalina Airlines.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TOWELS PRODUCED OR MANUFACTURED IN PAKISTAN

Entry or Withdrawal from Warehouse for Consumption

DECEMBER 2, 1975.

On June 4, 1975, there was published in the FEDERAL REGISTER (40 FR 24042), a letter dated May 30, 1975 from the chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products, produced or manufactured in Pakistan and exported to the United States during the eighteen-month period beginning on July 1, 1974. As set forth in that letter, the levels of restraint are subject to adjustment according to the terms of the Bilateral Cotton Textile Agreement of May 6, 1975, between the Governments of the United States and Pakistan.

Pursuant to Paragraph 13 of the bilateral agreement, the Governments of the United States and Pakistan have agreed to permit entry of shipments in Category 31 (other than shop towels) which will exceed the level of restraint established for the agreement period which began on July 1, 1974. The additional amount will be charged against the level of restraint applicable to Category 31 (other than shop towels) for the agreement year beginning on January 1, 1976.

Accordingly, there is published below a letter of December 2, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs implementing this action.

Effective date: December 4, 1975.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, Deputy Assistant Secretary for Policy-DIBA, and Director, Bureau of Resources U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of The Treasury,
Washington, D.C. 20229.

DECEMBER 2, 1975.

DEAR MR. COMMISSIONER: On May 30, 1975, the chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the eighteen-month period beginning on July 1, 1974 of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in Pakistan, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.¹

¹ The term "adjustment" refers to those provisions of the Bilateral Cotton Textile Agreement of May 6, 1975, between the Governments of the United States and Pakistan which provide, in part, that: 1) within the aggregate and applicable group limits, specific levels of restraint may be exceeded by

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to paragraph 13 of the Bilateral Cotton Textile Agreement of May 6, 1975, between the Governments of the United States and Pakistan, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed, effective on December 4, 1975, to permit entry of cotton textile products in Category 31 (other than shop towels), even though the level of restraint will be exceeded. Shipments entered on and after December 4, 1975 will be charged to the level of restraint for Category 31 (other than shop towels) during the agreement period beginning on January 1, 1976.

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textiles and cotton textile products from Pakistan have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, Deputy Assistant Secretary for Policy-DIBA, and Director Bureau of Resources U.S. Department of Commerce.

[FR Doc. 75-32844 Filed 12-3-75; 8:45 am]

ESTABLISHMENT OF NEW LEVELS OF RESTRAINT FOR CERTAIN COTTON AND MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF THE PHILIPPINES

Entry or Withdrawal From Warehouse for Consumption
Correction

In FR Doc. 75-32442, appearing at page 55697 in the issue of December 1, 1975, the table at the bottom of the first column on page 55698 should read as set forth below:

Category:	12-mo. level of restraint
39 dozen pairs.....	388,952
45/46/47 sq. yds. equivalent.....	3,500,000
49 dozen.....	40,000
50 do.....	100,000
51 do.....	100,000
214 dozen pairs.....	1,000,000
219 dozen.....	326,110
Pt. 224 (only T.S.U.S.A. Nos. 380.0420 and 380.8143) pounds.....	100,000
Pt. 224 (only T.S.U.S.A. Nos. 380.0402 and 380.8103) do.....	100,000
225 dozen.....	2,500,000
229 do.....	200,000
235 do.....	30,000
237 numbers.....	180,000

designated percentages; 2) these levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and 3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

² All T.S.U.S.A. Numbers in Category 31 except T.S.U.S.A. Number 386.2740.

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

SAVANNAH RIVER PLANT SITE

Trespassing on Administration Property

The notice concerning unauthorized entry into and upon the Savannah River Plant Site dated October 12, 1965, appearing at pages 13290-13292 of the FEDERAL REGISTER of October 19, 1965 (30 FR 13290-13292, FR Doc. 65-11116), and amended at page 2402 of the FEDERAL REGISTER of January 31, 1968, 33 FR 2402 (FR Doc. 68-1172) is hereby further amended to read as follows:

Notice is hereby given that the Energy Research and Development Administration, pursuant to section 229 of the Atomic Energy Act of 1954, as amended, and section 104 of the Energy Reorganization Act of 1974, as implemented by 10 CFR Part 860 published in the FEDERAL REGISTER on July 9, 1975 (40 FR 28783, 29790) prohibits the unauthorized entry, as provided in 10 CFR 860.3 and the unauthorized introduction of weapons or dangerous materials, as provided in 10 CFR 860.4, into and upon the following-described portion of the Savannah River Plant Site of the Energy Research and Development Administration, said portion of such site being all that tract or parcel of land lying or being situated in Aiken and Barnwell Counties, in the State of South Carolina, approximately 14 miles southeast of the city of Augusta, State of Georgia, and 12 miles south of the town of Aiken, State of South Carolina; bounded on the southwest and south by the Savannah River, on the east by lands of the Estate of Florence L. S. Clark (Creek Plantation) and other lands of the United States of America, E.R.D.A., on the north by other lands of E.R.D.A. and U.S. Highway No. 278, on the west by SRP Road 1, other lands of E.R.D.A., a county road, lands now or formerly of W. H. Harper, Fitch Gilbert, J. L. Pew, Mack Foreman, J. L. Steed, et al. and being more particularly described as follows:

Bearings on the following descriptions are referred to the Savannah River Plant coordinate system, unless otherwise specifically noted; a plat of said property containing both the S. C. Lambert and the Savannah River Plant coordinate systems is recorded in both Aiken and Barnwell Counties, as hereinafter set forth:

Beginning at concrete monument SPO 4D, located on the south right-of-way of the SCL Railroad approximately 4.0 miles south of the town of Jackson, South Carolina, Post Office; said point having a coordinate value on the Savannah River Plant coordinate system of N-91,044.4 and E-24,940.9, and having a coordinate value on the S. C. Lambert coordinate system of N-522,755.8 and E-1,762,208.7. Thence from the point of beginning S. 84°27' E., 165.49 feet to concrete monument SRO 5, located on the N. right-of-way of the SCL Railroad and having a coordinate value on the Savannah River Plant coordinate system of N. 91,028.3 and E. 25,105.6, and having a coordinate value on the S. C. Lambert coordinate system of N. 552,839.7 and E. 1,762,351.2; thence N. 0°06' W. along the SCL Railroad right-of-way 3,322.84 feet to concrete monument SRO 6; thence N. 21°54' E., 455.08 feet to concrete monument

SRO 6A; thence N. 75°34' E., 1,618.10 feet to concrete monument SRO 7; thence N. 75°34' E., 1,854.50 feet to concrete monument SRO 8; thence N. 14°07' W., 2,513.82 feet to concrete monument SRO 9; thence N. 73°38' E., 3,390.15 feet to concrete monument SRO 10, having a coordinate value on the Savannah River Plant coordinate system of N. 98,936.9 and E. 31,289.6, and having a coordinate value on the S. C. Lambert coordinate system of N. 532,873.1 and E. 1,762,095.9; thence N. 02°31' W., 622.96 feet to concrete monument SRO 11; thence S. 73°06' E., 458.29 feet to concrete monument SRO 12; thence N. 01°09' E., 3,667.03 feet to concrete monument SRO 13; thence N. 49°16' W., 389.50 feet to concrete monument SRO 14; thence N. 53°07' E., 1,809.37 feet to concrete monument SRO 15; thence N. 38°48' W., 217.21 feet to concrete monument SRO 16; thence N. 05°50' E., 964.59 feet to concrete monument SRO 17; thence N. 56°37' E., 261.80 feet to concrete monument SRO 18; thence S. 63°38' E., 210.33 feet to concrete monument SRO 19;

Thence N. 55°35' E., 197.73 feet to concrete monument SRO 20; thence N. 63°04' W., 210.34 feet to concrete monument SRO 21; thence N. 56°27' E., 1,033.58 feet to concrete monument SRO 22; thence N. 27°16' E., 1,128.07 feet to concrete monument SRO 23, said point having a coordinate value on the Savannah River Plant coordinate system of N. 105,811.8 and E. 35,445.1, and having a coordinate value on the S. C. Lambert coordinate system of N. 541,685.3 and E. 1,761,420.6; thence S. 60°11' E., 2,190.62 feet to a point on SRP Road A; thence N. 46°41' E., 72.00 feet to a fence corner (F.C.); thence continuing N. 46°41' E., 1,670.74 feet to a F.C. at gate 7 on the S. side of SRP Road 1; thence S. 89°52' E. along the S. side of SRP Road 1 a distance of 7,103.44 feet to a F.C.; thence N. 77°58' E., 1,158.83 feet to a F.C.; thence S. 89°55' E., 340.59 feet to a F.C.; thence S. 89°09' E., 3,800.00 feet along the S. side of SRP Road 1 to a point; thence N. 77°51' E., 3,300.00 feet to a F.C.; thence N. 74°19' E. along the S. side of SRP Road 1, a distance of 6,401.47 feet to a F.C.; thence N. 85°11' E., 371.78 feet to a F.C.; thence S. 64°25' E., 191.01 feet to a F.C.; thence S. 81°40' E., 4,582.57 feet to a F.C.; thence S. 85°08' E., 957.95 feet to a F.C.; thence S. 86°43' E., 1,959.10 feet to a F.C.; thence N. 87°58' E., 516.07 feet to a F.C.; thence N. 85°28' E., 2,300.70 feet to a F.C.; thence N. 84°37' E., 600.42 feet to a F.C.; thence S. 82°58' E., 403.86 feet to a F.C.; thence S. 70°15' E., 286.42 feet to a F.C.; thence S. 17°19' W., 1,829.23 feet to F.C.; thence S. 52°31' E., 259.73 feet to a point in the centerline of SRP Road 2; thence continuing S. 52°31' E., 482.57 feet to a F.C.; thence N. 37°36' E., 3,548.26 feet to a F.C.; thence N. 82°20' E., 345.84 feet to a F.C. on the S. side of U.S. Highway No. 278; thence S. 31°00' E., along the S. side of U.S. Highway No. 278 a distance of 8,800.47 feet to a F.C.; thence S. 34°21' E., 725.33 feet to a F.C.; thence S. 41°03' E., 702.07 feet to a F.C.; thence S. 47°46' E., 480.15 feet to a F.C.; thence S. 53°28' E., 530.6 feet to a F.C.; thence S. 33°24' E., 100 feet to a F.C. (Gate 10); thence N. 57°24' E., 35 feet across Gate 10 to a F.C.; thence continuing along the south side of the right-of-way of U.S. Highway No. 278 S. 63°30' E., 22,000 feet to a F.C.; thence S. 01°30' W., 20 feet across Gate 14-A to a F.C.; thence S. 83°30' E., 50 feet to a F.C.;

Thence S. 63°30' E., 2,091 feet to a F.C.; thence around a left curve 1,000 feet to a F.C.; thence S. 83°00' E., 4,182.8 feet to a F.C.; thence S. 66°30' E., 170 feet to a F.C.; thence N. 23°30' E., 50 feet across Gate 15-A to a F.C.; thence S. 83°00' E., 640 feet to a F.C. located on the S. side of the right-of-way of

U.S. Highway 278 directly across said highway from Bench Mark 361; thence S. 20°58' W., 140 feet to SRO concrete monument 76; said point having a coordinate value on the Savannah River Plant coordinate system of N-88,045.41 and E-108,563.98, and having a coordinate value on the S.C. Lambert coordinate system of N-569,548.91 and E-1,831,578.78; thence generally in an easterly direction with the meanders of the N. side of a dirt road to a F.C. located approximately 4 feet from SRO concrete monument 77, said monument having a coordinate value on the Savannah River Plant coordinate system of N-87,253.77 and E-110,850.84, and having a coordinate value on the S.C. Lambert coordinate system of N-570,254.87 and E-1,833,893.52; thence S. 21°02' W., 584.61 feet to a F.C.; thence S. 30°23' E., 455.48 feet to a F.C.; thence S. 13°19' E., 3,229.19 feet to a F.C.; thence S. 15°13' E., 2,117.60 feet to a F.C.; thence S. 8°46' W., 500.00 feet to a F.C.; thence S. 8°23' W., 2,366.24 feet to a F.C.; thence S. 80°06' E., 213.21 feet to a F.C.; thence S. 21°20' W., 1,133.02 feet to a F.C.; thence S. 21°12' E., 5,044.03 feet to a F.C.; thence S. 50°39' E., approximately 625 feet to a F.C., on the W. side of State Highway No. 278; thence along the W. side of the right-of-way of State Highway No. 278 S. 12°00' E., approximately 2,000 feet more or less to a F.C., said point having a coordinate value on the Savannah River Plant coordinate system of N-71,469.54 and E-116,044.64, and having a coordinate value on the S.C. Lambert coordinate system of N-560,551.01 and E-1,847,382.50; thence N. 76°07' E., 208.95 feet to a F.C.; thence N. 85°35' E., 253.51 feet to a F.C.; thence S. 8°18' E., 1,464.01 feet to a F.C.; thence N. 86°39' E., 412.10 feet to a F.C., said point having a coordinate value on the Savannah River Plant coordinate system of N-70,114.50 and E-116,211.94, and having a coordinate value on the S.C. Lambert coordinate system of N-559,554.00 and E-1,848,315.28; thence S. 42°20' W., 1,316.22 feet to a F.C.;

Thence S. 39°52' W., 598.85 feet to a F.C.; thence S. 18°01' E., 1,416.18 feet to a F.C.; thence S. 52°57' E., 679.77 feet to a F.C.; thence S. 08°56' E., 1,298.14 feet to a F.C.; thence S. 31°35' W., 605.47 feet to a F.C. located within 3 feet of SRO concrete monument 96; thence S. 11°09' E., 428 feet to a F.C.; thence S. 58°50' W., 80 feet to a F.C.; thence S. 70°00' W., 114.4 feet to a F.C.; thence across the Williston barricade on SRP Road 8 S. 20°00' E., 98.1 feet to a F.C.; thence N. 70°00' E., 190 feet to a F.C.; thence S. 11°09' E., 805.03 feet to SRO concrete monument 97; thence S. 85°54' 1,378.48 feet to a F.C.; thence S. 70°00' W., 221.18 feet to a F.C., said point having a coordinate value on the Savannah River Plant coordinate system of N-63,587.32 and E-114,387.89, and having a coordinate value on the S.C. Lambert coordinate system of N-553,191.76 and E-1,850,686.13; thence S. 18°50' E., 422.49 feet to a F.C.; thence S. 09°30' W., 974.78 feet to a F.C.; thence S. 10°14' E., 2,517.39 feet to a F.C.; thence S. 63°27' W., 445.77 feet to a F.C.; thence S. 21°30' E., 3,748.86 feet to a F.C.; thence S. 41°39' W., 2,639.80 feet to a F.C.; thence S. 58°26' W., 1,514.08 feet to a F.C.; thence S. 08°19' W., 1,621.02 feet to a F.C.; thence S. 38°25' W., 1,880.12 feet to a F.C.; thence N. 52°34' W., 517.12 feet to a F.C.; thence S. 39°52' W., 690.43 feet to a F.C.; thence S. 23°08' W., 3,516.05 feet to a F.C.; thence S. 30°34' W., 205.97 feet to a F.C.; thence N. 86°01' W., 1,203.84 feet to a F.C.; thence S. 24°21' W., 657.46 feet to a F.C.; thence S. 25°12' W., 1,858.36 feet to a F.C.; thence S. 15°27' W., 3,141.21 feet to a F.C.; thence N. 60°32' W., 853.31 feet to a F.C.; thence N. 55°51' W., 4,429.13 feet to SRO concrete monument 330; thence S. 38°21' W., 7,048.2 feet to SRO monument 331;

thence S. 67°37' W., 1,897.9 feet to SRO monument 332; thence S. 66°14' W., 2,627.2 feet to SRO monument 333; thence S. 68°09' W., 2,342.2 feet to SRO monument 334; thence S. 50°51' W., 2,230.3 feet to SRO monument 335; thence S. 37°18' W., 736.3 feet to SRO monument 336; thence S. 21°04' W., 1,097.9 feet to SRO monument 337; thence S. 46°37' W., 575.7 feet to SRO monument 338; thence S. 31°27' W., 775.9 feet to SRO monument 339;

Thence S. 70°25' E., 3,501.1 feet to SRO monument 340; thence S. 53°33' E., 3,756.0 feet to SRO monument 341; thence N. 53°25' E., 237.8 feet to SRO monument 342; thence S. 20°23' E., 465.6 feet to SRO monument 343; thence S. 36°23' W., 150.00 feet to a point in the centerline of the traffic island, continuing S. 36°23' W., 186.40 feet to a F.C.; thence N. 52°03' W., 1,976.30 feet to a F.C.; thence S. 83°22' W., 547.01 feet to a F.C.; thence N. 79°11' W., 1,885.41 feet to a F.C. at gate 19; thence N. 72°37' W., 1,451.56 feet to a F.C.; thence N. 61°33' W., 1,967.05 feet to a F.C.; thence S. 89°37' W., 1,355.75 feet to a F.C.; thence S. 89°27' W., 1,110.47 feet to a F.C.; thence S. 83°38' W., 645.95 feet to a F.C.; thence S. 84°46' W., 1,038.98 feet to a F.C.; thence S. 77°15' W., 265.82 feet to a F.C.; thence S. 83°21' W., 307.99 feet to a F.C.; thence N. 83°57' W., 674.03 feet to a F.C.; thence N. 85°49' W., 183.66 feet to a F.C.; thence S. 63°12' W., 595.93 feet to a F.C.; thence S. 48°45' W., 994.17 feet to a F.C.; thence S. 23°12' W., 33.97 feet to a F.C.; thence S. 52°0' W., 543.87 feet to a F.C. on the right-of-way of the SCL Railroad Main Line; thence S. 84°21' W., along the SCL Railroad right-of-way 500.00 feet to a F.C.; thence S. 70°22' W., 900.00 feet to a F.C.; thence S. 73°21' W., 8,300.00 feet to a F.C.; thence S. 81°53' W., 600.00 feet to a F.C.; thence S. 87°02' W., 300.00 feet to a F.C.; thence N. 87°19' W., 1,105.73 feet to a F.C.; thence N. 87°30' W., 7,556.54 feet to a F.C.; thence N. 97°59' W., 825.86 feet to a F.C.; thence N. 87°32' W., 6,517.60 feet to a F.C.; thence N. 82°25' W., 930.60 feet to a F.C.; thence N. 78°36' W., 774.93 feet to a F.C.; thence N. 87°32' W., 6,517.60 feet to a F.C.; thence N. 65°03' W., 382.73 feet to a F.C.; thence N. 59°23' W., 225.90 feet to a F.C.; thence S. 37°03' W., across the SCL Railroad Main Line 114.44 feet to a F.C.; thence N. 56°08' W., 222.39 feet to a F.C.; thence N. 50°25' W., 561.00 feet to a F.C.; thence N. 46°54' W., 863.00 feet to a F.C.; thence N. 70°15' W., 197.58 feet to a F.C.; thence along the E. side of SRP Road 9 as follows: S. 64°23' W., 276.67 feet to a F.C.; thence S. 51°32' W., 225.75 feet to a F.C.;

Thence S. 39°53' W., 905.09 feet to a F.C.; thence S. 44°10' W., 321.00 feet to a F.C.; thence S. 48°19' W., 536.60 feet to a F.C.; thence S. 48°19' W., 281.27 feet to a F.C.; thence S. 41°49' W., 210.73 feet to a F.C.; thence S. 23°37' W., 1,034.20 feet to a F.C.; thence S. 25°22' W., 412.59 feet to a F.C.; thence S. 23°38' W., 2,844.95 feet to a F.C.; thence S. 33°32' W., 1,423.83 feet to a F.C.; thence S. 33°30' W., 298.00 feet to a F.C.; thence S. 33°40' W., 586.34 feet to a F.C.; thence S. 43°06' W., 668.91 feet to a F.C.; thence S. 44°52' W., 1,368.65 feet to a F.C.; thence S. 28°10' W., 178.85 feet to a F.C.; thence S. 18°33' W., 2,775.90 feet to a F.C.; thence S. 24°47' W., 347.88 feet to a F.C.; thence S. 48°0' W., 978.90 feet to a F.C.; thence S. 04°49' W., 783.02 feet to a F.C.; thence S. 78°53' W., 289.87 feet to a point on the centerline of SRP Road A at Allendale Barricade; thence continuing S. 78°53' W., 373.35 feet to a F.C.; continuing S. 78°53' W., 51.61 feet to Point A; thence N. 39°57' W., 3,961.39 feet to a concrete monument SRO 321, said point having a coordinate value on the Savannah River Plant coordinate system of N. 18,662.5 and E. 35,337.6, and having a coordinate value on the S.C.

Lambert coordinate system of N. 470,357.9 and E. 1,813,215.4; thence S. 42°43' W., 3,029.41 feet to concrete monument SRO 322; thence N. 68°06' W., 1,001.01 feet to concrete monument SRO 323; thence S. 41°19' W., 405.03 feet to concrete monument SRO 324; thence S. 35°25' W., 6,891.15 feet to concrete monument SRO 325 located on the left (South Carolina) bank of the Savannah River near the mouth of Steel Creek, said point having a coordinate value on the Savannah River Plant system of N. 10,887.5 and E. 28,091.2 and having a coordinate value on the S. C. Lambert coordinate system of N. 459,807.2 and E. 1,811,933. Thence in a generally northwesterly direction along the meander of the left bank of the Savannah River a distance of approximately 84,100 feet to a point on the north bank of Savannah River near the outfall of Dead Man's Lake and Savannah River; thence N. 30°59' E., approximately 4,980 feet to a concrete monument, having a coordinate value of N. 81,902.16 and E. 16,197.21; thence N. 85°35' E., 2,161 feet to a concrete monument; thence N. 53°04' E., 1,410.8 feet to a concrete monument; thence N. 51°19' E., 827.8 feet to a concrete monument; thence N. 60°38' W., 233.6 feet to a concrete monument, having a coordinate value of N. 83,586.39 and E. 20,325.84; thence N. 31°45' E., 8,770.4 feet to the point of beginning and containing a net total of 171,341 acres more or less; 65,183 acres in Aiken County and 106,158 acres in Barnwell County.

Excluded from the above-described tract are the following railroad and highway rights-of-way:

Seaboard Coast Line Railroad (formerly Charleston and Western Carolina Railroad). A strip of right-of-way, averaging approximately 100 feet in width, the centerline of which is described as follows:

Beginning at the SRP boundary line near the Augusta Barricade; thence in a southerly direction through the former town of Ellenton, continuing in a southeasterly direction through Robbins Station to the SRP boundary line a distance of 14.2 miles and continuing 173 acres, more or less.

Seaboard Coast Line Railroad. A strip of right-of-way averaging approximately 100 feet in width, the centerline of which is described as follows:

Beginning at Robbins Station, thence in an easterly and northeasterly direction (crossing SRP Road A) to Meyers Mill siding, a distance of 4.3 miles and containing 68 acres, more or less.

South Carolina Highway 125. A strip of right-of-way varied in width beginning at the intersection of the centerlines of S.C. Highway 125 and S.C. Highway 62 near the town limits of Jackson, S.C., and extending in a southeasterly direction through the Savannah River Plant of the U.S. Energy Research and Development Administration for 18.3 miles through the Allendale Barricade to the point of intersection of the center-

line of S.C. Highway 125 and the boundary line of the Savannah River Plant, said point having a coordinate value on the S.C. Lambert coordinate system of N. 469,337.21 and E. 1,817,753.41, all as is more particularly described in the Deed of Easement granted by the United States of America acting through the U.S. Atomic Energy Commission to the S.C. State Highway Department, dated July 27, 1967, and recorded in the records of the Clerk of Court of Aiken County, S.C. in Title Book 338, at pages 191-200, and Plat Book 3, page 102, and in the records of the Clerk of Court of Barnwell County, S.C. in Book 13-E, on page 34.

The property as described is the same land as that shown on a revised plat of the Savannah River Plant land posted pursuant to Public Law 84-1006 (70 Stat. 1089); said plat containing both the S.C. Lambert and the Savannah River Plant coordinate systems; a copy of said plat is recorded in Book 6, Page 155, dated September 25, 1975, of the Aiken County Court Records and another copy recorded in Book L, Page 283 dated September 25, 1975, of the Barnwell County Court Records.

Notices stating the pertinent prohibitions of 10 CFR 860.3 and 860.4 and the penalties of 10 CFR 860.5 will be posted at all entrances of said tract and all intervals along its perimeter as provided in 10 CFR 160.6.

Dated at Washington, D.C., this 21st day of November 1975.

ALFRED D. STARBIRD,
Assistant Administrator
for National Security.

[FR Doc.75-32541 Filed 12-3-75; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 465-1]

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING ENVIRONMENT

Availability of Agency Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of October 1, 1975 and October 15, 1975.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for

the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II below and the EPA source for copies of the comments as set forth in Appendix VI below.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I below.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix VI below.

Appendix IV below contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, and the source of the EPA review as set forth in Appendix VI below.

Appendix V below contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix VI below.

Appendix VI below contains a listing of the names and addresses of the sources of EPA reviews and comments, listed in Appendices I, III, IV and V below.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall SW, Washington, D.C. 20460, telephone AC 202/755-2808. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: November 24, 1975.

J. M. McCABE,
Acting Director,
Office of Federal Activities.

APPENDIX I.—Draft environmental impact statements for which comments were issued between Oct 1, 1975, and Oct. 15, 1975

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
D-AFS-E65005-NC	Nantahala unit, Nantahala National Forest, Clay, Macon, Swain, and Graham Counties, N.C.	LO-2	E
D-AFS-E65006-MS	Delta unit plan, Delta National Forest, Sharkey County, Miss.	LO-2	E
D-AFS-G65010-TX	Cource unit, Sam Houston National Forest, Walker and Montgomery Counties, Tex.	LO-2	G
D-AFS-J65003-MT	Oil and gas lease application, exploration and development, Flathead National Forest, Mont.	ER-2	I
D-AFS-J65024-MT	Multiple-use plan, Dickey Sunday planning unit, Kootenai National Forest, Mont.	ER-2	I
D-AFS-J65026-UT	Lone Peak Wilderness study, Uinta and Wasatch National Forests, Salt Lake and Utah Counties, Utah.	ER-2	I
D-AFS-J65028-MT	Petty Mountain planning unit, Lolo National Forest, Missoula County, Mont.	LO-1	I
D-AFS-L61009-ID	Emerald Creek planning unit, St. Joe National Forest, Idaho.	LO-2	K
D-AFS-L61040-ID	Multiple-use plan, Horse Creek administrative-research project, Nezperce National Forest, Idaho.	LO-1	K
D-SCS-D36011-VA	Cedar Run watershed, Fauquier County, Va.	ER-2	D
Corps of Engineers:			
D-COE-B30001-00	Northeastern United States water supply study and Northfield Mountain water supply.	ER-2	B
D-COE-B30001-CT	New London hurricane protection project, New London County, New London, Conn.	LO-2	B
D-COE-F33024-MI	Maintenance dredging of the Federal navigation channels, Lake St. Clair, Mich.	ER-1	F
D-COE-F33025-MI	Grand Haven Harbor and the Grand River, maintenance dredging of the Federal navigation channels, Mich.	ER-2	F
D-COE-F33026-MI	Maintenance dredging, Federal navigation channels, St. Clair River, Mich.	LO-2	F
D-COE-F33014-OH	Diked disposal facility site No. 14, Lake Erie, Cleveland Harbor, Ohio.	LO-2	F
D-COE-F33026-IN	Logjam removal project, Wabash River, Adams County, Ind.	LO-2	F
D-COE-K35005-CA	Maintenance dredging, Federal navigation project, San Francisco Bay region, Calif.	LO-2	J
Federal Energy Administration:			
LD-FEA-A05037-MO	Electric Power Facilities Construction Incentives Act of 1975.	LO-2	A
Department of Housing and Urban Development:			
D-HUD-D80016-PA	University City urban renewal, Philadelphia, Pa.	3	D
D-HUD-E80002-TN	University Center urban renewal area 1, Nashville and Davidson Counties, Tenn.	LO-2	E
D-HUD-H91000-MO	Dangerous buildings and demolitions program, Kansas City, Jackson County, Mo.	3	H
Department of the Interior:			
D-IGS-A02078-CA	Oil and gas development plans, Santa Barbara Channel, Outer Continental Shelf, Calif.	ER-2	A
Department of Transportation:			
D-CGD-C30001-NY	Loran-C chain transmitting station, Seneca County, N.Y.	LO-2	C
D-CGD-F30002-OO	Ohio River bridge and relocated U.S. 22, Weirton, W. Va., to Steubenville, Ohio.	LO-2	F
D-CGD-L34002-AK	Gulf of Alaska Loran-C chain, Alaska.	LO-1	K
D-FHW-R40012-NH	NH-101, Hillsborough County, Milford, N.H.	LO-1	B
D-FHW-D40022-WV	I-64, Bragg to Sam Black Church, Raleigh, Summers, and Greenbrier Counties, W. Va.	LO-2	D
D-FHW-D40025-PA	LR 1071, section 30, I-70, Monongahela Valley to Arnold City, Washington, Fayette, and Westmoreland Counties, Pa.	LO-2	D
D-FHW-E40061-NC	U.S. 321, Blowing Rock to Boone, Watauga County, N.C.	LO-2	E
D-FHW-E40052-OO	Louis-Fort Gay Bridge, Lawrence County, Ky., Wayne County, W. Va.	LO-2	E
D-FHW-E40054-AL	Florida St., Mobile County, Ala.	LO-2	E
D-FHW-E40056-FL	Fl-A-1-A, from Dania to Fort Lauderdale, Broward County, Fla.	LO-2	E
D-FHW-F40033-OH	Detroit-Rocky River bridge replacement, Lakewood Rocky River, Cuyahoga County, Ohio.	LO-2	F
D-FHW-F40037-WI	WI-14, Brooklyn-Madison Rd., Dane County, Wis.	LO-1	F
D-FHW-H40031-NB	U.S. 81 and U.S. 30, Columbus and vicinity, Platte, Polk, and Butler Counties, Nebr.	ER-2	H
Tennessee Valley Authority:			
D-TVA-E05001-OO	Policies relating to electric power rates, Tennessee, Alabama, Georgia, Kentucky, Virginia, Mississippi, and North Carolina.	LO-1	E

APPENDIX II

DEFINITIONS OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

*Environmental Impact of the Action.***LO—Lack of Objection.**

EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations.

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory.

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

*Adequacy of the Impact Statement.***Category 1—Adequate.**

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information.

EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate.

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX III.—Final environmental impact statements for which comments were issued between Oct. 1, and 15, 1975

Identifying No.	Title	General nature of comments	Source for copies of comments
Corps of Engineers:			
F-COE-A3327-NJ, F-COE-A3328- NJ, F-COE- A3329-NJ, F- COE-A3344-NJ, F-COE-A3360- NJ, F-COE-A3513-WI.	Operation and maintenance of the New Jersey Inter-coastal waterways; Manasquan, Barnegat, Absecon and Cold Springs Inlets, N.J. Maintenance dredging and dredged material disposal, Manitowish and Two Rivers Harbors, Wis.	EPA generally had no objections to the project as proposed. EPA generally had no objections to the project as proposed. However, EPA requested the opportunity to comment on the effluent monitoring plans in regard to project related impacts.	C F
F-COE-F3207-OH.	Conneaut Harbor, Ashtabula County, operations and maintenance, Ohio.	EPA generally had no objections to the project as proposed.	F
Department of Housing and Urban Development:			
F-HUD-C36016-NY	Pascack Brook improvement project, Rockland County, N.Y.	EPA generally had no objections to the project as proposed. However, EPA suggested that the value of the Pascack Brook as a potential fresh water fishery might be slightly improved.	C
Department of the Interior:			
F-NPS-A61287-HI.	Proposed master plan, Hawaii Volcanoes National Park, Hawaii.	EPA generally had no objections to the project as proposed.	J
F-NPS-F61002-OO.	Lower St. Croix National Scenic Riverway, Minnesota and Wisconsin.	EPA generally had no objections to the project as proposed.	F
Department of Transportation:			
FS-FAA-A51269-MI.	Addendum, development at Detroit Metropolitan Wayne County Airport, Mich.	EPA generally had no objections to the project as proposed.	I
F-FHW-A41336-NJ.	I-55, freeway, Gloucester County, between NJ-42 and NJ-40, N.J.	EPA generally had no objections to the project as proposed. However, EPA recommended that wetlands be preserved through use of a pile-supported road.	O
NF-FHW-A42211-WI.	Durand-Eau Claire Road, WI-85, Dunn and Eau Claire Counties, Wis.	EPA generally had no objections to the project as proposed.	F
F-FHW-C40006-NY.	Newburgh-Beacon Bridge expansion, I-84, Hudson River crossing, Orange and Dutchess Counties, N.Y.	EPA generally had no objections to the project as proposed. However, EPA is concerned with the noise impact, particularly with regard to the selection of noise descriptors and the evaluation of mitigative measures.	C
F-UMT-A54029-DC.	Metropolitan Washington Regional Rapid Rail Transit System, Metrorail, Washington, D.C.	EPA generally had no objections to the proposed project. EPA also noted continuing interest in the project's on-going development as it will relate to EPA's programs to attain and maintain air quality in the Washington Region.	D

NOTE.—Errata—The "general nature of comments" for the supplemental final environmental impact statement "FS-FPC-A03045-NY: Construction and operation of an LNG import terminal at Staten Island, N.Y." is revised to read "EPA generally has no objections to the area covered by the supplemental FEIS. However, EPA continues to express concern respecting the public safety aspect of the proposed project, (see 39 FR 36011)" in lieu of "EPA generally had no objections to the project as proposed". (40 FR 53070)

APPENDIX IV.—Final environmental impact statements which were reviewed and not commented on between Oct. 1, and 15, 1975

[FRL 465-2]

Identifying No.	Title	Source of review
Department of Agriculture:		
F-AFS-G6503-TX	Lyndon B. Johnson National Grasslands, Fannin County, Tex.	G
F-AFS-J6502-CO	Timber management plan for Medicine Bow National Forest, Colo.	I
F-AFS-L6101-ID	Land use plan, South Fork Salmon River planning unit, Boise and Payette National Forests, Idaho.	K
F-AFS-L6122-ID	Multiple use plan, Rainy Day planning unit, Nezperce National Forest, Idaho County, Idaho.	K
F-AFS-L6129-ID	Land use plan, Garden Valley planning unit, Boise National Forest, Idaho.	K
F-SCS-A3602-MO	South Fork Blackwater River watershed, Mo.	H
F-SCS-G3603-OK	Pott-Sem-Turkey watershed, Seminole and Pottawatomie Counties, Okla.	G
F-SCS-G3604-NM	Zuni Pueblo watershed project, McKinley County, N. Mex.	G
F-SCS-L3601-OR	Rock Creek Watershed work plan, Gilliam and Morrow Counties, Oreg.	K
F-AFS-L6012-ID	Land use plan, Shafer Butte planning unit, Boise National Forest, Idaho.	K
Corps of Engineers:		
F-COE-A3249-OK	Operation and maintenance program, McClellan-Kerr, Arkansas River Navigation System, Okla.	G
F-COE-A3481-TX	Aubrey Lake, Elm Fork of the Trinity River, Tex.	G
F-COE-A3410-OK	Big Pine Lake, Pig Pine Creek, Red River County, Okla.	G
F-COE-A3508-WA	Seattle Harbor, maintenance dredging project, Wash.	K
F-COE-A3655-SC	Scotts Creek project, Newberry County, S.C.	E
F-COE-A3630-MO	Lost and Little Lost Creek, local flood protection project, Mo.	H
F-COE-A3607-NY	Maintenance of Downs Creek, Long Island, navigation project, N.Y.	C
F-COE-A3413-AK	Long Lake area, Helena, Ark.	G
F-COE-E3603-FL	South Dade conveyance canals and east coast backpumping, central and Southern Florida	E
F-COE-G3209-TX	Maintenance dredging, Clear Creek and Clear Lake, Tex.	G
F-COE-G3210-TX	Maintenance dredging, Double Bayou, Chambers County, Tex.	G
F-COE-G3402-TX	Lake Brownwood modification, Tex.	G
F-COE-H3402-MO	Clarence Cannon Dam and Reservoir, Salt River, Mo.	H
F-COE-L3603-OR	Construction, operation management, Columbia River, Umatilla to the Dalles, Oregon and Washington.	K
Department of Defense:		
F-USA-E1101-OK	Control of Blackbirds on Fort Campbell, Ky. and Milan Army Ammunition Plant, Tenn.	E
Department of Housing and Urban Development:		
F-HUD-E3504-OK	Stoneleigh subdivision Dekalb County, Ga.	E
Department of the Interior:		
F-NPS-A61251-AR	Proposed master plan, Buffalo National River, Ark.	G
Department of Transportation:		
F-DOT-A4034-OR	US 30, Warren-Scappoose unit, St. Helens and Columbia Counties, Oreg.	K
F-FHW-A41155-NC	US 64, Rosman to Brevard, Transylvania County, N.C.	E
F-FHW-A41280-FL	FL-794, Palm Beach County, Fla.	E
F-FHW-A4206-OR	Divide-Anlauf Section, Pacific Highway, I-5, Douglas and Lane Counties, Oreg.	K
F-FHW-H4004-KS	US 54, Kingman and Pratt Counties, Kans.	H
F-FHW-H4008-IA	IA-2, Lee County, Iowa.	H
F-FHW-L4003-OR	West Portland Park and Ride, Oreg.	K
F-FHW-L4013-OR	Elk River, US 101, Port Orford section, Oregon Coast Highway, Curry County, Oreg.	K

APPENDIX V.—Regulations, legislation and other Federal agency actions for which comments were issued between Oct. 1, and 15, 1975

Identifying No.	Title	General nature of comments	Source for copies of comments
Federal Aviation Administration:			
R-FAA-A51907-00	14 CFR pt. 132, processing airport development actions affecting the environment.	EPA offered substantive comments pertaining to the air, noise, water, and solid wastes implications of the proposed rules.	A

APPENDIX VI

SOURCE FOR COPIES OF EPA COMMENTS

A. Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall, SW, Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, 29 Federal Plaza, New York, New York 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, 1421 Peachtree Street, NE, Atlanta, Georgia 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Texas 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, California 94111.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc.75-32452 Filed 12-3-75; 8:45 am]

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

Availability of Agency Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of October 16, 1975 and October 31, 1975.

Appendix I below contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II below, and the EPA source for copies of the comments as set forth in Appendix VI below.

Appendix II below contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III below contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA comments, and the EPA source for copies of the comments as set forth in Appendix VI below.

Appendix IV below contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, and the source of the EPA review as set forth in Appendix VI below.

Appendix V below contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix VI below.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall SW, Washington, DC 20460, telephone AC 202/755-2808. Copies of the draft and final environmental impact statements referenced herein are available from the

originating Federal department or agency.

Dated: November 24, 1975.

J. M. McCABE,
Acting Director, Office of Federal Activities.

APPENDIX I.—Draft environmental impact statements for which comments were issued between Oct. 16 and 31, 1975

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
D-AFS-A65121-00	Program for the Nation's renewable resources as required by the Forest and Rangeland Renewable Resources Planning Act of 1974.	(1)	A
D-AFS-J65023-UT	Land use plan, Monticello Planning Unit, Manti-Lasal National Forest, San Juan County, Utah.	LO-2	I
D-AFS-J65025-UT	Timber management plan, Dixie National Forest, Utah.	ER-2	I
D-SCS-B30006-CT	Farm Brook watershed, New Haven County, Conn.	LO-1	B
D-SCS-G36031-AR	South Fourche watershed, Perry, Yell, Saline and Garland Counties, Ark.	LO-2	G
Corps of Engineers:			
D-COE-E60002-00	Little River development plan, Clark Hill Lake, Georgia and South Carolina.	LO-2	E
D-COE-F32027-MI	Saginaw River and Saginaw Bay, maintenance dredging of navigation channels, Michigan.	LO-2	F
D-COE-F32028-OH	Rocky River Harbor, operation and maintenance, Cuyahoga County, Ohio.	LO-1	F
D-COE-F32029-MI	St. Marys River and Straits of Mackinac, maintenance dredging, Michigan.	LO-2	F
D-COE-G36030-LA	Bayou Des Familles Corp., flood protection, Jefferson County, La.	ER-2	G
D-COE-J35000-ND	Pembler Lake and Dam, Pembina River Basin, Cavalier and Pembina Counties, N. Dak.	ER-2	I
D-COE-L36004-AK	Proposed small boat harbor, No. 2, Wrangell, Alaska.	LO-2	K
Department of Commerce:			
D-NOA-E61014-FL	Key Largo Coral Reef Marine Sanctuary, Fla.	LO-2	E
ED-NOA-A56092-00	Permits to commercial fishermen allowing the taking of marine mammals in the course of normal commercial fishing operations.	ER-2	A
Energy Research and Development Administration:			
D-ERD-A60112-00	United States nuclear power export activities.	ER-2	A
Federal Power Commission:			
D-FPC-B05004-AL	Helt, Bankhead, and Lewis Smith projects, No. 2303 and 2165, Tuscaloosa County, Ala.	ER-2	E
D-FPC-B05005-GA	Rocky Mountain project No. 2725, Heath Creek, Floyd County, Ga.	LO-2	E
Department of Housing and Urban Development:			
D-HUD-C09001-NY	Construction of access roads, water and sewer lines to proposed Arcadia Industrial Park, Wayne County, N. Y.	LO-2	O
D-HUD-F85005-IN	Sunbelt subdivision, Fishers, Hamilton County, Ind.	LO-2	F
D-HUD-F89001-OH	Demolition program, Cleveland, Ohio.	LO-2	F
D-HUD-J85000-CO	Hutchinson's Green Mountain Village, Lakewood, Jefferson County, Colo.	EU-2	I
Department of the Interior:			
D-BLM-A03081-00	Proposed 1975 Outer Continental Shelf OCS oil and gas lease sale No. 41, Gulf of Mexico.	LO-2	A
D-HIM-A03052-00	Alaska Natural Gas Transportation System.	3	A
D-BOR-H61000-00	Proposed Oregon National Historic Trail, Kansas, Missouri, Nebraska, Wyoming, Idaho and Oregon.	LO-1	H
D-BOR-J61008-00	Lewis and Clark National Historic Trail, Illinois, Missouri, Kansas, Nebraska, South Dakota, North Dakota, Montana, Idaho, Oregon and Washington.	LO-2	I
D-IBR-G32021-NM	Rio Grande, VAR DE to Caballo Dam, operation and maintenance, New Mexico.	LO-2	G
D-NPS-J61007-UT	Proposed Zion Master plan, Zion National Park, Utah.	LO-1	I
Department of Transportation:			
D-FAA-D51003-VA	New Kent County, Airport, Quantico, Va.	ER-2	D
D-FHW-D40024-PA	LR 1961, Sections 6-10, relocated US 230, Blair County, Pa.	LO-3	D
D-FHW-E40057-GA	15th Street to Greene or Telfair Streets, Richmond County, Ga.	LO-2	E
D-FHW-E40058-GA	US 301, Screven County, Ga.	LO-2	E
D-FHW-E40059-FL	FL-21, Blanding Boulevard, Clay County, Fla.	LO-2	E
D-FHW-F40086-WI	Onondaga Street Bridge and approaches, Onondaga County, Wis.	LO-2	F
D-FHW-G40037-LA	LA-641, US 61 to I-10, St. James Parish, La.	ER-2	G
D-FHW-H40032-NB	90th Street, Omaha, Douglas County, Nebr.	ER-2	H
D-FHW-K40024-CA	Fresno transportation facility, CA-41 and CA-180, Fresno County, Calif.	3	J

¹ EPA rated program directions I, II, III, IV, V, VI, VIII, as ER-2 and program direction VII as EU-2.

APPENDIX II

DEFINITIONS OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

Environmental Impact of the Action.

LO—Lack of Objection.

EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action. ER—Environmental Reservations

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts. EU—Environmentally Unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the Impact Statement.

Category 1—Adequate

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information

EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision to be made to the impact statement.

**APPENDIX III.—Final environmental impact statements for which comments were issued
between Oct. 16, and 31, 1975**

Identifying No.	Title	General nature of comments	Source for copies of comments
Architect of the Capitol:			
F-AOC-A00006-DC	Capitol Power Plant, Washington, DC.	EPA expressed environmental reservations as to the capability of the project's proposed air pollution control techniques to meet the District of Columbia's particulate emission standards. Nonetheless, stack emission tests to be performed by EPA to determine the burden of particulate pollution on the proposed control devices will be made in an attempt to resolve partly this issue.	D
Corps of Engineers:			
F-COE-A34115-OK	Waurika Lake, Beaver Creek, Okla.	EPA has expressed environmental reservations on the proposed project. EPA's concerns center around the impact of the project on water quality and the use of the water provided by the project for public water supply.	G
F-COE-A35102-CA	Operation and maintenance of Morro Bay Harbor, San Luis Obispo County, Calif.	EPA generally had no objections to the project as proposed.	J
FS-COE-A30052-PA	Trexler Lake, Jordan Creek, Lehigh County, Pa.	EPA withheld judgment on the project pending further investigation being conducted by the U.S. Geological Survey regarding the possible adverse effects on groundwater in the Lower Jordan Creek watershed.	D
F-COE-A00084-WI	Milwaukee Harbor, Maintenance Dredging, Wisconsin.	EPA generally had no objections to the project as proposed.	F
F-COE-F33018-OH	Navigation project, Huron Harbor, Erie County, Ohio.	do.	F
F-COE-F33022-MI	Great Lakes-St. Lawrence Seaway navigation season extension demonstration programs fiscal year 1976, Michigan.	do.	F
F-COE-F30013-IL	East Moline, Flood Protection System, Illinois.	do.	F
F-COE-F30014-MN	Upper and Lower Redi Lakes, operation and maintenance, Minnesota.	do.	F
F-COE-E30002-CA	Sacramento River and major and minor tributaries, Calif.	do.	J
General Services Administration:			
F-GSA-K00022-CA	Disposal of Hill 733 Marine Corps Air Station, El Toro, Orange County, Calif.	do.	J
Department of Housing and Urban Development:			
F-HUD-C30015-NJ	Lightning Brook to tributary, channel modification project, Union County, N.J.	do.	C
F-HUD-D85002-DE	Wilton, New Castle County, Del.	do.	D
F-HUD-D80013-MD	Upton urban renewal, Baltimore, Md.	do.	D
Department of the Interior:			
F-FBR-K32001-00	Granite Reef Aqueduct Transmission System, Central Arizona project, Clark County, Nevada, Mohave, Yuma, and Maricopa Counties, Ariz.	EPA expressed environmental reservations on the proposed project. EPA has continuing concerns relating to the secondary effects of the proposed project and the primary effects on the desert ecosystem from the use of natural washes and the access provided by maintenance roads.	J
F-SFW-A64004-HI	Hawaiian Islands National Wildlife Refuge, Wilderness area, Honolulu County, Hawaii.	EPA generally had no objections to the project as proposed.	J
Department of Transportation:			
F-CGD-K52001-00	Loran-C Chain Radio Navigation System, West Coast and Gulf of Alaska.	do.	J
F-FHW-A41007-VA	VA-58, Mackleburg County, Va.	do.	D

APPENDIX IV.—Final environmental impact statements which were reviewed and not commented on between Oct. 16, and 31, 1975

Identifying No.	Title	Source of review
Department of Agriculture:		
F-AFS-L61028-ID	Moose Creek Basin planning unit, Salmon National Forest, Salmon, Idaho.	K
F-AFS-L61033-ID	Land use plan, Cascade planning unit, Boise National Forest, Valley County, Idaho.	K
F-REA-E07001-AL	Tombigbee unit Nos. 2 and 3, and related 230 KV transmissions lines, Alabama.	E
F-SCS-D36006-PA	Pine Run watershed, Montgomery County, Pa.	D
F-SCS-D36009-WV	North and South Mill Creek subwatershed grant, Pendleton and Hardy Counties, W. Va.	D
F-SCS-G36005-OK	Upper Muddy Boggy Creek watershed, Coal, Hughes, Pittsburg, Pontotoc Counties, Okla.	G
Corps of Engineers:		
F-COE-A30078-FL	Beach erosion control project, Duval County, Fla.	E
F-COE-A32523-NY	Black Rock Channel and Tonawanda Harbor, operation and maintenance, N. Y.	C
F-COE-A35090-AL	Bayou La Batre maintenance dredging, Mobile County, Ala.	E
F-COE-A60031-KY	Disposal of Government land, Lake Barkley, Lyon County, Ky.	E
F-COE-A61012-KY	Keboe Lake, Tygart Creek, Ky.	E
F-COE-E02002-AL	Permit, Chevron Oil Co., dredging, Mobile River Delta, Baldwin County, Ala.	E
Department of the Interior:		
F-NPS-A61288-CO	Proposed master plan, Rocky Mountain National Park, Colo.	I
Department of Transportation:		
F-FHW-A42201-FL	Old Spanish Trail, Chipley Street to FL-289, Escambia County, Fla.	E
F-FHW-E40024-TN	U.S. 51, Northwest County Highway, Shelby County, Tenn.	E
Department of Defense:		
F-USN-G81004-LA	Naval Personnel Administrative Complex, Belle Chasse, Plaquemines County, La.	G
Federal Power Commission:		
F-FPC-J05000-UT	American Fork Creek Project No. 696, Utah.	I

APPENDIX V.—Regulations, legislation and other Federal agency actions for which comments were issued between Oct. 16, and Oct. 31, 1975

Identifying No.	Title	General nature of comments	Source for copies of comments
None			

APPENDIX VI

SOURCE FOR COPIES OF EPA COMMENTS

- A. Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall, SW., Washington, D.C. 20460.
- B. Director of Public Affairs, Region I, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203.
- C. Director of Public Affairs, Region II, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007.
- D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.
- E. Director of Public Affairs, Region IV, Environmental Protection Agency, 1421 Peachtree Street, NE., Atlanta, Georgia 30309.
- F. Director of Public Affairs, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.
- G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Texas 75201.
- H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.
- I. Director of Public Affairs, Region VIII, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80203.
- J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, California 94111.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc.75-32453 Filed 12-3-75;8:45 am]

**FEDERAL MARITIME COMMISSION
AMERICAN GREAT LAKES/MEDITERRANEAN EASTBOUND FREIGHT CONFERENCE**

Agreement Filed; Correction

In FR Doc. 75-32023 appearing in Vol. 40, No. 229—Wednesday, November 26, 1975, at page 54873 in the first and second column, the first paragraph which reads "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)" should read "Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to Section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 813a)."

Dated: November 28, 1975.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-32738 Filed 12-3-75;8:45 am]

COMPANIA SUD AMERICANA DE VAPORES AND LYKES BROS. STEAMSHIP CO., INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10128, or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. 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 15, 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:

Lloyd Strickland, Vice President, Lykes Bros. Steamship Co., 300 Poydras Street, New Orleans, Louisiana 70130.

Agreement No. 9942-3, between Compania Sud Americana De Vapores and Lykes Bros. Steamship Co., Inc., is a petition by the parties to extend the effective period of the basic pooling, sailing and equal access to government-controlled cargo arrangement in the trade from U.S. Atlantic Coast ports to ports on the Chilean Coast as far south as and including the ports of Talcahuano and San Vicente from December 31, 1975 to December 31, 1980.

Dated: November 28, 1975.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-32739 Filed 12-3-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. ER76-203, etc.]

BOSTON EDISON CO.

Order Accepting for Filing and Suspending Proposed Rate Changes, Denying Waiver Without Prejudice To Requesting Waiver Upon Condition, and Consolidating Proceedings for Purpose of Decision

NOVEMBER 26, 1975.

On October 28, 1975, Boston Edison Company (Edison) in Docket No. ER76-203 tendered for filing an initial rate schedule an agreement¹ providing for payments by New England Power Company (NEPCO) for transmission service provided over certain 115 KV radial transmission facilities serving NEPCO's East Holbrook Substation. Edison requests that the Commission waive the prior notice requirements to permit the agreement to be effective as of December 1, 1973. Public notice of the filing was issued on November 13, 1975, with protests or petitions to intervene due on or before November 21, 1975.

On November 3, 1975, Edison made a similar filing in Docket No. ER76-238 of an agreement² providing for payments by NEPCO for transmission service provided over certain 115 KV terminal facilities located at Edison's Station #150 at Weymouth, Massachusetts. Edison requests that the Commission waive the prior notice requirements to permit the agreement to be effective as of March 15, 1973. Public notice of the filing was issued on November 21, 1975, with protests or petitions to intervene due on or before November 28, 1975.

The subject agreements relate to Edison's firm power transmission service to NEPCO's Quincy-Weymouth service area. Prior to 1972 the total requirements of NEPCO's Quincy-Weymouth area were supplied by Edison. In November of 1972 NEPCO converted approximately half of the Quincy-Weymouth load from Edison generation to its own generation, relying on Edison to provide the wheeling of NEPCO's generation across Edison's transmission system. The remainder of the Quincy-Weymouth load was converted in November of 1974. The rates applicable to such transmission service to NEPCO's Quincy-Weymouth area are the subject of proceedings being conducted in Docket Nos. E-8187 and E-8700. Those consolidated proceedings are presently pending initial decision by the Presiding Administrative Law Judge.

Edison states that the subject agreements were not filed with the Commission because of Edison's belief that agreements of this nature did not require such filing. However when the agreements were questioned in the proceedings being conducted in Docket Nos. E-8187 and E-8700, Edison believed it appropriate to file the agreements. Our review indicates that the subject agreements

are clearly rate schedules covering rates and charges received by a public utility for or in connection with the transmission of electric energy subject to the jurisdiction of the Commission and therefore are required to be filed with the Commission pursuant to Section 205 of the Federal Power Act.

Our review indicates that the proposed rates, charges, terms, and conditions of service of the proposed rate schedules have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. A review of the record in Docket Nos. E-8187 and E-8700 indicates that the subject agreements were received in evidence³, and their justness and reasonableness are being questioned in those proceedings. Furthermore, we find that the subject agreements are part and parcel to the ultimate determination of just and reasonable rates in those proceedings. Finding common questions of law and fact, we deem it appropriate to consolidate Docket Nos. ER76-203 and ER76-238 with the proceedings in Docket Nos. E-8187 and E-8700 for purposes of decision.

We note that Edison has filed the subject agreements as initial rate schedules. However, our review indicates that the filed agreements constitute rate changes. We further note that the extreme untimeliness of the subject filings severely jeopardizes our ability to protect the public against potentially unlawful rates.

Accordingly, we will deny Edison's request for waiver of the notice requirements, accept the subject rate schedules for filing effective thirty days after the respective filing dates and suspend their effectiveness for one day such that the rates filed in Docket Nos. ER76-203 and ER76-238 will be effective as of November 29, 1975, and December 5, 1975, respectively, subject to refund. Accordingly, Edison shall refund all amounts collected under the corresponding agreements prior to November 29, 1975 and December 5, 1975 unless Edison files within 15 days of the date of issuance of this order an agreement that all rates collected under the subject agreements are subject to refund of any amounts ultimately found by this Commission to be in excess of a just and reasonable rate level after resolution of these consolidated proceedings.⁴ After receipt of Edison's response, if any, we shall issue a further order taking appropriate action.

The Commission finds. (1) Good cause exists to deny Edison's request for waiver of the notice requirements of the Commission's Regulations.

³ The subject agreements were received into evidence as Exhibit Nos. 7 and 8.

⁴ Northeast Utilities Company, --- FPC ---, issued May 31, 1974, in Docket Nos. E-8756, et al.

Arizona Public Service Company, --- FPC ---, issued July 15, 1974, in Docket Nos. E-8621, E-8004, E-8767, E-8019, E-8023, E-8688, E-8779, E-8620, E-7904, E-8389, E-7907, E-7905.

Bangor Hydro-Electric Company, --- FPC ---, issued June 4, 1975, in Docket No. E-8302.

Florida Power and Light Company, ---

(2) The rate changes proposed by Edison in Docket Nos. ER76-203 and ER76-238 should be accepted for filing and suspended until November 29, 1975 and December 5, 1975, respectively.

(3) Good cause exists to require Edison to refund all amounts collected under the corresponding rate changes prior to November 29, 1975 and December 5, 1975, without prejudice to Edison's filing with the Commission within 15 days of the issuance of this order, a request that the Commission accept the rate changes to be effective December 1, 1973 and March 15, 1973, Edison's proposed effective dates, based upon an agreement by Edison that the rates charged under the subject agreements shall be subject to refund as of those effective dates, pending final disposition upon the conclusion of these consolidated proceedings.

(4) Good cause exists to consolidate Docket Nos. ER76-203 and ER76-238 with the proceedings in Docket Nos. E-8187 and E-8700 for purposes of decision.

The Commission orders. (A) The requested waiver of the prior notice requirements of § 35.3 of the Commission's regulations is hereby denied.

(B) The proposed rate changes tendered for filing on October 28, 1975 and November 3, 1975, in Docket Nos. ER76-203 and ER76-238, respectively, are accepted for filing and suspended until November 29, 1975 and December 5, 1975, respectively, when they will become effective subject to refund, subject to the conditions of Ordering Paragraph (C) below.

(C) Edison shall refund all amounts collected under the corresponding rate changes prior to November 29, 1975 and December 5, 1975, without prejudice to Edison's filing within 15 days of the issuance of this order, a request that the Commission accept the rate changes to be effective December 1, 1973 and March 15, 1973, Edison's proposed effective dates, based upon an agreement by Edison that all rates charged under the subject agreements shall be subject to refund as of those proposed effective dates, pending final disposition upon the conclusion of these consolidated proceedings.

(D) The proceedings instituted herein shall be consolidated for purposes of decision with those established in Docket Nos. E-8187 and E-8700.

(E) The Commission Secretary shall cause prompt publication of this order in the Federal Register.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32699 Filed 12-3-75; 8:45 am]

FPC ---, issued July 3, 1975, in Docket Nos. E-8769, E-8770, E-8008, E-9119.

Connecticut Light and Power Company, --- FPC ---, issued June 21, 1974, in Docket Nos. E-8105 and E-8811.

Boston Edison Company, --- FPC ---, issued June 21, 1974, in Docket No. E-8810.

Pacific Power and Light Company, --- FPC ---, issued September 25, 1975, in Docket Nos. E-9173 and E-9212.

Lockhart Power Company, --- FPC ---, issued August 15, 1975, in Docket No. E-9469.

¹ Designated: Boston Edison Company, Supplement No. 4 to Rate Schedule FPC No. 46.

² Designated: Boston Edison Company, Supplement No. 5 to Rate Schedule FPC No. 46.

[Docket Nos. E-8445, E-8949]

CAMBRIDGE ELECTRIC LIGHT CO.

Filing of Revised Rate Schedule, Service Agreement, and Schedule of Refunds in Compliance With Approved Settlement

NOVEMBER 26, 1975.

Take notice that on October 17, 1975 Cambridge Electric Light Company (Cambridge) tendered for filing a settlement Rate Schedule FPC No. 26, an executed service agreement providing for service thereunder, and an attested schedule of refunds governing its wholesale electric service to the Town of Belmont, Massachusetts (Belmont).

Cambridge states that the tendered filing is made pursuant to the terms of a settlement agreement executed July 17, 1975 by Cambridge and Belmont resolving all outstanding issues in the consolidated proceedings above captioned. Said settlement agreement was certified to the Commission by the Presiding Administrative Law Judge on July 24, 1975 and was approved by Commission order issued September 22, 1975.

Cambridge has also tendered, as part of the instant filing, a schedule of revenues, including interest thereon at the rate of 7 percent per annum, which have been refunded as provided for in the settlement agreement as approved. Said refunds represent the difference between the rate which became effective in Docket No. E-8949 and the settlement rate herein tendered for filing. Cambridge states that its chief financial officer has attested to the accuracy of the aforementioned refunds and to the fact that said refunds have in fact been made to Belmont as provided in Paragraph (C) of the Commission's order issued September 22, 1975.

Cambridge further states that the proposed effective date of the tendered settlement rate is August 31, 1975 and accordingly requests waiver of the Commission's notice requirements pursuant to § 35.11 of its regulations.

Copies of the tendered filing have been served by Cambridge upon Belmont and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest the tendered filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 5, 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 proceedings. 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.75-32677 Filed 12-3-75; 8:45 am]

[Docket Nos. E-8885, E-8546]

CINCINNATI GAS & ELECTRIC CO.

Filing Pursuant to Commission Settlement Order

NOVEMBER 26, 1975.

Take notice that on October 7, 1975 as completed October 30, 1975 the Cincinnati Gas & Electric Company (CG&E) filed tariff sheets and a report on refunds. CG&E states that these filings are in conformance with the Commission's order of September 5, 1975, "Order Approving Settlement Agreement Subject to Conditions".

Any person desiring to be heard or to protest said filing should file a protest with the Federal Power Commission, 825 North Capitol Street, Washington, D.C. 20426, in accordance with § 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such protests should be filed on or before December 4, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32676 Filed 12-3-75; 8:45 am]

[Docket Nos. ER76-122, E-9002]

COMMONWEALTH EDISON CO.

Order Granting Rehearing for Purposes of Further Consideration

NOVEMBER 26, 1975.

On September 12, 1975, Commonwealth Edison (Com Ed) tendered for filing in Docket No. ER76-122 a proposed revised fuel adjustment clause, Rider 20, 2nd Revised Sheet No. 12 and Original Sheet No. 12, 10, and a proposed increase in its energy charge, Seventh Revised Sheet No. 1, applicable to Rate 78 of its FPC Electric Tariff. By Order Issued October 10, 1975, the Commission accepted for filing and suspended Com Ed's proposed filing terminated the section 206 investigation of Com Ed's fuel clause¹ and consolidated Docket No. ER76-122 with Docket No. E-9002. The intervenors, Cities,² petitioned for rehearing of our October 10, 1975 order on the grounds, inter alia, that the Commission erred in failing to reject Com Ed's fuel clause and energy charge filing, in suspending the operation of the fuel clause for only one day, and in terminating the Section 206 investigation of Com Ed's fuel clause.

Because of the complicated nature of the issues raised in Cities' application, we believe good cause exists to grant rehearing for purposes of further consideration.

The Commission finds. Good cause exists to grant rehearing of our October 10, 1975, order in this docket for purposes of further consideration.

¹ The 206 investigation was originally instituted by order issued October 29, 1974, in Docket No. E-9002.

² Batavia, Geneva, Naperville, Rochelle, Rock Falls and St. Charles, Illinois.

The Commission orders. (A) Rehearing of our October 10, 1975, order is hereby granted for purposes of further consideration.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32698 Filed 12-3-75; 8:45 am]

[Docket No. ER76-218]

FLORIDA POWER & LIGHT CO.

Filing of Agreement

NOVEMBER 26, 1975.

Take notice that Florida Power & Light Company (FP&L), on November 4, 1975, tendered for filing a letter agreement between FP&L and Lake Worth Utilities Authority (Lake Worth). FP&L states that this letter agreement changes the energy charge for energy produced from fossil steam generating plants for emergency and scheduled interchange service pursuant to sections A2 and B2 of the Contract for Interchange Service between FP&L and Lake Worth dated March 6, 1972 from the second preceding month to the calendar month in which the energy was produced and sold. The letter agreement also provides for an energy charge for energy produced from combustion gas turbines and diesel engines. FP&L also states that service has been made on the Lake Worth Utilities Authority in accordance with § 35.2(d).

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 3, 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.75-32674 Filed 12-3-75; 8:45 am]

[Docket No. E-8336]

IOWA POWER AND LIGHT CO.

Application

NOVEMBER 26, 1975.

Take notice that on November 10, 1975, Iowa Power and Light Company (Applicant) of Des Moines, Iowa, filed a Supplemental Application seeking authority pursuant to Section 204 of the Federal Power Act to issue up to \$70,000,000 principal amount of short-term unsecured promissory notes on or before December 31, 1976, with final maturities not

more than one year after date of issuance. Of this total, an amount not exceeding twenty-five percent (25%) of the Applicant's gross revenues during the preceding twelve (12) months of operations may, in the aggregate at any one time, be in the form of commercial paper. By order of December 16, 1974, in FPC Docket No. E-8336, Applicant was authorized to issue on or before December 31, 1975, bank and commercial paper notes maturing not more than one year after issuance in amounts not exceeding \$60,000,000 in the aggregate, of which up to \$30,000,000 was authorized to be issued as commercial paper. Applicant, in its Supplemental Application, seeks authority to: (1) Increase the authorized amount to \$70,000,000, and increase the amount which could be issued as commercial paper, (2) extend the period during which such securities can be issued to December 31, 1976, and (3) issue commercial paper either through an established commercial paper dealer, or directly to buyers of the paper, as determined in the discretion of the Company and as allowed by the laws of Iowa regulating the sale of securities.

Applicant is incorporated under the laws of the State of Iowa with its principal business office at Des Moines, Iowa, and is engaged in the electric and gas utility business within the State of Iowa.

The notes are to be issued from time to time to banking institutions or sold through a commercial paper dealer. Notes to banking institutions will be issued in accordance with various informal lines of credit agreements. The notes are to have maturities on demand with semi-annual renewals, or specific maturities of not more than one year from their dates and are to bear interest at the prevailing rate in effect at the time of issuance. Commercial paper will be issued as promissory notes either through an established commercial paper dealer, or directly to buyers of the paper, as determined in the discretion of the Company and as allowed by the laws of Iowa regulating the sale of securities. Commercial paper notes are to have maturities of not more than nine months from their dates and the interest rate will be dependent upon the terms of the notes and money market conditions at the time of issuance. The proceeds from the issuance of notes will be used as interim financing of the Applicant's construction program.

Any person desiring to be heard or to make any protest with reference to the Application should on or before December 8, 1975, file with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance

with the Commission rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-32679 Filed 12-3-75; 8:45 am]

[Docket No. RP72-32 (PGA76-1)]

**KANSAS-NEBRASKA NATURAL GAS
COMPANY, INC.**

**Order Accepting for Filing and Suspending
Proposed PGA Rate Adjustment Subject
to Condition, Establishing Hearing Pro-
cedures, Instituting Investigation Under
Natural Gas Act and Consolidating Pro-
ceedings**

NOVEMBER 23, 1975.

On September 29, 1975, Kansas-Nebraska Natural Gas Company, Inc. (K-N) filed a 5.1¢ per Mcf PGA rate increase¹ (1) to track a 4.86¢ per Mcf, or \$5,230,000 per year increase in purchased gas costs and (2) to reflect a .24¢ per Mcf increase (from negative .9402¢ to negative .6008¢) in the surcharge to recoup the balance in the Deferred Purchased Gas Cost Account. K-N proposes to make the increase effective as of December 1, 1975.

Notice of the filing was issued on October 2, 1975, with all comments protests or petitions to intervene due on or before October 31, 1975. No responses were received.

Our review of K-N's filing indicates that the PGA increase is based, in part, on small producer purchases at rates in excess of the rate levels established in Opinion No. 742. Further, K-N's filing reflects increases by Sun Oil Company (Sun) and Texaco, Inc. under Rate Schedule Nos. 419 and 327 for purchases in the Syracuse Field, Kansas from 11.3¢ and 12.3¢ to 29.4¢ and 29.8¢ per Mcf, respectively. The proposed increases are \$37,000 to Sun Oil Company and \$46,000 to Texaco, Inc. The increases from Sun and Texaco which K-N proposes to track are at rates in excess of the prescribed ceiling rates. Sun was granted special relief to collect over ceiling rates for a portion of its sales and was permitted to collect at ceiling rates for the remainder. Texaco has not been permitted to collect above ceiling rates. Therefore, a portion of the increases by Sun and Texaco do not qualify as known changes under K-N's PGA clause. Accordingly, we shall accept the tariff sheet for filing and suspend it for one day until December 2, 1975, when it shall become effective, subject to refund, subject of K-N's eliminating the effect on the rates of that portion of the increases by Sun and Texaco which are in excess of the prescribed ceiling rates, except for the volumes for which special relief has been granted.

With regard to the issue of small producers, we shall establish hearing procedures to determine the just and reasonable rate levels of those small producer purchases to be included in

K-N's filing in excess of the rate levels resulting from use of the "130% formula" prescribed in Opinion No. 742.² In this connection, we believe it appropriate to make the small producers involved respondents so that they may present evidence to show that the rates charged by them to K-N are just and reasonable. Although the small producers are not required to make refunds, we believe it appropriate to institute a Section 5 investigation against the small producers involved so that the just and reasonable small producer rate determined in this proceeding can be applied prospectively.

Within 15 days of the date of this order, K-N shall file a list of the small producers making sales reflected in the instant filing in excess of the "130% formula" rates in order that they may be made respondents to this proceeding.

Cost evidence relating to the small producer sales which are the subject to the hearing ordered herein can clearly provide the basis for "just and reasonable" rate findings. "F.P.C. v. Texaco, Inc.," 417 U.S. 380 (1974). Accordingly, we shall require the small producer respondents to submit cost evidence in order that we may determine the justness and reasonableness of K-N's rates and make appropriate prospective adjustments, if found necessary, to the small producer rate pursuant to our authority under Section 5 of the Natural Gas Act.

K-N must show that the rate paid by K-N to the small producer is just and reasonable by presenting evidence considering all relevant factors including, *inter alia*, (1) the pipeline's need for gas, (2) the availability of other gas suppliers, (3) the amount of gas dedicated under the contract, (4) the rates of other recent small producer sales previously approved for flow through and (5) comparison with appropriate market prices.³

Finally, the parties may submit any other evidence relevant to the Commission's determination of whether the rates paid by the pipeline with respect to the subject small producer sales are just and reasonable.

Our review of those claimed increased purchased gas costs contained in K-N's filing, other than those claimed increased costs associated with that portion of small producer purchases in excess of the rate levels prescribed by the "130% formula" prescribed in Opinion No. 742 indicates that, with the exception of that portion which is represented by the increases by Sun and Texaco found to be excessive, they should be approved as being in compliance with the standards set forth in Docket No. R-406. Accordingly, we shall permit K-N to file a revised tariff sheet to become effective December 1, 1975, which reflects the costs in K-N's filing which are in conformance with Docket No. R-406. Our acceptance of the revised tariff sheet is subject

¹ Substitute Fourth Revised Sheet No. PGA-1 to FPC Gas Tariff, Second Revised Volume No. 1.

² FPC issued August 28, 1975, in Docket No. R-393.

³ Opinion No. 742 (mimeo, p. 13, paragraph (1)).

to K-N's eliminating the effect on the rates of that portion of the increases by Sun and Texaco which are in excess of the prescribed ceiling rates, except for the volumes for which special relief has been granted.

The Commission finds. It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that hearing procedures be established, as hereinafter ordered and conditioned, and that K-N's proposed rates be accepted for filing and suspended for one day until December 2, 1975, when they shall become effective, subject to refund, as hereinafter conditioned.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, a public hearing shall be held on April 13, 1976, at 10:00 a.m., in a hearing room of the Federal Power Commission, 325 North Capitol Street, NE., Washington, D.C. 20426, to determine the lawfulness of K-N's proposed PGA rates filed on September 29, 1975, insofar as those proposed rates reflect small producer purchasers in excess of the "130% formula" prescribed in Opinion No. 742.

(B) Within 15 days of the date of this order, K-N shall file with the Commission a list, including addresses, of the parties from whom K-N is purchasing gas involved in the small producer, sales set for hearing above. Following receipt of this list, we shall make the small producer sellers parties respondent to this investigation for the purposes discussed in the body of this order.

(C) Pursuant to Section 5 of the Natural Gas Act, we hereby institute an investigation into the just and reasonable rates to be charged by the small producers making sales to K-N in excess of the rates resulting from the "130% formula" prescribed in Opinion No. 742 and consolidate this investigation with the hearing ordered in Ordering Paragraph (A) above for purposes of hearing and decision.

(D) K-N shall file its direct testimony and evidence on or before February 10, 1976. The parties from whom K-N makes the subject shall producer purchases, shall file their direct testimony on or before February 10, 1976. Any evidence by the Commission Staff or any intervenor shall be filed on or before March 9, 1976. Any rebuttal evidence shall be filed on or before March 23, 1976.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(F) K-N's tariff sheet, identified in footnote (1) of this order, is hereby accepted for filing and suspended for one day, until December 2, 1975, when it shall become effective, subject to refund, and subject to K-N's eliminating the effect on the rates of that portion of the increases by Sun and Texaco which are in excess of the prescribed ceiling rates, except for the volumes for which special relief has been granted.

(G) Within 15 days of the date of issuance of this order, K-N may file a revised tariff sheet to become effective December 1, 1975, which reflects those claimed increased purchased gas costs contained in K-N's PGA adjustment other than those claimed increased costs associated with that portion of small producer purchases in excess of the rate levels resulting from the "130% formula" prescribed in Opinion No. 742 and which also reflects K-N's eliminating the effect on the rates of that portion of the increases by Sun and Texaco which are in excess of the prescribed ceiling rates, except for the volumes for which special relief has been granted.

(H) The Secretary shall cause prompt publication of this order in the *FEDERAL REGISTER*.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.
[FR Doc. 75-32669 Filed 12-3-75; 8:45 am]

[Docket No. ER76-39]

KANSAS POWER AND LIGHT CO.

Extension of Procedural Dates

NOVEMBER 26, 1975.

On November 18, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 29, 1975, as most recently modified by notice issued September 9, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, January 23, 1976.
Service of Intervenor Testimony, February 6, 1976.
Service of Company Rebuttal, February 20, 1976.
Hearing, March 9, 1976 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-32690 Filed 12-3-75; 8:45 am]

[Docket No. RP76-31]

LOUISIANA-NEVADA TRANSIT CO.

Order Accepting for Filing and Suspending Revised Tariff Sheets and Establishing Procedures

NOVEMBER 28, 1975.

On October 30, 1975, Louisiana-Nevada Transit Company (LNT) tendered for filing a revised tariff sheet¹ reflecting a rate increase of \$157,059 annually to its wholesale customer, the City of DeQueen, Arkansas, based upon a test period ending June 30, 1975, as adjusted, and a revised tariff sheet² which changes the forty-five (45) days' notice provision in LNT's Purchased Gas Adjustment Clause (PGAC) to a thirty (30) days' notice provision.

¹ Fifth Revised Sheet No. PGA-1 to Original Volume No. 1.

² First Revised Sheet No. 12E to Original Volume No. 1.

LNT states that the rate increase is primarily necessitated by a reduction in gas supplies available to LNT by reason of the cut off of gas supplies from the Walker Creek field for repressuring³ and by a court judgment against LNT with respect to purchases from Walker Creek producers.⁴

LNT requests an effective date for its tariff changes of December 1, 1975.

Notice of LNT's filing was issued on November 10, 1975, with protests, comments or petitions to intervene due on or before November 21, 1975. Any responses received will be reported separately.

We note that for purposes of the present filing, LNT has utilized the unmodified Atlantic Seaboard method of cost classification with respect to its transmission costs. In Opinion 671,⁵ we expressed our concern over the worsening gas supply situation, particularly as it existed on United's system. Based upon the record in that case, we concluded that more weight should be given to the annual use of United's pipeline system than would result under the Atlantic Seaboard method. Therefore, we assigned 75 percent of fixed transmission and storage costs to the commodity component of United's rates. Part of our rationale was that in view of the gas supply shortage, low priority usage should be discouraged and the price gap between natural gas and alternative fuels in the interruptible industrial market should, at the minimum, be narrowed.

In light of our policy of considering competitive fuel prices in setting commodity rate levels and of the present supply and market conditions on the LNT system all parties to this proceeding should direct their attention, and any evidence they wish to submit, to the pro-

³ LNT states that deliveries of gas from the Walker Creek Field were cut off during March of 1975 when reinjection of all gas produced was commenced under a plan approved by the Arkansas Oil and Gas Commission. LNT states that prior to the commencement of repressuring activities, LNT's normal purchase from Walker Creek amounted to 3,387,007 Mcf or 43.50 percent of LNT's gas supply. In its filing, LNT reflects zero volumes from Walker Creek field related to the repressuring.

⁴ LNT states that it has suffered an adverse decision in the case of "Louisiana-Nevada Transit Company v. Dalton J. Woods, et al." (Case No. T-72-C-43, U.S. District Court for the West District Ark.) involving a suit by LNT seeking a declaratory judgment that under its existing gas purchase contracts in the Walker Creek Field certain other gas purchase contracts between third parties were not "triggering" contracts under a favored nations clause in the LNT contracts, as had been asserted by the sellers. LNT states that the court decision found that LNT owed additional sums of money to the sellers for gas purchased during 1972-75. LNT computes its maximum liability under the judgment to be \$772,166.00, plus interest from the date of judgment for additional gas costs under the contracts in controversy. LNT states that the judgment is being appealed, but it has not been stayed.

⁵ United Gas Pipeline Company, 50 FPC 1348 (1973); affirmed, Consolidated Gas Supply Corporation v. F.P.C., — F.2d — (D.C. Cir. October 9, 1975).

priety of the continued use of LNT's Atlantic Seaboard method of cost classification as well as to the propriety of LNT's cost classification, allocation, and rate design proposed herein. Further, we urge all parties to suggest alternative methods of cost classification, allocation and rate design which they believe may more closely reflect or implement the Commission's policy objectives in this area. In this connection, we refer the parties to our notice of proposed rule-making issued February 20, 1975, in Docket No. RM75-19.

Based on the foregoing, the use of the Atlantic Seaboard method of cost classification, cost allocation and rate design may be inadequate and contrary to the public interest under the present conditions of gas supply shortage and ever-increasing curtailments. Moreover, we note that because of successive pipeline rate filings which create "locked-in" periods, our efforts to adopt a just and reasonable cost classification, allocation and rate design differing from Atlantic Seaboard may be frustrated. To the extent that the rate structure found reasonable for LNT after hearing and decision departs from the Atlantic Seaboard methodology used by LNT in its instant filing by assigning additional fixed costs to the commodity component of the rates, undercollections will occur. We believe it would be improper for us to insure LNT from protection from undercollections by our failing to adopt the just and reasonable rate structure because rates have become "locked-in". Accordingly, we hereby place LNT on notice that it may be subject to undercollections if after hearing and decision we find its rates design improper.

With regard to the previously mentioned court decision adverse to LNT with respect to its cost of gas purchases, we will allow collection of the rates associated therewith after suspension and subject to refund.

Our review of LNT's revised tariff sheet reflecting increased rates indicates that issues have been raised which require development in an evidentiary hearing. The tariff sheet reflecting changes in rates, charges and conditions of service has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. We shall therefore accept this revised tariff sheet for filing, suspend its effectiveness for five months and establish hearing procedures to determine its justness and reasonableness.

Evidence relevant to the issues raised by the instant filing should be submitted by all parties, including the Commission Staff. Without limiting the rights of the parties, including Staff, in presenting such further evidence as they deem relevant and material, we hereby direct the parties and our Staff to present evidence which addresses itself to the issues above as well as the following issues:

(1) LNT's method of allocating transmission demand costs on the basis of

maximum available firm supply on a given day.

(2) LNT's requested overall rate of return of 11.0 percent (13.0 percent on common equity) in light of the fact that LNT, in its prior rate case in Docket No. RP74-26, requested an overall rate of return of 10.25 percent but agreed to an overall rate of return of 8.69 percent in a settlement agreement that was certified to the Commission and approved by Commission order issued April 1, 1975. All parties, including Commission Staff, should present evidence to justify divergence from the overall rate of return of 8.69 percent approved by the Commission for this service.

(3) LNT's inclusion in its claimed working capital allowance in its test period rate base of an amount for the unamortized balance of the liability imposed by the aforementioned declaratory judgment rendered against LNT. LNT proposes to amortize the estimated judgment at a rate of 5¢ per Mcf of sales commencing with the effective date of the proposed rate and continuing until the jurisdictional portion of the judgment has been extinguished. LNT states that it proposes to calculate the jurisdictional portion of the judgment to be liquidated by multiplying the amount of the judgment by the ratio of test period volumes of jurisdictional sales to total sales.

(4) The amount of line losses on the LNT system.

With respect to LNT's revised tariff sheet reflecting a reduction in the notice period in its PGAC, we will accept it for filing as of the requested date of December 1, 1975.

The Commission finds. (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission accept for filing and suspend for five months the revised tariff sheet reflecting an increase in rates by LNT as hereinafter provided.

(2) Good cause exists to accept for filing as of the requested effective date of December 1, 1975, the revised tariff sheet reflecting a reduction in the notice period for the PGAC to thirty (30) days.

The Commission orders. (A) Pending a hearing and a decision thereon, LNT's Fifth Revised Tariff Sheet No. PGA-1 of Original Volume No. 1 is accepted for filing and suspended for five months to become effective on May 1, 1976, subject to refund.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, and the Commission's rules and regulations (18 CFR Ch. I) a hearing for the purposes of determining the justness and reasonableness of LNT's proposed changes in its rates, charges and conditions of service shall be held commencing on April 20, 1976, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(C) On or before March 9, 1976, the Commission Staff shall serve its prepared testimony and exhibits. Any intervenor evidence will be filed on or before

March 23, 1976. Any rebuttal evidence by LNT shall be served on or before April 6, 1976.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe necessary procedures not provided for by this order, and shall otherwise conduct the hearing in accordance with the terms of this order and the Commission's rules and regulations.

(E) LNT's First Revised Sheet No. 12E is hereby accepted for filing and permitted to become effective December 1, 1975.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32685 Filed 12-3-75; 8:45 am]

[Docket Nos. RP74-97, PGA76-1]

MONTANA-DAKOTA UTILITIES CO.

Purchased Gas Cost Adjustment Filing

NOVEMBER 24, 1975.

Montana-Dakota Utilities Company ("MDU"), on November 14, 1975, submitted for filing as part of its FPC Gas Tariff, Original Volume No. 4, its proposed "Third Revised Sheet No. 3A." The proposed effective date is January 1, 1976.

MDU states that this tariff sheet is filed pursuant to its Purchased Gas Cost provision. The proposed changes involve MDU's Current Surcharge Adjustment only and are supported by computations of unrecovered purchased gas cost attached to the filing, according to MDU.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 9, 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.75-32686 Filed 12-3-75; 8:45 am]

[Docket No. CP75-348, etc.]

NATIONAL FUEL GAS SUPPLY CORP. ET AL.

Order Permitting Storage Withdrawals, Granting Interventions, Scheduling Formal Hearing, and Establishing Procedures

NOVEMBER 28, 1975.

By letter order dated July 24, 1975, National Fuel Gas Supply Corporation (Na-

* See: Footnote 3 in our order of May 31, 1974, in Columbia Gas Transmission, et al., Docket Nos. RP74-82 and RP74-84.

tional Fuel) was issued in Docket No. CP75-348 a temporary certificate pursuant to the emergency provisions of the Natural Gas Act to perform storage service for Lowell Gas Company (Lowell). National Fuel in that docket sought permanent and temporary authorization to store for Lowell an aggregate amount of 1,500,000 Mcf of gas for the period June 1, 1975 through April 30, 1976. The gas would be redelivered to Lowell by displacement during the 1975-76 winter heating season. Receipt and redelivery would occur at a volumetric rate of up to 12,500 Mcf per day.

The above-referenced letter order also granted temporary certification to Tennessee Gas Pipeline Company in Docket No. CP75-372 to perform the necessary transportation service for Lowell to permit the storage injections into National Fuel's facilities. Tennessee proposes to transport the listed quantities of natural gas from Tewkesbury, Massachusetts to Ellensburg, Pennsylvania.¹

The temporary certification was issued on condition that all charges are subject to refunds if required and that withdrawals not be commenced without further Commission authorization. Furthermore, the temporary certificates were issued without prejudice to such final disposition as the record may require.

Petitions to intervene were filed in Docket No. CP75-348 by Elizabethtown Gas Company and Lowell Gas Company. Having reviewed the petitions to intervene, we are convinced that the petitioners have demonstrated sufficient interest in these proceedings to warrant intervention, and we shall so order.

In a related application in Docket No. CP76-11, Columbia Gas Transmission Corporation (Columbia), Consolidated Gas Supply Corporation (Consolidated) and Transcontinental Gas Pipeline Corporation (Transco), by letter order of July 24, 1975, were issued temporary certificates in Docket No. CP76-11 to commence a transportation and exchange program to enable Elizabethtown Gas Company (Elizabethtown) to inject storage gas into National Fuel's facilities. Elizabethtown would inject up to 1,500,000 Mcf into storage, with receipt and redelivery at no greater than 10,000 Mcf per day. Elizabethtown proposes to withdraw the subject gas during the 1976-77 winter season. The temporary certificates in CP76-11 were issued on conditions identical to those enumerated in CP75-348 and CP75-372, as described above.

On November 12, 1975, Lowell filed a telegram request urging that withdrawal from storage now be permitted in order to meet individual day requirements for the winter season. The Commission recognizes the need for withdrawal at this

time and shall hereby authorize such withdrawals as Lowell requires, consistent with the applications on file.

The Commission furthermore believes that common questions of law and fact exist in the various applications on file, and shall consolidate them for purposes of hearing and disposition. Such hearing shall be for the purpose of determining whether the rates and charges proposed for the storage, transportation, and exchange services are required by the public convenience and necessity, whether refunds should be ordered, and for resolving such other issues as may be pertinent.

The Commission finds. (1) It is in the public interest to allow Lowell Gas Company to withdraw from storage volumes which have been injected pursuant to letter order of July 24, 1975.

(2) It is desirable and in the public interest to allow the above-named petitioners to intervene in these consolidated proceedings in order that they may establish the facts and the law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(3) The public interest requires that a formal hearing be convened in these proceedings in order to establish the propriety of the proposed rates and charges, including whether refunds are required, and to resolve any other outstanding issues.

The Commission orders. (A) Docket Nos. CP75-348, CP75-372, CP75-373, and CP76-11 are consolidated for purposes of hearing and disposition.

(B) The above named petitioners are permitted to intervene in this consolidated proceeding subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; *And provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) National Fuel Gas Supply Corporation is hereby authorized to withdraw from storage and redeliver to Lowell Gas Company those quantities of gas which it has stored for the account of Lowell pursuant to letter order of July 24, 1975, subject to such final disposition of this proceeding as the Commission may determine to be appropriate.

(D) The direct case of the Applicants and all intervenors in support thereof on the issue of the rates and charges shall be filed and served on all parties on or before December 15, 1975. At the conclusion of cross-examination of the direct case, the Presiding Administrative Law Judge assigned to the case shall fix a date for the submission of answering testimony.

(E) A formal hearing shall be convened in these proceedings in a hearing room of the Federal Power Commission, 825 North Capitol St. NE., Washington, D.C., on January 20, 1976 at 10:00 a.m. (e.d.t.). The Chief Administrative Law Judge will designate an appropriate officer of the Commission to preside at the formal hearing of these matters, pursuant to the Commission's rules of practice and procedure.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32684 Filed 12-3-75; 8:45 am]

[Docket Nos. RP71-125; PGA 76-3]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Order Accepting for Filing and Suspending Proposed PGA Rate Increase, Rejecting Tariff Sheets, Establishing Hearing Procedures, Instituting Investigation Under Natural Gas Act and Consolidating Proceedings

NOVEMBER 28, 1975.

On October 16, 1975, as supplemented on November 19, 1975, Natural Gas Pipeline Company of America (Natural) tendered for filing two sets of revised tariff sheets¹ to its FPC Gas Tariff to reflect a PGA rate increase. The proposed changes reflect (1) increased purchased gas costs of 0.89¢ per Mcf or \$4,201,442 annually, and (2) a 0.85¢ reduction (from 1.04¢ to 0.19¢) in Natural's surcharge to amortize the balance in the deferred purchased gas cost account.

The proposed rates in the tendered tariff sheets additionally incorporate certain revisions which were the subject of a concurrent filing by Natural in Docket No. RP75-108 and which are discussed and approved in a separate order in Docket No. RP75-108 issued today.

Public notice of Natural's October 16, 1975 filing was issued on November 5, 1975, with all protests, comments, and petitions to intervene due on or before November 14, 1975. No comments have been received.

On November 3, 1975, Natural tendered substitute tariff sheets² incorporating the PGA increase and requests their acceptance and approval in the event the Commission approves a request by Great Lakes Gas Transmission Company (Great Lakes), a supplier of Natural, to modify its purchased gas allocation method. Great Lakes' request, which would result in changing the allocation of purchased gas costs between its sales customers and transportation customers, was tendered on October 15, 1975 in Docket No. RP75-94. By order issued

¹ Substitute Twenty-fifth Revised Sheet No. 5, Substitute Original Sheet No. 5A; (Alternate) Substitute Twenty-fifth Revised Sheet No. 5, (Alternate) Substitute Original Sheet No. 5A.

² Second Substitute Fourth Revised Substitute Twenty-fourth Revised Sheet No. 5, Second Substitute Twenty-fifth Revised Sheet No. 5, (Alternate) Second Substitute Twenty-fifth Revised Sheet No. 5.

¹ By letter of July 25, 1975, the letter order of July 24 was amended to permit National Fuel and Tennessee to also perform storage and transportation service for Elizabethtown Gas Company. Requests for such authorization had been included in National Fuel's and Tennessee's initial application in the subject dockets.

November 13, 1975, we rejected Great Lakes' tariff sheets incorporating the proposed allocation change referring to our earlier decision to set the issue for a Section 5 proceeding. In view of our action in the Great Lakes' proceeding we will reject Natural's tariff sheets tendered on November 3, 1975.

Because we have approved and will permit to become effective by separate order issued today the tariff sheets in Docket No. 75-108 reflecting certain revisions in Natural's base rates we will accept for filing the Alternate tariff sheets tendered in this docket on October 16, 1975. However, our review of such tariff sheets indicates that they contain small producer and emergency purchases in excess of the rate levels prescribed in Opinion Nos. 742 and 699-H, respectively. Therefore, the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, we shall accept the tariff sheets for filing and suspend them for one day until December 2, 1975, when they shall become effective, subject to refund.

With regard to the issue of small producers, we shall establish hearing procedures to determine the just and reasonable rate levels of those small producer purchases to be included in Natural's filing in excess of the rate levels resulting from use of the "130% formula" prescribed in Opinion No. 742.³ In this connection, we believe it appropriate to make the small producers involved respondents so that they may present evidence to show that the rates charged by them to Natural are just and reasonable. Although the small producers are not required to make refunds, we believe it appropriate to institute a section 5 investigation against the small producers involved so that the just and reasonable small producer rate determination in this proceeding can be applied prospectively.

Within 15 days of the date of this order, Natural shall file a list of the small producers making sales reflected in the instant filing in excess of the "130% formula" rates in order that they may be made respondents to this proceeding.

Cost evidence relating to the small producer sales which are the subject of the hearing ordered herein can clearly provide the basis for "just and reasonable" rate findings. "F.P.C. v. Texaco, Inc." 417 U.S. 380 (1974). Accordingly, we shall require the small producer respondents to submit cost evidence in order that we may determine the justness and reasonableness of Natural's rates and make appropriate prospective adjustments, if found necessary, to the small producer rate pursuant to our authority under Section 5 of the Natural Gas Act.

Natural must show that the rate paid by it to the small producer is just and reasonable by presenting evidence considering all relevant factors including, inter alia, (1) the pipeline's need for gas, (2) the availability of other gas sup-

pliers, (3) the amount of gas dedicated under the contract, (4) the rates of other recent small producer sales previously approved for flow through and (5) comparison with appropriate market prices.⁴

Finally, the parties may submit any other evidence relevant to the Commission's determination of whether the rates paid by the pipeline with respect to the subject small producer sales are just and reasonable.

With regard to the 60-day emergency purchases from other than small producers, the Commission noted in Opinion 699-B⁵ that a pipeline would be entitled to include in its purchased gas costs a rate for such purchases "which a reasonably prudent pipeline purchaser would pay for gas under the same or similar circumstances." Accordingly, we believe it appropriate to establish hearing procedures to determine the appropriate rate level of those 60-day emergency purchases included in the filing which are in excess of the rate levels prescribed in Opinion 699-H.

With regard to the 180 day emergency purchases from other than small producers we note that the Supreme Court has recently denied a request for certiorari⁶ from the D.C. Circuit Court of Appeals decision in *Consumer Federation of America v. F.P.C.*⁷ wherein the Court found that the Commission exceeded its authority under Section 7 of the Natural Gas Act in promulgating Order No. 491.⁸ Pending Commission decision on appropriate action to be taken with respect to sales made pursuant to Order No. 491 we shall defer action on Natural's 180 day emergency purchases reflected in the instant PGA filing. In the interim the portion of the PGA rate increase reflecting such purchases is suspended for one day and subject to refund of all amounts found to be necessary by the Commission.

Our review of those claimed increased purchased gas costs contained in Natural's filing, other than those claimed increased costs associated with that portion of small producer purchases in excess of the rate levels prescribed by the "130% formula" prescribed in Opinion 742 and with that portion of the 60 day and 180 day emergency purchases from other than small producers in excess of the rate levels prescribed in Opinion 699-H indicates that they should be approved as being in compliance with the standards set forth in Docket No. R-406. Accordingly, we shall permit Natural to file revised tariff sheets to become effective December 1, 1975, which reflect the costs in Natural's filing which are in conformance with Docket No. R-406, as indicated above.

³ Opinion No. 742 (mimeo, p. 13, paragraph (1)).

⁴ FPC issued September 9, 1975, in Docket No. R-389-B.

⁵ F.P.C. v. Consumer Federation of America, et al., S. Ct. No. 75-227, cert. denied October 14, 1975.

⁶ 515 F.2d 347 (D.C. Cir. 1975).

⁷ 50 FPC 742 (1973); Order No. 491-A, 50 FPC 848 (1973); Order No. 491-B, 50 FPC 1463 (1973).

The Commission finds. (1) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that hearing procedures be established, as hereinafter ordered and conditioned, and that Natural's Alternate substitute tariff sheets tendered in this docket on October 16, 1975, be accepted for filing and permitted to become effective December 2, 1975, subject to refund.

(2) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that Natural be permitted to file, to become effective December 1, 1975, revised tariff sheets reflecting the elimination of purchased gas costs associated with that portion of small producer and emergency purchases in excess of the levels established in Opinion Nos. 742 and 699-H.

(3) Good cause does not exist to accept for filing the substitute tariff sheets tendered in this docket by Natural on November 3, 1975.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, a public hearing shall be held on March 23, 1976, at 10:00 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, to determine the lawfulness of Natural's proposed PGA rates filed on October 16, 1975, insofar as those proposed rates reflect (1) small producer purchases in excess of the "130% formula" prescribed in Opinion 742 and (2) 60 day emergency purchases from other than small producers in excess of the rate levels prescribed in Opinion 699-H.

(B) Within 15 days of the date of this order, Natural shall file with the Commission a list, including addresses, of the parties from whom Natural is purchasing gas involved in the small producer and 60 day emergency sales set for hearing above. Following receipt of this list, we shall make the small producer and 60 day emergency sellers parties respondents to this investigation for the purposes discussed in the body of this order.

(C) Pursuant to section 5 of the Natural Gas Act, we hereby institute an investigation into the just and reasonable rates to be charged by the small producers making sales to Natural in excess of the rates resulting from the "130% formula" prescribed in Opinion 742 and consolidate this investigation with the hearing ordered in Ordering Paragraph (A) above for purposes of hearing and decision. These consolidated hearings will be docketed as RP71-125 (PGA76-3).

(D) Natural shall file its direct testimony and evidence on or before January 6, 1976. The parties from whom Natural makes the subject emergency and small producer purchases, shall file their direct testimony on or before January 6, 1976. Any evidence by the Commission Staff or any intervenor shall be filed on or before February 12, 1976. Any rebuttal evidence shall be filed on or before March 9, 1976.

(E) That portion of Natural's PGA increase reflecting costs associated with 180-day purchases under Order No. 491

⁸ FPC issued August 28, 1975, in Docket No. R-393.

is hereby suspended, subject to refund, pending further action by the Commission.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(G) Natural's Alternate tariff sheets tendered on October 16, 1975, are hereby accepted for filing and suspended for one day, until December 2, 1975, when they shall become effective, subject to refund.

(H) Within 15 days of the date of issuance of this order, Natural may file revised tariff sheets to become effective December 1, 1975, which reflect those claimed increased purchased gas costs contained in Natural's PGA adjustment other than those claimed increased costs associated with that portion of small producer purchases in excess of the rate levels resulting from the "130% formula" prescribed by Opinion 742 and that portion of the 60-day and 180-day emergency purchases from other than small producers in excess of the rate levels prescribed in Opinion 699-H.

(I) Natural's substitute tariff sheets tendered in this docket on November 3, 1975 are hereby rejected.

(J) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.
[FR Doc. 75-32682 Filed 12-3-75; 8:45 am]

[Docket No. E-9379]

NIAGARA MOHAWK POWER CORP.

Extension of Procedural Dates

NOVEMBER 26, 1975.

On November 21, 1975, the town of Massena, New York filed a motion to extend the procedural dates fixed by order issued November 13, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, December 29, 1975.
Service of Intervenor Testimony, January 12, 1976.
Service of Company Rebuttal, February 9, 1976.
Hearing, March 1, 1976 (10 a.m., e.s.t.)

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-32694 Filed 12-3-75; 8:45 am]

[Docket No. ER76-50]

NORTHERN INDIANA PUBLIC SERVICE CO.

Order Accepting for Filing and Approving Proposed Settlement Agreements

NOVEMBER 24, 1975.

On August 1, 1975, Northern Indiana Public Service Company (NIPSCO) ten-

dered for filing proposed changes in its rates for wholesale service¹ to 12 Rural Electric Membership Corporations (REMCs) and 8 municipal utilities (Municipals). NIPSCO requested that the new rates be made effective September 1, 1975. The proposed rates would have produced additional revenues from the REMCs of \$4,964,931 (59.77%) and from the Municipals of \$856,653 (51.67%) based on test year 1975, and a 9.0% overall rate of return.

By letter of the Commission Secretary dated August 29, 1975, NIPSCO was notified that its filing was deficient in certain respects and would not be assigned a filing date until such deficiencies were cured by the submittal of additional material. On September 18, 1975, NIPSCO supplied the additional material. On October 15, 1975, a further deficiency letter was sent to NIPSCO.

The August 1 and August 29 filings were noticed on August 7 and September 30, 1975, with comments due on or before August 18 and October 9, 1975, respectively. Petitions to intervene were filed by the REMCs² and Wabash Valley Power Association, Inc. on August 14, 1975, and by the Municipals³ on August 28, 1975.

On September 18, 1975, NIPSCO filed a proposed Settlement Agreement dated September 5, 1975, between NIPSCO and the REMCs. On November 3, 1975, NIPSCO filed a proposed Settlement Agreement dated October 21, 1975, between NIPSCO and the Municipals. Both filings also contained supporting material and a motion requesting acceptance and approval of the agreement. With the submittal of the two settlement agreements the proposed rate increase is reduced to \$4,792,203 (44.8%).

Notice of the September 18 filing was issued September 24, 1975, with comments due on or before October 10, 1975. Notice of the November 3 filing was issued November 7, 1975, with comments due on or before November 21, 1975.

THE REMCs AGREEMENT

A summary of the terms of the Settlement Agreement with the REMCs is as follows:

(1) The parties agree that the rate schedule changes reflected in the agreement are acceptable for settlement purposes and should be allowed to become effective on October 1, 1975.

(2) The REMCs agree to waive any and all notice requirements relating to the effectiveness of the new rate schedule.

(3) The parties agree not to be bound in any future unrelated proceeding to any principle, rule or construction of law embodied within the subject settlement.

(4) The parties agree that no rates for wholesale service to the REMCs subsequently filed by NIPSCO shall become effective for a period of two years after

the effective date of the rate schedule filed pursuant to the subject settlement.

(5) The parties agree that the settlement shall not bind any party should it not be unconditionally approved by this Commission and that Commission failure to accept the proposed settlement shall result in its becoming privileged.

NIPSCO claims that these rates will yield an earned rate of return of 6.72 percent from service to the REMCs.⁴ The REMCs are served under Rate Schedule VA 11 which is composed of a single demand charge and two step block energy charges. Under the agreement the block charges are eliminated.

THE MUNICIPALS AGREEMENT

A summary of the terms of the Settlement Agreement with the Municipals is as follows:

(1) The parties agree that the rate schedule changes reflected in the agreement are acceptable for settlement purposes and should be allowed to become effective on January 1, 1976.

(2) The Municipals agree to waive any and all notice requirements relating to the effectiveness of the new rate schedule, including any further filing by NIPSCO of information and data as was recently required by the Commission in Docket Nos. ER76-70 and ER76-83.

(3) The parties agree not to be bound in any future unrelated proceeding to any principle, rule or construction of law embodied within the subject settlement.

(4) The parties agree that no rates for wholesale service to the Municipals subsequently filed by NIPSCO shall become effective for a period of two years after the effective date of the rate schedule filed pursuant to the subject settlement.

(5) The parties agree that the settlement shall not bind any party should it not be unconditionally approved by this Commission, and that Commission failure to accept the proposed settlement shall result in its becoming privileged.

NIPSCO claims that the proposed rates will result in an earned rate of return of 7.06 percent from service to the Municipals.⁵ The proposed fuel clause conforms to Commission Order No. 517. The Municipals are served under Rate Schedule VA 1.

In the motion accompanying the proposed Settlement Agreement with the Municipals, NIPSCO requested that the Commission grant any necessary waivers in order to expedite acceptance of the proposed rates. We find that NIPSCO's filing, together with the two proposed Agreements, provides sufficient supporting data on which to base acceptance and approval of the proposed Agreements.

Based upon our review of the proposed settlement agreements, we find that they represent a reasonable resolution of the issues in the public interest, and that

¹ Designated as: Northern Indiana Public Service Company, FPC Electric Tariff, Second Revised Volume No. 1 (Supersedes First Revised Volume No. 1).

² See Appendix A.

³ See Appendix B.

⁴ See Appendix C below which is identical to Statement N of the proposed settlement filed on November 3, 1975. See also Appendix D, which is identical to Statement G in the November 3, 1975, settlement agreement.

⁵ See Appendix C and D below.

accordingly they should be approved and adopted. We will accept NIPSCO's new tariff effective as of October 1, 1975. The REMCs Agreement will be accepted and made effective as of October 1, 1975. The Municipals Agreement will be accepted and made effective as of January 1, 1976.

The Commission finds. The settlements of these rates are reasonable and proper and in the public interest in carrying out the provisions of the Federal Power Act, and such agreements should be adopted.

The Commission orders. (A) The Settlement agreement filed September 18, 1975, is hereby incorporated herein by reference, approved and adopted, effective October 1, 1975. The Settlement Agreement filed November 3, 1975, is hereby incorporated herein by reference, approved and adopted, effective January 1, 1976.

(B) This order is without prejudice to any findings or orders which have been made or which may hereafter be made

by this Commission, and it is without prejudice to any claims or contentions which may be made by the Commission, its Staff, the Company, or by any other party or person affected by this order in any proceedings now pending or hereafter instituted by or against the Company or any other person or party.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[Docket No. ER76-50]

NORTHERN INDIANA PUBLIC SERVICE CO.

APPENDIX A

Carroll County Rural Electric Membership Corporation
Fulton County Rural Electric Membership Corporation
Jasper County Rural Electric Membership Corporation

Kankakee Valley Rural Electric Membership Corporation
Kosciusko County Rural Electric Membership Corporation
Lagrange County Rural Electric Membership Corporation
Marshall County Rural Electric Membership Corporation
Newton County Rural Electric Membership Corporation
Noble County Rural Electric Membership Corporation
Steuben County Rural Electric Membership Corporation
Warren County Rural Electric Membership Corporation
White County Rural Electric Membership Corporation

APPENDIX B

Town of Argos
Town of Bremen
Town of Brookston
Town of Chalmers
Town of Etna Green
Town of Kingford Heights
Town of Walkerton
Town of Winamac

APPENDIX C

Northern Indiana Public Service Co. comparison of jurisdictional cost of service, period II, as shown with settlement rates, 12 mo ended Dec. 31, 1975, in dollars

Line No.	Description	Rural electric membership corporation			Municipals			Total				
		Settlement			As filed			Settlement				
		Present rates	Increase	Total	Present rates	Increase	Total	Reduction	Total	Present rates	Increase	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
	Electric operating expense:											
1	Operation and maintenance	7,692,059		7,692,059	1,474,650		1,474,650		1,474,650	9,166,709		9,166,709
2	Depreciation	908,578		908,578	181,006		181,006		181,006	1,149,584		1,149,584
3	Taxes other than income	688,254	122,984	811,238	130,022	28,152	158,174	(6,370)	151,804	818,276	144,796	963,072
	Income taxes:											
4	Federal	(537,150)	1,603,166	756,016	(144,882)	387,376	242,694	(87,696)	154,998	(1,082,032)	1,993,046	911,014
5	State	(64,311)	91,968	27,657	(9,942)	21,652	11,110	(4,763)	6,347	(74,353)	108,257	34,904
6	Total electric operating expense	8,347,439	1,908,118	10,255,548	1,530,854	426,780	2,057,634	(98,829)	1,958,805	9,978,284	2,246,069	12,224,353
7	Electric operating income	(40,822)	1,834,264	1,793,442	27,046	419,873	446,919	(95,001)	351,915	(13,776)	2,159,133	2,145,357
8	Total cost of service	8,306,617	3,742,382	12,048,999	1,557,900	856,653	2,514,553	(193,833)	2,320,720	9,964,508	4,405,202	14,369,710
9	Total average rate base	20,670,169		20,670,169	4,984,107		4,984,107		4,984,107	31,654,276		31,654,276
10	Rate of return (percent)	(0.15)		6.72	0.54		9.0		7.06	(0.04)		6.78

APPENDIX D—Statement G (Settlement Rates) Docket No. ER76-50

(Northern Indiana Public Service Company—Rate filing pursuant to regulations p. 35.13, statement G—Rate of return based upon claimed rate of return of 0.78 pct., 12 mos. ending Dec. 31, 1975)

Type of capital	Amount outstanding at Dec. 31, 1975	Percentage		Cost
		Proportion of total	Cost of each type of capital	
Long-term debt	1658,638,300	55.8	7.15	3.99
Preferred stock	156,138,000	13.2	7.50	.99
Common equity	365,960,889	31.0	5.81	1.80
Total	1,180,737,189	100.0		6.78

NOTE.—For purposes of this proceeding only, the claimed rate of return has been applied to an average net original cost rate base. Approximately 96.6 pct of NIPSCO's electric revenue is produced under rates regulated by and subject to the jurisdiction of the Public Service Commission of Indiana. Approximately 94.6 pct of NIPSCO's rate base (based for the purpose of this proceeding on average net original cost) is subject to the jurisdiction of the Indiana Commission. Rates regulated by the Indiana Commission are based upon a fair and reasonable rate of return applied to the fair value of the property used and useful in rendering the utility service.

[FR Doc.75-32494 Filed 12-3-75;8:45 am]

[Docket No. RP75-89]

NORTHERN NATURAL GAS CO.

Further Extension of Procedural Dates

NOVEMBER 26, 1975.

On November 21, 1975, Staff Counsel filed a motion to extend the procedural

dates fixed by order issued May 16, 1975, as most recently modified by notice issued August 20, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows: Service of Staff Testimony, January 20, 1976. Service of Intervenor Testimony, February 10, 1976.

Service of Company Rebuttal, February 24, 1976.

Hearing, March 2, 1976 (10 a.m., e.s.t.)

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32693 Filed 12-3-75;8:45 am]

[Docket No. RP76-34]

NORTHWEST PIPELINE CORP.

Proposed Changes in Gas Tariff

NOVEMBER 24, 1975.

Take notice that on October 31, 1975, Northwest Pipeline Corporation (Northwest), P.O. Box 10-1526, Salt Lake City, Utah 84110, filed with the Commission proposed changes in its FPC Gas Tariff, Original Volume No. 1. The proposed changes would modify the language contained in section 15, Unauthorized Overrun Provisions, of the General Terms and Conditions of said tariff.

Northwest states that because of the continued gas supply deficiency on its system, it must curtail its customers substantially below entitlements based upon contract demand. Northwest avers that the language in Section 15 on unauthorized overruns must be modified in order

to permit Northwest to calculate overrun penalties on the basis of scheduled entitlements, rather than contract demand. Northwest concludes that the tariff changes will permit Northwest to more effectively monitor its curtailment provisions.

Any person desiring to be heard or to make any protest with reference to said filing should on or before December 15, 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.75-32698 Filed 12-3-75; 8:45 am]

[Docket Nos. E-9497, E-9068, E-9118]

OHIO EDISON CO.

Further Extension of Procedural Dates

NOVEMBER 26, 1975.

On November 6, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 5, 1975, as most recently modified by notice issued September 10, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, December 22, 1975.
Service of Intervenor Testimony, January 5, 1976.
Service of Company Rebuttal, January 19, 1976.
Hearing, February 9, 1976 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32692 Filed 12-3-75; 8:45 am]

[Docket No. RP75-102]

PANHANDLE EASTERN PIPELINE CO.

Further Extension of Procedural Dates

NOVEMBER 26, 1975.

On November 7, 1975, Michigan Consolidated Gas Company filed a motion to extend the procedural dates fixed by order issued June 30, 1975, as most recently modified by notice issued October 17, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, February 3, 1976.
Service of Intervenor Testimony, March 2, 1976.

Service of Company Rebuttal, March 16, 1976.
Hearing, April 6, 1976 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-32695 Filed 12-3-75; 8:45 am]

[Docket No. RP75-102]

PANHANDLE EASTERN PIPE LINE CO.

Order Accepting for Filing and Permitting Proposed Substitute Rates To Become Effective, Subject to Refund and Subject to Condition, and Granting Waiver

NOVEMBER 28, 1975.

On October 31, 1975, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing on October 31, 1975, substitute tariff sheets¹ to replace and in substitution for tariff sheets included in Panhandle's general rate change application of May 15, 1975, in Docket No. RP75-102. The rates as filed on May 15, 1975, were suspended until December 1, 1975, by Commission order issued June 30, 1975. Panhandle's initially proposed rates reflected a Seaboard 50-50 rate design. The Commission's June 30 order advised Panhandle that "it may be subject to undercollections if after hearing and decision we find its rate design improper." The subject "substitute" rates reflect an assignment of 75 percent of the fixed costs (as classified by Panhandle) to the commodity component of the rates. Panhandle indicates that the substitute rates are in compliance with the Commission's indicated rate design policy, and Panhandle requests waivers of the Commission's regulations to permit the substitute tariff sheets to become effective in lieu of those initially submitted.

Panhandle's proposed "substitute" rates also reflect an "updating" of the rates to reflect Panhandle's projected advance payments balance as of December 1, 1975, the date the originally proposed rates in Docket No. RP75-102 were to become effective, subject to refund, after a 5 month's suspension. This "updating" results in increase of over \$40 million in the advance payments rate base balance reflected in Panhandle's rates over the levels reflected in Panhandle's originally filed rates in Docket No. RP75-102, as increased by the rates permitted to become effective as of August 1, 1975, by order issued July 31, 1975, in Docket No. RP73-108/AP75-2) and RP73-36(PGA75-4).² Additionally, Panhandle's proposed "substitute" rates reflect a reduction in the cost of gas purchased from Trunkline Gas Company (Trunkline) pursuant to the settlement

¹ Substitute Alternate Fourteenth Revised Sheet No. 3-A and Substitute Fourth Revised Sheet No. 43-4 to its FPC Gas Tariff, Original Volume No. 1.

² By order issued October 9, 1975, the Commission granting the California Public Utilities Commission's motion for reconsideration of our July 31, 1975, order in Docket Nos. RP73-108, et al. of our approval of the Panhandle-ARCO Alaskan advance payment pending the outcome of the Commission's advance payment program investigation in Docket Nos. R-41 and RM74-4.

approved in Docket No. RP74-89, as well as an adjustment to reflect the revised Demand Charge Adjustment-Commodity Surcharge (DCA) to the DCA rate, which was made effective as August 1, 1975, by our July 31, 1975 order in Docket Nos. RP73-108 et al.

On November 21, 1975, notice of the filing was issued. On November 12, 1975, Citizens Gas & Coke Utility of the City of Indianapolis (Citizens Gas) filed a pleading protesting Panhandle's filing insofar as it reflected a change from the Seaboard 50-50 method of rate design to the United 25-75 method. Citizens Gas argues, inter alia, that Panhandle's rates have "consistently" reflected the Seaboard approach, that the United approach penalizes customers with storage, and that prior to implementation of the United method on Panhandle's system, a hearing should be held.

On November 18, 1975, Panhandle filed an answer to Citizens Gas stating that, inter alia, the overall rate level proposed by Panhandle is lower than the rates originally filed in Docket No. RP75-102, the change to the United method was made to protect Panhandle from possible undercollections, and that, in any event, a hearing has been set to resolve the issue of the proper rate design on Panhandle's system.

Our review of Panhandle's proposal to re-design its rates to the United method indicates that it is appropriate and should therefore be permitted. Contrary to Citizens Gas' assertions, Panhandle's presently effective rates reflect a United methodology. Moreover, the hearing requested by Citizens Gas has already been set to determine, inter alia, the proper rate design for Panhandle's system. Accordingly, we shall permit Panhandle to re-design its proposed rates to reflect the United method.

We also find it reasonable and appropriate to permit Panhandle to adjust its proposed rates to reflect the DCA adjustment previously made effective as of August 1, 1975, as well as to reflect the revised cost of purchased gas from Trunkline. However, we note that Panhandle has no tracking authority to reflect increased costs associated with proposed increased rate base balances of advance payments over those reflected in the rates made effective as of August 1, 1975. Panhandle's tracking authority in the settlement agreement approved in Docket No. RP73-108: *Provided*, That rate changes to reflect changes to reflect changes in its advance payment rate base balances could be made effective on February 1, and August 1, and then only if the proposed rate change reflected the advance payments balance sixty days prior to the effective date of the rate change and if such rate change was filed 45 days prior to the proposed effective date of the rate change. By the terms of the settlement agreement in Docket No. RP73-108, Panhandle's tracking authority expires when the rates in the next major rate increase filing become effective subject to refund. Since the instant case in Docket No. RP75-102 is the next

major rate increase and it becomes effective as of December 1, 1975, subject to refund, we find that Panhandle has no tracking authority to reflect costs related to increased advance payment rate base balances over those made effective as of August 1, 1975. Moreover, the Commission has consistently refused to extend tracking authority for advance payments beyond the date the next major rate increase filing becomes effective, subject to refund.²

In light of the above, we shall accept for filing Panhandle's revised rates and permit them to become effective as of December 1, 1975, subject to refund, subject to Panhandle filing, within 15 days of the date of this order, substitute tariff sheets reflecting elimination of costs associated with increases in advance payments rate base balances in excess of those reflected in the rates made effective as of August 1, 1975. For good cause shown, waiver of §§ 154.63 and 154.66(b) of the Commission's Regulations is hereby granted to the extent necessary to permit Panhandle's substitute rates, as conditioned, to become effective, subject to refund.

The Commission finds. (1) Good cause exists to permit Panhandle's substitute rates to become effective, subject to refund, as hereinafter ordered and conditioned.

(2) Waiver of § 154.66(b) and § 154.63 of the regulations should be granted to the extent necessary to permit Panhandle's substitute rates, as conditioned, to become effective, subject to refund, as of December 1, 1975.

The Commission orders. (A) Panhandle's proposed substitute rates reflected in its October 31, 1975, filing are accepted for filing and permitted to become effective, subject to refund, as of December 1, 1975, subject to the condition that Panhandle file, within 15 days of the date of issuance of this order, substitute tariff sheets reflecting elimination of costs associated with increases in advance payments rate base balances in excess of those reflected in the rates made effective as of August 1, 1975, by order issued 1975, in Docket Nos. RP73-108, et al.

(B) For good cause shown, waiver of Sections 154.66(b) and 154.63 of the Regulations is granted to the extent necessary to permit Panhandle's substitute rates, as conditioned, to become effective, subject to refund, as of December 1, 1975.

(C) The Secretary shall cause prompt

² Southern Natural Gas Company, --- FPC --- issued April 13, 1973, in Docket No. RP72-91, et al.; rehearing denied --- FPC --- issued June 8, 1973; Northern Natural Gas Company, --- FPC, issued May 20, 1974, in Docket No. RP74-80; rehearing denied in pertinent part --- FPC --- issued July 15, 1974. Florida Gas Transmission Company, --- FPC --- issued May 29, 1974, in Docket No. RP74-80. Columbia Gas Transmission Corporation, --- FPC --- issued March 24, 1975, in Docket No. RP74-82; Columbia Gas Transmission Corporation, et al. --- FPC --- issued July 14, 1975, in Docket Nos. RP75-106 et al.

publication of this order in the **FEDERAL REGISTER**.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.
[FR Doc.75-32080 Filed 12-3-75; 8:45 am]

[Docket No. E-9542]

PROPRIETOR OF LOCKS AND DAMS, ET AL.

Order To Show Cause

NOVEMBER 26, 1975.

It appearing to the Commission that:
(a) The Proprietor of Locks and Dams, Boott Mills, Nashua Manufacturing Company, Jackson Properties, Inc., and Newmarket Manufacturing Company (Companies) all of Lowell, Massachusetts, are presently operating and maintaining a jurisdictional water power development, known as the Lowell (Pawtucket) Dam Project, at Lowell, Massachusetts on the Merrimack River, a navigable waterway of the United States within section 3(8) of the Federal Power Act (16 U.S.C. 796(8)). The Commission has previously determined that the Merrimack River is a navigable waterway of the United States, Concord Electric Company, Project No. 1903, 4 FPC 635 (1944); Public Service Company of New Hampshire, Project No. 1893, 8 FPC 853 (1949); and Public Service Company of New Hampshire, Project 2140, 14 FPC 604 (1955).

(b) By letter dated May 17, 1974, the Companies were requested to file an application for major license for the continued operation and maintenance of the constructed project.

(c) The Companies have failed, after a reasonable time to actively participate in the process of applying for a license under the Federal Power Act for the project.

The Commission orders that the Companies shall, under oath, show cause, if any, within 60 days of the issuance of this order:

(1) Why the Commission should not assert jurisdiction over the project;

(2) Why the Commission should not issue such other and further orders as it may find appropriate, expedient, and in the public interest to facilitate the timely application or applications for license for the project, under terms of the Federal Power Act.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.
[FR Doc.75-32672 Filed 12-3-75; 8:45 am]

[Docket No. ER76-263]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Filing of Agreement

NOVEMBER 26, 1975.

Take notice that Public Service Company of New Hampshire (PSNH) on November 5, 1975, tendered for filing as an

initial rate schedule a Transmission Contract with Vermont Electric Cooperative, Inc. (Vermont).

Under the contract, PSNH will transmit through its system an entitlement of power which Vermont will be purchasing from the Connecticut Light and Power Company and the Hartford Electric Light Company.

PSNH requests that the Commission waive the normal 30-day notice requirement and permit the rate schedule to be effective as of November 1, 1975.

PSNH states that a copy of the filing was served upon Vermont.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 5, 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.75-32673 Filed 12-3-75; 8:45 am]

[Project No. 2114]

PUBLIC UTILITY DISTRICT NO. 2 OF GRANT COUNTY, WASHINGTON

Application for Change in Land Rights

NOVEMBER 26, 1975.

Public notice is hereby given that an application was filed on October 21, 1974, and supplemented on September 24, 1975, under the Federal Power Act (16 U.S.C. 791a-825r) by Public Utility District No. 2 of Grant County, Washington (PUD) (Correspondence to: Mr. Larry D. Peterson, Manager, Grant County Public Utility District, P.O. Box 878, Ephrata, Washington 98823) for approval of an easement at its constructed Priest Rapids Project No. 2114, located in Chelan, Douglas, Kittitas, Grant, Yakima, and Benton Counties, Washington on the Columbia River, a navigable waterway of the United States, and affecting lands of the United States. The proposed easement would be located in Grant County, Washington.

The PUD requests approval of an easement that would allow Berry & Stark of Denver, Colorado, to construct a pumping facility on the east shore of the project reservoir and a pipeline therefrom across a 1,300-foot-long strip of project lands. The pipeline would be used to convey up to 5,497 acre-feet of water per year to irrigate 2,000 acres to be developed by Berry & Stark for agricultural purposes. The right-of-way would also be used for access and for an electrical distribution line to be constructed

by the PUD. The PUD stated that it would receive no compensation for the easement or the water withdrawn from the reservoir. The U.S. Department of the Army, Corps of Engineers, has issued a permit for the pumping facilities. An application for a certificate of water right for the subject withdrawal has been filed with the Washington Department of Ecology.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 28, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-32687 Filed 12-3-75; 8:45 am]

[Docket No. ER76-107]

PUGET SOUND POWER & LIGHT CO.
Compliance Filing of Service Agreement
NOVEMBER 26, 1975.

Take notice that on November 13, 1975, by letter dated November 11, 1975, Puget Sound Power & Light Company tendered for filing a copy of its service agreement with the Water and Power Department of the City of Pasadena, California, dated October 31, 1975. Puget states that the filing is in accordance with the Commission's letter of October 10, 1975 accepting for filing Puget's FPC Electric Tariff Original Volume No. 2, terminating Docket No. ER76-107 and requesting the timely filing of an appropriate service agreement upon initiation of service to any customer.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 5, 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. 75-32675 Filed 12-3-75; 8:45 am]

[Docket No. RP73-57 (PGA No. 76-1)]

**SOUTH TEXAS NATURAL GAS
GATHERING CO.**

**Order Accepting for Filing and Suspending
Proposed PGA, Establishing Hearing Pro-
cedures, Instituting Investigation Under
Natural Gas Act, and Consolidating Pro-
ceedings**

NOVEMBER 28, 1975.

On October 31, 1975, the South Texas Natural Gas Gathering Company (South Texas) tendered for filing a PGA rate decrease¹ under its Rate Schedule No. 2 reflecting (1) increased purchased gas costs of \$521,078 (1.19¢ per Mcf) annually from producer suppliers, and (2) a 4.24¢ per Mcf decrease (from 7.24¢ to 3¢) in the surcharge to clear the balance in its Unrecovered Purchased Gas Account. According to South Texas' proposal, the purchased gas charge under Rate Schedule No. 2 would decrease from 35.85¢ to 32.81¢ per Mcf, while the gathering charge under Rate Schedule No. 2 would remain constant at 6.22¢ per Mcf. South Texas requests an effective date of December 1, 1975.

Our review of South Texas' proposed rates indicates that they contain, inter alia, small producer purchases at rates in excess of the rate levels prescribed in Opinion No. 742.² Therefore, the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, we shall accept South Texas' proposal for filing and suspend it for one day until December 2, 1975, when it shall become effective, subject to refund.

With regard to the issue of small producers, we shall establish hearing procedures to determine the just and reasonable rate levels of those small producer purchases to be included in South Texas' filing which are in excess of the rate levels resulting from use of the "130% formula" prescribed in Opinion No. 742. In this connection, we believe it appropriate to make the small producers involved respondents so that they may present evidence to show that the rates charged by them to South Texas are just and reasonable. Although the small producers are not required to make refunds, we believe it appropriate to institute a Section 5 investigation against the small producers involved so that the just and reasonable small producer rate determined in this proceeding can be applied prospectively.

Within 15 days of the date of this order, South Texas shall file a list of the small producers making sales reflected in the instant filing in excess of the "130% formula" rates in order that they may be made respondents to this proceeding.

Cost evidence relating to the small producer sales which are the subject of the hearing ordered herein can clearly provide the basis for "just and reasonable"

¹ Designated as: Fifth Revised Exhibit A (Fifth Revised PGA-1) to FPC Rate Schedule No. 2.

² FPC issued August 28, 1975, in Docket No. R-393.

rate findings. "F.P.C. v. Texaco Inc.," 417 U.S. 380 (1974). Accordingly, we shall require the small producer respondents to submit cost evidence in order that we may determine the justness and reasonableness of South Texas' rates and make appropriate prospective adjustments, if found necessary, to the small producer rate pursuant to our authority under section 5 of the Natural Gas Act.

South Texas must show that the rate paid by South Texas to the small producer is just and reasonable by presenting evidence considering all relevant factors including, inter alia, (1) the pipeline's need for gas, (2) the availability of other gas suppliers, (3) the amount of gas dedicated under the contract, (4) the rates of other recent small producer sales previously approved for flow through and (5) comparison with appropriate market prices.

Finally, the parties may submit any other evidence relevant to the Commission's determination of whether the rates paid by the pipeline with respect to the subject small producer sales are just and reasonable.

Our review of those claimed increased purchased gas costs contained in South Texas' filing other than those claimed increased costs associated with that portion of small producer purchases in excess of the rate levels prescribed by the "130% formula" prescribed in Opinion No. 742, indicates that they should be approved as being in compliance with the standards set forth in Docket No. R-406. Accordingly, we shall permit South Texas to file revised tariff sheets to become effective December 1, 1975, which reflect the costs in South Texas' filing which are in conformance with Docket No. R-406, as indicated above.

The Commission finds. (1) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that hearing procedures be established, as hereinafter ordered and conditioned, and that South Texas' rates be accepted for filing and suspended for one day until December 2, 1975, when they shall become effective, subject to refund.

(2) The claimed purchased gas costs in South Texas' rate filing, other than those claimed increased costs associated with that portion of small producer purchases in excess of the "130% formula" prescribed in Opinion 742, are in compliance with the standards set forth in Docket No. R-406.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, a public hearing shall be held on April 16, 1976 at 10:00 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, to determine the lawfulness of South Texas' proposed PGA rates filed on October 31, 1975, insofar as those proposed rates reflect small producer purchases in excess of the "130% formula" prescribed in Opinion 742.

(B) Within 15 days of the date of this order, South Texas shall file with the

³ Opinion 742 (mimeo, p. 13, paragraph (1)).

Commission a list, including addresses, of the parties from whom South Texas is purchasing gas involved in the small producer sales set for hearing above. Following receipt of this list, we shall make the small producer sellers parties respondents to this investigation for the purposes discussed in the body of this order.

(C) Pursuant to Section 5 of the Natural Gas Act, we hereby institute an investigation into the just and reasonable rate to be charged by the small producers making sales to South Texas in excess of the rates resulting from the "130% formula" prescribed in Opinion 742 and consolidate this investigation with the hearing ordered in Ordering Paragraph (A) above for purposes of hearing and decision.

(D) South Texas shall file its direct testimony and evidence on or before February 3, 1976. The parties from whom South Texas makes the subject small producer purchases shall file their direct testimony on or before February 3, 1976. Any evidence by the Commission Staff or any intervenor shall be filed on or before March 2, 1976. Any rebuttal evidence shall be filed on or before March 16, 1976.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding pursuant to the Commission's Rules of Practice and Procedure.

(F) Pending hearing and decision thereon, South Texas' rates are accepted for filing and suspended for one day until December 2, 1975, when they shall become effective, subject to refund.

(G) Within 15 days of the date of issuance of this order, South Texas may file revised tariff sheets to become effective December 1, 1975, which reflect those claimed purchased gas costs contained in South Texas' rate other than those claimed increased costs associated with that portion of small producer purchases in excess of the rate levels resulting from the "130% formula" prescribed by Opinion 742.

(H) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-32671 Filed 12-3-75; 8:45 am]

[Docket No. RP-84, etc.]

SOUTHERN NATURAL GAS CO.

Further Extension of Procedural Dates

NOVEMBER 26, 1975.

On November 4, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued May 15, 1975, as most recently modified by notice issued August 29, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the

above proceeding are modified as follows:

Service of Staff Testimony, December 24, 1975.

Service of Intervenor Testimony, January 8, 1976.

Service of Company Rebuttal, January 23, 1976.

Hearing, February 16, 1976 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-32696 Filed 12-3-75; 8:45 am]

[Docket Nos. RP76-37 and RP72-121]

SOUTHWEST GAS CORP.

Order Accepting for Filing and Suspending Proposed Rate Changes, Providing for Hearing and Establishing Procedures

NOVEMBER 28, 1975.

On October 31, 1975, Southwest Gas Corporation (Southwest) tendered for filing tariff sheets¹ proposing revisions to its purchased gas adjustment (PGA) clause to permit the flow-through of changes in costs resulting from liquefied natural gas (LNG) services and increasing its rate by .026¢ per therm, or \$12,500 annually to compensate for the additional cost of purchasing LNG services from Northwest Pipeline Corporation (Northwest). In addition, Southwest proposes to modify its PGA clause to provide for the flow-through of changes in the demand component of purchased gas to the demand component of the rate. Southwest requests that the proposed changes become effective December 1, 1975, to coincide with the effective date of Northwest's Rate Schedule LS-1.²

Public notice of Southwest's filing was issued on November 17, 1975, with protests or petitions to intervene due on or before November 28, 1975.

Section 154.38(d)(4) of the Commission's regulations under the Natural Gas Act (18 CFR 154.38(d)(4)) provides that LNG purchases shall not be reflected in a PGA clause without prior Commission approval. Our review indicates that the proposed rate changes and PGA clause amendment have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or preferential or otherwise unlawful. We believe that issues exist that may require development in an evidentiary proceeding. Accordingly we shall suspend the proposed filing for one day until December 2, 1975, and set the matter for hearing as hereinafter ordered.

Without limiting the rights of any party, including Commission Staff, to file such other evidence as they deem relevant and material, we direct that all

¹ Thirteenth Revised Sheet No. 3A, First Revised Sheet No. 13D, Second Revised Sheet No. 13E, First Revised Sheet 13E-1, Original Sheet No. 13E-2, and Second Revised Sheet No. 13F to FPC Gas Tariff, Original Volume No. 1.

² In Docket No. CP74-46, Northwest was authorized by Commission Order issued March 19, 1974, to construct a LNG plant and by Commission Order issued November 4, 1975, to distribute LNG under Rate Schedule LS-1 effective December 1, 1975.

parties present evidence addressed to the propriety of flowing LNG costs through a PGA adjustment on a rolled-in basis as opposed to selling LNG on an incremental basis in a separate rate schedule.

The Commission finds. (1) Good cause exists to accept for filing the revised tariff sheets and suspend their effectiveness for one day, to become effective December 2, 1975, subject to refund.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the changes proposed by Southwest herein.

The Commission orders. (A) The revised tariff sheets tendered by Southwest on October 31, 1975, are accepted for filing and suspended for one day to become effective December 2, 1975, subject to refund.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held on March 16, 1976, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness of the changes proposed herein.

(C) On or before January 9, 1976, Southwest shall serve its prepared testimony and exhibits. On or before February 6, 1976, the Commission Staff shall serve its prepared testimony and exhibits. Any intervenor evidence shall be served on or before February 20, 1976. Any rebuttal evidence by Southwest shall be served on or before March 5, 1976.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe necessary procedures not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(E) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-32681 Filed 12-3-75; 8:45 am]

[Docket Nos. RP75-13, RP75-113]

TENNESSEE GAS PIPELINE CO.

Extension of Procedural Dates

NOVEMBER 26, 1975.

On November 4, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 5, 1974, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, January 5, 1976.
Service of Intervenor Testimony, January 19, 1976.
Service of Company Rebuttal, February 2, 1976.
Hearing, February 9, 1976 (10 a.m., e.s.t.)

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-32597 Filed 12-3-75; 8:45 am]

[Docket No. RP76-33]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Accepting for Filing, Suspending, Instituting Investigation, Granting Interventions and Establishing Procedures

NOVEMBER 28, 1975.

On October 31, 1975, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2. The proposed changes would increase revenues from jurisdictional sales, transportation, and storage services by \$60,852,265 based on the 12 month period ending July 31, 1975, as adjusted through April 30, 1976.

Transco alleges that the jurisdictional rates filed herewith are designed to enable Transco to recover for increased advance payments incurred and to be incurred during the test period and the increase in unit cost of operation resulting from the continuing decline of gas supply and consequent reduction in annual gas sales. Transco projects a 50 percent average curtailment of the system sales for the test period.

Transco's filing includes pro forma tariff sheets to the General Terms and Conditions which will provide Transco the right to (1) "track" in its GSS Storage Service rate schedule any changes in the rates for storage service furnished to Transco by Consolidated Gas Supply Corporation under the latter's Rate Schedule GSS and (2) "track" in its Rate Schedule S-2 any changes in the rates for storage service furnished to Transco by Texas Eastern Transmission Corporation under the latter's Rate Schedule X-28.

In addition, Transco submitted pro forma tariff sheets in the filing incorporating Volumetric Variation Adjustment Clause (VVAC) in the General Terms and Conditions of Transco's tariff. According to Transco this provision would permit it to change its rates to reflect changes in unit fixed costs as a result of changes in gas supply and to collect the jurisdictional portion of such fixed costs based on the formula contained therein.

Transco has requested that any decision on the pro forma sheets be prospective only. Accordingly, consistent with our Order issued August 30, 1974 in Docket Nos. RP75-3 and RP75-48, we will make these pro forma sheets and their clauses issues in this proceeding and will

take no action upon them until final resolution of the issues raised by such sheets and the clauses contained therein.

Notice of this filing was issued on November 13, 1975, with protests or petitions to intervene due on or before November 20, 1975. On November 17, 1975, the Piedmont Natural Gas Company, Inc. (Piedmont) filed a petition to intervene. On November 18, 1975, both the Columbia Gas Transmission Corporation (Columbia) and the South Jersey Gas Company (South Jersey) individually filed their petitions to intervene in the proceedings as established herein as did the Washington Gas Light Company on November 19, 1975. Good cause exists to grant all these petitions.

Although Transco's proposed rates reflect the method of rate design whereby 75% of the fixed costs are recovered in the commodity rates, as adopted in Opinion No. 671, we, nevertheless, shall continue our review and evaluation of commodity rate levels to determine that level most appropriate in light of present day supply and market conditions. In Opinion No. 671, we expressed our concern over the worsening gas supply situation, and in view thereof we found, inter alia, that low priority usage should be discouraged and the price gap between natural gas and alternative fuels in the interruptible industrial market should, at the minimum, be narrowed. As we indicated in said Opinion, in continuing our review and analysis of pipeline cost allocation and rate design structures we shall, where necessary, establish pipeline rates for resale or industrial use which are more in line with the costs of available competitive fuels. Accordingly, in the preparation of evidence all parties to this proceeding should direct their attention toward cost classification, allocation and rate design alternatives which would best implement our stated objectives of establishing rates for resale and industrial use which more closely approximate the costs of available competitive fuels.¹

We note that on November 13, 1975, the Commission approved a settlement agreement in Docket Nos. RP74-48 and RP75-3 which reflected a 9.28% rate of return and a 14.75 percent return on common equity. All parties, including our Staff, should address themselves to the propriety of this increase in light of the conditions on Transco's system including, inter alia, its worsening gas supply situation. We also note that Transco's filing reflects a substantial increase in the amount of advance payments to be included in rate base. All parties should also address themselves to the reasonableness and appropriateness of these additional advances.

Transco's proposed jurisdictional rate increase includes \$1,248,662 covering the amortized portion of "carrying charges under an advance payment agreement

¹ In this regard, we refer all parties to our "Notice of Proposed Rulemaking with Request for Comments", issued February 20, 1975, in Docket No. RM75-19. See also Florida Gas Transmission Company, FPC Docket No. RP76-24, order issued November 14, 1975.

with the Louisiana Land and Exploration Company" (LLOXY). This component results from an October 1, 1974, contract between Transco and LLOXY in which Transco agreed to make interest cost advances to LLOXY in return for gas purchase contracts for all gas produced and sold from the working interests procured with Transco's financial assistance. By an order issued on September 9, 1975, in Docket No. RP75-75, the Commission denied a similar inclusion for such carrying charges in Transco's cost of service, and ordered the company to file a revised rate schedule to reflect this change. In that order, the Commission stated that it could not make a finding that such interest cost advances were just and reasonable as they do comply with our advance payment regulations. By way of explanation the Commission noted its initial unequivocal determination that advance regulations "do not encompass interest reimbursements to producers" because "advance payment programs are intended to assist in capital formation so as to stimulate exploration and development of gas for the interstate market, (whereas) the instant interest cost advances go to producers who have already been able to acquire E&D capital."

The Commission in its order of September 9, 1975, denied Transco a full hearing on this issue as it has "already been dispositively treated in a manner fatal to the applicant's position as a matter of law or regulatory policy", summarily disposed of that issue based on Transco's failure to establish a prima facie in support of its position through its direct evidence, and subsequently denied rehearing on November 5, 1975.

For the same reasons as stated in Docket No. RP75-75, we will accord identical treatment to the carrying charges reflected in the instant filing and require that on or before May 1, 1976 Transco should file revised rates to eliminate the carrying charges to LLOXY.

Transco's proposed changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Moreover, our review of Transco's proposed changes that certain issues of fact and law are raised therein which may require development at an evidentiary hearing. Accordingly, we will

² Order Nos. 410, 410-A, 441, 465 and 499.

³ United Gas Pipe Line Company, Docket No. RP75-109, rejection order issued July 7, 1975; Michigan Wisconsin Pipe Line Company, Docket No. RP75-96, rejection order issued May 19, 1975, rehearing denied July 11, 1975; Northern Natural Gas Company, Docket No. RP75-97, order issued May 16, 1975, rehearing denied July 11, 1975; Natural Gas Pipeline Company of America, Docket No. RP75-90, order issued May 16, 1975, rehearing denied July 11, 1975; and Southern Natural Gas Company, Docket No. RP75-84, rejection order issued May 15, 1975, rehearing denied July 11, 1975.

⁴ See Transcontinental Gas Pipe Line Corp. — FPC —, Docket No. RP75-75, order issued September 9, 1975, and Order Denying Rehearing issued November 5, 1975.

suspend their use for five months and order hearings as set out below.

The Commission finds. (1) The proposed changes in Transco's FPC Gas Tariff, should be accepted for filing, suspended, and the use thereof deferred until May 1, 1976, as hereinafter provided.

(2) That on or before May 1, 1976, Transco should file revised rates to eliminate the carrying charges to LLOXY.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed rates and charges in Transco's FPC Gas Tariff, as proposed to be amended in this docket.

(4) Good cause exists to permit the intervention of the aforementioned petitioners.

(5) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

The Commission orders. (A) Pending a hearing and decision thereon, the proposed tariff sheets are accepted for filing and suspended for the full statutory period and the use thereof deferred until May 1, 1976, or until such time as they are made effective in the manner provided in the Natural Gas Act.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held commencing April 27, 1976, at 10:00 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and service contained in Transco's FPC Gas Tariff, as proposed to be amended.

(C) On or before March 16, 1976, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any or all intervenors shall be served on or before April 5, 1976. The company's rebuttal evidence shall be served on or before April 19, 1976.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(E) Piedmont, Columbia Gas, South Jersey, and the Washington Gas Light Company are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene: *And provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them

might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(F) Nothing contained herein shall be construed as limiting the rights of the parties of this proceeding regarding the convening of conferences or offers or settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(G) The pro forma sheets filed on October 31, 1975, and discussed herein will be a subject for review in this proceeding and any determination by this Commission with respect to the pro forma sheets will have prospective effect only.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-32693 Filed 12-3-75; 8:45 am]

[Docket Nos. RP74-48, RP75-3; AP76-4]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Rejecting Tracking Filing and Granting Intervention

NOVEMBER 28, 1975.

On October 16, 1975, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing in the referenced docket revised tariff sheets¹ to reflect a "tracking" rate increase for advance payments made by Transco. Transco states that the proposed increase is the result of inclusion in rate base of \$6,454,241, said amount being the net increase in advance payments as of September 30, 1975, for which a filing has not previously been made. Transco requests that the instant filing be made effective as of December 1, 1975.

Public notice of the subject filing was issued on October 16, 1975, with comments, protests and petitions to intervene due on or before November 12, 1975. A timely petition for leave to intervene was filed by Sun Oil Company. Good cause appearing, said petition shall be granted, as hereinafter ordered and conditioned. In addition, on November 12, 1975, the Commission Staff filed its comments asking for rejection of the filing, and, in the alternative, requests a hearing to determine the reasonableness and appropriateness of the inclusion of the advances in the rate base.

We have only permitted permanent tracking authority for purchased gas and research and development costs,² as well as, in certain instances, demand charge rate adjustments. Tracking authority for other costs, such as advance payments, has only been granted as part of an ap-

¹ FPC Gas Tariff, First Revised Volume No. 1, Sixteenth Revised Sheet No. 5 and Twelfth Revised Sheet No. 6; and Original Volume No. 2, Seventeenth Revised Sheet No. 52, Fourth Revised Sheet No. 121, Thirteenth Revised Sheet No. 321, Ninth Revised Sheet No. 416, and Eighth Revised Sheet No. 495.

² Sections 154.38(d) (4) and (5) of the Commission's regulations.

proved rate settlement agreement, wherein the Commission has reviewed all of the pipeline's costs including the cost item to be tracked, as well as revenues, and has determined that a tracking provision for such costs is proper for the period the settlement remains in effect; i.e., until the next major rate change, pursuant to Section 4 or 5 of the Natural Gas Act, becomes effective. At the time such a major rate change occurs, the Commission has required that the temporary tracking authority allowed by the settlement be terminated.

On November 13, 1975, we approved a settlement with conditions in Docket Nos. RP74-48 and RP75-3. There we determined that the advance payment tracking provisions in the settlement should be terminated on October 1, 1975, when superseding rates in Docket No. RP75-75 became effective. Therefore we must now reject Transco's filing.

The Commission finds. (1) Good cause exists to grant Sun Oil Company's petition for leave to intervene in this proceeding, as hereinafter ordered and conditioned.

(2) Good cause exists to reject the tariff sheets listed in footnote 1 of the order.

The Commission orders. (A) Transco's October 16, 1975, tracking filing is hereby rejected.

(B) Sun Oil Company is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene: *And provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission in this proceeding.

(C) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-32670 Filed 12-3-75; 8:45 am]

³ Order No. 499, 50 FPC 2111, issued December 29, 1973, in Docket No. RM74-4; Southern Natural Gas Company, FPC, issued April 13, 1973, in Docket No. RP72-91, et al.; rehearing denied, FPC, issued June 8, 1973; Northern Natural Gas Company, FPC, issued May 20, 1974, in Docket No. RP74-80; rehearing denied in pertinent part, FPC, issued July 15, 1974; Florida Gas Transmission Company, FPC, issued May 29, 1974, in Docket No. RP74-80; Columbia Gas Transmission Corporation, FPC, issued March 24, 1975, in Docket No. RP74-82; Columbia Gas Transmission Corporation, et al., FPC, issued July 14, 1975, in Docket Nos. RP75-106, et al.

[Docket No. E-8798]

WESTERN MASSACHUSETTS ELECTRIC CO.**Report of Refunds**

NOVEMBER 26, 1975.

Take notice that on November 17, 1975 Western Massachusetts Electric Company filed a report of refunds made pursuant to the settlement agreement approved by the Commission in the above-referenced docket.

Any person desiring to be heard or to protest said filing should file comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before December 5, 1975. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-32678 Filed 12-3-75; 8:45 am]

[Docket Nos. E-9420, E-9421]

YANKEE ATOMIC ELECTRIC POWER COMPANY AND PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE**Further Extension of Procedural Dates**

NOVEMBER 26, 1975.

On November 17, 1975, Yankee Atomic Power Company (Yankee) filed a motion to extend the procedural dates fixed by order issued June 12, 1975, as most recently modified by notice issued September 17, 1975, in the above-designated proceeding. On November 20, 1975, Yankee amended its motion.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Company Rebuttal, December 12, 1975.
Hearing, January 13, 1976 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-32691 Filed 12-3-75; 8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN**MEETING; AMENDMENT**

Notice is hereby given, pursuant to Pub. L. 92-463, that the meeting of the National Advisory Council on the Education of Disadvantaged Children scheduled to be held on December 12-13, 1975, has been changed from a full Council meeting to an Executive Committee meeting. The meeting on December 12 will be held from 1:00 p.m.-5:30 p.m., and will reconvene from 7:00-9:00 p.m. The meeting on December 13 will be from 9:00 a.m.-12:00 noon.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of com-

pensatory education to improve the educational attainment of disadvantaged children.

Signed at Washington, D.C., on December 1, 1975.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc. 75-32737 Filed 12-3-75; 8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-3, 50-247, 50-296]

CONSOLIDATED EDISON CO. OF NEW YORK, INC. (INDIAN POINT, UNIT NOS. 1, 2 & 3)**Reconstitution of Atomic Safety and Licensing Appeal Board**

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this proceeding to consist of the following members:

Michael C. Farrar, Chairman, Dr. John H. Buck, Member, Dr. Lawrence R. Quarles, Member

Dated: November 28, 1975.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc. 75-32703 Filed 12-3-75; 8:45 am]

[Docket No. 50-333]

JAMES A. FITZPATRICK NUCLEAR POWER PLANT**Negative Declaration Regarding Proposed Changes Technical Specifications of License DPR-59**

The Nuclear Regulatory Commission (the Commission) has considered the issuance of a change to the Technical Specifications of Facility Operating License No. DPR-59. This change would authorize the Power Authority of the State of New York and the Niagara Mohawk Power Corporation (the licensee) to operate the James A. Fitzpatrick Nuclear Power Plant (located in Oswego County, New York) with an increased maximum temperature across the main condenser during normal plant operation until midnight, December 31, 1975.

The U.S. Nuclear Regulatory Commission, Division of Reactor Licensing, has prepared an environmental impact appraisal for the proposed change to the Technical Specifications of License No. DPR-59, James A. Fitzpatrick Nuclear Power Plant, described above. 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 environmental impact attributable to the proposed action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the James A. Fitzpatrick Nuclear Power Plant, published in March 1973.

The environmental impact appraisal is available for public inspection at the

Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Oswego City Library, 120 East Second Street, Oswego, New York.

Dated at Rockville, Md., this 25th day of November 1975.

For the Nuclear Regulatory Commission.

WM. H. REGAN, Jr.,
Chief, Environmental Projects
Branch 4, Division of Reactor
Licensing.

[FR Doc. 75-32707 Filed 12-3-75; 8:45 am]

[Docket No. 50-482A]

KANSAS GAS AND ELECTRIC CO. AND KANSAS CITY POWER AND LIGHT CO. (WOLF CREEK GENERATING STATION, UNIT NO. 1)**Antitrust Hearing and Prehearing Conference**

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), the regulations in Title 10, Code of Federal Regulations, Part 50, and Part 2, the notice published in the FEDERAL REGISTER of December 23, 1974 (39 FR 44269) by the Atomic Energy Commission, as statutory predecessor of the Nuclear Regulatory Commission, and the order dated November 25, 1975, granting the petition of Kansas Electric Cooperatives, Inc. for leave to intervene in this proceeding and directing a hearing to determine whether the activities under the proposed construction permit would create or maintain a situation inconsistent with the antitrust laws as provided in subsection 105(c) of the Atomic Energy Act of 1954, 42 U.S.C. 2135(c), a hearing will be held at a time and place to be designated by the licensing board. The members of the board designated by the Chairman of the Atomic Safety and Licensing Board Panel are Margaret M. Laurence, Andrew C. Goodhope and Marshall E. Miller, Chairman.

The application, and a letter of the Attorney General dated December 10, 1974, have been placed in the Public Document Room of the Nuclear Regulatory Commission at 1717 H Street, N.W., Washington, D.C. As they become available, the transcripts of the prehearing conference and of the hearing will also be placed in the Public Document Room and will be available for inspection by members of the public. Copies of the foregoing documents will also be available at Office of County Clerk, c/o Miss Joan Cox, Coffey County Courthouse, Burlington, Kansas 66839.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position or the issue specified, but who has not filed a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the board, within such limits and on such conditions as may be fixed by the board. Persons desiring to

make a limited appearance are requested to inform the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, not later than January 5, 1976. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing. A member of the public does not have the right to participate in the proceeding unless he has been granted the right to intervene as a party or the right of limited appearance.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Supervisor, Docketing and Service Section, 1717 H Street, N.W., Washington, D.C. Pending further order of the board, parties are required to file, pursuant to the provisions of 10 CFR 2.708 of the Commission's rules of practice, an original and twenty (20) conformed copies of each such paper with the Commission.

Notice is also hereby given that a Pre-hearing Conference to consider this matter will be held on December 31, 1975 at 9:00 a.m. at the Nuclear Regulatory Commission Hearing Room, 5th Floor, East West Towers, 4350 East-West Highway, Bethesda, Maryland to consider factors set forth in Title 10 CFR 2.751 (a) of the Commission's rules of practice, and, in particular, the identification and specification of contentions and key issues in the proceeding. Counsel for the parties are requested and directed to hold informal conferences, including telephone conferences, and to report to the board regarding the simplification and clarification of issues, stipulations and admissions of fact, and a proposed schedule for discovery and further actions in the proceeding.

Issued at Bethesda, Md., this 26th day of November 1975.

ATOMIC SAFETY AND
LICENSING BOARD,
MARSHALL E. MILLER,
Chairman.

[FR Doc.75-32704 Filed 12-3-75;8:45 am]

[Docket No. PRM-30-52]

MCDONNELL DOUGLAS ASTRONAUTICS CO.

Withdrawal of Petition for Rule Making

Notice is hereby given that the Nuclear Regulatory Commission has received a letter from the McDonnell Douglas Astronautics Company withdrawing its petition for rulemaking PRM-30-52.

The McDonnell Douglas Astronautics Company petitioned the Atomic Energy Commission to amend 10 CFR 35.31 General License for Medical Use of Certain Quantities of Byproduct Material, to include promethium-147 in prosthetic devices such as nuclear batteries for cardiac

pacemakers and other clinical devices. By letter dated November 3, 1975, the petitioner has withdrawn its petition for rulemaking from further consideration by the Nuclear Regulatory Commission.

Copies of the petition and the letter withdrawing the petition are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C., this 28th day of November 1975.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.75-32705 Filed 12-3-75;8:45 am]

[Docket No. 50-333]

POWER AUTHORITY OF THE STATE OF NEW YORK NIAGARA MOHAWK POWER CORP.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 5 to Facility Operating License No. DPR-59 issued to the Power Authority of the State of New York and the Niagara Mohawk Power Corporation which revised Appendix B, Environmental Technical Specifications for operation of the James A. Fitzpatrick Nuclear Power Plant, located in Oswego County, New York. The amendment is effective as of its date of issuance and will remain in effect until 12:00 midnight, December 31, 1975.

The amendment relates to an increase in the maximum ΔT across the main condenser during normal plant operation from 32.4° F to 34.5° F.

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 Ch. I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated November 12, 1975, (2) Amendment No. 5 to License No. DPR-59 with Change No. 5, and (3) the Commission's related Negative Declaration with supporting Environmental Impact Appraisal, issued concurrently with this notice. 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 Oswego City Library, 120 East Second Street, Oswego, New York.

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 Rockville, Md., this 25th day of November 1975.

For the Nuclear Regulatory Commission.

GEORGE W. KREIGHTON,
Acting Assistant Director for
Environmental Projects, Division
of Reactor Licensing.

[FR Doc.75-32706 Filed 12-3-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

IMPLEMENTATION OF THE PRIVACY ACT OF 1974

Supplementary Guidance

NOVEMBER 21, 1975.

This material is provided to address comments and questions of general interest raised since the release of the Office of Management and Budget's guidelines for implementing section 3 of the Privacy Act of 1974. (FEDERAL REGISTER, Volume 40, Number 132, dated July 9, 1975, pp. 28949-28978.)

Additional supplements will be issued as necessary.

JAMES T. LYNN,
Director.

1. *Definition of System of Records* (5 U.S.C. 552a(a)(5)). On page 28952, third column, after line 27, add:

"Following are several examples of the use of the term 'system of records':

"Telephone directories. Agency telephone directories are typically derived from files (e.g., locator cards) which are, themselves, systems of records. For example, agency personnel records may be used to produce a telephone directory which is distributed to personnel of the agency and may be made available to the public pursuant to 5 U.S.C. 552a(b)(1) and (2), (intra-agency and public disclosure, respectively). In this case the directory could be a disclosure from the system of records and, thus, would not be a separate system. On the other hand, a separate directory system would be a system of records if it contains personal information. A telephone directory, in this context, is a list of names, titles, addresses, telephone numbers, and organizational designations. An agency should not utilize this distinction to avoid the requirements of the Act including the requirement to report the existence of systems of records which it maintains.

"Mailing lists. Whether or not a mailing list is a system of records depends on whether the agency keeps the list as a separate system. Mailing lists derived from records compiled for other purposes (e.g., licensing) could be considered disclosures from that system and would not be systems of records. If the system from which the list is produced is a system of records, the decision on the disclosability of the list would have to be made in terms of subsection (b) (conditions of disclosure) and subsection (n) (the sale or rental of mailing lists). A mailing list may, in some instances, be a stand-alone system (e.g., subscription lists) and could

be a system of records subject to the Act if the list is maintained separately by the agency, it consists of records (i.e., contains personal information), and information is retrieved by reference to name or some other identifying particular.

"Libraries. Standard bibliographic materials maintained in agency libraries such as library indexes, Who's Who volumes and similar materials are not considered to be systems of records. This is not to suggest that all published material is, by virtue of that fact, not subject to the Act. Collections of newspaper clippings or other published matter about an individual maintained other than in a conventional reference library would normally be a system of records."

2. Routine Uses—Intra-agency disclosures (5 U.S.C. 552a(a)(7))

On page 28953, first column, after line 17, add:

"Intra-agency transfer need not be considered routine uses. Earlier versions of House privacy bills, from which the routine use concept derives, permitted agencies to disclose records within the agency to personnel who had a need for such access in the course of their official duties thus permitting intra-agency disclosure without the consent of the individual. The concept of routine use was developed to permit other than intra-agency disclosures after it became apparent that a substantial unnecessary workload would result from having to seek the consent of the subject of a record each time a transfer was made for a purpose '... compatible with the purpose for which [the record] was collected' (5 U.S.C. 552a(a)(7)). To deter promiscuous use of this concept, a further provision was added requiring that routine uses be subject to public notice. (5 U.S.C. 552a(e)(11)). It is our view that the concept of routine use was devised to cover disclosures other than those to officers or employees who have a need to for the record in the performance of their official duties within the agency."

"It is not necessary, therefore, to include intra-agency transfers in the portion of the system notice covering routine uses (5 U.S.C. 552a(e)(4)(D)) but agencies may, at their option, elect to do so. The portion of the system notice covering storage, retrievability, access controls, retention and disposal (5 U.S.C. 552a(e)(4)(E)) should describe the categories of agency officials who have access to the system."

3. Consent for access in response to congressional inquiries (5 U.S.C. 552a(b)(9))

On page 28955, third column, after line 18, add:

To assure that implementation of the Act does not have the unintended effect of denying individuals the benefit of congressional assistance which they request, it is recommended that each agency establish the following as a routine use for all of its systems, consistent with subsections (a)(7) and (e)(11) of the Act:

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

The operation of this routine use will obviate the need for the written consent of the individual in every case where an individual requests assistance of the Member which would entail a disclosure of information pertaining to the individual.

In those cases where the congressional inquiry indicates that the request is being made on behalf of a person other than the individual whose record is to be disclosed, the agency should advise the congressional office that the written consent of the subject of the record is required. The agency should not contact the subject unless the congressional office requests it to do so.

In addition to the routine use, agencies can, of course, respond to many congressional requests for assistance on behalf of individuals without disclosing personal information which would fall within the Privacy Act, e.g., a congressional inquiry concerning a missing Social Security check can be answered by the agency by stating the reason for the delay.

Personal information can be disclosed in response to a congressional inquiry without written consent or operation of a routine use—

If the information would be required to be disclosed under the Freedom of Information Act (Subsection (b)(2));

If the Member requests that the response go directly to the individual to whom the record pertains;

In "compelling circumstances affecting the health or safety of an individual * * * (Subsection (b)(8)); or

To either House of Congress, or to the extent of matter within its jurisdiction, any committee or subcommittee thereof * * * (Subsection (b)(9)).

The routine use recommended above and disclosures thereunder are, of course, subject to the 30 day prior notice requirement of the Act (Subsection (e)(11)). In the interim, however, it should be possible to respond to most inquiries by using the provisions cited in the previous paragraph. Furthermore, when the congressional inquiry indicates that the request is being made on the basis of a written request from the individual to whom the record pertains, consent can be inferred even if the constituent letter is not provided to the agency.

"This standard for implied consent does not apply to other than congressional inquiries."

4. Describing the purpose in the accounting of disclosures (Subsection (c)(1))

On page 28956, first column, after line 42, add:

"Agencies which submit inquiries to other agencies in connection with law enforcement or pre-employment investigations (e.g., record checks) are reminded to include the purpose in their record check in order to preclude having record checks returned to them to ascertain the purpose of the check. It is noted

that this is necessary" whether the inquiry is made pursuant to the subsection (b)(3) or (b)(7) ('routine use' or law enforcement disclosures). At a minimum, the inquiring agency must describe the purpose as either a background or law enforcement check."

5. Agency procedures for review of appeals of denials of requests to amend a record (Subsection (d)(3))

On page 28959, second column, after line 39, add:

"This does not mean that the officer on appeal must be a justice or judge. Rather, the reviewing official designated by the agency head may be a justice or judge (unlikely in this case) or any other agency official who meets the criteria in 5 U.S.C. 2104a (1), (2), and (3)."

6. Correcting records released to an individual (Subsection (e)(6))

On page 28965, second column, after line 6, add:

"While this language requires that agencies make reasonable efforts to assure the accuracy of a record before it is disclosed, when an individual requests access to his or her record, pursuant to subsection (d)(1), above, the record must be disclosed without change or deletion except as permitted by subsections (j) and (k), exemptions. To avoid requiring individuals to file unnecessary requests for amendment, however, the agency should review the record and annotate any material disclosed to indicate that which it intends to amend or delete."

7. Rights of parents and legal guardians (Subsection (h))

On page 28970, second column, after line 59, add:

"This is not intended to suggest that minors are precluded from exercising rights on their own behalf. Except as otherwise provided in the Act (e.g., general or specific exemptions) a minor does have the right to access a record pertaining to him or herself. There is no absolute right of a parent to have access to a record about a child absent a court order or consent."

8. Relationships to the Freedom of Information Act (Subsection (a))

On page 28978, third column, after the last line, add:

"In some instances under the Privacy Act an agency may (1) exempt a system of records (or a portion thereof) from access by individuals in accordance with the general or specific exemptions (subsection (j) or (k)); or (2) deny a request for access to records compiled in reasonable anticipation of a civil action or proceeding or archival records (subsection (d)(5) or (1)). In a few instances the exemption from disclosure under the Privacy Act may be interpreted to be broader than the Freedom of Information Act (5 U.S.C. 552). In such instances the Privacy Act should not be used to deny access to information about an individual which would otherwise have been required to be disclosed to that individual under the Freedom of Information Act."

"Whether a request by an individual for access to his or her record is to be

processed under Privacy Act or Freedom of Information Act procedures involves several considerations. For example, while agencies have been encouraged to reply to requests for access under the Privacy Act within ten days wherever practicable, consistent with the Freedom of Information Act (FOIA), the Privacy Act does not establish time limits for responding to requests for access. (See discussion of subsection (d) (1).) The Privacy Act also does not require an administrative appeal on denial of access comparable to that under FOIA although agencies are encouraged to permit individuals to request an administrative review of initial denials of access to avoid, where possible, the need for unnecessary judicial action. It can also be argued that requests filed under the Privacy Act can be expected to be specific as to the system of records to which access is sought whereas agencies are required to respond to an FOIA request only if it "reasonably describes" the records sought. Further, the Freedom of Information Act permits charging of fees for search as well as the making of copies while the Privacy Act permits charging only for the direct cost of making a copy upon request.

"It is our view that agencies should treat requests by individuals for information pertaining to themselves which specify either the FOIA or the Privacy Act (but not both) under the procedures established pursuant to the Act specified in the request. When the request specifies, and may be processed under, both the FOIA and the Privacy Act, or specifies neither Act, Privacy Act procedures should be employed. The individual should be advised, however, that the agency has elected to use Privacy Act procedures, of the existence and the general effect of the Freedom of Information Act, and of the differences, if any, between the agency's procedures under the two Acts (e.g., fees, time limits, access and appeals).

"The net effect of this approach should be to assure the individuals do not, as a consequence of the Privacy Act, have less access to information pertaining to themselves than they had prior to its enactment."

[FR Doc. 75-32297 Filed 12-3-75; 8:45 am]

OFFICE OF SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

[Doc. No. 301-5]

GREAT WESTERN MALTING CO.

Complaint; Correction

FR Doc. 75-31395 appearing at page 54311 in the FEDERAL REGISTER for Friday, November 21, 1975 is corrected as follows: Line 12 from the top of the center column on page 54312 should read "is estimated to be at least \$4,000,000, an—"

MORTON POMERANZ,
Chairman, Section 301 Committee,
Office of Special Representative for Trade Negotiations.

[FR Doc. 75-32639 Filed 12-3-75; 8:45 am]

DEPARTMENT OF LABOR

Office of the Assistant Secretary of Labor for Employment Standards

[Employment Standards Order No. 2-75]

ASSISTANT SECRETARY FOR EMPLOYMENT STANDARDS

Redelegation of Authority and Reassignment of Responsibility Assigned

1. *Purpose.* This Order redelegates authority and reassigns responsibility (a) within the Office of the Assistant Secretary; and to (b) the Wage-Hour Administrator; (c) the Director of the Women's Bureau; (d) the Director of the Office of Workers' Compensation Programs; (e) the Director of the Office of Federal Contract Compliance Programs.

2. *Background.* A. Secretary's Order No. 16-75 and 27-72 delegated authority and assigned responsibility for certain functions to the Assistant Secretary for Employment Standards with the authority to redelegate.

B. Secretary's Order No. 18-67, 32 FR 12979, formerly identified as General Order No. 46 (Revised), delegated and assigned to the Director of the Bureau of Employees' Compensation authority and responsibility for performance of the functions of the Secretary of Labor under the Federal Employees' Compensation Act, 5 U.S.C. 8101 et seq., as amended and extended (except 8149 as it applied to the Employees' Compensation Appeals Board), and under the Longshoremen's and Harbor Workers' Compensation Act, 33 U.S.C. 901 et seq., as amended and extended, to be performed under the general direction and control of the Assistant Secretary for Labor-Management Relations. The overall responsibility for the authority delegated to the Director of the Bureau by Secretary's Order No. 18-67 was subsequently assigned successively to the Assistant Secretary for Wage and Labor Standards (see United States Government Organization Manual, 1970/1971, p. 320) and to the Assistant Secretary for Workplace Standards (Secretary's Order No. 19-70, 36 FR 304) without change in the operational responsibilities of the Bureau of Employees Compensation (Workplace Standards Administration, Description of Organization, 36 FR 307).

C. Secretary of Labor's Order 13-71, 36 FR 8755, established the Employment Standards Administration to perform the functions of the Department with respect to employment standards program. The Assistant Secretary for Employment Standards was therein delegated the authority and assigned responsibility for carrying out such programs. That Order further provided that the Employment Standards Administration was to be headed by a Deputy Assistant Secretary/Administrator who was to report to the Assistant Secretary for Employment Standards and was to act for the Assistant Secretary in his absence. Among the employment standards programs for which the responsibility was thus delegated were:

1. The Federal Employees' Compensation Act, as amended and extended (5 U.S.C. 8101 et seq., except 8149 as it applied to the Employees' Compensation Appeals Board).

2. The Longshoremen's and Harbor Workers' Compensation Act, as amended and extended.

3. Part C of Title IV (Black Lung Benefits) of the Federal Coal Mine Health and Safety Act of 1969.

D. Secretary of Labor's Order 15-71, 36 FR 8755, set forth in detail the redelegation of authority to the Deputy Assistant Secretary for Employment Standards Administration.

E. Secretary of Labor's Order 38-72, 38 FR 90, made provisions for the Benefits Review Board established by Pub. L. 92-576, 86 Stat. 1251, as a quasi-judicial body of the first appeal under the Longshoremen's and Harbor Workers' Act, as amended, 33 U.S.C. 901 et seq.; the Defense Base Act, 42 U.S.C. 1651 et seq.; the District of Columbia Workmen's Compensation Act, 36 D.C. Code 501 et seq.; the Outer Continental Shelf Lands Act, 10 U.S.C. 1721; the Nonappropriated Fund Instrumentalities Act, 5 U.S.C. 1871 et seq.; and Title IV, section 415 and Part C, of the Federal Coal Mine Health and Safety Act of 1969, as amended, by the Black Lung Benefits Act of 1972, 30 U.S.C. 901 et seq.

F. Secretary of Labor's Order 16-73, 38 FR 19130, delegated authority to the Assistant Secretary for Employment Standards for the performance of the functions assigned to the Secretary of Labor pursuant to Parts B and C of Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended, with the exception of the functions vested with the Benefits Review Board by Secretary of Labor's Order 38-72.

G. Employment Standards Order 2-74 redelegated to the Director, Office of Workers' Compensation Programs, the authority and reassigned the responsibility vested in the Assistant Secretary for Employment Standards regarding workers' compensation programs and the performance of functions assigned to the Assistant Secretary pursuant to Title IV, Section 415 and Part C, of the Federal Coal Mine Health and Safety Act of 1969, as amended.

H. Secretary of Labor's Order dated September 23, 1974 (39 FR 34723) revoked his prior Order 18-67, and the last sentence of paragraph 3 of Secretary's Order 13-71.

I. Secretary's Order 16-75 cancelled and replaced Secretary's Order 13-71 and incorporated the delegation contained in the Secretary's Order 16-73 and cancelled that Order.

3. *Redelegation of authority and reassignment of responsibility.* The authority and responsibility delegated and assigned by the Secretary of Labor to the Assistant Secretary for Employment Standards for carrying out Employment Standards programs and activities is redelegated and reassigned, except as hereinafter provided, as follows:

A. The Office of the Assistant Secretary of Employment Standards.

1. The Deputy Assistant Secretary for Employment Standards is hereby re-delegated authority to act on all matters within the Assistant Secretary's delegation.

2. The Director of the Office of Program Development and Accountability shall report to the Assistant Secretary and is responsible for all program development and accountability activities, including developing plans, policies and procedures for the functions of the program planning, policy analysis and review, budgeting and financial management, accountability review, legislative analysis, research, evaluation, allocation of resources, and information and analysis of State employment standards.

3. The Director of the Office of Administrative Management shall report to the Assistant Secretary and is responsible for all administrative and management activities, including developing plans, policies and procedures, for the functions of employee development, personnel and employee management relations, position management information system, mobilization planning activities delegated to Employment Standards Administration in Secretary's Order 27-72, and general services such as procurement and supply management.

4. Assistant Regional Directors for Employment Standards are responsible for carrying out the Assistant Secretary's responsibilities for all Employment Standards programs within their geographic jurisdiction. Assistant Regional Directors report directly to the Assistant Secretary, represent the Assistant Secretary within their jurisdiction, and are the principal operating managers in the field.

5. The above redelegations made within the Office of the Assistant Secretary shall be carried out consistent with the redelegations made to the Wage-Hour Administrator; the Director of the Women's Bureau; the Director, Office of Federal Contract Compliance Programs; the Director, Office of Workers' Compensation Programs, and within the Office of the Assistant Secretary.

B. The Office of the Wage-Hour Administrator.

1. The Wage-Hour Administrator shall report to the Assistant Secretary and is hereby delegated authority, except as hereinafter provided, for carrying out the programs and activities delegated to the Assistant Secretary under:

a. Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 201 et seq., including the issuance of child labor hazardous occupation orders and other regulations concerning child labor standards;

b. The Walsh-Healey Public Contracts Act of 1936, as amended, 41 U.S.C. 35 et seq.;

c. The Service Contracts Act of 1965, as amended, 41 U.S.C. et seq.;

d. The Davis-Bacon Act, as amended, 40 U.S.C. 276, and any laws now existing, or subsequently enacted, providing for prevailing wage findings by the Secretary of Labor in accordance with or pursuant to the Davis-Bacon Act; the Copeland

Act, 40 U.S.C. 276, Reorganization Plan No. 14 of 1950; and the Tennessee Valley Authority Act, 16 U.S.C. 831;

e. The Contract Work Hours and Safety Act, as amended, 40 U.S.C. 327 et seq.;

f. Title III of the Consumer Credit Protection Act, 15 U.S.C. 1671 et seq.;

g. The Vocational Rehabilitation Act Amendments 1965, 20 U.S.C. 1241;

h. The Arts and Humanities Act of 1965, 20 U.S.C. 953;

i. The Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 301 et seq.;

j. The Farm Labor Contractor Registration Act of 1963, as amended, 29 U.S.C. 301 et seq.;

k. Section 1450(1) of the Safe Drinking Water Act (Pub. L. 93-523);

l. Section 507 of the Federal Water Pollution Act (Pub. L. 87-88 as amended by 89-234);

m. Such additional Federal Acts as may from time to time confer upon the Secretary of Labor duties and responsibilities similar to the Fair Labor Standards Act.

C. The Office of the Director of the Women's Bureau.

1. The Director of the Women's Bureau shall report to the Assistant Secretary and is hereby redelegated authority, except as hereinafter provided, for carrying out the programs and activities delegated to the Assistant Secretary under:

a. The Act of 1920 establishing a Women's Bureau (Pub. L. 66-259);

b. Executive Order 11126—as amended by Executive Order 11221—Status of Women.

D. The Office of the Director of Workers' Compensation Programs.

1. The Director of the Office of Workers' Compensation Programs shall report to the Assistant Secretary and is hereby redelegated authority, except as hereinafter provided, for carrying out the programs and activities delegated to the Assistant Secretary under:

a. The Federal Employees' Compensation Act, as amended and extended (5 U.S.C. 8101 et seq.), except 8149 as it applies to the Employees' Compensation Appeals Board.

b. The Longshoremen's and Harbor Workers' Compensation Act, as amended and extended, except 33 U.S.C. 921(b) as it pertains to the Benefits Review Board;

c. Title IV, Section 415 and Part C of the Federal Coal Mine Health and Safety Act of 1969, as amended.

E. The Office of the Director of Federal Contract Compliance Programs.

1. The Director of the Office of Federal Contract Compliance Programs shall report to the Assistant Secretary and is hereby delegated authority, except as hereinafter provided, for carrying out the programs and activities delegated to the Assistant Secretary under:

a. The Executive Order 11246, as amended by Executive Order 11375—Federal Contract Compliance.

b. Section 503 of the Rehabilitation Act of 1973, as amended, and Executive Order 11758.

c. The affirmative action requirements under Title V of the Vietnam Era Veterans' Readjustment Assistance Act of 1972, as amended, 38 U.S.C. Section 2012.

F. The redelegation of authority contained in paragraphs 3 (B) through (E) above are to be performed consistent with the redelegations made within the Office of the Assistant Secretary in paragraph 3(a) above, except that the quasi-judicial line of adjudicatory authority and responsibility between the Director of the Office of Workers' Compensation Programs and the Deputy Commissioners or their subordinates in the OWCP District Offices in individual case actions under the laws enumerated in 3(D) (1) (a), (b) shall not be affected.

4. *Redelegation of Authority.* The authority delegated and the responsibility assigned by this Order may be redelegated and reassigned.

5. *Reservation of Authority.* The submission of reports and recommendations to the Department concerning the administration of Employment Standards programs shall be reserved to the Assistant Secretary for Employment Standards.

6. *Directives Affected.* Employment Standards Orders Nos. 1-74, 39 FR 33841; and 2-74, 39 FR 34722 are hereby cancelled. Secretary's Orders Nos. 15-71, 36 FR 8756; 20-70, 36 FR 305; 4-69, 34 FR 1202; 3-69 34 FR 1203; 2-69, 34 FR 1203; 26-68, 21-68, 34 FR 578; and 21-67, 32 FR 14802 are also hereby cancelled.

7. *Effective date.* This order is effective December 4, 1975.

Signed at Washington, D.C., this 26th day of November 1975.

BERNARD E. DELURY,
Assistant Secretary for
Employment Standards.

[FR Doc.75-32717 Filed 12-3-75;8:45 am]

Office of the Secretary

[TA-W-354]

ALLEGHENY LUDLUM STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 21, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Allegheny Ludlum Steel Corporation, Watervliet, New York, a division of Allegheny Ludlum Industries, Pittsburgh, Pennsylvania (TA-W-354). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with stainless steel bars, wire, rods and tubes, tool steel, produced by Allegheny Ludlum Steel Corporation or an appropriate subdivision thereof have contributed importantly to

an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 15, 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 21st day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc. 75-32718 Filed 12-3-75; 8:45 am]

[TA-W-343]

B. GLANZROCK, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 21, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of B. Glanzrock, Incorporated, New York, New York (TA-W-343). 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 sportcoats, suits and leisure suits produced by B. Glanzrock, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or

threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 15, 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 21st day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc. 75-32723 Filed 12-3-75; 8:45 am]

[TA-W-346]

CAPE COD SPORTSWEAR COMPANY, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 21, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Cape Cod Sportswear Company, Incorporated, New Bedford, Massachusetts (TA-W-346). 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 sportcoats and leisure suits produced by Cape Cod Sportswear Company, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 15, 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 21st day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc. 75-32720 Filed 12-3-75; 8:45 am]

[TA-W-347]

DEERFIELD MANUFACTURING CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 21, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Deerfield Manufacturing Corporation, New Bedford, Massachusetts (TA-W-347). 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 tailored suits and sportcoats produced by Deerfield Manufacturing 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 December 15, 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 21st day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.75-32721 Filed 12-3-75;8:45 am]

DEFERRAL OF FEDERAL TAX CREDIT REDUCTIONS

Findings of the Secretary of Labor

Section 110 of the Emergency Compensation and Special Unemployment Assistance Extension Act of 1975 (Pub. L. 94-45, approved June 30, 1975) amended section 3302(c) (3) of the Federal Unemployment Tax Act so as to authorize the deferral of Federal unemployment tax credit reductions with respect to the years 1975, 1976, and 1977. Section 110 makes such deferral applicable only if the Secretary of Labor finds that the State has studied and taken appropriate action to accomplish substantially the purposes of restoring its unemployment fund's fiscal soundness and of permitting the repayment within a reasonable time of advances made to the State's account pursuant to Title XII of the Social Security Act.

Under section 110 of the Extension Act the Secretary of Labor is directed to promptly prescribe and publish in the FEDERAL REGISTER regulations setting forth the criteria for making a finding with respect to a State. Such criteria have been prescribed by the addition of paragraph (f) to section 601.5 in Part 601 of Title 20, Code of Federal Regulations, effective November 7, 1975, published in Volume 40, No. 216 of the FEDERAL REGISTER, November 7, 1975.

The State of Connecticut first obtained a repayable advance from the Federal Unemployment Account in the Unemployment Trust Fund, pursuant to Title XII of the Social Security Act, in 1972. The State has had an unpaid advance on January 1 of the years 1973, 1974, and 1975 and, as of November 10, 1975, it continued to have an unpaid advance. Accordingly, under section 3302(c) (3) of the Federal Unemployment Tax Act, its employers were subject to a Federal unemployment tax credit reduction of 0.3 percent on their 1974 taxable payrolls. But for the amendment of section 3302(c) (3) by the Extension Act and a deferral of the Federal unemployment tax credit reduction under the provisions of that amendment, Connecticut's employers would be subject to a Federal unemployment tax credit reduction on their 1975 taxable payroll of an additional 0.3 percent, effective in January 1976.

The State of Washington first obtained a repayable advance in 1973, and

the State had an unpaid advance on January 1 of the years 1974 and 1975, which was not repaid by November 10, 1975. Accordingly, its employers would have been first subject to a Federal unemployment tax credit reduction of 0.3 percent on their 1975 taxable payrolls, effective in January 1976.

I find that the States of Connecticut and Washington as of November 10, 1975, have fulfilled the criteria set forth in Part 601 of Title 20, Code of Federal Regulations, § 601.5(f) (2) (i) (A), (B), and (C), and, accordingly, have satisfied the requirements of the statute for deferral of Federal unemployment tax credit reductions for taxable year 1975. As a result, the subject employers of the States of Connecticut and Washington will be subject to no Federal unemployment tax credit reduction for taxable year 1975.

The finding with respect to the State of Connecticut is based on my determination that the State has amended its unemployment compensation law, effective in 1975, increasing the State's unemployment tax rates and increasing the State's unemployment tax base so that for taxable year 1975—(1) The average employer tax rate, computed as a percentage of the total wages in employment covered by the State's unemployment compensation law, which is estimated to be 1.57, exceeds the State's average annual benefit cost rate, computed as a percentage of the total wages in employment covered by the State's unemployment compensation law, for the ten calendar years of 1965 through 1974, which is estimated to be 1.45; and (2) The effective minimum employer tax rate is 1.5 percent of the wages of any employer which are subject to tax under the Federal Unemployment Tax Act for taxable year 1975; and (3) The effective maximum employer tax rate is 6.0 percent of the wages of any employer which are subject to tax under the Federal Unemployment Tax Act for the taxable year 1975.

The finding with respect to the State of Washington is based on my determination that the State has amended its unemployment compensation law, effective prior to 1975, increasing the State's unemployment tax rates and increasing the State's unemployment tax base so that for taxable year 1975—

(1) The average employer tax rate, computed as a percentage of the total wages in employment covered by the State's unemployment compensation law, which is estimated to be 1.8, exceeds the State's average annual benefit cost rate, computed as a percentage of the total wages in employment covered by the State's unemployment compensation law, for the 10 calendar years of 1965 through 1974, which is estimated to be 1.75; and

(2) The effective minimum employer tax rate is 3.0 percent of the wages of any employer which are subject to tax under the Federal Unemployment Tax Act for taxable year 1975; and

(3) There is provision for no reduced rate of contributions for any employer

subject to the State unemployment compensation law.

Signed at Washington, D.C., this 28th day of November 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-32716 Filed 12-3-75;8:45 am]

[TA-W-351]

E. L. BRUCE COMPANY, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 21, 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 E. L. Bruce Paneling and Molding Division, Covington, Tennessee of E. L. Bruce Company, Incorporated, Memphis, Tennessee, a subsidiary of Cook Industries, Memphis, Tennessee (TA-W-351). 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 hardwood paneling and molding produced by E. L. Bruce Company, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total of 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 December 15, 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 21st day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.75-32719 Filed 12-3-75;8:45 am]

[TA-W-345]

EVERETT LEVINSOHN CORP.**Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance**

On November 21, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of The Everett Levinsohn Corporation, New York, New York (TA-W-345). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's suits, sportcoats, and slacks produced by The Everett Levinsohn 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 December 15, 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 21st day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.75-32722 Filed 12-3-75;8:45 am]

[TA-W-348]

FRANK SCOLARO MARBLE COMPANY, INC.**Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance**

On November 21, 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 Frank Scolaro Marble Company, Incorporated, Bronx, New York (TA-W-348). 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 marble and granite produced by Frank Scolaro Marble Company, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 15, 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 21st day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.75-32727 Filed 12-3-75;8:45 am]

[TA-W-350]

INTERNATIONAL SHOE CO.**Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance**

On November 21, 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 International Shoe Company, St. Clair, Missouri, a division of Interco, Incorporated, St. Louis, Missouri (TA-W-350). 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 wood heel covering, platform covering, bottom stock-fitting, outsoles, and box toes, produced by International 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 December 15, 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 21st day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.75-32724 Filed 12-3-75;8:45 am]

[TA-W-352]

INTERNATIONAL SILVER CO.**Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance**

On November 21, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Flatware Division and Hollowware Division of International Silver Company, Meriden, Connecticut, a subsidiary of Insilco Corporation, Meriden, Connecticut (TA-W-352). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with stainless steel flatware, silver plated flatware, cutlery and hollowware produced by International Silver 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 December 15, 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 21st day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.75-32725 Filed 12-3-75; 8:45 am]

[TA-W-341]

WM. B. KESSLER, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 21, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Wm. B. Kessler, Incorporated, Hammonton, New Jersey (TA-W-341). 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 tailored sportcoats, slacks and suits produced by Wm. B. Kessler, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or

partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 15, 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 21st day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.75-32726 Filed 12-3-75; 8:45 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 1, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before December 19, 1975.

FSA No. 43084—*Joint Rail-Water Container Rates—American Export Lines, Inc.* Filed by American Export Lines, Inc., (No. 4), for itself and interested rail carriers. Rates on general commodities, from rail carrier's terminals in California, Oregon and Washington, to ports in Europe, the United Kingdom and the Mediterranean.

Grounds for relief—Water competition. Tariff—American Export Lines, Inc., tariff I.C.C. No. 1.

Rates are published to become effective on December 28, 1975.

FSA No. 43085—*Vinyl Acetate from Points in Louisiana and Texas.* Filed by Southwestern Freight Bureau, Agent, (No. B-571), for interested rail carriers. Rates on vinyl acetate, in tank-car loads, as described in the application, from points in Louisiana and Texas, to Charlotte and Newell, N.C.

Grounds for relief—Market competition.

Tariff—Supplement 40 to Southwestern Freight Bureau, Agent, tariff 11-F, I.C.C. No. 5082. Rates are published to become effective on January 1, 1976.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-32747 Filed 12-3-75; 8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 1, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before December 19, 1975.

FSA No. 43081—*Pipeline Rates—Petroleum Products from the Southwest.* Filed by Williams Pipe Line Company, (No. 4), for interested carriers. Rates on petroleum products, as described in the application, from specified points in Kansas and Oklahoma, to specified points in Missouri, Illinois, and Iowa.

Grounds for relief—Market and carrier competition.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-32745 Filed 12-3-75; 8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

NOVEMBER 28, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination Rules* (49 CFR Part 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before December 15, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be

¹ In the FEDERAL REGISTER notice dated November 24, 1975, this was shown as "for interested rail carriers".

numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 564 (Sub-No. E98), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Neb. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) between points in that part of Iowa within a 150 miles of Austin, Minn., and on and west of Iowa Highway 4, on the one hand, and, on the other, points in Tennessee; (2) between points in that part of Iowa within a 150 miles of Austin, Minn., and on and west of U.S. Highway 69, on the one hand, and, on the other, points in that part of Tennessee on and south of a line beginning at the Kentucky-Tennessee State line, thence along Tennessee Highway 69 to U.S. Highway 70, thence along U.S. Highway 70 to intersection U.S. Highway 11E, thence along U.S. Highway 11E to intersection U.S. Highway 321, thence along U.S. Highway 321 to Tennessee-North Carolina State line. The purpose of this filing is to eliminate the gateway of points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 1380 (Sub-No. E3) (Correction), filed May 13, 1974, republished in the FEDERAL REGISTER October 3, 1975. Applicant: COLONIAL MOTOR FREIGHT LINE, INC., P.O. Box 5468, High Point, N.C. 27262. Applicant's representative: Max H. Towery (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (3) between points in that part of Tennessee south of a line beginning at the North Carolina-Tennessee State line, thence along U.S. Highway 70 to junction Tennessee Highway 107, thence along Tennessee Highway 107 to Greenville, Tenn., thence along U.S. Highway 11E to the boundary line of points within 150 miles of Charlotte, N.C., thence along the 150 miles of Charlotte, N.C., boundary to the North Carolina-Tennessee State line, on the one hand, and, on the other, points in that part of Virginia east of a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 501 to junction U.S. Highway 360, thence along U.S. Highway 360 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Atlantic Ocean; (9) * * * on the one hand, and on the other, points in that part of North Carolina which are within 150 miles of Charlotte, N.C., and west of a line beginning at the North Carolina-South Carolina State line extending along North Carolina Highway 18 to junction North Carolina Highway 10, thence along North Carolina Highway 10 to junction

U.S. Highway 127, thence along U.S. Highway 127 to junction U.S. Highway 321, thence along U.S. Highway 321 to junction U.S. Highway 221, thence along U.S. Highway 221 to the North Carolina-Virginia State line; (11) * * * on the one hand, and, on the other, points in that part of North Carolina within 150 miles of Charlotte, N.C., and on and west of U.S. Highway 25; and (13) between Augusta, Ga., on the one hand, and, on the other, points in that part of Virginia on and south of a line beginning at Cape Henry, Va., extending along U.S. Highway 60 to Richmond, thence along U.S. Highway 250 to Staunton, thence along U.S. Highway 11 to the Tennessee-Virginia State line. The purpose of this filing is to eliminate the gateway of Charlotte, N.C. The purpose of this partial correction is to correct the territorial descriptions. The remainder of this letter-notice remains as previously published.

No. MC 2253 (Sub-No. E3), filed January 29, 1975. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, P.O. Box 697, Cherryville, N.C. 28021. Applicant's representative: J. S. McCallie (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General Commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading: Between Troy, on the one hand, and, on the other, points in Allegheny and Westmoreland Counties, Pa., points in Brooke, Hancock, Marshall and Ohio Counties, W.Va., and all points in Ohio except those on, east and north of a line beginning at the Pennsylvania-Ohio State line and extending along Ohio Highway 305 to junction Ohio Highway 82, thence along Ohio Highway 82 to junction Ohio Highway 83, thence along Ohio Highway 83 to Avon Lake, Ohio. The purpose of this filing is to eliminate the gateway of points in New Jersey within 15 miles of North Bergen, N.J.

No. MC 20582 (Sub-No. E2), (Correction), filed June 3, 1974, published in the FEDERAL REGISTER October 14, 1975. Applicant: HENRY H. STEVENS, INC., 1273 Broadway, Flint, Mich. 48506. Applicant's representative: William C. Steven (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (a) between points in the Lower Peninsula of Michigan in and north of Benzle, Grand Traverse, Kalkaska, Crawford, Oscoda, and Alcona Counties and points in Mackinac, Luce, Chippewa, and Schoolcraft Counties, Mich., on the one hand, and, on the other, points in New Mexico; and (b) between points in the Lower Peninsula of Michigan in and north of Benzle, Grand Traverse, Kalkaska, Crawford, Oscoda, and Alcona Counties, and Mackinac, Luce, and Chippewa Counties, on

the one hand, and, on the other, points in Colorado and Texas. The purpose of this filing is to eliminate the gateways of Flint, Mich., or points within 25 miles thereof, and points in Kansas. The purpose of this correction is to correct the origin points.

No. MC 29886 (Sub-No. E34), (Correction), filed May 10, 1974, published in the FEDERAL REGISTER April 16, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 400 West Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such commodities*, which because of size or weight require the use of special equipment or special handling, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies*, moving in connection therewith; (1) between points in Indiana, on the one hand, and, on the other, points in Connecticut, Michigan, and those in New Jersey east of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 206 to junction New Jersey Highway 10, thence along New Jersey Highway 10 to junction New Jersey Highway 53, thence along New Jersey Highway 53 to junction New Jersey Highway 24, thence along New Jersey Highway 24 to junction New Jersey Garden State Parkway, thence along New Jersey Garden State Parkway to junction New Jersey Highway 36, thence along New Jersey Highway 36 to the Atlantic Ocean; (2) between those points in Indiana north and west of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 50 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Indiana-Kentucky State line, on the one hand, and, on the other, points in New Jersey; (3) between points in Lake, Porter, La Porte, St. Joseph, Elkhart, La Grange, Steuben, Newton, Jasper, Starke, Marshall, Kosciusko, Noble, DeKalb, Benton, White, Pulaski, Fulton, Whitely, Allen, Warren, Tippecanoe, Carroll, Cass, Miami, Wabash, Huntington, and Howard Counties, Ind., on the one hand, and, on the other, points in Pennsylvania; and (4) between those points in Indiana on and north of Indiana Highway 67, on the one hand, and, on the other, points in Pennsylvania (except those in Crawford, Venango, Clarion, Jefferson, Indiana, Cambria, Blair, Huntingdon, Franklin, Fulton, Bedford, Somerset, Westmoreland, Armstrong, Butler, Mercer, Lawrence, Beaver, Allegheny, Washington, Fayette, and Greene Counties). The purpose of this filing is to eliminate the gateways of those points in Michigan on, south, and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Interstate Highway 96, to junction U.S. Highway 127 to the Michigan-Ohio State line. The purpose of this correction is to correct the spelling of a origin point in (3) above.

No. MC 29886 (Sub-No. E36) (Correction), filed May 10, 1974, republished in the FEDERAL REGISTER October 3, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment or special handling, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies*, moving in connection therewith; (2) between points in Iowa, on the one hand, and, on the other, points in Ohio (except those in Mercer, Auglaize, Shelby, Darke, Miami, Champaign, Clark, Montgomery, Preble, Greene, Fayette, Clinton, Warren, Butler, Hamilton, Clermont, Highland, Brown, and Adams Counties), and those in Porter, LaPorte, Starke, St. Joseph, Marshall, Elkhart, Kosciusko, LaGrange, Noble, Whitley, Steuben, DeKalb, and Allen Counties, Ind. The purpose of this filing is to eliminate the gateways of those points in Michigan on, south, and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Interstate Highway 96, thence along Business Interstate Highway 96 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line. The purpose of this partial correction is to correct the exception above. The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E47) (Correction), filed May 31, 1974, republished in the FEDERAL REGISTER October 21, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road construction and earth moving machines and equipment*, (except trailers designed to be drawn by a truck tractor), the transportation of which because of size or weight require the use of special equipment, and *self-propelled road construction, and earth moving machines and equipment*, each weighing 15,000 pounds or more; (1) from points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, and New York, to points in Nevada, Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Oregon, Washington, and California. The purpose of this filing is to eliminate the gateways of those points in that portion of New York on and west of a line beginning at Rochester, N.Y., and extending along U.S. Highway 15 to junction New York Highway 245, thence along New York Highway 245 to junction New York Highway 39, thence along New York Highway 39 to junction U.S. Highway 219, thence along U.S. Highway 219

to the New York-Pennsylvania State line, and South Bend, Ind. The purpose of this partial correction is to correct the destination states. The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E52) (Correction), filed May 31, 1974, republished in the FEDERAL REGISTER October 3, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, other than truck tractors, from those points in Pennsylvania on, north, and west of a line beginning at the Pennsylvania-Ohio State line and extending along Interstate Highway 80 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-New York State line to points in Washington, Idaho, Oregon, California, Wyoming, Nevada, Utah, Arizona, New Mexico, Vermont, Maine, New Hampshire, Massachusetts, Montana, and those in Colorado on and west of a line beginning at the Colorado-Nebraska State line and extending along Colorado Highway 71 to junction U.S. Highway 350, thence along U.S. Highway 350 to junction Interstate Highway 25, thence along Interstate Highway 25 to the Colorado-New Mexico State line. The purpose of this filing is to eliminate the gateway of Batavia, N.Y. The purpose of this correction is to correct the destination points above.

No. MC 29886 (Sub-No. E55) (Correction), filed June 4, 1974. Published in FEDERAL REGISTER March 25, 1975. Applicant: DALLAS & MAVIS, 4000 West Sample Street, South Bend, Indiana 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Road construction and earth moving machines and equipment*, which because of size or weight require the use of special equipment or handling, and (2) *self-propelled road construction and earth moving machines and equipment*, each weighing 15,000 pounds or more, and (3) *related machinery, tools, parts, and supplies*, moving in connection with the commodities described in (1) and (2), moving in connection therewith, from those points in Illinois on and north of U.S. Highway 36, thence along U.S. Highway 36 to the Illinois-Indiana State line to points in Maryland, the District of Columbia, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Pennsylvania (except those in Washington, Greene, and Fayette Counties, Pa.), those in Virginia on and east of a line beginning at the Maryland-Virginia State line and extending along U.S. Highway 522 to junction U.S. Highway 29, thence along U.S. Highway 29 to the Virginia-North Carolina State line, and those in North Carolina on and

east of U.S. Highway 15. The purpose of this filing is to eliminate the gateway of South Bend, Ind. The purpose of this correction is to reflect the correct commodities and destinations. The remainder of the letter-notice is to remain the same as previously published.

No. MC 29886 (Sub-No. E93) (Correction), filed May 16, 1974, republished in the FEDERAL REGISTER October 21, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors' equipment*, restricted to dump-truck bodies, which because of size or weight require the use of special equipment, from those points in Ohio on, north, and west of a line beginning at the Ohio-Indiana State line, * * * those in Nebraska on and west of U.S. Highway 281, those in South Dakota on and west of U.S. Highway 281, and the District of Columbia. The purpose of this filing is to eliminate the gateways of Marion, Ohio, and points within five miles thereof. The purpose of this partial correction is to clarify the commodity description. The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E103) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER June 24, 1975. Applicant: DALLAS & MARVIS FORWARDING CO., INC., 400 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steam shovels, cranes, crawler-type shovels and cranes, straddle trucks, fork trucks, and self-propelled building, construction, and moving machinery*, the transportation of which because of size or weight require the use of special equipment or special handling, and *self-propelled steam shovels, cranes, crawler-type shovels and cranes, straddle trucks, fork trucks, and self-propelled building, construction, and moving machinery*, each weighing 15,000 pounds or more; (1) from those points in Indiana on and north of a line beginning at the Indiana-Illinois State line and extending along Indiana Highway 15 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Ohio State line to points in New Mexico (except those in Union, Quay, Curry, and Roosevelt Counties), and those in Texas in and west of Winkler, Ward, Pecos, Terrell, and Val Verde Counties; and (2) from those points in Indiana on and north of Interstate Highway 74 to points in North Dakota, Montana, Arizona, Utah, Idaho, Washington, Oregon, Nevada, California, those in South Dakota (except those south and east of a line beginning at the Nebraska-South

Dakota State line and extending along U.S. Highway 83 to junction U.S. Highway 14, thence along U.S. Highway 14 to the Minnesota-South Dakota State line, and those in Wyoming (except those in Goshen and Laramie Counties). The purpose of this filing is to eliminate the gateways of points in Michigan on and south of a line extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., thence along Business Route Interstate Highway 96 to Lansing, thence on and west of a line extending along U.S. Highway 127 to Jackson, thence along unnumbered highway (formerly portion U.S. Highway 127) to junction U.S. Highway 12, near Somerset Center, thence along U.S. Highway 12 to junction U.S. Highway 127, near Somerset, thence along U.S. Highway 127 to the Michigan-Ohio State line, and, Benton Harbor, Mich. The purpose of this correction is to correct the gateway above.

No. MC 31462 (Sub-No. E138), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Illinois on the one hand, and, on the other, and points in Oklahoma. The purpose of this filing is to eliminate the gateway of (1) any point in Missouri within 50 miles of St. Louis, Mo., and (2) any point in Missouri within 25 miles thereof.

No. MC 31462 (Sub-No. E351), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Nebraska, on the one hand, and, on the other, points in New Jersey. The purpose of this filing is to eliminate the gateway of (1) Burlington, Iowa or any point in Iowa within 50 miles thereof; and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 53269 (Sub-No. E22), (Correction) filed June 3, 1974, published in the FEDERAL REGISTER June 23, 1975. Applicant: EDITH R. ALLEN d.b.a., S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 38622. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Avenue, N.W., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Ashtabula, Lake, Trumbull, Summit, Mahoning, Columbiana, Stark, Lorain, Medina, Portage, and Wayne Counties, Ohio, on the one hand, and, on the other, points in Hamilton and McMinn Counties, Tenn. The purpose of this filing is to eliminate the

gateway of Bristol, Tenn. The purpose of this correction is to correct the territorial origin.

No. MC 59292 (Sub-No. E7), filed May 30, 1974. Applicant: MARYLAND TRANSPORTATION CO., 1111 Frankfur Avenue, Baltimore, Maryland 21225. Applicant's representative: Charles J. Bruan, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Silos, Silo parts, and materials and supplies*, used by silo manufacturing plants, restricted against commodities requiring special equipment, between (1) points in Lawrence and Butler Counties, Pa., which are on and south of U.S. Highway 422, and (2) points in Allegheny, Washington, Greene and Beaver Counties, Pa., restricted in (1) and (2) above, against service to points within 150 miles of Brunswick, Md., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Hampshire, Rhode Island, and points in New York on and east of a line beginning at the East River along Hutchinson River Parkway to junction U.S. Highway 87, to junction Bedford Road, to junction Cresson Road, to the New York-Connecticut State line. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa., and Frederick, Md.

No. MC 59292 (Sub-No. E8), filed May 30, 1974. Applicant: MARYLAND TRANSPORTATION CO., 1111 Frankfur Ave., Baltimore, Md. 21225. Applicant's representative: Charles J. Bruan, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Steel Silos, steel silo parts, and steel materials and supplies*, used by silo manufacturing plants, between Baltimore, Md., on the one hand, and, on the other, points in Massachusetts, New Hampshire, West Virginia, points in Rhode Island on, north and west of a line beginning at the Atlantic Ocean and extending along Rhode Island Highway 138 to junction Rhode Island Highway 114, thence along Rhode Island Highway 138 to junction Rhode Island Highway 103, thence along Rhode Island Highway 103 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Rhode Island-Connecticut State line, points in Connecticut on and north of a line beginning at the Rhode Island-Connecticut State line and extending along U.S. Highway 44 to junction Connecticut Highway 25, thence along Connecticut Highway 25 to junction Connecticut Highway 4, thence along Connecticut Highway 4 to junction U.S. Highway 7, thence along U.S. Highway 7 to junction Connecticut Highway 55, thence along Connecticut Highway 55 to the Connecticut-New York State line, points in New York on, north and west of a line beginning at the New York-Connecticut State line and extending along New York Highway 55 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction New York Highway 52, thence along New York Highway 52 to junction New York Highway 42,

thence along New York Highway 42 to junction New York Highway 17, thence along New York Highway 17 to junction U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line, points in Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line and extending along Pennsylvania Highway 706 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 87, thence along Pennsylvania Highway 87 to junction Pennsylvania Highway 973, thence along Pennsylvania Highway 973 to junction Pennsylvania Highway 287.

Thence along Pennsylvania Highway 287 to junction Pennsylvania Highway 284, thence along Pennsylvania Highway 284, to junction Pennsylvania Highway 44, thence along Pennsylvania Highway 44 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 144, thence along Pennsylvania Highway 144 to junction Pennsylvania Highway 26, thence along Pennsylvania Highway 26 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Pennsylvania Highway 641, thence along Pennsylvania Highway 641 to junction Pennsylvania Highway 433, thence along Pennsylvania Highway 433 to junction Pennsylvania Highway 533, thence along Pennsylvania Highway 533 to junction Pennsylvania Highway 696, thence along Pennsylvania Highway 696 to junction Pennsylvania Highway 997, thence along Pennsylvania Highway 997 to the Maryland-Pennsylvania State line, points in Maryland on and west of a line beginning at the Maryland-Pennsylvania State line and extending along Maryland Highway 64 to junction Maryland Highway 153, thence along Maryland Highway 153 to junction Maryland Highway 355, thence along Maryland Highway 355 to junction Maryland Highway 80, thence along Maryland Highway 80 to junction Maryland Highway 85, thence along Maryland Highway 85 to junction Maryland Highway 28, thence along Maryland Highway 28 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Maryland-Virginia State line, points in Virginia on and west of a line beginning at the Virginia-Maryland State line and extending along U.S. Highway 15 to junction Virginia Highway 7, thence along Virginia Highway 7 to junction Virginia Highway 659, thence along Virginia Highway 659 to junction Virginia Highway 647, thence along Virginia Highway 647 to junction Virginia Highway 642, thence along Virginia Highway 642 to junction Virginia Highway 659.

Thence along Virginia Highway 659 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Virginia Highway 626, thence along Virginia Highway 626 to junction Virginia Highway 55, thence along Virginia Highway 55 to junction Virginia Highway 647, thence along Virginia Highway 647 to

junction U.S. Highway 522, thence along U.S. Highway 522 to junction Virginia Highway 231, thence along Virginia Highway 231 to junction Virginia Highway 230, thence along Virginia Highway 230 to junction Virginia Highway 604, thence along Virginia Highway 604 to junction Virginia Highway 652, thence along Virginia Highway 652 to junction Virginia Highway 719, thence along Virginia Highway 719 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Virginia Highway 1002, thence along Virginia Highway 1002 to junction Virginia Highway 13, thence along Virginia Highway 13 to junction Virginia Highway 609, thence along Virginia Highway 609 to junction County Highway 609, thence along County Highway 609 to junction County Highway 614, thence along County Highway 614 to junction Virginia Highway 46, thence along Virginia Highway 46 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateway of Frederick, Md.

No. MC 59292 (Sub-No. E10), filed May 21, 1974. Applicant: MARYLAND TRANSPORTATION CO., 1111 Frankfur Avenue, Baltimore, Md. 21225. Applicant's representative: Charles J. Braun, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Steel Products*, restricted against commodities requiring special equipment, between Baltimore, Md., on the one hand, and, on the other, (1) points in West Virginia within 150 miles of Brunswick, Md., (2) points in Pennsylvania within 150 miles of Brunswick, Md., which are on and west of a line beginning near Eagles Mere, Pa., and extending along Pennsylvania Highway 87 to junction Pennsylvania Highway 973, thence along Pennsylvania Highway 973 to junction Pennsylvania Highway 287, thence along Pennsylvania Highway 287 to junction Pennsylvania Highway 284, thence along Pennsylvania Highway 284 to junction Pennsylvania Highway 44, thence along Pennsylvania Highway 44 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 144, thence along Pennsylvania Highway 144 to junction Pennsylvania Highway 26, thence along Pennsylvania Highway 26 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 522 to junction Pennsylvania Highway 641, thence along Pennsylvania Highway 641 to junction Pennsylvania Highway 433, thence along Pennsylvania Highway 433 to junction Pennsylvania Highway 533, thence along Pennsylvania Highway 533 to junction Pennsylvania Highway 696, thence along Pennsylvania Highway 696 to junction Pennsylvania Highway 997, thence along Pennsylvania Highway 997 to the Pennsylvania-Maryland State line, (3) points in Maryland within 150 miles of Brunswick, Md., which are on and west of a line beginning at the Maryland-Pennsylvania State line and extending along Maryland Highway 64 to junction Maryland Highway 153,

thence along Maryland Highway 153 to junction Ellerton Road to junction Maryland Highway 355, thence along Maryland Highway 355 to junction Maryland Highway 80, thence along Maryland Highway 80 to junction Maryland Highway 85.

Thence along Maryland Highway 85 to junction Maryland Highway 28, thence along Maryland Highway 28 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Maryland-Virginia State line, (4) points in Virginia within 150 miles of Brunswick, Md., which are on and west of a line beginning at the Virginia-Maryland State line and extending along U.S. Highway 15 to junction Virginia Highway 7, thence along Virginia Highway 7 to junction Virginia Highway 659, thence along Virginia Highway 659 to junction Virginia Highway 647, thence along Virginia Highway 647 to junction Virginia Highway 642, thence along Virginia Highway 642 to junction Virginia Highway 659, thence along Virginia Highway 659 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Virginia Highway 626, thence along Virginia Highway 626 to junction Virginia Highway 55, thence along Virginia Highway 55 to junction Virginia Highway 647, thence along Virginia Highway 647 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Virginia Highway 231, thence along Virginia Highway 231, to junction Virginia Highway 230, thence along Virginia Highway 230 to junction Virginia Highway 20, thence along Virginia Highway 20 to junction Virginia Highway 604, thence along Virginia Highway 604 to junction Virginia Highway 608, thence along Virginia Highway 608 to junction Virginia Highway 601, thence along Virginia Highway 601 to junction Virginia Highway 652, thence along Virginia Highway 652 to junction Virginia Highway 719, thence along Virginia Highway 719 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Virginia Highway 1002, thence along Virginia Highway 1002 to junction Virginia Highway 13, thence along Virginia Highway 13 to junction Virginia Highway 609, thence along Virginia Highway 609 to junction Virginia Highway 614, thence along Virginia Highway 614 to junction Virginia Highway 40, thence along Virginia Highway 40 to a point south of Blackstone, Va. The purpose of this filing is to eliminate the gateway of Frederick, Md.

No. MC 59292 (Sub-No. E11), filed May 15, 1974. Applicant: MARYLAND TRANSPORTATION CO., 1111 Frankfur Avenue, Baltimore, Md. 21225. Applicant's representative: Charles J. Braun, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such general merchandise as is dealt in by wholesale grocery business houses*, between Baltimore, Md., on the one hand, and, on the other, (1) points in West Virginia within 150 miles of Brunswick, Md., (2) points in Pennsylvania within 150 miles of Brunswick, Md., which are on and west of a line

beginning near Haneyville and extending along Pennsylvania Highway 44 to junction Pennsylvania Highway 664, thence along Pennsylvania Highway 664 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to junction Pennsylvania Highway 144, thence along Pennsylvania Highway 144 to junction Pennsylvania Highway 53, thence along Pennsylvania Highway 53 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 350, thence along Pennsylvania Highway 350 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Pennsylvania Highway 16, thence along Pennsylvania Highway 16 to junction U.S. Highway 11, thence along U.S. Highway 11 to the Pennsylvania-Maryland State line; (3) points in Maryland within 150 miles of Brunswick, Md., which are on and west of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 11 to junction Maryland Highway 67, thence along Maryland Highway 67 to junction Maryland Highway 17, thence along Maryland Highway 17 to junction Maryland Highway 79, thence along Maryland Highway 79 to the Maryland-Virginia State line; (4) points in Virginia within 150 miles of Brunswick, Md., which are on and west of a line beginning at the Maryland-Virginia State line and extending along Virginia Highway 287, thence along Virginia Highway 287 to junction Virginia Highway 672, thence along Virginia Highway 672 to junction U.S. Highway 15.

Thence along U.S. Highway 15 to junction Virginia Highway 7, thence along Virginia Highway 7 to junction Virginia Highway 653, thence along Virginia Highway 653 to junction Virginia Highway 659, thence along Virginia Highway 659 to junction Virginia Highway 647, thence along Virginia Highway 647 to junction Virginia Highway 642, thence along Virginia Highway 642 to junction Virginia Highway 659, thence along Virginia Highway 659 to junction Virginia Highway 621, thence along Virginia Highway 621 to junction Virginia Highway 733, thence along Virginia Highway 733 to junction Virginia Highway 734, thence along Virginia Highway 734 to junction Virginia Highway 748, thence along Virginia Highway 748 to junction Virginia Highway 626, thence along Virginia Highway 626 to junction Virginia Highway 55, thence along Virginia Highway 55 to junction Virginia Highway 721, thence along Virginia Highway 721 to junction Virginia Highway 647, thence along Virginia Highway 647 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Virginia Highway 231, thence along Virginia Highway 231 to junction Virginia Highway 230, thence along Virginia Highway 230 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Vir-

Virginia Highway 659, thence along Virginia Highway 659 to junction Virginia Highway 690, thence along Virginia Highway 690 to junction Virginia Highway 610, thence along Virginia Highway 610 to junction U.S. Highway 15, thence along U.S. Highway 15 to a point near Farmville, Va. The purpose of this filing is to eliminate the gateway of Brunswick, Md., or points within 5 miles thereof.

No. MC 59292 (Sub-No. E13), filed May 28, 1974. Applicant: MARYLAND TRANSPORTATION CO., 1111 Frankfurst Ave., Baltimore, Md. 21225. Applicant's representative: Charles J. Braun, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fire clay products*, from Baltimore, Md., to points in New York on and east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 11 to junction New York Highway 90, thence along New York Highway 90 to junction New York Highway 38, thence along New York Highway 38 to junction U.S. Highway 104, thence along U.S. Highway 104 to Lake Ontario. The purpose of this filing is to eliminate the gateway of Chester, Pa., Wilmington, Del., and Reading, Pa.

No. MC 59292 (Sub-No. E14), filed May 28, 1974. Applicant: MARYLAND TRANSPORTATION CO., 1111 Frankfurst Ave., Baltimore, Md. 21225. Applicant's representative: Charles J. Braun, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fire clay products*, from Baltimore, Md., to points in Pennsylvania on and east of a line beginning at the Pennsylvania-New Jersey State line and extending along Pennsylvania Highway 611 to junction Pennsylvania Highway 412, thence along Pennsylvania Highway 412 to junction Pennsylvania Highway 512, thence along Pennsylvania Highway 512 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Interstate Highway 380, thence along Interstate Highway 380 to junction Interstate Highway 81, thence along Interstate Highway 81 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Chester, Pa., and Wilmington, Del.

No. MC 59292 (Sub-No. E16), filed June 7, 1974. Applicant: MARYLAND TRANSPORTATION CO., 1111 Frankfurst Avenue, Baltimore, Maryland 21225. Applicant's representative: Charles J. Braun, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fire clay products*, from North East, Md., and points in Maryland on and west of Maryland Highway 272, to points in New Jersey on and east of a line beginning at Delaware Bay near Moores Beach and extending along unnumbered highway to junction New Jersey Highway 47, thence along

New Jersey Highway 47 to junction New Jersey Highway 557, thence along New Jersey Highway 557 to junction New Jersey Highway 54, thence along New Jersey Highway 54 to junction U.S. Highway 30, thence along U.S. Highway 30 to the New Jersey-New York State line. The purpose of this filing is to eliminate the gateway of Chester, Pa.

No. MC 59292 (Sub-No. E23), filed June 4, 1974. Applicant: MARYLAND TRANSPORTATION CO., 1111 Frankfurst Ave., Baltimore, Md. 21225. Applicant's representative: Charles J. Braun, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fire clay products*, from North East, Md., to points in New York, on and north of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 212, thence along New York Highway 212 to junction U.S. Highway 9W, thence along U.S. Highway 9W to junction New York Highway 23, thence along New York Highway 23 to the New York-Massachusetts State line. The purpose of this filing is to eliminate the gateway of Chester, Pa., Wilmington, Del., and Reading, Pa.

No. MC 64932 (Sub-No. E132), (Correction), filed June 3, 1974, published in the FEDERAL REGISTER September 9, 1975. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Ave., Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from those points in Ohio on, east, and north of a line beginning at Lake Erie and extending along Ohio Highway 83 to junction Interstate Highway 224 thence along Interstate Highway 224 to the Ohio-Pennsylvania State line, to points in California. The purpose of this filing is to eliminate the gateway of Ferndale, Mich., and the plant sites of Baird Chemical Industries, Inc., located at or near Mapleton, Ill. The purpose of this correction is to include the destination points.

No. MC 67450 (Sub-No. E3), (Correction), filed May 15, 1974, published in the FEDERAL REGISTER September 25, 1975. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Corn sugar*, dry, in bulk, from Chicago, Ill., to points in Kentucky on, south, and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 127 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction

Kentucky Highway 61, thence along Kentucky Highway 61 to Elizabethtown, thence along Kentucky Highway 86 to junction U.S. Highway 60, thence along U.S. Highway 60 to Owensboro, thence along U.S. Highway 231 to the Kentucky-Indiana State line, and points in Tennessee on and east of a line beginning at the Tennessee-North Carolina State line extending along Interstate Highway 40 to junction U.S. Highway 25E, thence along U.S. Highway 25E to the Tennessee-Kentucky State line. The purpose of this filing is to eliminate the gateway of Mt. Vernon, Ind. The purpose of this correction is to correct the gateway above.

No. MC 67450 (Sub-No. E4), (Correction), filed May 15, 1974, published in the FEDERAL REGISTER September 25, 1975. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Corn sugar*, dry, in bulk, from the plants and warehouses of General Mills, Inc., at West Chicago, Ill., to points in Kentucky, on, south, and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 127 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction Kentucky Highway 61, thence along Kentucky Highway 61 to Elizabethtown, thence along Kentucky Highway 86 to junction U.S. Highway 60, thence along U.S. Highway 60 to Owensboro, thence along U.S. Highway 231 to the Kentucky-Indiana State line, and points in Tennessee on and west of a line beginning at the Tennessee-North Carolina State line extending along Interstate Highway 40 to junction U.S. Highway 25E, thence along U.S. Highway 25E to the Tennessee-Kentucky State line. The purpose of this filing is to eliminate the gateway of Mt. Vernon, Ind. The purpose of this correction is to correct the territorial descriptions above.

No. MC 67450 (Sub-No. E89), (Correction), filed May 15, 1974, published in the FEDERAL REGISTER September 18, 1975. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in tank vehicles, from points in Illinois on, east, and south of a line beginning at the Illinois-Missouri State line extending along U.S. Highway 40 to Effingham, thence along Interstate Highway 57 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction Interstate Highway 55, thence along Interstate Highway 55 to Chicago, to points in Wisconsin on, east, and north of a line beginning at the Illinois-Wisconsin State line extending along U.S. Highway 12 to junction Interstate Highway 94, thence along Interstate Highway 94 to Eau

Claire, thence along U.S. Highway 53 to the Wisconsin-Minnesota State line. The purpose of this filing is to eliminate the gateways of Chicago, Ill., and points in Wisconsin (except those lying east and north of a line beginning at the Michigan-Wisconsin State line extending along U.S. Highway 41 to junction Wisconsin Highway 60, thence along Wisconsin Highway 60 to Grafton, thence east from Grafton to Lake Michigan, excluding points on the aforesaid highways). The purpose of this correction is to correct the territorial descriptions above.

No. MC 67646 (Sub-No. E5) (Correction), filed May 16, 1974, published in the FEDERAL REGISTER September 2, 1975. Applicant: HALL'S MOTOR TRANSIT COMPANY, 6060 Carlisle Pike, Mechanicsburg, Pa. 17055. Applicant's representative: Daniel W. Rohrbaugh (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (2) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between those points in Ohio within 80 miles of Greenville, Pa., which are on and north of a line beginning at the Pennsylvania-Ohio State line, thence along Ohio Highway 14 to junction Ohio Highway 14A, thence along Ohio Highway 14A to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 30, thence along U.S. Highway 30, on the one hand, and, on the other, those points within 50 miles of Frederick, Md., in Anne Arundel, Baltimore, Carroll, Frederick, Harford, Howard, Montgomery, and Prince Georges Counties, and Baltimore City, Md., and in Washington, D.C., commercial zone (Greenville, Pa.; Hagerstown, Md.; a point within 8 miles of Fairview, Md.; Frederick, Md.; and Rockville, Md.); (6) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Ohio which are on and south of U.S. Highway 30 and on and east of Ohio Highway 13, on the one hand, and, on the other, those points within 50 miles of Fairview, Md., in Adams, Cumberland, and Franklin Counties, Pa., and in Washington (on and east of Interstate Highway 81), and Frederick Counties, Md. (Uniontown, Pa., and Hagerstown, Md., Fairview, Md., and points within 8 miles thereof);

(7) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, livestock, commodities requiring special equipment, and those injurious or contaminating to other lading), between those points in Ohio which are on and south of U.S. Highway 30 and on and east of Ohio Highway 13, on the one hand, and, on the other, those points

within 50 miles of Frederick, Md., which are in Anne Arundel, Baltimore, Carroll, Frederick, Harford, Howard, Montgomery, and Prince Georges Counties, and Baltimore City, Md., in Adams and York Counties, Pa., and in Washington, D.C., commercial zone (Uniontown, Pa., and Hagerstown, Frederick, and Rockville, Md.); (8) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, livestock, commodities requiring special equipment, and those injurious or contaminating to other lading), between those points in Ohio which are on and south of U.S. Highway 30 and on and east of Ohio Highway 13, on the one hand, and, on the other, points in Anne Arundel, Prince Georges, Charles, St. Mary's, and Calvert Counties, Md., and in Fairfax and Prince William (on and east of Virginia Highway 123) Counties, Va. (Uniontown, Pa., Hagerstown, Frederick, and Rockville, Md.). The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to correct the gateways above. The remainder of this letter-notice remains as previously published.

No. MC 67646 (Sub-No. E6) (Correction), filed May 16, 1974, published in the FEDERAL REGISTER August 12, 1975. Applicant: HALL'S MOTOR TRANSIT COMPANY, 6060 Carlisle Pike, Mechanicsburg, Pa. 17055. Applicant's representative: Daniel W. Rohrbaugh (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (2) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Allegheny, Fayette, Greene, Washington, and Westmoreland Counties, Pa., and those in Brooke, Hancock, Marshall, and Ohio Counties, W. Va., on the one hand, and, on the other, points in Erie County, Pa., on and north of U.S. Highway 6, and those points in Ashtabula County, Ohio, north of U.S. Highway 6; (5) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Fayette, Green, and Washington Counties, Pa., and points in Marshall and Ohio Counties, W. Va., on the one hand, and, on the other, those points in New York, New Jersey, Pennsylvania, Maryland, Virginia, and the District of Columbia, on and east of a line beginning at the United States-Canada International Boundary line, thence along Interstate Highway 87 to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 79, thence along New York

Highway 79 to the New York-Pennsylvania State line; thence along Pennsylvania Highway 92 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction Interstate Highway 83, thence along Interstate Highway 83 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Interstate Highway 70S, thence along Interstate Highway 70S to junction Interstate Highway 495, thence along Interstate Highway 495 to junction Maryland Highway 5, thence along Maryland Highway 5 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction U.S. Highway 360, thence along U.S. Highway 360 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateways of Greenville, Pa., in (1) above, and Bedford, Pa., Fairview and Hagerstown, Md., in (5) above. The purpose of this partial correction is to correct the territorial descriptions above and to correct the "E" number previously published as E5. The remainder of this letter-notice remains as previously published.

No. MC 72243 (Sub-No. E23) (Correction), filed May 15, 1974. Published in the FEDERAL REGISTER October 14, 1975. Applicant: AETNA FREIGHT LINES, INC., 2507 Youngstown Rd., S.E., P.O. Box 350, Warren, Ohio 44482. Applicant's representative: Edward G. Villalon, Suite 1032 Penn Bldg., 13th and Pennsylvania Ave., N.W., Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and Steel and iron and steel articles*, which because of size or weight require the use of special equipment, between points in Ohio on and north of a line beginning at the Ohio-West Virginia State line and extending along Ohio Highway 39 to junction Ohio Highway 93, thence along Ohio Highway 93 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 16, thence along Ohio Highway 16 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Ohio-Kentucky State line, on the one hand, and, on the other, points in Kentucky on and west of a line beginning at the Kentucky-Ohio State line and extending along Interstate Highway 75 to junction Kentucky Highway 15, thence along Kentucky Highway 15 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 421, thence along U.S. Highway 421 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of points in the Cincinnati, Ohio Commercial Zone, which are in Kentucky. The purpose of this correction is to reflect the correct commodities. The remainder of the letter-notice is to remain as previously published.

No. MC 83745 (Sub-No. E1), filed June 4, 1974. Applicant: BOND TRANSPORT, INC., P.O. Box 548, Irwin, Pa. 15642. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15217. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight require specialized handling and rigging, restricted so that, or provided that, the loading and/or unloading which necessitates the specialized handling and rigging is performed by the consignor or consignee or both, between points in Westmoreland County, Pa., located within 25 miles of Pittsburgh, Pa., on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC 92983 (Sub-No. E22), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Avenue, P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) *Chemicals* (except petroleum and petroleum products, synthetic resins and varnish), in bulk, in tank vehicles, from Calvert City, Ky., to points in Minnesota located in and west of St. Louis, Carlton, Pine, Chisago, Washington, Dakota, Rice, Steele, and Freeborn Counties; (B) *Chemicals*, in bulk, in tank vehicles, (1) from Calvert City, Ky., to points in Idaho, Montana, North Dakota, South Dakota, and Wyoming, (2) from Calvert City, Ky., to points in Arizona, California, Nevada, New Mexico, Oregon, and Utah (3) from Calvert City, Ky., to points in Missouri located in and west of Cass, Jackson, Ray, Caldwell, Daviess, and Harrison Counties, (4) from Calvert City, Ky., to points in Kansas (except Chataqua, Montgomery, Labette, Cherokee, and Crawford Counties), (5) from Calvert City, Ky., to points in Oklahoma located in and west of Grant, Garfield, Kingfisher, Canadian, Caddo, Comanche, and Cotton Counties, (6) from Calvert City, Ky., to points in Nebraska and Colorado, (7) from Calvert City, Ky., to points in Iowa located in and west of Kassuth, Humboldt, Webster, Green, Guthrie, Adair, Union, and Ringgold Counties; (C) *Liquid chemicals*, in bulk, in tank vehicles, from Calvert City, Ky., to points in Texas located in, north, and west of Childress, Hall, Floyd, Lubbock, Terry, and Yoakum Counties; (D) *Chemicals*, in bulk, in tank vehicles, from Calvert City, Ky., to points in Washington.

(E) *Unprocessed fats*, in bulk, in tank vehicles, from points in Kentucky to points in Washington, Oregon, and Idaho; (F) *Cottonseed oil, soybean oil and blends thereof, cottonseed oil products and soybean oil products* (except soap products and paints), in bulk, in tank vehicles, (1) from points in Kentucky located in and east of Daviess, McLean, Muhlenberg, and Christian Counties to Evadale and Wilson, Ark., (2)

from points in Kentucky located in and east of Clinton, Wayne, Pulaski, Rock, Castle, Jackson, Owsley, Lee, Wolfe, Morgan, Elliott, Lawrence, and Boyd Counties to Carthage, Mo., (3) from points in Kentucky to Jackson, Miss., (4) from points in Kentucky located in and east of Hancock, Breckinridge, Grayson, Edmondson, Warren, and Simpson Counties and to Osceola, Ark., (5) from points in Kentucky to Dallas, Tex.; (G) *Vegetable oils and vegetable oil products* (except soap products and paint), in bulk, in tank vehicles, (1) from points in Kentucky to points in Louisiana located in and west of East Feliciana, East Baton Rouge, Iberville, Iberia, and St. Mary Parishes, (2) from points in Kentucky (except McCreary, Whitley, Knox, Bell, and Harlan Counties), to points in Louisiana, (3) from points in Kentucky to points in Mississippi located in and west of Marshall, Lafayette, Yalobusha, Grenada, Carroll, Holmes, Madison, Hinds, Copiah, Lincoln, and Pike Counties (except Jackson County), (4) from points in Kentucky located in and north of Jefferson, Spencer, Anderson, Woodford, Fayette, Bourbon, Montgomery, Bath, Rowan, Elliott, and Lawrence Counties to points in Alabama located in Mobile and Baldwin Counties and to points in Mississippi located in, south, and west of Marshall, Lafayette, Calhoun, Webster, Oktibbeha, Winston, Neshoba, and Lauderdale Counties (except those points in Mississippi described in (2) above); (H) *Vinegar*, in bulk, in tank vehicles, from points in Kentucky located in and east of Mason, Robertson, Nicholas, Bourbon, Fayette, Jessamine, Garrard, Lincoln, Casey, Russell, and Clinton Counties and to points in Arkansas.

(I) *Liquid caustic soda and liquid caustic potash*, in bulk, in tank vehicles, (1) from Calvert City, Ky., to points in Iowa located in and north of Clinton, Jones, Delaware, Buchanan, Black Hawk, Grundy, Hardin, Hamilton, Webster, Calhoun, Sac, Ida, and Woodbury Counties, (2) from Calvert City, Ky., to points in Minnesota, (3) from Calvert City, Ky., to points in Wisconsin, and (4) from Calvert City, Ky., to points in Michigan; (J) *Alcoholic spirits* (except beverages), in bulk, in tank vehicles, (1) from points in Kentucky (except Ashland, Catlettsburg, Latonia, and Louisville and within 10 miles thereof) to points in North Dakota, (2) from points in Kentucky (except Ashland, Catlettsburg, Latonia, and Louisville and 10 miles thereof, to points in South Dakota (3) from Ashland, Catlettsburg, Latonia, and Louisville, Ky., and points within 10 miles thereof to points in Oklahoma, (4) from Ashland, Catlettsburg, Latonia, and Louisville, Ky., and points within 10 miles thereof to points in Wisconsin located in and west of Ashland, Sawyer, Rusk, Chippewa, Eau Claire, Trempealeau, La Crosse, Vernon, Crawford, and Grant Counties, (6) from Ashland and Catlettsburg, Ky., and points within

10 miles thereof, to points in Arkansas located in Benton, Washington, Crawford, Sebastian, Scott, Polk, and Sevier Counties, (7) from Latonia, Ky., and points within 10 miles thereof, to points in Arkansas located in and west of Boone, Newton, Pope, Yell, Montgomery, Howard, and Little River Counties, (8) from Louisville, Ky., and points within 10 miles thereof, to points in Arkansas located in Benton, Washington, Crawford, and Sebastian Counties, (9) from Ashland, Catlettsburg, Latonia, and Louisville, Ky., and points within 10 miles thereof, to points in Michigan located in Keweenaw, Houghton, Ontonagon, and Gogebic Counties, (10) from Ashland, Catlettsburg, and Latonia, Ky., and points within ten miles thereof, to points in Texas (except Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, and Montgomery Counties), (11) from Ashland, Catlettsburg, Latonia, and Louisville, Ky., and points within 10 miles thereof, to points in South Dakota, (12) from Louisville, Ky., and points within 10 miles thereof to points in Texas (except Bowie, Cass, Marion, Panola, Shelby, Sabine, Newton, Orange, Jefferson, Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, and Montgomery Counties); (K) *Acids and chemicals*, in bulk, in tank vehicles, from points in Kentucky located in and north of Jefferson, Shelby, Franklin, Scott, Bourbon, Bath, Rowan, Carter, and Boyd Counties, to Dallas, Tex.

(L) *Acids and chemicals* (except derivatives of petroleum or petroleum products), in bulk, in tank or hopper vehicles, (1) from points in Kentucky located in and east of Meade, Hardin, Larrue, Green, Adair, Russell, and Wayne Counties to points in Minnesota located on and west of a line extending from the Minnesota-Iowa State line along U.S. Highway 59 to junction Minnesota Highway 68, thence along Minnesota Highway 68 to the Minnesota-South Dakota State line, (2) from points in Kentucky located in Breckenridge, Grayson, Hart, Metcalfe, Cumberland, Clinton, Monroe, Allen, Barren, Edmonson, Warren, Butler, Muhlenberg, Ohio, Hancock, Daviess, McLean, Hopkins, Webster, Henderson, Union, and Crittenden Counties to points in Minnesota located in and west of Faribault, Blue Earth, Nicollet, Sibley, McLeod, Meeker, Stearns, Morrison, Crow Wing, Cass, Beltrami, and Lake of the Woods Counties, (3) from points in Kentucky located in and west of Simpson, Logan, Todd, Christian, Caldwell, Lyon, and Livingston Counties to points in Minnesota located on and west and north of a line extending from the Minnesota-Iowa State line along Interstate Highway 35 to junction Minnesota Highway 73, thence along Minnesota Highway 73 to junction Minnesota Highway 1, thence along Minnesota Highway 1 to the Baptism River, thence along the Baptism River to Lake Superior; (M) *Acids and chemicals*, in bulk, (1) from points in Kentucky (except Calvert City) to points in Idaho, Montana, North Dakota, South Dakota, and Wyoming, (2) from points in Kentucky (except Calvert City) to points in Arizona, California, Nevada, New Mexico, Oregon, and Utah.

(N) *Acids and chemicals*, in bulk, in tank or hopper vehicles, (1) from points in Kentucky located in, south, and west of Henderson, McLean, Ohio, Grayson, Hart, Green, Taylor, Casey, Pulaski, Laurel, Clay, Leslie, and Harlan Counties (except Calvert City) to points in Oklahoma located on and west of a line extending from the Oklahoma-Kansas State line along Interstate Highway 35 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Oklahoma Highway 51, thence along Oklahoma Highway 51 to junction Oklahoma Highway 8, thence along Oklahoma Highway 33, thence along Oklahoma Highway 33 to junction U.S. Highway 183, thence along U.S. Highway 183 to the Oklahoma-Texas State line, (2) from points in Kentucky located in and north of Daviess, Hancock, Breckenridge, Hardin, Larue, Marion, Boyle, Lincoln, Rock Castle, Jackson, Owsley, Perry, and Letcher Counties to points in Oklahoma located on and west of U.S. Highway 69, (3) from points in Kentucky located in and west of Bullitt, Nelson, Marion, Casey, Pulaski, McCreary, and Whitley Counties (except Calvert City), to points in Colorado, points in Kansas located on, north, and west of a line extending from the Kansas-Oklahoma State line along U.S. Highway 77 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction Kansas Highway 99, thence along Kansas Highway 99 to junction Kansas Highway 96, thence along Kansas Highway 96 to junction Kansas Highway 39, thence along Kansas Highway 39 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. 54, thence along U.S. Highway 54 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Kansas Highway 52, thence along Kansas Highway 52 to the Kansas-Missouri State line and points in Missouri located in Cass, Jackson, Clay, Platte, Buchanan, Clinton, DeKalb, Andrew, Holt, Nodaway, and Atchison Counties, (4) from points in Kentucky located in, east, and north of Jefferson, Spencer, Washington, Boyle, Lincoln, Rock Castle, Laurel, Knox, and Bell Counties to points in Colorado, Kansas, and points in Missouri located on and west of a line extending from the Missouri-Oklahoma State line along Interstate Highway 44 to junction U.S. Highway 71, thence along U.S. Highway 71 to the southern boundary of Cass County, thence along the southern and eastern boundaries of Cass County and eastern boundaries of Jackson, Clay, Clinton, DeKalb, Andrew, and Nodaway Counties to the Missouri-Iowa State line, (5) from points in Kentucky located in and north of Breckenridge, Hardin, Nelson, Washington, Mercer, Jessamine, Madison, Estill, Powell, Wolfe, Morgan, and Lawrence Counties to points in Iowa located in Fremont, Page, Montgomery, Mills, Pottawattamie, Harrison, Monona, Woodbury, Plymouth, Sioux, and Lyon Counties, and points in Nebraska, (6) from points in Kentucky located in, south, and west of Hancock, Ohio, Gray-

son, Larue, Marion, Boyle, Garrard, Rock Castle, Jackson, Lee, Breathitt, Magoffin, Johnson, and Martin Counties to points in Iowa located on and west of a line extending from the Iowa-Missouri State line along U.S. Highway 69 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Iowa Highway 92, thence along Iowa Highway 92 to junction U.S. Highway 169, thence along U.S. Highway 169 to the Iowa-Minnesota State line and points in Nebraska.

(O) *Acids and liquid chemicals* (except those derived from petroleum and petroleum products), in bulk, in tank vehicles, (1) from points in Kentucky located in, south, and west of Henderson, McLean, Ohio, Grayson, Hart, Green, Adair, Russell, Wayne, McCreary, Whitley, Knox, Bell, and Harlan Counties (except Calvert City), to points in Texas located in, north, and west of Wheeler, Donley, Briscoe, Swisher, Hale, Hockley, Yoakum, and El Paso Counties, (2) from points in Kentucky located in and bounded by Daviess, Hancock, Breckenridge, Meade, Hardin, Bullitt, Spencer, Anderson, Woodford, Fayette, Clark, Montgomery, Menifee, Morgan, Elliott, Lawrence, Martin, Pike, Letcher, Perry, Leslie, Clay, Laurel, Pulaski, Casey, Taylor, and Larue Counties to points in Texas located in and west of Wichita, Archer, Throckmorton, Haskell, Jones, Taylor, Runnels, Tom Green, Schleicher, Sutton, and Val Verde Counties, (3) from points in Kentucky located north of Jefferson, Shelby, Franklin, Scott, Bourbon, Bath, Rowan, Carter, and Boyd Counties to points in Texas located in and west of Grayson, Denton, Tarrant, Johnson, Bosque, Coryell, Lampasas, Burnet, Blanco, Kendall, Bexar, Atascosa, Live Oak, Jim Wells, and Nueces Counties; (P) *Liquid chemicals*, in bulk, in tank or hopper vehicles, from points in Kentucky located in and north of Jefferson, Shelby, Franklin, Scott, Bourbon, Bath, Rowan, Carter, and Boyd Counties to points in Texas located in and north and west of Childress, Cottle, Dickens, Kent, Scurry, Mitchell, Howard, Glasscock, Reagan, Upton, Pecos, and Terrell Counties; and (Q) *Acids and chemicals*, in bulk, from points in Kentucky (except Calvert city), to points in Washington. The purpose of this filing is to eliminate the gateways of: (A) Kansas City, Mo.; (B) (1) Kansas City, Kans.; (B) (2) Kansas City, Mo.; (B) (3) Olathe, Kans. (a point in the Kansas City, Mo.-Kans. commercial zone); (C) Olathe, Kans. (a point in the Kansas City, Mo.-Kans. commercial zone); and Lawrence, Kans.; (D) Kansas City, Mo.; (E) Champaign, Ill.; Dubuque, Iowa, and Kansas; (F) (1) (3)-(5) Memphis, Tenn.; (F) (2) Memphis, Tenn., and Evadale, Ark.; (G) & (H) Memphis, Tenn.; (I) (1) Chicago, Ill.; (I) (2) points in Illinois within the Muscatine, Iowa, commercial zone; (I) (3) Utica, Ill.; (I) (4) plantsite of Blockson Chemical Co., at or near Joliet, Ill.; (J) (1) (4) & (5) Muscatine, Iowa, and points within ten miles thereof; (J) (2) & (11) Windham, Iowa, and points within 15 miles

thereof; (J) (3), (6) & (8) Saginaw, Mo., and points within 15 miles thereof; (J) (9) plantsite of Hawkeye Chemical Co., at or near Clinton, Iowa; (J) (10) & (12) Springfield, Mo.; (K), (L) points in the Kansas City, Kans.-Kansas City, Mo., commercial zone (a point formerly known as Turner, Kans.); (M) (1) Kansas City, Kans. (a point formerly known as Turner, Kans.); (M) (21) points in the Kansas City, Kans.-Kansas City, Mo., commercial zone (a point formerly known as Turner, Kans.); (N) those points that are in both the Olathe, Kans., and Kansas City, Kans., commercial zones (a point formerly known as Turner, Kans.); (O) those points that are in both the Olathe, Kans., and Kansas City, Kansas, commercial zones (a point formerly known as Turner, Kans.), and Lawrence, Kans.; (P) those points that are in both the Olathe, Kans., and Kansas City, Kans., commercial zone (a point formerly known as Turner, Kans., and Springfield, Mo.); and (Q) Kansas City, Kans., Kansas City, Mo., commercial zone (a point formerly known as Turner, Kans.).

No. MC 108497 (Sub-No. E3); (correction), filed May 14, 1974, published in the FEDERAL REGISTER September 3, 1975. Applicant: PARKHILL TRUCK COMPANY, P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: T. M. Tallon (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which because of their size or weight requires the use of special equipment or handling, (2) *Parts* of commodities described in (1) above which do not require special equipment when moving in the same shipment or the same bill of lading from a single consignor as commodities described in (1) above, and (3) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to self-propelled articles, which are transported on trailers), between points in Kentucky, on the one hand, and, on the other, points in Colorado, New Mexico, Oregon, Washington, and Wyoming. The purpose of this filing is to eliminate the gateways of Indiana and Wyoming. The purpose of this correction is to correct the destination States above.

No. MC 108207 (Sub-No. E35), (Correction), filed May 19, 1974, published in the FEDERAL REGISTER December 12, 1974. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat by-products, and articles* distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209, 273, 766, *dairy products, frozen foods, salad dressing, yeast, uncooked bakery goods, fish, and prepared salads*, in vehicles

equipped with mechanical refrigeration, and (2) *foodstuffs*, in vehicles equipped with mechanical refrigeration (except those described in Paragraph (1) above, and alcoholic beverages and except canned foods from Paris, Tex.), when moving in mixed loads with one or more of the commodities described in Paragraph (1) above, from points in California to points in Arkansas, Ohio, Oklahoma, Kansas, Missouri, Illinois, Iowa, Michigan, Mississippi, Wisconsin, Indiana, Minnesota, and Nebraska. The purpose of this filing is to eliminate the gateways of points in Texas. The purpose of this correction is to correct the destination states above.

No. MC 108207 (Sub-No. E40) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER December 3, 1974. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats*, from points in California, New Mexico, Texas, and Arizona to Louisville, Ky., and Pittsburgh, Pa. The purpose of this filing is to eliminate the gateway of Mt. Pleasant, Tex. The purpose of this correction is to correct the gateway above.

No. MC 108207 (Sub-No. E51) (Correction), filed May 31, 1975, published in the FEDERAL REGISTER December 3, 1974. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and dairy products*, from Columbus Junction, Iowa, to points in New Mexico, Arizona, California, Texas, Louisiana, Mississippi, and Memphis, Tenn. The purpose of this filing is to eliminate the gateways of points in Texas, Oklahoma, and Arkansas. The purpose of this correction is to correct the gateway above.

No. MC 113459 (Sub-No. E119), (Correction), filed May 14, 1974, published in the FEDERAL REGISTER June 25, 1975. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, except in connection with main or trunk pipelines, and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, except in connection with main or trunk pipelines, between points in Nebraska, on the one

hand, and, on the other, Casper, Wyo., and those points in Wyoming on and east of a line beginning at the Colorado-Wyoming State line, and extending along U.S. Highway 287 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Wyoming Highway 59, thence along Wyoming Highway 59 to junction U.S. Highway 14, thence along U.S. Highway 14 through Moorcroft, Sundance, and Benlah, Wyo., to the Wyoming-South Dakota State line. The purpose of this filing is to eliminate the gateways of points in Nebraska west of U.S. Highway 83. The purpose of this correction is to correct the "E" number above, previously published as E113.

No. MC 114019 (Sub-No. E270), filed May 24, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles* distributed by packing-houses as described in Sections A and C of Appendix to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 and *equipment materials and supplies*, used in the conduct of such business, except liquid commodities in bulk, in tank vehicles, from the plant site of Momenck Pork Packers Co., at Momenck, Ill., to points in Maine, Vermont, New Hampshire, West Virginia, Maryland (except Baltimore), Delaware, points in that part of Pennsylvania on and north of U.S. Highway 22 from the Ohio-Pennsylvania State line to Nanty Glo, Pa., and on and east of U.S. Highway 219 from Nanty Glo to the Pennsylvania-Maryland State line, and points in that part of Ohio south of U.S. Highway 40. Restriction: The authority authorized above is restricted to the transportation only of shipments originating at the Momenck Pork Packers Company plant at Momenck, Ill. The purpose of this filing is to eliminate the gateway of Union City, Ohio.

No. MC 114019 (Sub-No. E286), filed May 24, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables*, from Elmira and Mt. Morris, N.Y., and from points in that part of New York on, north and west of a line beginning at Lake Erie, thence along U.S. Highway 20 to Lafayette, N.Y., thence along U.S. Highway 11 to Syracuse, N.Y., thence along New York Highway 57 to Lake Ontario, to points in Bath, Brearley, Boyd Garter, Elliott, Flemming, Floyd, Greenup, Johnson, Knott, Lawrence, Letcher, Lewis, Magoffin, Martin, Mason, Menifee, Morgan, Perry, Pike, Rowan, and Wolfe Counties, Kentucky. Restriction: Restricted to shipments moving from, to or between warehouses or other facilities

of retail food and household supply and furnishings business houses, in peddle service. The purpose of this filing is to eliminate the gateway of Huntington, W. Va.

No. MC 114019 (Sub-No. E326), filed May 16, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Darien, Wis., to points in that part of Virginia on and east of U.S. Highway 52. Restriction: The operations authorized which are restricted against interlining at Darien, Wis. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC 114019 (Sub-No. E378), filed May 22, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Massachusetts, to points in North Dakota and South Dakota and those in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateways of Chicago, Ill., and Darien, Wis.

No. MC 119777 (Sub-No. E91), (Correction), filed April 23, 1974. Published in the FEDERAL REGISTER September 29, 1975. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such guard-rail and component parts* as are embraced within building and excavating contractors' and mining materials and equipment, road building equipment and material, and such commodities which require special handling because of their size and weight (except machinery, materials, supplies, and equipment incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and incidental to, or used in connection with (a) the discovery, development, production, and preservation of natural gas and petroleum, (b) the construction, operation, repairs, servicing, dismantling, and maintenance of pipe lines and facilities for the storage of natural gas, gasoline, and petroleum, and (c) the dismantling and maintenance of plants and facilities for refining, recycling, processing, repressuring, and blending gasoline, natural gas, and petroleum) * * * (18) from points in Indiana on and west of a line beginning at the Indiana State line extending along U.S. Highway 40 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Kentucky-Indiana State line to points in Maine.

(47) From points in Kentucky bounded on the north by a line beginning at Henderson, Ky., thence along U.S. Highway 60 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction U.S. Highway 62, thence along U.S. Highway 62 to Elizabethtown, Ky., and bounded on the east by a line beginning at Elizabethtown, Ky., thence along U.S. Highway 31W to the Kentucky-Tennessee State line, and bounded on the south by the Kentucky-Tennessee State line, and bounded on the west by a line beginning at the Kentucky-Tennessee State line along U.S. Highway 41A, thence along U.S. Highway 41A to junction U.S. Highway 41, thence along U.S. Highway 41 to a terminus at Henderson, Ky., to points in Illinois west of a line beginning at Waukegan, Ill., thence along Illinois Highway 120 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Missouri State line; (110) from points in Tennessee on, north, and west of a line beginning at the Kentucky-Tennessee State line extending along Tennessee Highway 42 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Alabama-Tennessee State line to points in Maine; (120) from points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 641 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 45E, thence along U.S. Highway 45E to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Tennessee Highway 18, thence along Tennessee Highway 18 to the Tennessee-Mississippi State line to points in Ohio; (123) from points in Tennessee on and west of U.S. Highway 231 to points in Rhode Island.

(124) From Dyersburg, Tennessee; (132) from points in West Virginia on and south of a line beginning at Williamson, W. Va., thence along U.S. Highway 119 to junction West Virginia Highway 10, thence along West Virginia Highway 16 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to the West Virginia-Virginia State line to points in Iowa. The purpose of this filing is to eliminate the gateways of that part of Kentucky on and west of a line beginning at Louisville, Ky., and extending along U.S. Highway 31E to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction Kentucky Highway 470 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line, and Evansville, Ind. The purpose of this partial correction is to reflect the correct

destinations and typographical errors. The remainder of the letter-notice is to remain as previously published.

No. MC 119777 (Sub-No. E115), (Correction), filed May 15, 1974, published in the FEDERAL REGISTER October 10, 1975. Applicant: LIGON SPECIALIZED HAULER, P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Truck bodies and parts thereof*, when moving in connection with truck bodies; (7) between Ohio, on the one hand, and, on the other, Arizona, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Texas, Utah, and Wyoming; (11-12) * * * thence north on U.S. Highway 7 to the junction of Massachusetts Highway 9, thence northeast on Massachusetts Highway 9 to the junction of Massachusetts Highway 8, thence north on Massachusetts Highway 8 to the Massachusetts-Vermont State line; (11-19b) between points in Indiana on, north, and west of a line commencing at the Illinois-Indiana State line on Indiana Highway 64, thence east on Indiana Highway 64 to the junction of Indiana Highway 65, thence northeast on Indiana Highway 65 to the junction of Indiana Highway 56, thence east on Indiana Highway 56 to the junction of Indiana Highway 57, thence northeast on Indiana Highway 57 to the junction of Indiana Highway 54, thence east on Indiana Highway 54 to the junction of Indiana Highway 45, thence northeast on Indiana Highway 45 to the junction of Indiana Highway 37, thence north on Indiana Highway 37 to the junction of Interstate Highway 465, * * * (11-24a) between Vincennes, Ind., and points in Indiana on, west, and north of a line commencing at the Michigan-Indiana State line on U.S. Highway 31, thence south on U.S. Highway 31 to the junction of Indiana Highway 22, thence west on Indiana Highway 22 to the junction of Indiana Highway 29, thence south on Indiana Highway 29 to the junction of U.S. Highway 421, thence west on U.S. Highway 421 to the junction of Indiana Highway 39, * * *.

(12-2a) Between points in Iowa on and east of a line commencing at the Minnesota-Iowa State line on Iowa Highway 76, thence south on Iowa Highway 76 to the junction of U.S. Highway 18, thence west on U.S. Highway 18 to the junction of U.S. Highway 52, thence south on U.S. Highway 52 to the junction of U.S. Highway 20, thence east on U.S. Highway 20 to the Iowa-Illinois State line, on the one hand, and, on the other, points in Arkansas on, south, and east of a line beginning at the Arkansas-Texas State line extending along Interstate Highway 30 to the junction of U.S. Highway 70, * * * (13-10b) between points in Kentucky on and west of a line commencing at Kosmosdale, Ky., thence south on U.S. Highway 31W to the junction of Kentucky Highway 90, thence south on Kentucky Highway 90 to the junction of U.S.

Highway 31E, thence south on U.S. Highway 31E to the Kentucky-Tennessee State line, on the one hand, and, on the other, points in Massachusetts on and east of a line commencing at the New Hampshire-Massachusetts State line on Massachusetts Highway 38, thence south on Massachusetts Highway 38 to the junction of U.S. Highway 3, thence south on U.S. Highway 3 to the junction of Massachusetts Highway 128, thence south on Massachusetts Highway 128 to the junction of Massachusetts Highway 24, thence south on Massachusetts Highway 24 to the Massachusetts-Rhode Island State line; (13-14) between points in Kentucky on and west of a line commencing at the Kentucky-Tennessee State line on U.S. Highway 31W, thence northeast on U.S. Highway 31W to the junction of U.S. Highway 231, thence northwest on U.S. Highway 231 to the junction of Kentucky Highway 69, thence north on Kentucky Highway 69 to the junction of U.S. Highway 60, thence west on U.S. Highway 60 to the terminus at Hawesville, Ky., on the one hand, and, on the other, points in New Jersey; (13-21a) between points in Kentucky on and east of a line commencing at the Indiana-Kentucky State line on U.S. Highway 41, thence south on U.S. Highway 41 to the junction of Kentucky Highway 80, thence east on Kentucky Highway 80 to the junction of U.S. Highway 431, thence south on U.S. Highway 431 to the Kentucky-Tennessee State line, on the one hand, and, on the other, El Paso, Tex., and points in Texas on and west of a line commencing at the Texas-New Mexico State line on U.S. Highway 87, thence south on U.S. Highway 87 to the junction of U.S. Highway 60, thence southwest on U.S. Highway 60 to the junction of Texas Highway 214, thence south on Texas Highway 214 to the junction of Texas Highway 125, thence west on Texas Highway 125 to the Texas-New Mexico State line.

(14-3b) Between points in Upper Peninsula of Michigan on and west of a line commencing at Marquette, Mich., thence south on U.S. Highway 41 to the terminus of Escanaba, Mich., on the one hand, and, on the other, points in Connecticut on and southeast of a line beginning at New Haven extending along Interstate Highway 95 to junction of Connecticut Highway 12, thence north on Connecticut Highway 12 to the Connecticut-Massachusetts State line; (15-9b) between points in Minnesota on and east of a line beginning at Duluth, Minn., thence along U.S. Highway 53 to its terminus at International Falls, Minn., on the one hand, and, on the other, points in Texas on and south of a line beginning at Del Rio, Tex., thence along U.S. Highway 90 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Texas Highway 21, thence along Texas Highway 21 to junction U.S. Highway 287, thence along Texas Highway 287 to junction Texas Highway 155, thence along Texas Highway 155 to junction U.S. Highway 259, thence along U.S. Highway

259 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Texas-Arkansas State line; (16-1) between points in Missouri on and north of a line beginning at the Missouri-Illinois State line extending along U.S. Highway 36 to the Missouri-Kansas State line, on the one hand, and, on the other, points in Alabama on and north of a line beginning at the Alabama-Tennessee State line, thence along Interstate Highway 65 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Alabama Highway 25, thence along Alabama Highway 25 to junction Alabama Highway 5, thence along Alabama Highway 5 to junction Alabama Highway 28, thence along Alabama Highway 28 to junction Alabama Highway 45, thence along Alabama Highway 45 to junction Alabama Highway 83, thence along Alabama Highway 83 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Alabama Highway 21, thence along Alabama Highway 21 to the Florida-Alabama State line; (16-11a) between St. Louis, Mo., on the one hand, and, on the other, points in New Mexico on, west, and south of a line beginning at the Arizona-New Mexico State line extending along Interstate Highway 10 to junction U.S. Highway 80, thence along U.S. Highway 80 to the New Mexico-Arizona State line.

(17-3a) Between Youngstown, Ohio, and points in Ohio on, north, and west of a line beginning at the Ohio-Indiana State line extending along U.S. Highway 36 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction Ohio Highway 47, thence along Ohio Highway 47 to junction Ohio Highway 739, thence along Ohio Highway 739 to junction Ohio Highway 4, thence along Ohio Highway 4 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction U.S. Highway 42, thence along U.S. Highway 42 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Ohio-Pennsylvania State line, on the one hand, and, on the other, points in Florida on and west of a line beginning at the Florida-Alabama State line extending along U.S. Highway 231 to its terminus at Panama City, Fla.; (17-4a) between points in Ohio on and west of a line beginning at Toledo, Ohio, thence along U.S. Highway 25 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Ohio Highway 29, thence along Ohio Highway 29 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction Ohio Highway 47, thence along Ohio Highway 47 to a terminus of Union City, Ohio, on the Indiana-Ohio State line, and points in Ohio on, west, and north of a line beginning at Lake Erie at junction Ohio Highway 531 and Ohio Highway 11, thence along Ohio Highway 11 to junction U.S. Highway 20 (at Ashtabula, Ohio), thence along U.S. Highway 20 to the Ohio-Penn-

sylvania State line, on the one hand, and, on the other, points in Georgia on and southwest of a line beginning at the Florida-Georgia State line extending along U.S. Highway 27 to Bainbridge, Ga., thence along Georgia Highway 253 to its terminus; (17-4b) between Toledo, Ohio, on the one hand, and, on the other, points in Georgia on and south of a line beginning at Columbus, Ga., thence along U.S. Highway 280 to junction U.S. Highway 341, thence along U.S. Highway 341 to the terminus of Brunswick, Ga.

(17-8) Between points in Ohio on, south, and east of a line beginning at the Indiana-Ohio State line extending along U.S. Highway 24 to the Ohio-Michigan State line, on the one hand, and, on the other, points in South Dakota on and west of a line beginning at the North Dakota-South Dakota State line extending along South Dakota Highway 45 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 281 (at Aberdeen, S. Dak.), thence along U.S. Highway 281 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction South Dakota Highway 37, thence along South Dakota Highway 37 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Nebraska-South Dakota State line; (18-10a) between points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 31W to junction U.S. Highway 41A, thence along U.S. Highway 41A to junction U.S. Highway 231, thence along U.S. Highway 231 to the Alabama-Tennessee State line, on the one hand, and, on the other, points in Massachusetts; (18-11a) between points in Tennessee, on the one hand, and, on the other, points in Nebraska on and north of a line beginning at the Nebraska-South Dakota State line extending along U.S. Highway 83 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Nebraska Highway 87, thence along Nebraska Highway 87 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Nebraska-Wyoming State line; (18-21) between El Paso and Amarillo, Tex., on the one hand, and, on the other, points in Tennessee on and northeast of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 41A to junction Tennessee Highway 76, thence along Tennessee Highway 76 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Tennessee Highway 52, thence along Tennessee Highway 52 to junction Tennessee Highway 151, thence along Tennessee Highway 151 to junction Tennessee Highway 56, thence along Tennessee Highway 56 to junction Tennessee Highway 85, thence along Tennessee Highway 85 to junction Tennessee Highway 135, thence along Tennessee Highway 135 to junction U.S. Highway 70N, thence along U.S. Highway 70N to junction U.S. Highway

70, thence along U.S. Highway 70 to junction Tennessee Highway 58, thence along Tennessee Highway 58 to junction Tennessee Highway 68, thence along Tennessee Highway 68 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Tennessee Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 411, thence along U.S. Highway 411 to the Tennessee-Georgia State line.

(19-5c) Between points in West Virginia on and north of a line beginning at Henderson, W. Va., thence along U.S. Highway 35 to junction Interstate Highway 64, thence along Interstate Highway 64 to junction West Virginia Highway 4, thence along West Virginia Highway 4 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction West Virginia Highway 28, thence along West Virginia Highway 28 to junction West Virginia Highway 42, thence along West Virginia Highway 42 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction West Virginia Highway 55, thence along West Virginia Highway 55 to the West Virginia-Virginia State line, on the one hand, and, on the other, Natchez, Miss.; and (20-1) between points in Wisconsin on and east of a line beginning at the Michigan-Wisconsin State line extending along U.S. Highway 45 to junction Wisconsin Highway 17, thence along Wisconsin Highway 17 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Wisconsin Highway 54, thence along Wisconsin Highway 54 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Wisconsin Highway 78, thence along Wisconsin Highway 78 to the Illinois-Wisconsin State line, on the one hand, and, on the other, points in Arizona. The purpose of this filing is to eliminate the gateway of Paris, Ill. The purpose of this partial correction is to correct the territorial descriptions. The remainder of this letter-notice remains as previously published.

No. MC 119777 (Sub-No. E240), (Correction), filed January 29, 1975, published in the FEDERAL REGISTER September 29, 1975. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) Treated lumber; (1) from points in Bradley, Ashley, Drew, Pulaski, Cleveland, Dallas, Ouachita, Calhoun, and Union Counties, Ark., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin; (3) from points in Dallas, Cleveland, Union, Calhoun, and Ouachita Counties, Ark., to

Helena, Ark., and points in Mississippi County, Ark., on and east of a line beginning at Osceola extending along U.S. Highway 61 to the Arkansas-Missouri State line. The purpose of this filing is to eliminate the gateways of Mississippi. The purpose of this partial correction is to correct a typographical error. The remainder of this letter-notice remains as previously published.

No. MC 119908 (Sub-No. E10), filed June 4, 1974. Applicant: WESTERN LINES, INC., P.O. Box 1145, Houston, Tex. 77001. Applicant's representative: Thomas F. Sedberry, Suite 1102 Perry-Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Rough and Dressed Lumber*, from points in Arkansas bordered by a line beginning at El Dorado, Ark., and extending along U.S. Highway 167 to Little Rock, Arkansas, thence along U.S. Highway 70 to Memphis, Arkansas, thence along U.S. Highway 70 to junction U.S. Highway 79, thence along U.S. Highway 79 to Pine Bluff, Arkansas, and thence along Arkansas Highway 15 to El Dorado, Arkansas, to points in Louisiana south and west of a line beginning at the Louisiana-Texas State line and extending along U.S. Highway 80 to junction U.S. Highway 167, thence along U.S. Highway 167 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of Arcadia, La.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 75-32748 Filed 12-3-75; 8:45 am]

[Notice 132]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

DECEMBER 4, 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 24, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75981. By order of November 26, 1975 the Motor Carrier Board approved the transfer to L. G. J. Trucking, Inc., Port Gibson, N.Y., of the operating rights in Certificates Nos. MC 119539 and MC 119539 (Sub-No. 17) issued April 7, 1960, and September 9, 1974,

respectively, to Beverage Transport, Inc., Port Gibson, N.Y., authorizing the transportation of malt beverages, from Newark, N.J., to Auburn, Buffalo, Geneva, Hornell, Olean, Rochester, and Waterloo, N.Y.; malt beverages, in containers, from Newark, N.J., to Botavia, Canandaigua, Lakeville, Niagara Falls, and West Falls, N.Y.; and foodstuffs, except frozen foods and commodities in bulk, in tank vehicles, from Egypt, Rushville, Red Creek, and Waterloo, N.Y., to points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, N.J., restricted against transportation from Egypt, Rushville, and Red Creek, to Newark and Harrison, N.J., and from Waterloo, N.Y., to New York, N.Y., and to points in Westchester, Nassau, and Suffolk Counties, N.Y. Norman M. Pinsky, 345 South Warren Street, Syracuse, N.Y. 13202, attorney for applicants.

No. MC-FC-75990. By order of November 26, 1975 the Motor Carrier Board approved the transfer to Lyn Transport, Inc., South Kearny, N.J., of the operating rights in Certificates No. MC 119539 (Sub-Nos. 5, 10, and 16), issued January 15, 1968, February 18, 1971, and November 6, 1972, respectively, to Beverage Transport, Inc., Port Gibson, N.Y., authorizing the transportation of foodstuffs, except frozen foods and commodities in bulk, between New York, N.Y., and points in Westchester, Nassau, and Suffolk Counties, N.Y., on the one hand, and, on the other, points in Genesee, Erie, Livingston, Monroe, Orleans, Wayne, Ontario, Niagara, and Yates Counties, N.Y.; and between points in Genesee, Erie, Livingston, Monroe, Orleans, Wayne, Ontario, Niagara, and Yates Counties, N.Y., on the one hand, and, on the other, Newark and Harrison, N.J., and points within 3 miles of Harrison; and Canned goods, from points in Erie, Genesee, Livingston, Monroe, Niagara, Onondaga, Ontario, Orleans, Seneca, Wayne, and Yates Counties, N.Y., to points in Connecticut, Maine, Vermont, Massachusetts, New Hampshire, and Rhode Island. A David Millner, 744 Broad Street, Newark, N.J. 07102, attorney for applicants.

No. MC-FC-76187. By order entered November 26, 1975 the Motor Carrier Board approved the transfer to Pacific States Transport, Inc., Seattle, Wash., of the operating rights set forth in Certificates Nos. MC 125433 (Sub-No. 15), MC 125433 (Sub-No. 45), MC 125433 (Sub-No. 48), MC 125433 (Sub-No. 49) and MC 125433 (Sub-No. 51G), issued December 30, 1970, February 11, 1975, October 17, 1974, October 4, 1974, and July 11, 1975, respectively, and certain portions of the operating rights set forth in Certificates Nos. MC 125433 (Sub-No. 24), MC 125433 (Sub-No. 39), MC 125433 (Sub-No. 48), MC 125433 (Sub-No. 49) and MC 125433 (Sub-No. 43), issued January 10, 1972, April 20, 1973, January 8, 1975, February 22, 1974, and June 3, 1974, respectively, to F-B Truck Line Company, a corporation, Salt Lake City, Utah, authorizing the transportation of various specified commodities, from, to,

and between points in California, Oregon, and Washington. F. Robert Reeder, 79 South State St., P.O. Box 11898, Salt Lake City, Utah 84147, attorney for applicants.

No. MC-FC-76203. By order of November 26, 1975 the Motor Carrier Board approved the transfer to Iredell Milk Transportation, Inc., Mooresville, N.C., of the operating rights in Permits No. MC 133700 (Sub-No. 3) and MC 133700 (Sub-No. 5) issued December 3, 1970 and February 18, 1972 respectively to Duckett Transfer Company, Inc., Asheville, N.C., authorizing the transportation of orange juice, in bulk, in tank vehicles, from Lake Wales, Dunedin, and Brooksville, Fla. to Asheville, N.C. George W. Clapp, P.O. Box 836, Taylors, S.C., 29687, representative for applicants.

[SEAL] ROBERT W. OSWALD,
Secretary.

[FR Doc. 75-32746 Filed 12-3-75; 8:45 am]

[Notice 96]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

NOVEMBER 28, 1975.

The following applications are governed by Special Rule 1100 247¹ of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

¹ Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Section 247(f) (as amended, 49 FR 37215) published in the FEDERAL REGISTER issue of August 26, 1975, effective September 15, 1975, further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.*

Evidence respecting how equipment is expected to be returned to an origin point, as well as other data relating to operational feasibility (including the need for dead-head operations), must be presented as part of an applicant's initial evidentiary presentation (either at oral hearing or in its opening verified statement under the modified procedure) with respect to all applications filed on or after December 1, 1973.

If an applicant states in its initial evidentiary presentation that empty or partially empty vehicle movements will result upon a grant of its application, applicant will be expected (1) to specify the extent of such empty operations, by mileages and the number of vehicles, that would be incurred; and (2) to designate where such empty vehicle operations will be conducted.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 263 (Sub-No. 221), filed November 6, 1975. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, Idaho 83201. Applicant's representative: Wayne S. Green (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products* (except in bulk), from the plantsite and storage facilities of Pepperidge Farm, Inc., at or near Clearfield, Ogden, and Richmond, Utah, to Omaha, Nebr.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah or Washington, D.C.

No. MC 5470 (Sub-No. 104), filed November 5, 1975. Applicant: TAJON, INC., R.D. 5, Mercer, Pa. 16137. Applicant's representative: Don Cross, 700 World Center Building, 918 Sixteenth St. NW.,

Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alloys and silicon metals*, in dump vehicles, from Mount Meigs, Ala., to points in Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin and (2) *materials and supplies* used in the manufacture of alloys and silicon metals, in dump vehicles, from points in Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, to Mount Meigs, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Pittsburgh, Pa.

No. MC 29886 (Sub-No. 328), filed November 5, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46619. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers and equalizers* for air, gas or liquids; *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas or liquids; and (2) *par s, materials, equipment and supplies* used in the manufacture, distribution, installation or operation of those items named in (1) above (except in bulk), between points in Monroe, Randolph, Perry, and St. Clair Counties, Ill., on and south of State Highways 177 and 158, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to shipments originating at or destined to the plantsite and warehouse facilities of the Singer Company, located at Monroe, Randolph, Perry, and St. Clair Counties, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 30446 (Sub-No. 9), filed Nov. 7, 1975. Applicant: BRUCE JOHNSON TRUCKING COMPANY, INC., 3408 North Graham Street, Charlotte, N.C. 28225. Applicant's representative: Charles Ephraim, 1250 Connecticut Ave. NW., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe and fittings*, from Bakers, and Charlotte, N.C., to points in Georgia; and (2) *cast iron pipe and fittings*, from Charlotte, N.C., to points in Georgia, located south and west of a line beginning at Savan-

nah, Ga., and extending along U.S. Highway 80 to Macon, Ga., thence along U.S. Highway 129 to Athens, Ga., and thence along U.S. Highway 29 to the Georgia-South Carolina State line.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Washington, D.C.

No. MC 30844 (Sub-No. 559), filed October 24, 1975. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50702. Applicant's representative: Larry Strickler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and warehouse facilities of Jeno's, Inc., at or near Sodus, Mich., to points in Arkansas, Colorado, Iowa, Kansas, Missouri, Nebraska, Oklahoma, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 43246 (Sub-No. 23), filed November 5, 1975. Applicant: BUSKE LINES, INC., 123 W. Tyler Avenue, Litchfield, Ill. 62056. Applicant's representative: Harold Buske (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers*, from Neosho, Mo., to Litchfield, Ill., under a continuing contract or contracts with Milnot Company.

NOTE.—Applicant holds common carrier authority in MC 15975 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 49387 (Sub-No. 45), filed November 7, 1975. Applicant: ORSCHELN BROS. TRUCK LINES, INC., P.O. Box 658, Highway 24 East, Moberly, Mo. 65270. Applicant's representative: John E. Burruss, Jr., Central Trust Bldg., P.O. Box 1069, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk and household goods), between Wainwright, Tebbetts, Mokane, Steedman, Portland, Rhineland, Readsville, and Reform, Mo., and the facilities of Union Electric Company at or near Reform, Mo., on the one hand, and, on the other, applicants presently authorized regular route operations: (1) From Jefferson City, Mo., over Missouri State Highway 94 to its junction with Missouri State Highway 19; thence over Missouri State Highway 19 to its junction with Interstate Highway 70; (2) from the junction of Interstate Highway 70 and Callaway County, Mo., Route D, thence over Route D to its junction with Missouri State Highway 94; (3) from Reform, Mo., over Callaway County Route CC to its junction with Missouri State Highway 94; (4) from Mokane, Mo., over Callaway County Route C to

its junction with U.S. Highway 54; (5) from Reform, Mo., over Callaway County Route CC to its junction with Callaway County Route O, thence over Route O to its junction with Callaway County K, thence over Callaway and Montgomery County Route K to its junction with Missouri State Highway 19; and (6) from the junction of Routes CC and O, thence over Route O to its junction with U.S. Highway 54 at Fulton, Mo., and return over the same routes with authority to operate over said routes and all presently authorized routes in providing service between said points and the regular route points applicant is presently authorized to serve.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Jefferson City, St. Louis, or Kansas City, Mo.

No. MC 56641 (Sub-No. 5), filed October 31, 1975. Applicant: TORREY DELIVERY, INC., P.O. Box 508, Dunkirk, N.Y. 14048. Applicant's representative: E. Stephen Helsley, Suite 805, 666 Eleventh Street NW, Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over regular and irregular routes, transporting: (A) REGULAR ROUTE, General commodities (except commodities in bulk), Between Silver Creek, N.Y. and Buffalo, N.Y.: (1) From Silver Creek, N.Y., over New York Highway 5 to Buffalo, N.Y.; and (2) From Silver Creek, N.Y. over U.S. Highway 20 to the junction of New York Highway 75, thence over New York Highway 75 to the hamlet of Athol Springs (Erie County), N.Y., thence over New York Highway 5 to Buffalo, N.Y. and return over the same route, serving Lackawanna, Tonawanda, Farnham, Angola, Blasdell, Hamburg, Lancaster, Kenmore, Brant, Jerusalem Corners, Woodlawn, Derby, North Evans, Forestville, Sheridan, Smith Mills, and Iroquois, N.Y. as intermediate and off-route points; and (B) IRREGULAR ROUTE, (1) Between Buffalo, N.Y., on the one hand, and, on the other, Jamestown, N.Y., the hamlet of Chautauqua and Fredonia and Westfield, N.Y.; and (2) Between points in Erie and Cattaraugus Counties, N.Y.

NOTE.—By instant application, applicant seeks to convert its Certificate of Registration in MC 56641 (Sub-No. 3) to a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 58549 (Sub-No. 21), filed November 5, 1975. Applicant: CLINE MUNDY, doing business as, GENERAL MOTOR LINES, 1534 Granby Street NE, P.O. Box 5157, Roanoke, Va. 24012. Applicant's representative: Jerry D. Beard (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular and irregular routes, transporting: (A) REGULAR ROUTES, General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Warm

Springs, Va. and Monterey, Va.: From Warm Springs, Va. over U.S. Highway 220 to Monterey, Va. and return over the same route, serving all intermediate points; (2) Between Warm Springs, Va. and Monterey, Va.: From Warm Springs, Va. over Virginia Highway 39 to junction of Secondary Route 600 at or near Mountain Grove, Va., thence over Secondary Route 600 to junction Virginia Highway 84, thence over Virginia Highway 84 to junction U.S. Highway 220 at or near Vanderpool, Va., thence over U.S. Highway 220 to Monterey, Va. and return over the same routes, serving all intermediate points; (3) Between the junction of Virginia Highways 8 and 57 and Bassett, Va.: From junction of Virginia Highways 8 and 57 over Virginia Highway 57 to Bassett, Va. and return over the same routes, serving no intermediate points; (4) Between the junction of Virginia Highways 8 and 40 and Bassett, Va.: From junction of Virginia Highways 8 and 40 over Virginia Highway 40 to junction Secondary Route 704, thence over Secondary Route 704 to junction Virginia Highway 57, thence over Virginia Highway 57 to Bassett, Va. and return over the same routes, serving no intermediate points; (5) Between junction of Virginia Highway 8 and Secondary Highway 618 and Bassett, Va.: From junction of Virginia Highway 8 and Secondary Highway 618 over Secondary Highway 618 to junction Virginia Highway 57, thence over Virginia Highway 57 to Bassett, Va. and return over the same route, serving no intermediate points.

The authority specified in paragraphs (3), (4), and (5) is for convenience only in connection with applicant's existing authority in Sub-No. 11 at Bassett, Va. and Sub No. 20 at points on Virginia Highway 8; (B) IRREGULAR ROUTES, (1) Between Roanoke, Va., on the one hand, and, on the other, points in Botetourt County, Va.; and (2) Between Roanoke, Va., on the one hand, and, on the other, points in Rockbridge County, Va. on and west of a line extending from the Amherst-Rockbridge County line along U.S. Highway 60 to its intersection with Virginia Highway 39 at or near Lexington, Va., thence along Virginia Highway 39 to its intersection with Secondary Route 780, thence along Secondary Route 780 to its intersection with U.S. Highway 60, thence along U.S. Highway 60 to the Rockbridge-Allegany County line, restricted in (2) above against service at Goshen, Va.

NOTE.—Applicant states proposed authority sought herein will be tacked at Roanoke, Va. with irregular route authority in Sub No. 11 to provide a through service between points in Botetourt County, Va. and the designated area of Rockbridge County, Va., on the one hand, and, on the other, points in Allegany and Bath Counties, Va. If a hearing is deemed necessary, the applicant requests it be held at either Roanoke, Va., or Washington, D.C.

No. MC 59680 (Sub-No. 216), filed October 30, 1975. Applicant: STRICKLAND TRANSPORTATION CO., INC., 3011 Gulden Avenue, P.O. Box 5689, Dallas,

Tex. 75222. Applicant's representative: Oscar P. Peck (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) Between Effingham, Ill., and South Bend, Ind., in connection with carrier's presently authorized regular route operations, serving no intermediate points: From Effingham over Interstate Highway 57 to junction of U.S. Highway 30, thence over U.S. Highway 30 to junction of Illinois Highway 394, thence over Illinois Highway 394 to the junction of Interstate Highway 94, thence over Interstate Highway 94 to the junction of U.S. Highways 20 and 35, thence over U.S. Highway 20 to the junction of Indiana Highway 2, thence over Indiana Highway 2 to South Bend, and return over the same route; (2) Between the site of the terminal of Strickland Transportation Co., Inc. at Richfield, Ohio and junction of U.S. Highway 23 and Interstate Highway 94 in connection with carrier's otherwise authorized operations, serving no intermediate points: From Richfield over Interstate Highway 271 to the junction of Interstate Highway 71, thence over Interstate 71 to the junction of Ohio Highway 18, thence over Ohio Highway 18 to the junction of U.S. Highway 20, thence over U.S. Highway 20 to the junction of U.S. Highway 23, thence over U.S. Highway 23 to the junction of Interstate Highway 94, and return over the same route.

(3) Between the site of the terminal of Strickland Transportation Co., Inc. at Richfield, Ohio and the junction of Interstate Highway 75 and Interstate Highway 94, in connection with carrier's otherwise authorized regular-route operations, serving no intermediate points: From Richfield, Ohio over Interstate Highway 271 to the junction of Interstate Highway 71, thence over Interstate Highway 71 to the junction of Ohio Highway 18, thence over Ohio Highway 18 to the junction of U.S. Highway 20, thence over U.S. Highway 20 to the junction of Interstate Highway 75, thence over Interstate Highway 75 to the junction of Interstate Highway 94, and return over the same route; (4) Between the site of the terminal of Strickland Transportation Co., Inc. at Richfield, Ohio and junction of U.S. Highway 127 and Interstate Highway 94 in connection with carrier's otherwise authorized regular-route operations, serving no intermediate points: From Richfield, Ohio over Interstate Highway 271 to junction Interstate Highway 71, thence over Interstate Highway 71 to junction Ohio Highway 18, thence over Ohio Highway 18 to junction U.S. Highway 20, thence over U.S. Highway 20 to the junction of U.S. Highway 23, thence over U.S. Highway 23 to junction of U.S. Highway 127, thence over U.S. Highway 127 to junction of Inter-

state Highway 94, and return over the same route. The operations authorized in 2, 3 and 4 above are restricted against the transportation of traffic having origin or destination at points in Ohio; and (5) Between Detroit, Mich. and junction of U.S. Interstate Highway 95 and U.S. Highway 1 at Newark, N.J. in connection with carrier's otherwise authorized regular-route operations, serving no intermediate points: From Newark, N.J. over U.S. Interstate Highway 95 (New Jersey Turnpike) to junction U.S. Interstate Highway 80, thence over U.S. Interstate Highway 80 to junction U.S. Interstate Highway 280, thence over U.S. Interstate Highway 280 to junction U.S. Interstate Highway 75, thence over U.S. Interstate Highway 75 to Detroit, Mich., and return, serving no intermediate points and serving terminal as junction points only, parts (1) through (5) are alternate routes for operating convenience only.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Cleveland, Ohio, or Washington, D.C.

No. MC 64808 (Sub-No. 21), filed November 6, 1975. Applicant: W. S. THOMAS TRANSFER, INC., 1854 Morgantown Avenue, Fairmont, W. Va. 26554. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting sand, from Berkeley Springs, W. Va.; Gore, Va.; and Mapleton, Huntingdon County, Pa., to points in Harrison, Lewis, Monongalia, Marion, Taylor, and Wood Counties, W. Va.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., Pittsburgh, Pa., or Cleveland, Ohio.

No. MC 72243 (Sub-No. 52), filed November 7, 1975. Applicant: THE AETNA FREIGHT LINES, INC., 2507 Youngstown Rd. SE., P.O. Box 350, Warren, Ohio 44482. Applicant's representative: Elmer Viren, 200 First West Side Bank Bldg., 222 S. 72 Street, Omaha, Nebr. 68114. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *iron and steel articles*, from the plantsite and storage facilities of North Star Steel Company, at or near Wilton, Iowa, to points in the United States in and east of Minnesota, South Dakota, Wyoming, Colorado, and New Mexico; and (2) *materials equipment and supplies* (except in bulk), used in the manufacture and distribution of iron and steel articles, from points named in (1) above, to the plantsite and storage facilities of North Star Steel Company, at or near Wilton, Iowa, restricted to traffic originating at and destined to the above named points.

NOTE.—If a hearing is deemed necessary, applicant does not specify a location.

No. MC 78228 (Sub-No. 53), filed November 6, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Henry M. Wick, Jr., 2310

Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Lead, antimonial lead and processed scrap batteries*, from the plant site of Tonolli Corporation, located at or near Nesquehoning, Carbon County, Pa., to points in Connecticut, District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, Tennessee, Vermont, Virginia, and West Virginia; and (2) *scrap lead, recycled lead, scrap batteries, scrap parts thereof and other materials* used in the manufacture of lead, antimonial lead and processed scrap batteries, from points in the above named destination states to the plant site of Tonolli Corporation located at or near Nesquehoning, Carbon County, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Pittsburgh, Pa.

No. MC 106398 (Sub-No. 734), filed October 23, 1975. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Materials, equipment and supplies* used in the manufacture, sales and distribution of metal buildings and metal building parts and sections, from points in Kansas, Kentucky, Missouri, and Ohio, to Longview, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 106644 (Sub-No. 218), filed November 7, 1975. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., P.O. Box 916, Atlanta, Ga. 30318. Applicant's representative: W. Randall Tye, 1500 Candler Bldg., Atlanta, Ga. 30303. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, iron and steel tanks, aluminum tanks and parts attached, accessories for iron and steel tanks and aluminum tanks*, between points in Liberty County, Tex., on the one hand, and on the other, points in Arkansas, Oklahoma, New Mexico, Kansas, Missouri, Mississippi, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Houston, Tex., or Washington, D.C.

No. MC 107295 (Sub-No. 789), filed Nov. 6, 1975. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Crushed car bodies*, from Denver, Colo., to points in the United States (except Alaska and Hawaii); and (2) *iron and steel articles*, from Cleveland and Toledo, Ohio; and Chicago, Ill., to Denver, Colo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 108341 (Sub-No. 38), filed November 7, 1975. Applicant: MOSS TRUCKING COMPANY, INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Mining machinery and equipment and drying machinery and equipment, and parts, accessories and equipment* used in connection therewith, and *materials, supplies and equipment* used in the manufacture thereof, between points in Smyth County, Va., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 110420 (Sub-No. 741), filed September 2, 1975. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sugars and syrups, and blends thereof*, in bulk, in tank or hopper-type vehicles, from Kansas City, Kans.—Kansas City, Mo., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110817 (Sub-No. 20), filed November 3, 1975. Applicant: E. L. FARMER & COMPANY, a Corporation, P.O. Box 3512, Odessa, Tex. 79760. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from points in Liberty County, Tex., to points in the United States (except Alaska and Hawaii), restricted to shipments originating at the plantsites and warehouse facilities of National Pipe & Tube Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Dallas, Tex.

No. MC 112617 (Sub-No. 336), filed Nov. 3, 1975. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Rd., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M St. NW., Washington, D.C. 20037. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Muriatic acid*, in bulk, in tank vehicles, from Mt. Pleasant, Tenn., to points in Illinois, Indiana, Kentucky, Missouri, Ohio, and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 113678 (Sub-No. 599), filed Nov. 7, 1975. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery products*, from the Port of New York, located at or near New York, N.Y.; the Port of Newark, located at or near Newark, N.J.; the Port of Elizabeth, located at or near Elizabeth, N.J.; and Hazelton, Pa., to points in Georgia, Florida, North Carolina, and South Carolina.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.; Washington, D.C.; or Denver, Colo.

No. MC 113678 (Sub-No. 600), filed Nov. 7, 1975. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Frozen and refrigerated sandwiches and food products*, from Phoenix, Ariz., to points in Colorado.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Phoenix, Ariz., or Denver, Colo.

No. MC 113678 (Sub-No. 601), filed November 7, 1975. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cigars*, from Tampa, Fla., and Philadelphia, Pa., to Denver, Colo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 113678 (Sub-No. 602), filed November 7, 1975. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in packages (except commodities in bulk), from the plantsite and warehouse facilities of Witco Chemical Corp., at Bradford, Pa., to points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, and Washington, restricted to the transportation of traffic originating at the plantsite and warehouse facilities of Witco Chemical Corp. at Bradford, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y., Chicago, Ill., or Denver, Colo.

No. MC 113678 (Sub-No. 604), filed November 7, 1975. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common car-*

rier, by motor vehicle, over irregular routes, transporting: *Chairs and office supplies*, from Sturgis, Mich., to points in Alabama, Arkansas, Arizona, California, Colorado, Florida, Georgia, Iowa, Louisiana, Nebraska, Nevada, New Mexico, North Carolina, Oregon, South Carolina, Tennessee, Texas, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich., Chicago, Ill., or Denver, Colo.

No. MC 113678 (Sub-No. 610), filed November 7, 1975. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Palatka, Fla., to points in Arkansas, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Orlando, Fla., or Denver, Colo.

No. MC 113843 (Sub-No. 224), filed November 5, 1975. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Oak Brook, Ill. 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Winchester, Va., to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 113855 (Sub-No. 332), filed November 6, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: James M. Sanden, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood paneling, and wood products*, from Cucamonga, Calif., to points in Minnesota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 113908 (Sub-No. 357), filed November 6, 1975. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale Street, P.O. Box 3180 G. S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Neutral spirits, distilled spirits and alcohol*, in bulk, between Chicago, Ill., on the one hand, and, on the other, Westfield, N.Y. and their respective Commercial Zones; (2) *fruit juice and fruit juice concentrate*, in bulk, from North East,

Pa., to Atlanta, Ga., and (3) *rum, distilled spirits, wine and wine products*, in bulk, from Atlanta and Roberta, Ga., to Dayton, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo., Chicago, Ill., or Washington, D.C.

No. MC 114028 (Sub-No. 20), filed November 7, 1975. Applicant: ROWLEY INTERSTATE TRANSPORTATION COMPANY, INC., 1717 Maple Street, Dubuque, Iowa 52001. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, inedible skins and pieces thereof, and commodities in bulk, in tank vehicles), from Denison, Iowa, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Minnesota, Wisconsin, Illinois, Missouri, Indiana, Michigan, Ohio, North Carolina, Kentucky, Kansas, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 114055 (Sub-No. 6), filed October 24, 1975. Applicant: RAY KOLNIK, doing business as RAY KOLNIK TRUCKING, Prairie View Road, Walworth, Wis. 53184. Applicant's representative: Joseph E. Ludden, 309 State Bank Bldg., La Crosse, Wis. 54601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, (1) from the plant site of the G. Heileman Brewing Co., Inc., located at Newport, Ky., to Elgin, Fox River Grove, and Waukegan, Ill.; (2) from the plant site of the G. Heileman Brewing Co., of Indiana, Inc., Evansville, Ind., to Elgin, Fox River Grove, and Waukegan, Ill.; and (3) from the plant site of the G. Heileman Brewing Co., Inc., located at La Crosse, Wis., to Waukegan, Ill., under a continuing contract or contracts, with L & V Distributing, Inc.; Elgin Beverage Co.; Andro Pucin Distributing Co., and G. Heileman Brewing Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Madison, Wis., Minneapolis, Minn., or Chicago, Ill.

No. MC 114457 (Sub-No. 248), filed November 7, 1975. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products*, from Clark, S. Dak., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Ken-

tucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, New Mexico, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, West Virginia, Wisconsin, Colorado, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis-St. Paul, Minn., or Chicago, Ill.

No. MC 115967 (Sub-No. 10), filed November 5, 1975. Applicant: WILLIE T. HIRE, INC., P.O. Box 138, Cayuga, Ind. 47928. Applicant's representative: Michael V. Gooch, 777 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and dairy by-products* (except processed cheese), and *fruit drinks and juices*, from the plants of Borden, Inc., located at or near Milwaukee, Wis., to Plainfield and South Holland, Ill., under a continuing contract or contracts with Borden, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Indianapolis, Ind.

No. MC 119789 (Sub-No. 271), filed November 5, 1975. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Transformers and parts*, from Arcadia, Fla., to points in Louisiana, Texas, and Arkansas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Little Rock, Ark. or Dallas, Tex.

No. MC 119789 (Sub-No. 272), filed November 5, 1975. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulators, electric wire or wiring, pottery or pottery and iron combines, and parts*, from Sandersville, Ga., to points in Idaho, Iowa, Missouri, Montana, Nebraska, North Dakota, and South Dakota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Macon or Atlanta, Ga.

No. MC 124078 (Sub-No. 668), filed November 6, 1975. Applicant: SCHWERTMAN TRUCKING CO., a Corporation, 611 South 28 Street, Milwaukee, Wisc. 53215. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Kerosene*, in bulk, in tank vehicles, from Nashville, Tenn., to Newburgh, Ind.; (2) *pulverized coal*, in bulk, in tank vehicles, from Greenup, Ky., to points in Alabama, Georgia, Illinois, Indiana, Kentucky, Michigan, Mississippi, Missouri, Ohio,

Pennsylvania, Tennessee, Virginia, and West Virginia; and (3) *inedible animal oils and fats*, in bulk, in tank vehicles, from Cincinnati and Cleveland, Ohio, to Fayetteville and Greensboro, N.C.

NOTE.—Applicant holds contract carrier authority in MC 113832 Sub 68, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 124211 (Sub-No. 272), filed November 6, 1975. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, Downtown Station, Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing fixtures, equipment, materials and supplies, and accessories* (except in bulk), between points in Maricopa County, Ariz., on the one hand, and, on the other, points in the United States in and west of Minnesota, Iowa, Missouri, Arkansas, and Louisiana (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 124383 (Sub-No. 20), filed October 22, 1975. Applicant: STAR LINE TRUCKING CORPORATION, a Corporation, 161 West Wisconsin Avenue, Milwaukee, Wis. 53203. Applicant's representative: S. F. Schreiter (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, (A) from Duluth, Minn., to points in Wisconsin; and (B) between points in Minnesota and Iowa, restricted in (B) above against movements originating at Dubuque, Iowa to points in Minnesota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis.

No. MC 126899 (Sub-No. 88), filed November 7, 1975. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, P.O. Box 3051, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, 703-706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *related advertising materials*, from Evansville, Ind., to points in Illinois, Missouri, the lower peninsula of Michigan, Ohio, Kentucky (except Hopkinsville and points within its commercial zone), Pennsylvania, West Virginia, New York, New Jersey, Maryland, North Carolina, Virginia, District of Columbia, Tennessee, Mississippi, Alabama, and Georgia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Evansville, Ind. or Louisville, Ky.

No. MC 127731 (Sub-No. 2) (Correction), filed October 28, 1975, published in the FEDERAL REGISTER issue of November 20, 1975, and republished as corrected this issue. Applicant: POST BROTHERS, INC., 105 Middle Street, Scranton, Pa. 18501. Applicant's repre-

sentative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Used household goods*, as defined by the Commission, between points in Carbon, Columbia, Lackawanna, Luzerne, Pike, Monroe, Schuylkill, Susquehanna, Wayne, and Wyoming, Pa., and points in Warren County, N.J., restricted to the transportation of shipments having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with the packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments.

NOTE.—The purpose of this republication is to indicate the correct docket number assigned to this proceeding. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 128007 (Sub-No. 83), filed Oct. 31, 1975. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kans. 66762. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *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; and (2) *feed ingredients*, from points in Texas on and north of a line beginning at the Texas-New Mexico State line, and extending along the southern boundaries of Cochran, Hockley, Lubbock, Crosby, Dickens, and King Counties, Tex., thence on and along the eastern boundaries of King, Cottle, and Childress Counties, Tex., to the Oklahoma and Texas State line, to points in Coconino County, Ariz.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 128246 (Sub-No. 12), filed Nov. 6, 1975. Applicant: SOUTHWEST TRUCK SERVICE, P.O. Box AD, Watsonville, Calif. 95076. Applicant's representative: Michael P. Groom, 500 The Swenson Bldg., 777 No. 1st Street, San Jose, Calif. 95112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Edible meat fat trimmings*, in vehicles equipped with mechanical refrigeration, from points in Maricopa, Mojave, Yavapai, and Yuma Counties, Ariz., to points in Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura Counties, Calif., under contract with Safeway Stores, Incorporated, at Oakland, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either San Francisco, or Los Angeles, Calif.

No. MC 128940 (Sub-No. 25), filed November 5, 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 Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Laminated plastic sheets, plastic moldings and adhesives used in the application thereof, and materials, equipment and supplies used in the manufacture, sale and distribution thereof, between Odenton, Md., on the one hand, and, on the other, points in Illinois, Kentucky, Michigan, Missouri, Wisconsin, and Ohio, under a continuing contract with Exxon Chemical Company U.S.A.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 129645 (Sub-No. 57), filed November 6, 1975. Applicant: **BASIL J. SMEESTER AND JOSEPH G. SMEESTER**, doing business as **SMEESTER BROTHERS TRUCKING**, 1330 South Jackson Street, Iron Mountain, Mich. 49801. Applicant's representative: John M. Nader, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hardwood flooring systems, hardwood flooring, built-up lumber, and accessories and supplies used in the installation thereof, from the plant site and warehouse facilities of A. G. A., Inc., located at or near Amasa, Mich., to points in the United States (except Alaska, Hawaii, and Michigan); and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities above (except commodities in bulk and rough or finished lumber), from the destination states in (1) above, to the plant site and warehouse facilities of A. G. A., Inc., located at or near Amasa, Mich.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Milwaukee, Wis., Minneapolis, Minn., or Chicago, Ill.

No. MC 129809 (Sub-No. 10), filed September 29, 1975. Applicant: **A & H INC.**, 324 Old Highway 11, P.O. Box 346, Footville, Wis. 53537. Applicant's representative: William L. Slover, 1224 Seventeenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, including commodities in bulk in equipment with mechanical temperature controls, from the facilities utilized by Universal Foods Corporation and its affiliates located in Englewood, Belleville, Carlsbad, Fort Lee, and Harrison, N.J.; New York, N.Y., and Scranton, Pa., to points in Wisconsin, Illinois, and Michigan, under a continuing contract or contracts with Universal Foods Corporation.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis., or Washington, D.C.

No. MC 133097 (Sub-No. 13), filed Nov. 7, 1975. Applicant: **SYSTEM REEFER SERVICE, INC.**, 4614 Lincoln Avenue,

Cypress, Calif. 90630. 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: (1) *Foodstuffs and food-treating compounds, chemicals, additives, and advertising paraphernalia, in vehicles equipped with mechanical refrigeration; and (2) commodities, the transportation of which is partially exempt from regulation under the provisions of Section 203(b)(6) of the Interstate Commerce Act, in mixed loads with the commodities named in (1) above, from Baltimore, Md., to points in Washington, under contract with McCormick & Co., Inc.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 133194 (Sub-No. 3), filed October 28, 1975. Applicant: **WOODLINE, INC.**, P.O. Box 1047, Russellville, Ark. 72801. Applicant's representative: R. Connor Wiggins, Jr., Suite 909-100 N. Main Bldg., Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and those requiring special equipment), between Ft. Smith, Ark., and its commercial zone, and Ozark, Ark.; from Ft. Smith over U.S. Highway 64 to Ozark and return over the same route serving all intermediate points, the off-route points of Hector, Dardanelle, Dover, and Petit Jena Mountain, Ark., and the commercial zones of all intermediate and off-route points. Authority is specifically sought for joinder with present authority at Ozark, Arkansas.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Little Rock, Ark. and Ft. Smith, Ark.

No. MC 133494 (Sub-No. 8), filed November 5, 1975. Applicant: **E. W. BELCHER TRUCKING, INC.**, 201 Dallas Drive, Denton, Tex. 76201. Applicant's representative: William D. Lynch, 1003 West 6th Street, Austin, Tex. 78703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dried bakery products, not for human consumption, from Dallas, Tex., to points in Arkansas, New Mexico, Oklahoma, Missouri, and Louisiana.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Austin, or Houston, Tex.

No. MC 133562 (Sub-No. 15), filed November 3, 1975. Applicant: **HOLIDAY EXPRESS CORPORATION**, P.O. Box 115, Estherville, Iowa 51334. Applicant's representative: Basil Roberts, Jr., 12 Alexander Rd., Estherville, Iowa 51334. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bagged commercial fertilizer (except commodities in bulk), from Estherville, Iowa, to points in Iowa,*

Minnesota, South Dakota, North Dakota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Des Moines, Iowa or Chicago, Ill.

No. MC 135530 (Sub-No. 5), filed October 29, 1975. Applicant: **LAKE CENTER INDUSTRIES TRANSPORTATION, INC.**, 111 Market Street, Winona, Minn. 55987. Applicant's representative: Charles E. Nieman, 1110 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical and electronic supplies, equipment, fittings and accessories (except commodities in bulk, in tank vehicles), between the plantsites of Lake Center Industries, at High Forest (near Rochester) and Lewiston, Minn.; and Chippewa Falls, Wis., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, and Wisconsin, under contract with North American Phillips Corporation.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either St. Paul, or Winona, Minn.

No. MC 135684 (Sub-No. 18), filed November 5, 1975. Applicant: **BASS TRANSPORTATION CO., INC.**, Old Croton Road, P.O. Box 391, Flemington, N.J. 08822. Applicant's representative: Herbert A. Dubin, Federal Bar Bldg., West, 1819 H Street NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hard surface floor coverings, and materials and supplies used in the installation thereof, when moving in the same vehicle with hard surface floor coverings, from facilities utilized by American Biltrite, Inc. located in Hamilton Township, Mercer County, N.J., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, Virginia, Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, Wisconsin, Wyoming, Kentucky, Louisiana, Mississippi, Tennessee, West Virginia, North Dakota, South Dakota, and Texas; (2) returned shipments of hard surface floor coverings and materials and supplies used in the installation thereof, from points in the destination states named in (1) above to the facilities utilized by American Biltrite, Inc. located in Hamilton Township, Mercer County, N.J.; (3) floor coverings and incidental materials and supplies used in the installation thereof when moving in the same vehicle with floor coverings, from points in Hamilton Township, N.J., to points in Hudson, Union, and Essex Counties, N.J., restricted to the transportation of traffic having a subsequent movement by water; (4) floor coverings, rubber products, plastic and plastic products (except commodities in bulk), from points in Orange and Los Angeles Counties, Calif., to points in Washington, Oregon, and California.*

(5) *Returned shipments of the commodities described in (4) above, from points in Washington, Oregon, and Cali-*

for, to points in Orange and Los Angeles Counties, Calif.; (6) *tile, carpeting, rugs, and artificial turf*, (a) from the facilities utilized by American Biltrite, Inc., located in Hamilton Township, Mercer County, N.J., to points in Illinois, Indiana, Michigan, Ohio, Maine, New Hampshire, Vermont, Pennsylvania, New York, Maryland, Connecticut, Delaware, Rhode Island, Massachusetts, and Washington, D.C.; and (b) from the facilities utilized by American Biltrite, Inc., located at or near La Mirada, Calif., to points in Texas, Idaho, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Washington, Oregon, Arizona, California, Utah, Nevada, Montana, Wyoming, Colorado, and New Mexico; (7) *returned shipments* of the commodities described in (6) above, (a) from points in the destination states named in (6) (a) above to the plantsite of the American Biltrite, Inc. in Hamilton Township, Mercer County, N.J.; and (b) from points in the destination states named in (6) (b) above to the plantsite and storage facilities of American Biltrite, Inc. at La Mirada, Calif.; (8) *floor tile*, from Philadelphia, Pa. and points in Hudson, Union, and Essex Counties, N.J., to points in Hamilton Township, N.J.; (9) *synthetic rubber*, in containers, from the plantsites of American Synthetic Rubber Co., and E. I. DuPont de Nemours & Co., located at or near Louisville, Ky., to Cambridge, Chelsea, and Stoughton, Mass.; (10) *rubber belting, matting, stair treads, packing, hose, machine parts, rubber heels, taps, soles, and soling*, from Moonachie, N.J., to New York, N.Y. and points in Nassau, Orange, Rockland, Suffolk, and Westchester Counties, N.Y.; (11) *returned shipments* of the above-described commodities in (10), from points in Nassau, Orange, Rockland, Suffolk, and Westchester Counties, N.Y. and New York, N.Y., to Moonachie, N.J.; (12) *plastic and rubber tape*, from Garfield, N.J., to New York, N.Y. and points in Nassau, Orange, Rockland, Suffolk, and Westchester Counties, N.Y.; (13) *returned shipments* of the above-described commodities in (12), from New York, N.Y. and points in Nassau, Orange, Rockland, Suffolk, and Westchester Counties, N.Y., to Garfield, N.J.; (14) *rubber heels, taps, and soling*, from Ripley, Miss., to Middletown, Pa. and Chelsea, Mass.

(15) *Rubber belting, matting, stair treads, packing, hose, machine parts, rubber heels, taps, soles, and soling*, from Cambridge and Chelsea, Mass., to Atlanta, Ga. and Ripley, Miss.; (16) *materials and supplies* used in the manufacture of rubber heels, soles, taps, and soling, other than in bulk, from Chelsea, Stoughton and Cambridge, Mass., to Ripley, Miss.; (17) *heels, taps, soles, soling, and garden and water hose*, from Ripley, Miss., to points in Los Angeles and Orange Counties, Calif.; (18) *reclaimed rubber and chemicals*, used in the manufacture of the commodities named in (17) above (except in bulk), from Etowah, Tenn. and Lawrenceville, Ill., to Ripley, Miss.; (19) *linoleum*, in rolls, from Lisbon, Maine, to points in

Hamilton Township (Mercer County), N.J.; (20) *asbestos felt fibre and asbestos folding paper*, in containers, from Norristown, Pa., to Lisbon, Maine; (21) *plastic granules*, in containers, from Pottstown, Pa., to Lisbon, Maine; (22) *limestone*, in bags, from Texas, Md., to Trenton, N.J.; (23) *limestone*, in bags, and in tank or hopper-type vehicles, from Texas, Md., to Burlington and Flemington, N.J.; (24) *titanium*, in bags, from Philadelphia, Pa., to points in Hamilton Township, N.J.; and (25) *resin*, in bags, from Philadelphia, Pa., to points in Hamilton Township, N.J.

NOTE.—Applicant holds contract carrier authority in MC 87720 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Flemington or Trenton, N.J.

No. MC 135988 (Sub-No. 1), filed November 6, 1975. Applicant: BOB'S TOWING SERVICE, INC., 928 East 92nd Street, Brooklyn, N.Y. 11236. Applicant's representative: Bruce J. Robbins, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, stolen, repossessed and abandoned motor vehicles and replacement vehicles therefor*, by use of wrecker equipment, between points in New York and New Jersey, on the one hand, and, on the other, points in Ohio, Kentucky, Tennessee, and Alabama, and points in the United States east thereof, extending between Maine and Florida.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 136211 (Sub-No. 35), filed November 3, 1975. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., P.O. Box 5067, Oxnard, Calif. 93030. Applicant's representative: T. M. Brown, 223 Ciudad Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furnishings*, (1) between the facilities of Alper's Warehouse Showroom of Buffalo, Inc., located at or near Buffalo, N.Y., on the one hand, and, on the other, points in Rhode Island, and that part of Connecticut and Massachusetts on and east of Interstate Highway 91; and (2) between the facilities of Alper's Warehouse Showroom of Buffalo, Inc., located at or near Buffalo, N.Y., on the one hand, and, on the other, points in that part of Pennsylvania on, north, and west of a line beginning at the New York-Pennsylvania state line and U.S. Highway 219, thence along U.S. Highway 219 to Interstate Highway 80, thence along Interstate Highway 80 to junction Pennsylvania-Ohio state line; and points in that part of Ohio on, north, and east of a line beginning at Ohio Highway 83 and Lake Erie, thence along Ohio Highway 83 to Interstate Highway 71, thence along Interstate Highway 71 to Interstate Highway 76, thence along Interstate Highway 76 to Ohio-Pennsylvania state line, under a continuing contract or contracts, with Alper's Inc., and

Alper's Warehouse Showroom of Buffalo, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Providence, R.I., Boston, Mass., or Washington, D.C.

No. MC 136786 (Sub-No. 87), filed November 5, 1975. Applicant: ROBCO TRANSPORTATION, INC., 309 Fifth Avenue NW., New Brighton, Minn. 55112. Applicant's representative: Stanley C. Olsen, Jr., 7525 Mitchell Road, Eden, Prairie, Minn. 55343. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magazines, periodicals and printed matter*, from Kokomo, Ind., to points in Florida, Idaho, Montana, Oregon, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 136992 (Sub-No. 3), filed October 10, 1975. Applicant: T-W TRANSPORT, INC., 2124 Waterworks Way, Spokane, Wash. 99220. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hanging meat*, from Spokane, Wash., to points in California, under a continuing contract or contracts with Hydrate Food Products Company.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Spokane or Seattle, Wash.

No. MC 138875 (Sub-No. 29), filed October 29, 1975. Applicant: SHOEMAKER TRUCKING COMPANY, a Corporation, 11900 Franklin Road, Boise, Idaho 83705. Applicant's representative: Frank L. Sigloh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill products, composition board and treated or untreated poles, pilings and cross ties*, from points in Montana, to points in Idaho South of the southern boundary of Idaho County.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boise or Meridian, Idaho.

No. MC 139420 (Sub-No. 10), filed November 3, 1975. Applicant: ART GREENBERG, doing business as, GLACIER TRANSPORT, Box 428, Grand Forks, N. Dak. 58201. Applicant's representative: James B. Hoyland, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *non-alcoholic beverages*, from Fargo, N. Dak., to Thief River Falls, Minn.; and (2) *non-alcoholic beverage containers*, from Thief River Falls, Minn., to Fargo, N. Dak.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Fargo, N. Dak., or Minneapolis, Minn.

No. MC 140120 (Sub-No. 1), filed Oct. 17, 1975. Applicant: CORNELIUS J. MADIGAN, doing business as, MADIGAN TRUCK COMPANY, 813 South Mag-

nolia Street, Anaheim, Calif. 92804. Applicant's representative: John F. Kunath, Jr., 23861 El Toro Road, Suite 405, El Toro, Calif. 92630. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) Machinery, which because of size and weight requires special equipment for handling, (1) punch presses; (2) hydraulic presses; (3) plastic machinery; (4) printing machinery; (5) lathes; (6) mills; (7) grinders; (8) cold headers; (9) jig bores; (10) hydrotels; and (11) paper ballers, between the Los Angeles Harbor Commercial Zone, on the one hand, and, on the other, points in Orange County, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 140763 (Sub-No. 2), filed October 31, 1975. Applicant: ONEIDA-COLUMBUS EXPRESS COMPANY, a Corporation, P.O. Box 356, Oneida, Tenn. 37841. Applicant's representative: Marshall Kragen, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Carbon black, in flo-bins, from Sunray and Borger, Tex., and Sterlington and Ville Platte, La., to Oneida, Tenn.; and (2) empty flo-bins, from Oneida, Tenn., to Sunray and Borger, Tex., and Sterlington and Ville Platte, La., under contract with the B. F. Goodrich Company, at Akron, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Knoxville or Nashville, Tenn.

No. MC 141320 (Sub-No. 2), filed November 5, 1975. Applicant: UNITED STATES PRIORITY TRANSPORT CORPORATION, Six Ray Court, Nelville, N.Y. 11746. Applicant's representative: Martin D. Friedman (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Radiopharmaceuticals and medical test kits, between Carlstadt and Newark International Airport, N.J., New York, N.Y. and Boston, Mass., on the one hand, and, on the other, points in New York, Connecticut, Rhode Island, Massachusetts, Maine, Vermont and New Hampshire, under a continuing contract or contracts with Mallinckrodt, Inc., Carlstadt, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Washington, D.C.

No. MC 141334 (Correction) filed September 15, 1975, published in the FEDERAL REGISTER issue of October 16, 1975, republished as corrected this issue. Applicant: GREEN VENEER, INC., YOUNG & MORGAN, INC., NORTH SANTIAM PLYWOOD CO., NORTHWEST WOOD PRODUCTS, INC. AND X L TIMBER CO., doing business as YOUNG & MORGAN TRUCKING CO., a partnership, P.O. Box 377, 4600 Linn Blvd., Mill City, Oreg. 97360. Applicant's representative: Lawrence V. Smart, Jr., 419 N.W.

23rd Ave., Portland, Oreg. 97210. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Lumber, lumber mill products, and wood products, between points in Linn and Marion Counties, Oreg., on the one hand, and, on the other, points in Oregon, Washington, California, Nevada, Idaho, and Utah, under a continuing contract or contracts with North Santiam Plywood Co., Green Veneer, Inc., Young & Morgan Lumber Co., dba Stout Creek Lumber Co., Young & Morgan Lumber Co., and Northwest Wood Products, Inc.

NOTE.—The purpose of this republication is to change the name of the applicant. If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 141373, September 15, 1975. Applicant: K.I.T. MOTOR EXPRESS, INCORPORATED, 1228 Highland Avenue, Louisville, Ky. 40204. Applicant's representative: W. A. Knight (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Aluminum, brass, copper, iron or steel articles, plate, sheet, rods and pipe, materials, equipment and parts used in the manufacture of electrical transformers and transformer parts, and supplies used in the sale, distribution and advertising of electric transformers and parts (except dangerous explosives) between the plant sites and storage facilities of Kuhlman Electric Company, Division of Kuhlman Corporation, located at or near Bay City, Mich.; Crystal Springs, Miss.; Salinas, Calif.; and Versailles, Ky.; and its warehouses located at or near Atlanta, Ga.; Birmingham, Ala.; Chicago, Ill.; Dallas, Tex.; Denver, Colo.; Dayton, Ohio; Detroit, Mich.; Jefferson City, and Kansas City, Mo.; Lafayette, La.; Norfolk, Nebr.; Orlando, Fla.; Portland, Oreg.; Rosemont and St. Paul, Minn.; and Salt Lake City, Utah, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Kuhlman Electric Company, Division of Kuhlman Corporation of Versailles, Ky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lexington or Louisville, Ky.

No. MC 141374, filed October 23, 1975. Applicant: JACK R. DAY, doing business as DAY'S TOWING & WRECKER SERVICE, P.O. Box 55, Junction of Interstate Highway 69 and U.S. Highway 224, Markle, Ind. 46770. Applicant's representative: Harry J. Harman, 8130 South Meridian Street, Indianapolis, Ind. 46217. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Used motor vehicles, to be used as replacements for wrecked or disabled motor vehicles, in truckaway service, and motor vehicle parts, accessories, supplies, and materials, for use in connection with repairing and reconditioning of disabled or wrecked motor vehicles, from points in Adams, Blackford, Grant, Huntington, and Wells Counties, Ind., on the one

hand, and, on the other, to points in Kentucky, Illinois, Ohio, Michigan and Wisconsin; and (2) wrecked or disabled motor vehicles, from points in Kentucky, Illinois, Ohio, Michigan, and Wisconsin, to points in Adams, Blackford, Grant, Huntington, and Wells Counties, Ind., restricted to the transportation of traffic by wrecker equipment only.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Indianapolis or Fort Wayne, Ind.

No. MC 141376 (Sub-No. 1), filed November 3, 1975. Applicant: CERTARO TRUCKING COMPANY, a Corporation, 492 12th Avenue, Paterson, N.J. 07514. Applicant's representative: Eugene M. Malkin, 277 Park Avenue, New York, N.Y. 10017. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Furniture; commercial and institutional fixtures, cabinets, shelving and seating; hospital beds and hospital equipment; and material, equipment and supplies, used in the manufacture thereof, between Plainfield, Conn.; Jamestown, N.Y.; Warren, Pa.; Michigan City, Ind.; and ports of entry on the International Boundary line between the United States and Canada, at Buffalo, Rouses Point, and Niagara Falls, N.Y.; and Detroit and Port Huron, Mich., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, under continuing contract or contracts with Inter Royal Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 141471, filed November 3, 1975. Applicant: GENERAL DRAYAGE SERVICE, INC., 3036 Chartres Street, New Orleans, La. 70117. Applicant's representative: Theodore A. Stevens, 1542 Burbank Drive, New Orleans, La. 70124. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities, including but not limited to, synthetic fibers, foodstuff, frozen and canned, rubber goods, machinery parts, cotton, sugar, soybeans, oil, metals, chemicals, drugs, tobacco, lumber and whiskey (except Classes A and B explosives), between points in New Orleans, La. and its Commercial Zone, restricted to traffic having a prior or subsequent movement by water.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 141477, filed October 22, 1975. Applicant: OLIN WOOTEN, doing business as, WOOTEN TRANSPORT COMPANY, P.O. Box 731, Hazelhurst, Ga. 31539. Applicant's representative: Sol H.

Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tin cans, tin can ports, steel pails and drums*, from Piscataway, N.J., to points in Alabama, Florida, Georgia, Louisiana, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia and West Virginia; and (2) *materials and supplies*, used in the manufacture of those items described in (1) above, from points in Alabama, Florida, Georgia, Louisiana, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia and West Virginia, to Piscataway, N.J., under contract with Prospect Industries Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., or Washington, D.C.

No. MC 141487, filed October 23, 1975. Applicant: FAIRFIELD TRANSPORTATION CORP., a Corporation, 6538 Collamer Road, P.O. Box 105, East Syracuse, N.Y. 13057. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beverages and flavoring syrups*, in containers, *empty containers and materials, supplies and equipment* used in the production, packaging, sale and distribution of beverages and flavoring syrups (except commodities in bulk), between Cicero, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania and Vermont; (2) *beverages*, in containers, between points in Pennsylvania, on the one hand, and, on the other, points in Albany, Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Clinton, Columbia, Cortland, Erie, Essex, Franklin, Fulton, Genesee, Jefferson, Monroe, Niagara, Oneida, Onondaga, Ontario, Orange, Rensselaer, St. Lawrence, Schenectady, Steuben, Tompkins, and Warren Counties, N.Y.; and (3) *materials, supplies and equipment* used in the production, packaging, sale and distribution of beverages (except commodities in bulk), between points in Connecticut, New Jersey, Pennsylvania and Vermont, on the one hand, and, on the other, points in Albany, Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Clinton, Columbia, Cortland, Erie, Essex, Franklin, Fulton, Genesee, Jefferson, Monroe, Niagara, Oneida, Onondaga, Ontario, Orange, Rensselaer, St. Lawrence, Schenectady, Steuben, Tompkins and Warren Counties, N.Y., under a continuing contract or contracts with Clinton's Ditch Cooperative Company, Inc. of Cicero, N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Syracuse or New York, N.Y.

No. MC 141488, filed November 5, 1975. Applicant: MR. PEDRO E. ABRAHANTE, doing business as "P. ABRAHANTE MOVING SERVICE", 455 East Andre Street, Duarte, Calif. 91010. Applicant's representative: Julio L. Figueroa,

4214 Beverly Blvd., Suite 224, Los Angeles, Calif. 90004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk or tank vehicles), between points in California, Arizona, Nevada and Utah, under a continuing contract or contracts, with Galaxy Distribution Co., Inc., Ruby Furniture Mfg., Inc., and M. C. W. Furniture Mfg. Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Duarte or Los Angeles, Calif.

No. MC 141490, filed October 28, 1975. Applicant: QUINCIE W. GIBSON, doing business as, GIBSON TRANSFER CO., 408 East 21st Street, Wichita, Kans. 67214. Applicant's representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, in containers (except hides, skins and pieces thereof), from the plant site of Dold Packing Company, Inc., at or near Wichita, Kans., to points in Colorado, Nebraska, Missouri, Oklahoma, Iowa, Arkansas, Louisiana, and Texas; and (2) *materials and supplies* used in the processing and packaging of the above-described commodities (except in bulk), from the above described destination points, to the plant site of Dold Packing Company, Inc., at or near Wichita, Kans.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 141493, filed November 6, 1975. Applicant: MASSA TRUCKING & LEASING CORP., 132 Cherry Lane, Medford, N.Y. 11763. Applicant's representative: Thomas F. X. Foley, Suite 2005, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic piece goods* in cartons and on rolls, between Westbury, N.Y., on the one hand, and, on the other, points in the Commercial Zone of New York, N.Y., as defined by the Commission, and Paterson, N.J., under contract with Dressmaker Fabrics, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Newark, N.J.

No. MC 141495, filed October 28, 1975. Applicant: MYLES LORENTZ SR. & MYLES LORENTZ JR., doing business as LORENTZ TRUCKING, Route #1, St. Peter, Minn. 56082. Applicant's representative: Harry Christian, First National Bank Bldg., P.O. Box 8, Le Center, Minn. 56057. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned and packaged foods, frozen packaged foods, food service supplies and paper goods*, from Minnesota to

points in North Dakota, South Dakota, Iowa and Wisconsin, under a continuing contract or contracts with Aslesen Company.

NOTE.—If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 141497, filed November 6, 1975. Applicant: BEATTIE & SANGER, INC., Route 5, Box 233, Yakima, Wash. 98903. Applicant's representative: Charles C. Flower, 303 East "D" Street, Suite 2 Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery and equipment*, between points in Washington, and points in California, Idaho, and Oregon.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Yakima, Wash., Portland, Oreg., or Seattle, Wash.

No. MC 141498, filed October 31, 1975. Applicant: OWEN CRIST AUTO BODY SERVICE, INC., 1221 Keo Way, Des Moines, Iowa 50314. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled vehicles, and replacement vehicles therefor*, between Des Moines, Iowa, on the one hand, and, on the other, points in Arkansas, Colorado, Indiana, Illinois, Kansas, Kentucky, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa; Omaha, Nebr.; or Kansas City, Mo.

PASSENGER APPLICATIONS

No. MC 141394 (Sub-No. 2), filed November 3, 1975. Applicant: ED BRIDGES, doing business as OZARK COACH LINES, P.O. Box 73, Bakersfield, Mo. 65609. Applicant's representative: Ed Bridges (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *Passengers and their baggage, newspapers and express*; and (2) *passengers and their baggage* by charter, between West Plains, South Fork, Hocomo, Caulfield, Tecumseh and Bakersfield, Mo. and Mountain Home, Ark.; (A) From West Plains, Mo., west over U.S. Highway 160 to its junction with Missouri Highway 101 at Caulfield, Mo., thence south over Missouri Highway 101 to the Missouri-Arkansas State Boundary line, thence south over Arkansas Highway 101 to its junction with U.S. Highway 62, thence west over U.S. Highway 62 to Mountain Home, Ark., and return over the same route; (B) From West Plains, Mo., west over U.S. Highway 160 to its junction with Ozark County Route J, thence south over Ozark County Route J to the Missouri-Arkansas State Boundary line, thence south of Arkansas Highway 201, to Mountain Home, Ark., and return over the same route; and (C) From Caulfield, Mo., south over Missouri Highway 101 to the Missouri-Arkansas State Boundary line, thence south over Arkansas High-

way 101 to its junction with U.S. Highway 62, thence west over U.S. Highway 62, to Mountain Home, Ark., and return over the same route, serving all intermediate points in (A), (B), and (C) above.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Springfield, Kansas City, or St. Louis, Mo.

No. MC 141499, filed November 10, 1975. Applicant: ERIC BANNETT, an individual, 1821 Grove Avenue, Sebring, Fla. 33870. Applicant's representative: J. H. Hancock, 457 South Commerce Street, Sebring, Fla. 33870. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and the baggage of passengers* in the same vehicle, in charter operations, beginning and ending at points in Highlands, Polk, Hardee, DeSoto, Okeechobee Counties, Fla. and Tampa International Airport, located in Tampa, Fla., and extending to points in Florida, Georgia, Alabama, Mississippi, Louisiana, Tennessee, South Carolina, North Carolina, Virginia, Maryland, Del-

aware, New Jersey, New York and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Sebring, Avon Park, or Wauchula, Fla.

BROKER APPLICATION

No. MC 130346, filed October 22, 1975. Applicant: J. SMILEY COLLINS AND SON, doing business as PEOPLE SAVING CLUB, and or P.S. CLUB TOURS, 1605 Tartan Way, Louisville, Ky. 40205. Applicant's representative: J. Smiley Collins (Same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Louisville, Ky., to sell or offer to sell the transportation of *Individual passengers and groups of passengers, and their baggage*, in special and charter operations, in sightseeing and pleasure tours, by motor carriers, between points in the United States including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky., Nashville, Tenn., or Cincinnati, Ohio.

FREIGHT FORWARDER APPLICATION

No. FF-422 (Sub-No. 1), filed October 30, 1975. Applicant: CONTINENTAL FORWARDERS, INC., 350 Broadway, New York, N.Y. 10013. Applicant's representative: Alan F. Wohlstetter, 1700 K Street, Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water and express, in the transportation of (a) *Used household goods and unaccompanied baggage*; and (b) *used automobiles*, between points in the United States, including Hawaii and Alaska, restricted in (b) above to the transportation of export and import traffic.

NOTE.—The purpose of this application is to add Alaska to applicant's present scope of authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

By the Commission.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.75-32624 Filed 12-3-75; 8:45 am]

THURSDAY, DECEMBER 4, 1975



PART II:

OFFICE OF MANAGEMENT AND BUDGET



BUDGET RESCISSIONS AND DEFERRALS

Report to Congress

OFFICE OF MANAGEMENT AND BUDGET

BUDGET RESCISSIONS AND DEFERRALS

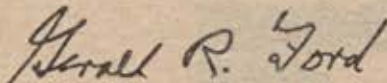
Report to Congress

TO THE CONGRESS OF THE UNITED STATES:

In accordance with the Impoundment Control Act of 1974, I herewith propose 13 new rescissions totalling \$838.6 million in budget authority. In addition, I am reporting 18 new deferrals that total \$253.2 million in budget authority and changes to one deferral previously transmitted that decrease the budget authority deferred by \$4.1 million.

If we are to avoid excessive Federal spending, the kinds of actions I am proposing today are essential. I believe that both the legislative and executive branches must continually weigh the contribution made by each Federal program against the limited resources available. We must carefully assess new or expanded activities before they are implemented. To make room for necessary new spending, we must eliminate Federal spending for programs that are no longer needed, that duplicate other programs, or that can be financed from other sources.

The details of each rescission proposal and deferral are contained in the attached reports.



THE WHITE HOUSE,
November 29, 1975.

SUMMARY OF PROPOSED RESCISSIONS
AND DEFERRALS

(In thousands of dollars)

<u>Rescission #</u>	<u>Item</u>	<u>Budget Authority</u>
Agriculture:		
R76-15	Agricultural Research Service	
	Agricultural research service	
	(construction).....	225
	Agricultural Stabilization and	
	Conservation Service	
R76-16	Water Bank Act Program.....	12,500
R76-17	Forestry Incentives Program.....	18,750
	Farmers Home Administration	
R76-18	Rural water and waste disposal grants.	150,000
R76-19	Rural development grants.....	12,344
R76-20	Rural housing for domestic	
	farm labor.....	9,375
R76-21	Mutual and self-help housing.....	12,287
R76-22	Self-help housing and development	
	fund.....	1,493
R76-23	Rural housing insurance fund.....	10,000
R76-24	Rural community fire protection	
	grants.....	4,375
	Agricultural Marketing Service	
R76-25	Payments to States and possessions,	
	Agricultural Marketing Service.....	2,000
Housing and Urban Development:		
	Housing Production and Mortgage Credit	
R76-26	State housing finance and	
	development.....	600,000*
Other Independent Agencies:		
	Consumer Product Safety Commission	
R76-27	Salaries and expenses.....	5,225
	Subtotal, rescissions.....	838,579
 <u>Deferral #</u>		
Agriculture:		
D76-68	Agricultural Research Service.....	7,570
	Animal and Plant Health	
	Inspection Service	
D76-69	Animal and plant health inspection	
	service (construction-Fleming Key	
	Animal Import Center).....	6,314
	Agricultural Stabilization and	
	Conservation Service	
D76-70	Agricultural Conservation program.....	90,000

Deferral #	Item	Budget Authority
D76-71	Commodity Credit Corporation.....	2,787
	Farmers Home Administration	
D76-72	Rural water and waste disposal grants.....	50,000
	Soil Conservation Service	
D76-73	Watershed and flood prevention operations.....	22,500
D76-74	Resource conservation and development.	4,960
	Commerce:	
	National Oceanic and Atmospheric Administration	
D76-75	Fishermen's guaranty fund.....	152
	Office of the Assistant Secretary for Science and Technology	
D76-76	Scientific and technical research and services.....	1,187
	Health, Education, and Welfare:	
	Assistant Secretary for Human Development	
D76-11B	Research and training activities overseas (special foreign currency program).....	4,252
	Labor:	
	Departmental Management	
D76-77	Working capital fund.....	977
D76-78	Pension Benefit Guaranty Corporation.....	(1,431)
	Environmental Protection Agency:	
	Research and Development	
D76-79	Research and development (air research and development).....	2,000
D76-80	Research and development (water quality research).....	4,600
	Abatement and Control	
D76-81	Abatement and control (air control agency grants).....	3,750
D76-82	Abatement and control (water quality control agency grants)...	10,000
D76-83	Abatement and control (clean lakes grants).....	15,000

<u>Deferral #</u>	<u>Item</u>	<u>Budget Authority</u>
	National Aeronautics and Space Administration:	
D76-84	Research and program management....	2,900
	State:	
	Refugee and Migration Affairs	
D76-85	Special assistance to refugees from Cambodia and Vietnam.....	<u>28,493</u>
	Subtotal, deferrals.....	257,442
	Total, rescissions and deferrals...	1,096,021

* Total new budget authority. For 1976, \$15 million in contract authority and \$15 million to liquidate that authority is proposed for rescission.

** The amount of this deferral is not counted in the total because the Pension Benefit Guaranty Corporation is excluded from the budget totals by the Employee Retirement Income Security Act of 1974 (P.L. 93-406).

NOTICES

SUMMARY OF SPECIAL MESSAGES
FOR FY 1976

(Amounts in thousands of dollars)

	<u>Rescissions</u>	<u>Deferrals</u>
Eighth special message:		
New items.....	838,579	253,190
Changes to amounts previously submitted.....	<u>---</u>	<u>-4,055</u>
Effect of the eighth special message.....	838,579	249,135
Previous special messages....	<u>1,502,991</u>	<u>3,578,426</u>
Total amount proposed in special messages to date....	2,341,570 (in 27 rescission proposals)	3,827,561 (in 85 deferrals)

NOTE: All amounts listed represent budget authority except for \$87,689,681 consisting of two general revenue sharing deferrals (of outlays only) reported in the seventh 1976 special message.

Rescission Proposal No: R76-15

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency <u>U.S. Department of Agriculture</u>	New budget authority (P.L. <u>94-122</u>)	\$ <u>10,395,000</u>
Bureau <u>Agriculture Research Service</u>	Other budgetary resources	<u>8,667,500</u>
Appropriation title & symbol <u>Agriculture Research Service</u> <u>(Construction) 12X1400</u>	Total budgetary resources	<u>19,062,500</u>
	Amount proposed for rescission	\$ <u>225,000</u>
OMB identification code: <u>05-18-1400-0-1-352</u>	Legal authority (in addition to sec. 1012): <input type="checkbox"/> Antideficiency Act	
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Other _____	
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year _____ (expiration date) <input checked="" type="checkbox"/> No-year	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other _____	

JUSTIFICATION

Rescission is proposed of \$225,000 provided in the FY 1976 Agriculture and Related Agencies Appropriation Act for planning an addition to the Human Nutrition Laboratory, Grand Forks, North Dakota, to house animals.

Initial construction at Grand Forks was limited to laboratory facilities, but a developing need for animal studies has necessitated the use of present laboratory space to house limited numbers of animals. Several steps have been taken to relieve crowding, including initiation of construction of a second floor addition to house experimental animals and completion of additional clinical and laboratory space for research scientists.

In light of these measures to relieve the current problems and of Department policy to fully utilize existing research facilities prior to authorization of new construction projects, additional construction at Grand Forks is not necessary.

ESTIMATED EFFECTS

In addition to producing current outlay savings of \$225,000, adoption of this rescission would forestall future construction costs in excess of \$1,000,000 and, later, annual operating costs. Research will continue to be conducted in facilities either existing or undergoing expansion. Should the need for animal studies continue to increase, additional space may be required at some future date.

Outlay Effect (estimated in tenths of millions of dollars)

Comparison with President's 1976 budget:

- | | |
|--|--------|
| 1. Budget outlay estimated for 1976..... | \$ 5.6 |
| 2. Outlay savings, if any, included in the
budget outlay estimated..... | 0 |

Current Outlay Estimate for 1976:

- | | |
|--|------|
| 3. Without deferral..... | 15.0 |
| 4. With deferral..... | 14.8 |
| 5. Current Outlay Savings..... | 0.2 |
| Outlay Savings for the Transition Quarter..... | 0 |
| Outlay Savings for 1977..... | 0 |

R76-15

DEPARTMENT OF AGRICULTURE
Agricultural Research Service

Appropriations provided under this head in the Agriculture and Related Agencies Appropriation Act, 1976, are rescinded in the amount of \$225,000 for the fiscal year ending June 30, 1976.

Rescission Proposal No: R76-16

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency U.S. Department of Agriculture	New budget authority (See
Bureau Agricultural Stabilization and Conservation Service	(P.L. _____) Coverage
Appropriation title & symbol	Other budgetary resources
Water Bank Act Program - 1976	Total budgetary resources
12X3320	Amount proposed for rescission section below.)
OMB identification code: 05-60-3320-0-1-320	Legal authority*(in addition to sec. 1012): <input type="checkbox"/> Antideficiency Act
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Other _____
Type of account or fund: <input type="checkbox"/> Annual	Type of budget authority: <input checked="" type="checkbox"/> Appropriation
<input type="checkbox"/> Multiple-year _____ (expiration date)	<input type="checkbox"/> Contract authority
<input checked="" type="checkbox"/> No-year	<input type="checkbox"/> Other _____

Coverage

Fiscal Year 1976		Transition Quarter	
Budgetary Resources	Proposed Rescission	Budgetary Resources	Proposed Rescission
\$10,000,000 (P.L. 94-122)	\$10,000,000	\$2,500,000 (P.L. 94-122)	\$2,500,000

Justification

The program was authorized by the Water Bank Act (P.L. 91-559). The Act authorized the Secretary of Agriculture to enter into long-term agreements with farmers and landowners to preserve and improve migratory waterfowl habitat.

The overall objective of this program is the same as a similar program currently being conducted by the Department of the Interior. Since the program complement each other and since adequate preservation of wetlands can be maintained under existing agreements, the Water Bank Program could be discontinued without significant adverse impact on the Nation.

R76-16

- 2 -

Estimated Effects

Since the program provides only limited conservation benefits, its termination is of minimal consequence. Payments under prior year agreements will continue to be made until these agreements are fully satisfied. These agreements will have annual outlays of about \$3.0 million for the next 9 years.

Outlay Effect (estimated in tenths of millions of dollars)

Comparison with President's 1976 Budget:

- | | |
|---|-----|
| 1. Budget outlay estimate for 1976..... | 2.0 |
| 2. Outlay savings, if any, included in the
budget outlay estimate..... | --- |

Current Outlay Estimates for 1976:

- | | |
|--|------------|
| 3. Without rescission..... | 4.1 |
| 4. With rescission..... | <u>3.8</u> |
| 5. Current outlay savings (line 3 - line 4)..... | .3 |
| Outlay Savings for the Transition Quarter..... | --- |
| Outlay Savings for 1977..... | 1.6 |

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

Water Bank Program

Appropriations provided under this head in the Agriculture and Related Agencies Appropriation Act, 1976, are rescinded in the amount of \$10,000,000 for the fiscal year ending June 30, 1976, and in the amount of \$2,500,000 for the period July 1, 1976, through September 30, 1976.

Rescission Proposal No: R76-17

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency <u>U.S. Department of Agriculture</u>	New budget authority (P.L. _____)
Bureau <u>Agricultural Stabilization and Conservation Service</u>	Other budgetary resources (See
Appropriation title & symbol <u>Forestry Incentives Program-1976</u> <u>12.3336</u>	Total budgetary resources <u>coverage</u> Amount proposed for rescission <u>section</u> <u>below</u>
OMB identification code: <u>05-60-336-0-1-302</u>	Legal authority (in addition to sec. 1012): <input type="checkbox"/> Antideficiency Act
Grant program <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Other _____
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year _____ (expiration date) <input checked="" type="checkbox"/> No-year	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other _____

Coverage

	<u>Fiscal Year 1976</u>		<u>Transition Quarter</u>	
	<u>Budgetary</u>	<u>Proposed</u>	<u>Budgetary</u>	<u>Proposed</u>
	<u>Resources</u>	<u>Rescission</u>	<u>Resources</u>	<u>Rescission</u>
New budget authority (P.L. 94-122).....	15,000,000		3,750,000	
Other budgetary resources.....	<u>9,280,771</u>		---	
Total budgetary resources.....	24,280,771	15,000,000	3,750,000	3,750,000

Justification

Rescission of the \$15,000,000 FY 1976 appropriations and the \$3,750,000 transition quarter appropriation would discontinue this program which was first authorized by Section 1009 of the Agriculture and Consumer Protection Act of 1973 (P.L. 93-86). The program provides cost-sharing to landowners for the purpose of stimulating long-term sawtimber production on private nonindustrial lands.

There is serious doubt as to whether the national benefits derived from investments in this kind of program justify the expenditure of scarce national resources for its funding. Moreover, it is not clear that landowners would not invest their own capital if Federal cost-sharing

were not available. The program would be far more justifiable if there were a mechanism through which the Federal Government could regain its investment at the time the timber products were marketed just as the landowner regains his. In this case, however, the landowner not only realizes a profit on his investment; but he also realizes a profit on the government's portion of the investment.

Estimated Effects

The Forestry Incentives Program can be terminated with little, if any, adverse impact on the Nation's capability to produce forestry products. Even without cost-sharing, technical assistance and advice would still be available to owners of such lands who wished to carry out tree planting, stand improvement, etc., at their own expense based on their assessment that such an undertaking is a sound economic investment.

Outlay Effect (estimated in tenths of millions of dollars)

Comparison with President's 1976 Budget:

1. Budget outlay estimate for 1976.....	0.0
2. Outlay savings, if any, included in the budget outlay estimate.....	0.0

Current Outlay Estimates for 1976:

3. Without rescission.....	20.3
4. With rescission.....	<u>10.9</u>
5. Current outlay savings (line 3 - line 4).....	9.4
Outlay Savings for the Transition Quarter.....	1.3
Outlay Savings for 1977.....	3.0

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DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

Forestry Incentives Program

Appropriations provided under this head in the Agriculture and Related Agencies Appropriation Act, 1976, are rescinded in the amount of \$15,000,000 for the fiscal year ending June 30, 1976, and in the amount of \$3,750,000 for the period July 1, 1976, through September 30, 1976.

Rescission Proposal No: R76-18

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency <u>U.S. DEPARTMENT OF AGRICULTURE</u>	New budget authority (P.L. _____)
Bureau <u>Farmers Home Administration</u>	Other budgetary resources (See
Appropriation title & symbol <u>Rural Water and Waste Disposal Grants 12X2066</u>	Total budgetary resources <u>coverage</u> Amount proposed for rescission <u>section</u> <u>below)</u>
OMB identification code: <u>05-75-2066-0-1-451</u>	Legal authority* (in addition to sec. 1012): <input type="checkbox"/> Antideficiency Act
Grant program <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Other _____
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year _____ (expiration date) <input checked="" type="checkbox"/> No-year	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other _____

Coverage

<u>Fiscal Year 1976</u>		<u>Transition Quarter</u>	
<u>Budgetary</u>	<u>Proposed</u>	<u>Budgetary</u>	<u>Proposed</u>
<u>Resources</u>	<u>Rescission</u>	<u>Resources</u>	<u>Rescission</u>
\$250,000,000	\$125,000,000	\$37,500,000	\$25,000,000
(P.L. 94-122		(P.L. 94-122)	
and 41)			

Justification

A program level of \$75 million for fiscal year 1976 and \$12.5 million for the transition quarter is proposed. Of the \$287.5 million appropriated by P.L. 94-122 and 94-41 for rural water and waste disposal grants over 15 months, \$150 million is proposed for rescission and \$50 million is to be deferred until fiscal year 1977. This program provides water and waste disposal development grants that are made to public or quasi-public agencies for the development, storage, treatment, purification, and distribution of domestic water or the collection, treatment, or disposal of waste in rural areas. Grants may not exceed 50 percent of the development cost of the projects.

The \$75 million proposed funding level is considered sufficient to meet the needs of this program, at this time, for the following reasons:

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1. The program level proposed is sufficient to fund the most urgent grant applications on hand which are ready for funding this fiscal year.
2. The grant program level proposed, including transfers from other agencies, is the appropriate amount to complement the loan authority of \$470 million provided for water and sewer facility loans (Rural Development Insurance Fund) in the FY 1976 Agriculture and Related Agencies Appropriation Act, based on revised estimates of the proper balance between loans and grants.
3. Grant funds for this type program are also available from the Economic Development Administration, the Department of Commerce; the Department of the Army; and the Appalachian Regional Commission to assist in funding water and waste disposal projects in rural areas.

Estimated Effects

The estimated effects of this rescission are minimal. The funding level recommended by the President together with fund transfers from other agencies is considered sufficient to fund this program this fiscal year.

Outlay Effect (Estimated in millions of dollars)

Comparison with President's 1976 budget:	
1. Budget outlay estimate for 1976.....	66.0
2. Outlay savings, if any, included in the budget outlay estimate.....	---
Current outlay estimates for 1976:	
3. Without rescission.....	71.8
4. With rescission.....	62.0
5. Current outlay savings (line 3 - 4).....	9.8
Outlay savings for the transition quarter.....	2.3
Outlay savings for 1977.....	31.4

The total outlay effect of the proposed rescissions of \$125 million in FY 1976 and \$25 million in the transition quarter, as well as the deferral of \$50 million would be as follows:

FY 1976	-14.8 million
TQ	-4.3 million
FY 1977	-41.4 million

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

Rural Water and Waste Disposal Grants

Appropriations provided under this head in the Agriculture and Related Agencies Appropriation Act, 1976, are rescinded in the amount of \$100,000,000 for the fiscal year ending June 30, 1976, and in the amount of \$25,000,000 for the period July 1, 1976, through September 30, 1976.

Appropriations provided in the twelfth unnumbered paragraph of section 101 (e) of Public Law 94-41 for activities under the heading Rural Water and Waste Disposal Grants pursuant to sections 306 (a) (2) and 306 (a) (6) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926) are rescinded in the amount of \$25,000,000.

Rescission Proposal No: R76-19

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency <u>U.S. DEPARTMENT OF AGRICULTURE</u>	New budget authority (P.L. _____)
Bureau <u>Farmers Home Administration</u>	Other budgetary resources
Appropriation title & symbol <u>Rural Development Grants</u> <u>1262065</u>	Total budgetary resources (See <u>coverage</u> section below)
	Amount proposed for rescission
OMB identification code: <u>05-75-2065-0-1-452</u>	Legal authority (in addition to sec. 1012): <input type="checkbox"/> Antideficiency Act
Grant program <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Other _____
Type of account or fund: <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Multiple-year _____ (expiration date) <input type="checkbox"/> No-year	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other _____

Coverage

Fiscal Year 1976		Transition Quarter	
Budgetary Resources	Proposed Rescission	Budgetary Resources	Proposed Rescission
\$11,875,000	\$9,375,000	\$2,969,000	\$2,969,000
(P.L. 94-122)		(P.L. 94-122)	

JUSTIFICATION

This program supplements business and industrial loans made in rural areas for the purpose of improving, developing, or financing business, industry, and employment and improving the economic and environmental climate in rural communities.

Loan funds are available for these same purposes at reasonable interest rates and terms through the community facilities loan program of the Department of Agriculture. To avoid duplication of programs and the costs associated with such duplication, the rescission of \$12,344,000 in 1976 and the transition quarter is proposed.

Estimated Effects

The elimination of this program will have a minimum effect on the rural economy since funds are available from the community facilities loan program and from other sources to fund necessary projects.

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1976 budget:

1. Budget outlay estimate for 1976.....	10.0
2. Outlay savings, if any, included in the budget outlay estimate.....	--

Current outlay estimates for 1976:

3. Without rescission.....	10.0
4. With rescission.....	9.3
5. Current outlay savings (line 3 - line 4).....	.7

Outlay savings for the transition quarter.....	.4
Outlay savings for 1977.....	6.0

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DEPARTMENT OF AGRICULTURE

Farmers Home Administration

Rural Development Grants

Appropriations provided under this head in the Agriculture and Related Agencies Appropriation Act, 1976, are rescinded in the amount of \$9,375,000 for the fiscal year ending June 30, 1976, and in the amount of \$2,969,000 for the period July 1, 1976, through September 30, 1976.

Rescission Proposal No: R76-20

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency <u>Department of Agriculture</u>	New budget authority (See
Bureau <u>Farmers Home Administration</u>	(P.L. _____) <u>Coverage</u>
Appropriation title & symbol	Other budgetary resources
	Total budgetary resources
Rural Housing for Domestic Farm Labor 12X2004	Amount proposed for rescission section below.)
OMB identification code: <u>05-75-2004-0-1-401</u>	Legal authority (in addition to sec. 1012): <input type="checkbox"/> Antideficiency Act
Grant program <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Other _____
Type of account or fund: <input type="checkbox"/> Annual	Type of budget authority: <input checked="" type="checkbox"/> Appropriation
<input type="checkbox"/> Multiple-year _____ (expiration date)	<input type="checkbox"/> Contract authority
<input checked="" type="checkbox"/> No-year	<input type="checkbox"/> Other _____

Coverage:

<u>Fiscal Year 1976</u>	
<u>Budgetary</u>	<u>Proposed</u>
<u>Resources</u>	<u>Rescission</u>
\$7,500,000	\$7,500,000
(P.L. 94-122)	

<u>Transition Quarter</u>	
<u>Budgetary</u>	<u>Proposed</u>
<u>Resources</u>	<u>Rescission</u>
\$1,875,000	\$1,875,000
(P.L. 94-122)	

Justification:

Termination of this program is proposed because other programs can more effectively provide housing for farm workers. Many farm workers are settling out of the migratory stream and becoming homeowners under the home ownership loan program (Rural Housing Insurance Fund). This program can provide a loan covering the full cost of the house, repayable over 33 years, at interest rates as low as 1 percent. This kind of housing assistance has much greater social, community, and economic benefits than can be provided by the farm labor housing program which generally provides housing for families on a temporary basis. In addition, the Sec. 515 (Housing Act of 1949) rental housing program is providing an increased supply of moderate-cost rental housing in rural areas.

This program, which provides a 1 percent, 33-year loan and up to 90 percent grant, results in a very high Federal outlay relative to the number of persons benefited. In view of this fact and the other programs available to meet housing needs of domestic farm laborers, the program is proposed for termination.

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Estimated Effects:

The Labor Housing Loans and Grants represent a very small percentage of total funding of FmHA housing programs. The discontinuance of these grants would have a minimal effect on the supply of housing in rural areas.

Outlay Effect (Estimated in Millions of Dollars):

Comparison with President's 1976 Budget:

- | | |
|---|-----|
| 1. Budget outlay estimate for 1976..... | 6.3 |
| 2. Outlay savings, if any, included in
the budget outlay estimate..... | -- |

Current outlay estimates for 1976:

- | | |
|--|-----|
| 3. Without rescission..... | 6.0 |
| 4. With rescission..... | 5.5 |
| 5. Current outlay savings (line 3 - line 4)..... | .5 |
| Outlay savings for the transition quarter..... | .1 |
| Outlay savings for 1977..... | 2.2 |

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

Rural Housing for Domestic Farm Labor Grants

Appropriations provided under this head in the Agriculture and Related Agencies Appropriations Act, 1976, are rescinded in the amount of \$7,500,000 for the fiscal year ending June 30, 1976, and in the amount of \$1,875,000 for the period July 1, 1976, through September 30, 1976.

Rescission Proposal No: R76-21

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency U.S. DEPARTMENT OF AGRICULTURE	New budget authority (P.L. _____)	(See Coverage section below.)
Bureau FARMERS HOME ADMINISTRATION	Other budgetary resources	
Appropriation title & symbol Mutual and Self-Help Housing 12X2006	Total budgetary resources	
		Amount proposed for rescission
OMB identification code: 05-75-2006-0-1-401		Legal authority (in addition to sec. 1012): <input type="checkbox"/> Antideficiency Act
Grant program <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Other _____
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year _____ (expiration date) <input checked="" type="checkbox"/> No-year		Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other _____

Coverage

	Fiscal Year 1976		Transition Quarter	
	Budgetary Resources	Proposed Rescission	Budgetary Resources	Proposed Rescission
New budget authority (P.L. 94-122).....	\$9,000,000	\$9,000,000	\$2,250,000	\$2,250,000
Other budgetary resources.....	1,036,529	1,036,529	--	--
Total budgetary resources.....	\$10,036,529	\$10,036,529	\$2,250,000	\$2,250,000

Justification

Grants are used to provide technical and supervisory assistance to groups of families who build their homes by mutually exchanging labor. Owing to the relatively low number of families that have taken advantage of this program and the greater effectiveness of other programs in meeting overall housing needs, the rescission of these budgetary resources is proposed.

Estimated Effects

Although a significant effort was made by the field staffs, the Farmers Home Administration had difficulty granting the funds available in 1975. There was a scarcity both of eligible applicants and of applicants who showed evidence of being able to perform satisfactorily enough to be awarded grants. The same scarcities are expected in 1976. Therefore, terminating this program will deny benefits to very few families.

Outlay Effects (Estimated in millions of dollars)

Comparison with President's in 1976 budget:

1. Budget outlay estimate for FY 1976.....	\$.7
2. Outlay savings, if any, included in the outlay estimate.....	--

Current outlay estimates for 1976:

3. Without rescission.....	6.0
4. With rescission.....	5.0
5. Current outlay savings (line 3 - line 4).....	1.0
Outlay savings for transition quarter.....	.2
Outlay savings for 1977.....	4.0

DEPARTMENT OF AGRICULTURE
Farmers Home Administration
Mutual and Self-Help Housing

Appropriations provided under this head in the Agriculture and Related Agencies Appropriation Act, 1976, are rescinded in the amount of \$9,000,000 for the fiscal year ending June 30, 1976, and in the amount of \$2,250,000 for the period July 1, 1976, through September 30, 1976.

Unobligated balances of appropriations made available under this head in Appropriation Acts for prior years are rescinded.

Rescission Proposal No: R76-22

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency <u>U.S. DEPARTMENT OF AGRICULTURE</u>	New budget authority \$ _____ (P.L. _____)	1,498,032
Bureau <u>Farmers Home Administration</u>	Other budgetary resources	1,498,032
Appropriation title & symbol <u>Self-Help Housing Land Development Fund</u> <u>12X4222</u>	Total budgetary resources	1,498,032
	Amount proposed for rescission	\$ <u>1,498,032</u>
OMB identification code: <u>05-75-4222-0-3-401</u>	Legal authority* (in addition to sec. 1012): <input type="checkbox"/> Antideficiency Act	
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Other _____	
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year _____ (expiration date) <input checked="" type="checkbox"/> No-year	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other _____	

Justification

The fund was authorized by section 1005 of the Housing and Urban Development Act of 1968, to make loans at three percent interest for two years to acquire and develop sites. These sites are then subdivided and sold to eligible families, nonprofit organizations, and cooperatives. This program operates in conjunction with the Mutual and self-help housing program (see R76-21) that provides grants to groups of families who build their homes—sometimes, on sites developed through use of the fund—by mutually exchanging labor. Both programs are proposed for termination because relatively few groups have made use of the programs and because other programs are more effective in meeting overall housing needs.

R76-22

2

Estimated Effects

Of the \$900,000 in loan funds available for this program in FY 1975, \$234,000 was obligated. Since the demand for funds under this program has been very limited, insignificant effects would result from the proposed rescission.

Outlay Effects (Estimated in millions of dollars)

Comparison with President's 1976 budget:

1. Budget outlay estimate for 1976.....	.2
2. Outlay savings, if any, included in the budget outlay estimate.....	-

Current outlay estimates for 1976:

3. Without rescission.....	.8
4. With rescission.....	.2
5. Current outlay savings (line 3 - line 4).....	.6

Outlay savings for the transition quarter.....	.2
Outlay savings for 1977.....	.6

DEPARTMENT OF AGRICULTURE

Self-Help Housing Land Development Fund

Unobligated balances of appropriations provided for direct loans pursuant to section 523(b)(1)(B) of the Housing Act of 1949 (42 USC 1471-1490C) and related advances in the Department of Agriculture and Related Agencies Appropriation Acts of 1970 and 1971, and the Supplemental Appropriation Act, 1969, are rescinded.

Rescission Proposal No: R76-23

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency U.S. DEPARTMENT OF AGRICULTURE	New budget authority (P.L. 94-122) \$ <u>2,716,000,000</u>
Bureau Farmers Home Administration	Other budgetary resources _____
Appropriation title & symbol Rural Housing Insurance Fund 12X4141 (Farm Labor Housing Loans)	Total budgetary resources <u>2,716,000,000</u>
	Amount proposed for rescission \$ <u>10,000,000</u>
OMB identification code: 05-75-4141-0-3-401	Legal authority (in addition to sec. 1012): <input type="checkbox"/> Antideficiency Act
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Other _____
Type of account or fund: <input checked="" type="checkbox"/> Annual	Type of budget authority: <input type="checkbox"/> Appropriation
<input type="checkbox"/> Multiple-year _____ (expiration date)	<input type="checkbox"/> Contract authority
<input type="checkbox"/> No-year	<input checked="" type="checkbox"/> Other <u>Loan Authority</u>

Justification

Loans for farm labor housing -- one of several loan programs encompassed by the Rural Housing Insurance Fund -- are made to farm owners, to public or private nonprofit organizations, or to nonprofit, State-incorporated organizations of farmworkers. In recent years, most of the loans have been made to public organizations and nonprofit associations at a 1% interest rate. The loans may be used to provide living quarters, household furnishings, and related facilities for domestic farm labor.

In comparison to other housing programs of the Farmers Home Administration, these loans have made insignificant contributions to meeting housing needs in rural areas. From the inception of the program in fiscal year 1962 through June 30, 1975, a total of 460 initial and subsequent loans have been made, obligating a total of \$49 million. Further, loans to qualified farmworkers for similar housing purposes are available through two other programs operated under the Rural Housing Insurance Fund -- rural rental housing loans and homeownership loans.

Estimated Effects

The estimated effects of rescinding this program are considered negligible, since it represents a very small percentage of the loan authority available for housing programs and since housing assistance for farmworkers can be provided through the homeownership and rural rental housing loan programs.

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1976 Budget:

1. Budget outlay estimate for 1976.....	162.0
2. Outlay savings, if any, included in the budget outlay estimate...	—

Current Outlay Estimates for 1976:

3. Without rescission.....	267.5
4. With rescission.....	267.5
5. Current outlay savings (line 3 - line 4).....	—
Outlay savings for transition quarter.....	—
Outlay savings for 1977.....	0.4

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DEPARTMENT OF AGRICULTURE
Farmers Home Administration
Rural Housing Insurance Fund

The amounts made available for insured loans and for subsidized interest loans to low income borrowers under this head in the Agriculture and Related Agencies Appropriation Act, 1976, are rescinded in the amount of \$10,000,000.

Rescission Proposal No: R76-24

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency DEPARTMENT OF AGRICULTURE	New budget authority (P.L. _____)	(See Coverage section below.)
Bureau Farmers Home Administration	Other budgetary resources	
Appropriation title & symbol Rural Community Fire Protection Grants 1262067	Total budgetary resources	
	Amount proposed for rescission	
OMB identification code: 05-75-2067-0-1-452	Legal authority (in addition to sec. 1012): <input type="checkbox"/> Antideficiency Act	
Grant program <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Other _____	
Type of account or fund: <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Multiple-year _____ (expiration date) <input type="checkbox"/> No-year	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other _____	

Coverage

Fiscal Year 1976		Transition Quarter	
Budgetary Resources	Proposed Rescission	Budgetary Resources	Proposed Rescission
\$3,500,000 (P.L. 94-122)	\$3,500,000	\$875,000 (P.L. 94-122)	\$875,000

Justification

This program, authorized under the Rural Development Act of 1972, would provide funds for fire fighting equipment and for organizing and training personnel in rural communities to assist in fire control. This program, which has a high cost per person served, is proposed for termination. Adequate credit assistance to provide this equipment is available at reasonable interest rates and terms through the community facilities loan program.

Estimated Effects: The estimated effects of the proposed rescission are negligible for the following reasons: first, community facilities loans are available at reasonable interest rates and terms; and, second, the Forest Service makes surplus fire fighting equipment available to rural communities.

R76-24

2

Outlay Effect (estimated in tenths of millions of dollars):

Comparison with President's 1976 Budget:

1. Budget outlay estimate for FY 1976.....	0
2. Outlay savings, if any, included in the budget outlay estimate.....	0

Current Outlay Estimate for 1976:

3. Without rescission.....	2.8
4. With rescission.....	0
5. Current outlay savings (line 3 - line 4).....	2.8

Outlay Savings for the Transition Quarter..... .7

Outlay Savings for 1977..... .9

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

Rural Community Fire Protection Grants

Appropriations provided under this head in the Agriculture and Related Agencies Appropriation Act, 1976, are rescinded in the amount of \$3,500,000 for the fiscal year ending June 30, 1976, and in the amount of \$875,000 for the period July 1, 1976, through September 30, 1976.

Rescission Proposal No: R76-25

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency <u>U.S. Department of Agriculture</u>	New budget authority (See (P.L. _____))	Coverage
Bureau <u>Agricultural Marketing Service</u>	Other budgetary resources	
Appropriation title & symbol <u>Payments to States and Possessions, Agricultural Marketing Service, 1976 (1262501)</u>	Total budgetary resources	section below.)
OMB identification code: <u>05-81-2501-5-1-352</u>	Amount proposed for rescission	
Grant program <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Legal authority (in addition to sec. 1012): <input type="checkbox"/> Antideficiency Act <input type="checkbox"/> Other _____	
Type of account or fund: <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Multiple-year _____ (expiration date) <input type="checkbox"/> No-year	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other _____	

Coverage

Fiscal Year 1976		Transition Quarter	
Budgetary Resources	Proposed Rescission	Budgetary Resources	Proposed Rescission
\$1,600,000 (P.L. 94-122)	\$1,600,000	\$400,000 (P.L. 94-122)	\$400,000

Justification

Since 1948, Federal matching funds have been provided under the program to assist State Departments of Agriculture to conduct pilot marketing service projects geared to developing ongoing State capabilities and services. The policy to restrict funds to pilot activities was developed in cooperation with States and has had consistent State support. During the 27 years, most States have been able to obtain State funding for productive activities initiated on a pilot basis under the program. As a result, the majority of State Departments of Agriculture have, in recent years, conducted the bulk of their marketing work outside this program. For example, many States are now using State resources to carry out their portion of Federal-State market news programs and agricultural statistical services that were initially funded by the Federal Government. Ongoing State domestic promotional and informational programs are fully State-funded. The costs of State livestock grading programs has been taken over by the States or supported through user fees. A number of export marketing projects started under this program just a few years ago have been shifted to other sources of funding.

Over the years, as ongoing State marketing services and other responsibilities increased, the importance of this program to the States has diminished. State activities funded by this program have received less interest and attention by State leaders, resulting in fewer innovative marketing service proposals being submitted by the States to the Agricultural Marketing Service for funding consideration and generally leaving AMS with the choice of supporting activities well past the pilot stage, approving mediocre work, or turning a good share of the funds back to the Federal Treasury.

The diminishing State interest in the program is substantiated by the fact that one-third of the 1974 participants did not request program funds for fiscal year 1975. Of the 30 States submitting proposals for 1975, 16 were not able to develop projects that met the major considerations for approving work. A major stumbling block was that many States were unable or not inclined to come up with State matching funds for developing new State marketing services beyond those services already provided or those that had previously been pilot-tested.

Estimated Effects

Rescinding the 1976 and transition quarter appropriations will have little impact on the marketing projects carried out by the States. As illustrated above, States have assumed funding of marketing service activities and have recently shown little interest in the pilot programs financing available through this program.

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1976 Budget:

- | | |
|---|----|
| 1. Budget outlay estimate for 1976..... | -- |
| 2. Outlay savings, if any, included in the budget
outlay estimate..... | -- |

Current outlay estimate for 1976:

- | | |
|--|-------|
| 3. Without rescission..... | \$1.6 |
| 4. With rescission..... | -- |
| 5. Current outlay savings..... | \$1.6 |
| Outlay savings for the Transition Quarter..... | .4 |
| Outlay savings for 1977..... | -- |

R76- 25

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

Payments to States and Possessions

Appropriations provided under this head in the Agriculture and Related Agencies Appropriation Act, 1976, are rescinded in the amount of \$1,600,000 for the fiscal year ending June 30, 1976, and in the amount of \$400,000 for the period July 1, 1976, through September 30, 1976.

Rescission Proposal No: R76- 26

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency <u>DEPARTMENT OF HOUSING AND URBAN</u> <u>DEVELOPMENT</u> Bureau <u>Housing Production and Mortgage Credit</u>	New budget authority <u>\$ 600,000,000</u> (P.L. <u>94-116</u>) Other budgetary resources _____
Appropriation title & symbol State Housing Finance and Development Agencies 86x4240	Total budgetary resources <u>600,000,000</u> Amount proposed for rescission-total new budget authority \$ 600,000,000 (for 1976, \$15 million in contract authority and \$15 million to liquidate that contract authority)
OMB identification code: 25-02-4240-5-1-451	Legal authority (in addition to sec. 1012): <input type="checkbox"/> Antideficiency Act
Grant program <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Other _____
Type of account or fund: <input type="checkbox"/> Annual <input checked="" type="checkbox"/> Multiple-year <u>fiscal year 2116</u> (expiration date) <input type="checkbox"/> No-year	Type of budget authority: <input type="checkbox"/> Appropriation <input checked="" type="checkbox"/> Contract authority <input type="checkbox"/> Other _____

Justification

Section 802 of the Housing and Community Development Act of 1974 (P.L. 93-383) authorizes interest subsidy grants to, and Federal guarantees of obligations issued by, State housing finance and development agencies. The HUD-Independent Agencies Appropriation Act, 1976 (P.L. 94-116) provided \$15 million in annual contract authority for interest subsidies and \$15 million in appropriations to liquidate that contract authority in 1976. This appropriation is the first made under the authority of Section 802. Annual contracts up to \$15 million may now be made for a term of up to 40 years, which means the available contract authority translates into \$600 million of budget authority (\$15 million X 40 years = \$600 million.)

If used, the interest subsidy grants would subsidize up to one-third of the interest cost of taxable obligations issued by State agencies. Whether or not these subsidies would result in lower borrowing costs to the recipient agencies would depend on the interest rate on taxable securities relative to the current market rates for tax-exempt issues. In some cases, the tax-exempt rate would be more favorable than the subsidized, taxable rate -- resulting in no advantage to the agencies. In other cases, the subsidized taxable rate would be lower, reducing borrowing costs to the agency.

Federal interest subsidies as provided under Section 802 are not the only available means for lowering agency borrowing costs. A number of State agencies have indicated a preference for FHA insurance or a coinsurance program as authorized under Section 244 of the Housing and Community Development Act of 1974. A number of States are already requiring Federal mortgage insurance on agency projects, and the Department is currently examining the relative benefits and costs of implementing Section 244.

R76- 26

2

Also, State governments could lower the borrowing costs of their State housing finance and development agencies more than Section 802 assistance would by pledging their "full faith and credit" to the borrowing of the agencies. It can be demonstrated that the issuance of such a pledge is equal to, and in some cases superior to, the interest subsidy provisions of Section 802. Thus, the interest subsidies are not needed.

Estimated Effects

Since State backing for securities issued by housing and development agencies could reduce borrowing costs by more than the interest subsidies, this rescission need not affect the activity level of these agencies.

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1976 Budget:

1. Budget outlay estimate for 1976.....	0
2. Outlay savings, if any, included in the budget outlay estimate.....	0

Current Outlay Estimates for 1976:

3. Without rescission.....	0
4. With rescission.....	0
5. Current outlay savings (line 3 - line 4).....	0
	<hr/> 0

Outlay savings for the Transition Quarter.....	0
Outlay savings for 1977.....	0
Outlay savings for 1978.....	15.0
Outlay savings for 1979.....	15.0

DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT

HOUSING PROGRAMS

STATE HOUSING FINANCE AND DEVELOPMENT AGENCIES

Appropriations and contract authority provided
for in the Housing and Urban Development-Independent
Agencies Appropriation Act, 1976, for interest
grant payments pursuant to Section 802(c)(2) of the
Housing and Community Development Act of 1974
(88 Stat. 722) are rescinded.

Recission Proposal No: R76-27

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Consumer Product Safety Commission	New budget authority \$ <u>41,820,000</u> (P.L. 94-116)
Bureau	Other budgetary resources <u>10,000</u>
Appropriation title & symbol	Total budgetary resources <u>41,830,000</u>
Salaries and Expenses - 6150100	Amount proposed for rescission \$ <u>5,225,000</u>
OMB identification code: 30-40-0100-0-1-553	Legal authority (in addition to sec. 1012): <input type="checkbox"/> Antideficiency Act
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Other _____
Type of account or fund: <input checked="" type="checkbox"/> Annual	Type of budget authority: <input checked="" type="checkbox"/> Appropriation
<input type="checkbox"/> Multiple-year _____ (expiration date)	<input type="checkbox"/> Contract authority
<input type="checkbox"/> No-year	<input type="checkbox"/> Other _____

Justification:

The proposed rescission would maintain the President's 1976 requested level of \$36,595,000 for the Consumer Product Safety Commission (CPSC). The 1976 appropriation exceeds the President's request by the \$5,225,000 proposed for rescission.

The resulting level would allow maintenance of all CPSC programs at the 1975 level, which is more than 20% above the 1974 level. A \$37 million funding level should provide ample resources for CPSC to demonstrate its effectiveness in reducing consumer product injuries, to address program priorities, and to accomplish essential objectives.

Estimated Effects:

The rescission would not result in personnel reductions, and all CPSC programs could be maintained at the 1975 level. No continuing grants or contracts would have to be cancelled for lack of funding. The appropriation level of \$41,820,000 would result in an average 14% expansion over 1975 in all program areas—including regulatory development, information and education, compliance, and administration.

Outlay Effect: (estimated in tenths of millions of dollars)

Comparison with President's 1976 Budget:

- | | |
|--|------|
| 1. Budget outlay estimate for 1976 | 43.4 |
| 2. Outlay savings, if any, included in the budget outlay estimate | -0- |

Current Outlay Estimates for 1976:

- | | |
|---|------|
| 3. Without rescission | 47.4 |
| 4. With rescission | 43.4 |
| 5. Current outlay savings (line 3 - line 4) | 4.0 |

- | | |
|---|-----|
| Outlay savings for the Transition Quarter | .2 |
| Outlay savings for 1977 | 1.0 |

R76- 27

CONSUMER PRODUCT SAFETY COMMISSION

Salaries and Expenses

Appropriations provided under this head in the Department of Housing and Urban Development - Independent Agencies Appropriation Act, 1976, are rescinded in the amount of \$5,225,000 for the fiscal year ending June 30, 1976.

Deferral No: D76-68

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-544

Agency U.S. Department of Agriculture	New budget authority (P.L. <u>94-122</u>)	\$ <u>10,395,000</u>
Bureau Agricultural Research Service	Other budgetary resources	<u>8,667,500</u>
Appropriation title & symbol Agricultural Research Service (Construction) 12X1400	Total budgetary resources	<u>19,062,500</u>
	Amount to be deferred:	
	Part of year	\$ <u> </u>
	Entire year	<u>7,570,000</u>
OMB identification code: <u>05-18-1400-0-1-352</u>	Legal authority (in addition to sec. 1013):	
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Antideficiency Act	
	<input type="checkbox"/> Other <u> </u>	
Type of account or fund: <input type="checkbox"/> Annual	Type of budget authority:	
<input type="checkbox"/> Multiple-year <u> </u> (expiration date)	<input checked="" type="checkbox"/> Appropriation	
<input checked="" type="checkbox"/> No-year	<input type="checkbox"/> Contract authority	
	<input type="checkbox"/> Other <u> </u>	

Justification:

Currently, the research facilities of the Agricultural Research Service (ARS) are not fully utilized. Although the Department of Agriculture, with the support of the Congress, is continuing its efforts to improve utilization by further sharing resources with other Federal agencies, facilities are currently in excess of staff using them. A recent review indicated that ARS laboratories are staffed at 88 percent of their capacity in terms of scientific man-years, 79 percent with ARS personnel and 9 percent with non-ARS personnel. To optimize use of the scientific staff, programs are under constant review; priority research efforts are being identified, projects reaching completion are being terminated, and efforts are being made to relocate and consolidate similar lines of work at the various locations.

In view of these excess research facilities and no immediate prospects for substantially more scientific staff to use them, \$7,570,000 appropriated in fiscal year 1976 for construction of the Northeastern Appalachian Region Fruit Crop Laboratory, Kearneysville, West Virginia, are proposed for deferral through June 30, 1976, or, if appropriate legislation is enacted, through September 30, 1976.

Estimated Effects

Fruit research in support of regional fruit industries will continue at other locations, primarily Beltsville, Maryland. Savings in Federal expenditures are estimated at \$1.0 million in fiscal year 1976, and total \$5.0 million by end of fiscal year 1977 if deferral is continued until then.

D76-68

2

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1976 Budget:

- | | |
|---|-----|
| 1. Budget outlay estimate for 1976..... | 5.6 |
| 2. Outlay savings, if any, included in the
budget outlay estimate..... | 0 |

Current Outlay Estimate for 1976:

- | | |
|--------------------------------|------|
| 3. Without deferral..... | 15.0 |
| 4. With deferral..... | 14.0 |
| 5. Current Outlay Savings..... | 1.0 |

Outlay Savings for the Transition Quarter.....	0.5
--	-----

Outlay Savings for 1977.....	3.0
------------------------------	-----

Deferral No: D76-69

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency U. S. Department of Agriculture	New budget authority \$ _____ (P.L. _____)
Bureau Animal and Plant Health Inspection Service	Other budgetary resources <u>17,555,928</u>
Appropriation title & symbol 12X1600 Animal and Plant Health Inspection Service (Construction-Fleming Key Animal Import Center)	Total budgetary resources <u>17,555,928</u>
	Amount to be deferred: Part of year \$ _____ Entire year <u>6,314,000</u>
OMB identification code: 05-21-1600-0-1-999	Legal authority (in addition to sec. 1013): <input type="checkbox"/> Antideficiency Act
Grant program <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Other _____
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year _____ (expiration date) <input checked="" type="checkbox"/> No-year	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other _____

Justification

The Fleming Key Animal Import Center would provide quarantine facilities for cattle imported directly into the United States from countries known to be infected or to have been infected with foot and mouth disease.

Currently, exotic breeding stock can be brought into the United States through the facilities of other countries where USDA approved safeguards are exercised.

Since some desired exotic cattle breeds are currently available through facilities operated by other countries, the construction funds for the Fleming Key Animal Import Center are being deferred through June 30, 1976, or, if appropriate legislation is enacted, through September 30, 1976.

Estimated Effects

The purpose of the construction of the Fleming Key facility is to expand the import of--by partially reducing the cost of import--exotic cattle breeds to improve the production of U.S. cattle and dairy herds. Deferral of these amounts would not markedly affect the progress toward this goal. Some desired cattle are now available through other channels.

D76-69

2

Outlay Effects (Estimated in millions of dollars)

Comparison with President's 1976 budget:

1. Budget outlay estimate for 1976.....	\$4.0
2. Outlay savings, if any, included in the budget outlay estimate.....	--

Current outlay estimates for 1976:

3. Without deferral.....	1.3
4. With deferral.....	.5
5. Current outlay savings (line 3-line 4).....	.8

Outlay savings for the transition quarter..... 1.0

Outlay savings for 1977..... 3.3

Deferral No: D76-70

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency <u>U.S. Department of Agriculture</u>	New budget authority <u>\$ 175,000,000</u> (P.L. <u>94-122</u>)
Bureau <u>Agricultural Stabilization and Conservation Service</u>	Other budgetary resources <u> </u>
Appropriation title & symbol <u>Agricultural Conservation Program, 1976</u> <u>126/83315</u>	Total budgetary resources <u>175,000,000</u>
	Amount to be deferred:
	Part of year <u>\$ </u>
	Entire year <u>90,000,000</u>
OMB identification code: <u>05-60-3315-0-1-302</u>	Legal authority (in addition to sec. 1013): <input type="checkbox"/> Antideficiency Act
Grant program <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Other <u> </u>
Type of account or fund: <input type="checkbox"/> Annual	Type of budget authority: <input type="checkbox"/> Appropriation
<input checked="" type="checkbox"/> Multiple-year <u>12/31/76</u> (expiration date)	<input checked="" type="checkbox"/> Contract authority
<input type="checkbox"/> No-year	<input type="checkbox"/> Other <u> </u>

Justification

This action would defer \$90,000,000 of contract authority for the 1976 Agricultural Conservation Program (ACP), authorized in the 1976 Agriculture and Related Agencies Appropriation Act until June 30, 1976, or, if appropriate legislation is enacted, through September 30, 1976.

A level of \$85 million will provide all the funding that can be effectively used to provide cost-sharing for additional conservation above that which farmers are willing and able to perform with their own resources.

Estimated Effects The proposed deferral would leave \$85,000,000 available for FY 1976. This amount will be sufficient for cost-sharing assistance to farmers. There would be no outlay savings in FY 1976 because funds are not appropriated in the current year to liquidate the 1976 contract authority.

D76-70

2

Outlay Effect (estimated in tenths of millions of dollars)

Comparison with President's 1976 Budget:

- | | |
|---|-------|
| 1. Budget outlay estimate for 1976:..... | 170.0 |
| 2. Outlay savings, if any, included in the
budget outlay estimate..... | 0 |

Current Outlay Estimates for 1976:

- | | |
|--|-------|
| 3. Without deferral..... | 170.0 |
| 4. With deferral..... | 170.0 |
| 5. Current outlay savings (line 3 - line 4)..... | 0 |
| Outlay Savings for the Transition Quarter..... | 5.5 |
| Outlay Savings for 1977..... | 76.0 |

Deferral No: D76-71

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency <u>U. S. Department of Agriculture</u>	New budget authority \$ _____ (P.L. _____)
Bureau <u>Agricultural Stabilization and Conservation Service</u>	Other budgetary resources \$ <u>39,400,000</u>
Appropriation title & symbol <u>Commodity Credit Corporation</u> <u>Administrative Expenses, 1976-</u> <u>1264336</u>	Total budgetary resources \$ <u>39,400,000</u>
	Amount to be deferred: Part of year \$ <u>2,787,000</u>
	Entire year _____
OMB identification code: <u>05-66-4336-0-3-999</u>	Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Other <u>P.L. 94-122</u>
Type of account or fund: <input checked="" type="checkbox"/> Annual	Type of budget authority: <input checked="" type="checkbox"/> Appropriation
<input type="checkbox"/> Multiple-year _____ (expiration date)	<input type="checkbox"/> Contract authority
<input type="checkbox"/> No-year	<input type="checkbox"/> Other _____

Justification

The Agriculture Appropriation Act (Commodity Credit Corporation, Limitation on Administrative Expenses) provides that no less than 7 percent of the total authorization for administrative expenses of the CCC shall be placed in reserve and used only in such manner and at such time as may be necessary to carry out program operations.

Estimated Effects

This deferral will have no programmatic impact and its economic and budgetary impact will be negligible.

D76-71

- 2 -

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1976 Budget

- | | |
|--|--------|
| 1. Budget outlay estimate for 1976..... | \$39.4 |
| 2. Outlay savings, if any, included
in the budget outlay estimate | 0 |

Current outlay estimates for 1976

- | | |
|--|------|
| 3. Without deferral | 39.4 |
| 4. With deferral | 39.4 |
| 5. Current outlay savings | 0 |
| Outlay savings for the transition quarter..... | 0 |
| Outlay savings for 1977 | 0 |

D76-72

2

2. The grant program level proposed, including transfers from other agencies, is the appropriate amount to complement the loan authority of \$470 million provided for water and facility loans (Rural Development Insurance Fund) in the FY 1976 Agriculture and Related Agencies Appropriation Act, based on revised estimates of the proper balance between loans and grants.
3. Grant funds for this program have been or are in the process of transfer from the Economic Development Administration, Department of Commerce; Department of the Army; and the Appalachian Regional Commission to assist in funding water and waste disposal projects in rural areas.

Estimated Effects

The estimated effects of this deferral are minimal. The funding level recommended by the President, together with fund transfers from other agencies, is considered sufficient to fund this program this fiscal year.

Outlay Effect (Estimated in millions of dollars)

Comparison with President's 1976 budget:

1. Budget outlay estimate for 1976.....	66.0
2. Outlay savings, if any, included in the budget outlay estimate.....	---

Current outlay estimates for 1976:

3. Without deferral.....	71.8
4. With deferral.....	66.8
5. Current outlay savings (line 3 - line 4).....	5.0

Outlay savings for the transition quarter.....	2.0
Outlay savings for 1977.....	10.0

The total outlay effect of this deferral of \$50 million and the proposed rescission of \$125 million in FY 1976, and \$25 million in the transition quarter, would be as follows:

FY 1976	-14.8 million
TQ	-4.3 million
FY 1977	-41.4 million

Deferral No: D76-73

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency U.S. Department of Agriculture	New budget authority (P.L. <u>94-122</u>)	\$ <u>172,986,000</u>
Bureau Soil Conservation Service	Other budgetary resources	<u>25,052,000</u>
Appropriation title & symbol Watershed and Flood Prevention Operations 12X1072	Total budgetary resources	<u>198,038,000</u>
	Amount to be deferred:	
	Part of year	\$ <u> </u>
	Entire year	<u>22,500,000</u>
OMB identification code: <u>05-78-1072-0-1-301</u>	Legal authority (in addition to sec. 1013): <input type="checkbox"/> Antideficiency Act	
Grant program <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Both)	<input type="checkbox"/> Other <u> </u>	
Type of account or fund: <input type="checkbox"/> Annual	Type of budget authority: <input checked="" type="checkbox"/> Appropriation	
<input type="checkbox"/> Multiple-year <u> </u> (expiration date)	<input type="checkbox"/> Contract authority	
<input checked="" type="checkbox"/> No-year	<input type="checkbox"/> Other <u> </u>	

Justification

Of the total amount being deferred, \$12,500,000 is for emergency work (e.g., runoff retardation and soil erosion prevention). In 1976, only the spring construction season remains. All funds available for emergency work will not be used then due to several factors including unavailability of equipment, the time necessary to obtain permits, and the unpredictability of spring weather. The funds being deferred are expected to be made available for later construction seasons, including the next summer and fall construction seasons.

The other \$10,000,000 being deferred is for new construction starts. If additional new starts are made, future funding will either have to be spread over more projects in progress, resulting in a slow-down of completion of projects currently under way or future funding levels will have to be increased, since the funds provided this year are sufficient only to start the new projects.

Estimated Effects

Emergency work necessary to relieve the hazardous conditions most critical to the protection of life and property will be undertaken in FY 1976. The FY 1976 construction level will be nearly that for 1975. Less urgently needed work--correction of damage that does not pose a near-term threat to life or property--will be completed after FY 1976. Twenty new construction starts will be delayed.

D76-73

2

Outlay Effect (estimates in millions of dollars)Comparison with President's 1976 Budget:

1. Budget outlay estimate for 1976.....	137.9
2. Outlay savings, if any, included in the budget outlay estimate.....	0
Current Outlay Estimates for 1976	
3. Without deferral.....	185.8
4. With deferral.....	170.0
5. Current outlay savings (line 3 - line 4).....	15.8
Outlay Savings for the Transition Quarter	-10.0
Outlay Savings for 1977	-8.8

Deferral No: D76- 74

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency U.S. Department of Agriculture	New budget authority \$ <u>29,972,000</u> (P.L. <u>94-122</u>)
Bureau Soil Conservation Service	Other budgetary resources <u>2,337,000</u>
Appropriation title & symbol Resource Conservation and Development, 12X1010	Total budgetary resources <u>32,309,000</u>
	Amount to be deferred:
	Part of year \$ _____
	Entire year <u>4,960,000</u>
OMB identification code: <u>05-78-1010-0-1-302</u>	Legal authority (in addition to sec. 1013): <input type="checkbox"/> Antideficiency Act
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Other _____
Type of account or fund: <input type="checkbox"/> Annual	Type of budget authority: <input checked="" type="checkbox"/> Appropriation
<input type="checkbox"/> Multiple-year _____ (expiration date)	<input type="checkbox"/> Contract authority
<input checked="" type="checkbox"/> No-year	<input type="checkbox"/> Other _____

Justification

The purpose of this program is to assist qualified local sponsoring organizations in developing and improving the economic use of natural resources. The program aids local sponsoring organizations in developing natural resource project plans and provides technical assistance in the field, as the plans are implemented.

The projects aided typically are of more than one year's duration so that a consistent and moderate level of funding is most desirable for the overall program.

The amount being deferred was to have initiated 15 new projects. If these new projects are started, future funding will either have to be spread over more projects in progress, resulting in a slow-down of completion of projects currently under way or future funding levels will have to be increased, since the funds provided this year are sufficient only to start the projects.

These funds are proposed for deferral through June 30, 1976, or, if appropriate legislation is enacted, through September 30, 1976.

Estimated Effects

The program level that includes the effect of the deferral would provide for for project planning to be initiated in 10 new areas and completed in 35 areas during 1976. The number of areas authorized for operations is expected to reach 169 by June 30, 1976.

D76-74

Deferring the 15 new starts will help assure orderly completion, in future years, of projects now underway.

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1976 Budget:

1. Budget outlay estimate for 1976.....	25.7
2. Outlay savings, if any, included in the budget outlay estimate.....	0

Current Outlay Estimates for 1976:

3. Without deferral.....	28.5
4. With deferral.....	25.3
5. Current outlay savings (line 3 - line 4).....	3.2

Outlay Savings for the Transition Quarter..... .5

Outlay Savings for 1977..... 1.3

Deferral No: D76-75

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency <u>Department of Commerce</u>	New budget authority <u>\$ 61,000</u> (P.L. <u>94-12</u>)
Bureau <u>National Oceanic and Atmospheric Administration</u>	Other budgetary resources <u>811,834</u>
Appropriation title & symbol <u>Fishermen's Guaranty Fund</u> <u>13X4318</u>	Total budgetary resources <u>872,834</u>
	Amount to be deferred: Part of year <u>\$ 151,834</u>
	Entire year _____
CMB identification code: <u>06-48-4318-0-3-403</u>	Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Other _____
Type of account or fund: <input type="checkbox"/> Annual	Type of budget authority: <input checked="" type="checkbox"/> Appropriation
<input type="checkbox"/> Multiple-year _____ (expiration date)	<input type="checkbox"/> Contract authority
<input checked="" type="checkbox"/> No-year	<input type="checkbox"/> Other _____

Justification

This fund, established pursuant to the Fishermen's Protective Act of 1967, as amended, provides compensation to vessel owners and crews for financial losses resulting from the seizure of United States fishing vessels by foreign governments on the high seas on the basis of rights or claims to territorial waters not recognized by the United States. Losses payable are generally limited to the market value of fish caught before seizure which were spoiled or confiscated and up to 50% of gross income lost as a direct result of such seizures. Capital for this fund is derived from fees paid by vessel owners at rates established by the Secretary of Commerce and appropriations from the general fund.

Between January 25 and February 1, 1975, Ecuador seized seven United States fishing vessels. Claims resulting from these seizures have totaled \$2,247,987, of which, \$1,553,690 was paid in FY 1975 with the remaining \$694,297 to be paid in FY 1976. The current program will finance the administrative expenses of this fund and payment of all outstanding claims. Since no seizures of United States fishing vessels have occurred since February 1, 1975, \$151,834 is being placed in reserve pending future seizures and resulting claims.

D76-75

2

Estimated Effects:

Deferral of these funds will have no effect on the Fishermen's Guaranty Fund as currently planned for FY 1976.

Outlay Effect: (estimated in millions of dollars)

Comparison with President's 1976 Budget:

- | | |
|---|-----|
| 1. Budget outlay estimate for 1976..... | .1 |
| 2. Outlay savings, if any, included in the budget
outlay estimate..... | -0- |

Current outlay estimates for 1976:

- | | |
|--------------------------------|-----|
| 3. Without deferral..... | 1.8 |
| 4. With deferral..... | 1.8 |
| 5. Current outlay savings..... | -0- |

Outlay savings for the Transition Quarter.....	-0-
--	-----

Outlay savings for 1977.....	-0-
------------------------------	-----

D76- 76

Deferral No: _____

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency DEPARTMENT OF COMMERCE	New budget authority (P.L. 94-121) \$ 60,919,000
Bureau Office of the Assistant Secretary for Science and Technology	Other budgetary resources 10,067,419
Appropriation title & symbol	Total budgetary resources 70,986,419
Scientific and Technical Research and Services 13X0500	Amount to be deferred: Part of year \$ _____ Entire year 1,187,000
OMB identification code: 06-52-0500-0-1-403	Legal authority (in addition to sec. 1013): <input type="checkbox"/> Antideficiency Act
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Other _____
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year _____ (expiration date) <input checked="" type="checkbox"/> No-year	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other _____

Justification

This appropriation funds the activities of the National Bureau of Standards, the National Technical Information Service (NTIS) and the Office of Telecommunications (OT).

This deferral is for funds available for the Experimental Technology Incentives Program (ETIP) of the National Bureau of Standards. The objective of the ETIP program is to find ways to stimulate the application of science and technology to attain national goals, such as increased productivity. Contracts are let with industry and universities and interagency cooperative efforts are organized to work toward the objective.

Appropriate projects that will contribute toward accomplishing the program objective have developed at a slower rate than available funding. Projects eligible for funding are of a very specialized nature and require substantial time to develop and review.

In FY 1975, the program had actual obligations of \$1,654,000 less than planned. Of this amount, \$467,000 will be used in FY 1976 to fund projects. Additional projects that would warrant use of the \$1,187,000 being deferred are not expected before FY 1977. These funds are proposed for deferral through June 30, 1976, or, if appropriate legislation is enacted, through September 30, 1976.

D76-76

2

Estimated Effects:

The deferral will have no impact on the conduct of the Experimental Technology Incentives Program.

Outlay Effect: (estimated in millions of dollars)

Comparison with President's 1976 Budget:

- | | |
|--|------|
| 1. Budget outlay estimate for 1976..... | 61.6 |
| 2. Outlay savings, if any, included in the budget outlay estimate..... | 0 |

Current Outlay Estimates for 1976:

- | | |
|--------------------------------|------|
| 3. Without deferral..... | 60.1 |
| 4. With deferral..... | 60.1 |
| 5. Current outlay savings..... | 0 |

Outlay Savings for the Transition Quarter.....	0
--	---

Outlay Savings for 1977.....	.3
------------------------------	----

SUPPLEMENTARY REPORT

Report Pursuant to Sec. 1014 (c) of P.L. 93-344

This supplementary report modifies Deferral No. D76-11A transmitted in the special message of July 25, 1975, and printed as House Document No. 94-225.

The amount deferred for research and training activities overseas of the HEW Assistant Secretary for Human Development has been reduced from \$8,306,986 to \$4,251,885 as a result of final FY 1976 financial plans for approved projects and the issuance of some valid reservation certificates by Treasury. This action also reflects the planned use of \$3,806,986 in FY 1977, rather than in FY 1976, as was reported in Deferral No. D76-11A.

Deferral No: D76-11B

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health, Education and Welfare	New budget authority (P.L. _____) \$ _____
Bureau Assistant Secretary for Human Development	Other budgetary resources <u>8,306,986</u>
Appropriation title & symbol Research and Training Activities Overseas (Special Foreign Currency Program)	Total budgetary resources <u>8,306,986</u>
75X0138	Amount to be deferred: Part of year \$ <u>444,899*</u>
	Entire year <u>3,806,986*</u>
OMB identification code: 09-80-0505-0-1-506	Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act
Grant program <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Other _____
Type of account or fund: <input type="checkbox"/> Annual	Type of budget authority: <input checked="" type="checkbox"/> Appropriation
<input type="checkbox"/> Multiple-year _____ (expiration date)	<input type="checkbox"/> Contract authority
<input checked="" type="checkbox"/> No-year	<input type="checkbox"/> Other _____

Justification

* The amount proposed for deferral has been placed in reserve pursuant to the Antideficiency Act (31 USC 665 et seq.). Excess foreign currencies are used in this appropriation to fund foreign research and training activities. The amount of \$444,899 is being deferred pending the receipt of Treasury valid reservation certificates later in FY 1976. It is anticipated that financial plans for the utilization of the remaining \$3,806,986 will not be final until FY 1977.

Estimated Effects

* This action has no programmatic or financial impact. Also, because grants are restricted in this program to countries where the United States owns excess local currencies, expenditures in this account do not take monies out of the U.S.

*Revised from initial message.

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1976 Budget:

- | | |
|---|-----|
| 1. Budget outlay estimate for 1976..... | 3.0 |
| 2. Outlay savings, if any, included in the
budget outlay estimate..... | 0 |

Current Outlay Estimates for 1976:

- | | |
|--------------------------------|-----|
| 3. Without deferral..... | 3.0 |
| 4. With deferral..... | 3.0 |
| 5. Current outlay savings..... | 0 |
| (line 3 - line 4) | |

Outlay Savings for the Transition Quarter.....	0
--	---

Outlay Savings for 1977.....	0
------------------------------	---

D76-81

2

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1976 Budget:

1. Budget outlay estimate for 1976	352.0
2. Outlay savings, if any, included in the budget outlay estimate	0.0

Current Outlay Estimate for FY 1976

3. Without deferral	395.6
4. With deferral	394.5
5. Current outlay savings	1.1
Outlay savings for the Transition Quarter5
Outlay Savings for 19776

Deferral No: D76-32

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Environmental Protection Agency	New budget authority (P.L. 94-116) \$ 374,788,000
Bureau Office of Water Planning & Standards	Other budgetary resources 58,933,000
Appropriation title & symbol Abatement and Control C8X0108 (Water Quality Control Agency Grants)	Total budgetary resources 433,721,000
OMB identification code: 20-00-0108-0-1-304	Amount to be deferred: Part of year \$ _____
Grant program <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Entire year 10,000,000
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year _____ (expiration date) <input checked="" type="checkbox"/> No-year	Legal authority (in addition to sec. 1013): <input type="checkbox"/> Antideficiency Act <input type="checkbox"/> Other _____
	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other _____

Justification: Budget Authority of \$10 M for grants to State and interstate water pollution control agencies under Section 106 of the Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500) is proposed for deferral through June 30, 1976, or, if appropriate legislation is enacted, through September 30, 1976, at which time it shall be made available for obligation.

The deferral will maintain a program level of \$40 M in FY 1976, the same as FY 1975. EPA estimates that the FY 75 program level of \$40 M has resulted in the following accomplishments: State issuance of 11,000 NPDES^{1/} permits, completion of initial statewide water quality management planning for point sources^{2/} of pollution, and increased capacity of State agencies to manage the construction of municipal facilities. Maintaining a \$40 million program level in FY 1976 will allow State agencies to place increased emphasis on compliance monitoring and enforcement while permit issuance activities decline, initiate statewide water quality management planning for non-point^{3/} sources of pollution as point source planning is completed, and maintain effective management of the Construction Grants program.

Estimated Effects: The deferral of \$10 M will maintain the FY 1976 program at the same level as FY 1975. Because obligational levels in FY 1976 would remain constant, no agency grants would be terminated or reduced.

^{1/} National Pollution Discharge Elimination System

^{2/} pollution discharged from a pipe, ditch, conduit, etc.

^{3/} pollution that is not discharged from a pipe, ditch, conduit, etc.

Deferral No: D76-77

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Labor	New budget authority \$ _____ (P.L. _____)
Bureau Departmental Management	Other budgetary resources 38,379,851
Appropriation title & symbol	Total budgetary resources 38,379,851
Working Capital Fund 16X4601	Amount to be deferred: Part of year \$ 977,000 Entire year _____
OMB identification code: 12-25-4601-0-4-505	Legal authority (in addition to sec. 1013): <input type="checkbox"/> Antideficiency Act <input type="checkbox"/> Other _____
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year _____ (expiration date) <input checked="" type="checkbox"/> No-year	Type of budget authority: <input type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input checked="" type="checkbox"/> Other 29 USC 563

Justification

The Antideficiency Act requires (31 U.S.C. 665(c)(1)) that "...all appropriations or funds not limited to a definite period of time...shall be so apportioned as to achieve the most effective and economical use thereof." Accordingly, funds for expansion and modernization of automatic data processing support for this fund will be apportioned when the Department of Labor's plans for this support have been reviewed and approved as proposing "the most effective and economical" use of funds.

Estimated Effects

Deferral may delay the ordering of new computer equipment, but will permit review of the Department's plan in order to achieve the most effective and economical use of available funds.

Outlay Effect

No effect on FY 1976 or TQ outlays is anticipated.

Deferral No: D76- 78

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Labor	New budget authority \$ _____ (P.L. _____)
Bureau Pension Benefit Guaranty Corporation	Other budgetary resources \$ <u>164,690,722</u>
Appropriation title & symbol Pension Guaranty Fund 16X2404	Total budgetary resources <u>164,690,722</u>
	Amount to be deferred: Part of year \$ <u>-0-</u>
	Entire year <u>1,431,000</u>
OMB identification code: 55-35-4204-0-3-601	Legal authority (in addition to sec. 1013): <input type="checkbox"/> Antideficiency Act
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Other _____
Type of account or fund: <input type="checkbox"/> Annual	Type of budget authority: <input type="checkbox"/> Appropriation
<input type="checkbox"/> Multiple-year _____ (expiration date)	<input type="checkbox"/> Contract authority
<input checked="" type="checkbox"/> No-year	<input checked="" type="checkbox"/> Other <u>Borrowing Authority</u>

Justification

The Employee Retirement Income Security Act of 1974 (P.L. 93-406) authorized the establishment of this revolving fund in the Pension Benefit Guaranty Corporation (PBGC). The authorization included authority to spend public debt receipts in an aggregate amount not to exceed \$100,000,000. The authorization also provided that this revolving fund would be credited with premium payments, receipts, and other budgetary resources for operation of the Corporation. The budgetary resources of the Corporation are available without regard to fiscal year limitation.

The Antideficiency Act requires (31 U.S.C. 665 (c)(1)) that "...all appropriations or funds not limited to a definite period of time...shall be so apportioned as to achieve the most effective and economical use thereof." Accordingly, funds for automated data systems will be apportioned when it has been shown that the systems proposed will meet actual needs for such processing. The full amount requested for additional personnel has not been approved, however, PBGC will be able to carry out its primary workload during FY 1976 with'n approved personnel funding.

Funds are proposed for deferral through June 30, 1976, or, if appropriate legislation is enacted, through September 30, 1976.

D76-78

2

Estimated Effects

The deferral will result in keeping down the Corporation's administrative expenses. This will have the effect of conserving premium receipts for benefit payments to workers in failing pension plans. Also, the need to increase premium payments or to use Treasury borrowings will be reduced. Leaving staffing at present levels will avoid the need for reductions in 1977 when a downturn in workload is expected. This deferral will delay development of the Corporation's data information program. However, it will have no effect on the payments of benefits.

Outlay Effect

This deferral will not affect budgetary outlays because PBGC is an off-budget agency. However, it will result in reducing Treasury financing need by \$1,431,000 for FY 1976.

Deferral No: D76- 79

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Environmental Protection Agency	New budget authority \$166,456,000 (P.L. 94-116)
Bureau	Other budgetary resources 24,290,000
Appropriation title & symbol Research and Development 68X0107 (Air Research and Development)	Total budgetary resources 190,746,000
	Amount to be deferred: Part of year \$
	Entire year 2,000,000
OMB identification code: 20-00-0107-0-1-304	Legal authority (in addition to sec. 1013): <input type="checkbox"/> Antideficiency Act
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Other
Type of account or fund: <input type="checkbox"/> Annual	Type of budget authority: <input checked="" type="checkbox"/> Appropriation
<input type="checkbox"/> Multiple-year (expiration date)	<input type="checkbox"/> Contract authority
<input checked="" type="checkbox"/> No-year	<input type="checkbox"/> Other

Justification: Budget authority of \$3M was added to the President's Budget for the purposes of (1) health effects research on emissions from catalyst-equipped vehicles and (2) research on pollutant-carcinogen relationships. The deferral of \$2M for research on pollutant-carcinogen relationships will give EPA the time needed to coordinate its cancer-related research program with similar efforts of the National Cancer Institute and other Government agencies and to determine which types of research would be most appropriate for EPA to undertake in the area of carcinogen effects. This problem must be fully resolved before additional funds are committed.

The budget authority is proposed for deferral through June 30, 1976, or, if appropriate legislation is enacted, through September 30, 1976, at which time it shall be made available for obligation.

Estimated Effect: This deferral will give the agency time to develop an effective plan for undertaking carcinogen-pollutant effects research. However, it will not terminate or reduce any of EPA's ongoing research programs, including those for FY 1976 in this area.

D76-79

2

Outlay Effects (estimated in millions of dollars)

Comparison with President's 1976 Budget:

1. Budget outlay estimate for 1976	167.0
2. Outlay savings, if any, included in the budget outlay estimate	0

Current Outlay Estimate for FY 1976

3. Without deferral	176.2
4. With deferral	174.8
5. Current outlay savings	1.4

Outlay Savings for the Transition Quarter6

Outlay Savings for 1977 -2.0

Deferral No: D76-80

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency <u>Environmental Protection Agency</u>	New budget authority \$166,465,000 (P.L. 94-116)
Bureau <u>Office of Research & Development</u>	Other budgetary resources 24,290,000
Appropriation title & symbol Research and Development 68X0107 (Water Quality Research)	Total budgetary resources 190,755,000
	Amount to be deferred:
	Part of year \$
	Entire year 4,600,000
OMB identification code: 20-00-0107-0-1-304	Legal authority (in addition to sec. 1013): <input type="checkbox"/> Antideficiency Act
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Other
Type of account or fund: <input type="checkbox"/> Annual	Type of budget authority: <input checked="" type="checkbox"/> Appropriation
<input type="checkbox"/> Multiple-year (expiration date)	<input type="checkbox"/> Contract authority
<input checked="" type="checkbox"/> No-year	<input type="checkbox"/> Other

Justification: \$4.6M of funds added by the Congress to the President's 1976 Budget request has been made available for obligation. However, \$4.6M of 1976 budget authority originally included in the President's budget is now proposed for deferral through June 30, 1976, or if appropriate legislation is enacted, through September 30, 1976, in order to maintain the total program level at the President's request. The additional funds appropriated by the Congress were directed for the following purposes: ocean disposal research, wastewater disinfection, sludge disposal processes, and interdisciplinary research.

Because of the high priority nature of the items added by the Congress, they will be included in the EPA FY 1976 program plan. However, in order to maintain the total Water Quality R&D program at the level of the President's Budget, a comparable amount of specific research tasks in areas which represent the Agency's lowest program priorities will be deferred or stretched out into FY 1977, at which time the deferred funds shall be made available for obligation.

Estimated Effects: The impact of this deferral will be to delay the start of some less important projects or stretch out the completion of some on-going research projects for up to 11 months.

D76-80

2

Outlay Effects (estimated in millions of dollars)

Comparison with President's 1976 Budget:

1. Budget outlay estimate for 1976	167.0
2. Outlay savings, if any, included in the budget outlay estimate	0
Current outlay estimate for 1976	
3. Without deferral	176.2
4. With deferral	174.2
5. Current outlay savings	2.0
Outlay Savings for Transition Quarter3
Outlay Savings for 19773

Deferral No: D76-81

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Environmental Protection Agency	New budget authority (P.L. <u>94-116</u>)	\$ <u>374,788,000</u>
Bureau	Other budgetary resources	<u>58,933,000</u>
Appropriation title & symbol	Total budgetary resources	<u>433,721,000</u>
Abatement and Control 68X010X (Air Control Agency Grants)	Amount to be deferred:	
	Part of year	\$ _____
	Entire year	<u>3,750,000</u>
OMB identification code: <u>20-00-0108-0-1-304</u>	Legal authority (in addition to sec. 1013): <input type="checkbox"/> Antideficiency Act	
Grant program <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Other _____	
Type of account or fund: <input type="checkbox"/> Annual	Type of budget authority: <input checked="" type="checkbox"/> Appropriation	
<input type="checkbox"/> Multiple-year _____ (expiration date)	<input type="checkbox"/> Contract authority	
<input checked="" type="checkbox"/> No-year	<input type="checkbox"/> Other _____	

Justification: Budget authority of \$3.75 million for grants to State and local air pollution control agencies under Section 105 of the Clean Air Act is proposed for deferral. The purpose of the funds is to support State and local agency programs which implement Clean Air Act requirements.

With the deferral, the program level will be \$51.5 million in FY 1976, the same as the program level in FY 1975. In FY 1975, State and local control agencies finalized the development and implementation of basic State Implementation Plans, including the establishment of air quality monitoring networks. Maintenance of the \$51.5 million level will allow the funded State and local control agencies to proceed with high priority State Implementation Plan revisions and to continue adopting new source enforcement activities from EPA. Thus, with the maintenance of a \$51.5 million in FY 1976 funded agencies will proceed with their highest priority objectives.

The \$3.75 million in budget authority is proposed for deferral through June 30, 1976, or, if appropriate legislation is enacted, through September 30, 1976, at which time it shall be made available for obligation.

Estimated Effects Continuation of the FY 1975 obligational level in FY 1976 will not cause the reduction or the termination of any control agency grants, and the deferral of \$3.75 million will have limited impact on the FY 1976 program level relative to that in FY 1975. Without this deferral, grantees would receive about a 7 percent increase over the FY 1975 program levels, or about a \$14,000 increase on an average grant of \$200,000.

D76- 82

2

This deferral will provide for a level program in FY 1976 in lieu of a 25 percent increase over 1975. Based on past experience, it is estimated that 62 grants will be affected, resulting in maintaining an average grant of \$645 thousand instead of \$806 thousand.

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1976 Budget:

1. Budget outlay estimate for 1976	352.0
2. Outlay savings, if any, included in the budget outlay estimate	0.0
Current Outlay Estimate for 1976	
3. Without deferral	395.6
4. With deferral	393.6
5. Current outlay savings	2.0
Outlay Savings for the Transition Quarter	1.0
Outlay Savings for 1977	5.0

D76-83

Deferral No: _____

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Environmental Protection Agency	New budget authority (P.L. 94-116) \$ 374,788,000
Bureau Office of Water Planning & Standards	Other budgetary resources 58,933,000
Appropriation title & symbol Abatement and Control 68X0108 (Clean Lakes Grants)	Total budgetary resources 433,721,000
	Amount to be deferred:
	Part of year \$ _____
	Entire year 15,000,000
OMB identification code: 20-00-0108-0-1-304	Legal authority (in addition to sec. 1013): <input type="checkbox"/> Antideficiency Act
Grant program <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Other _____
Type of account or fund: <input type="checkbox"/> Annual	Type of budget authority: <input checked="" type="checkbox"/> Appropriation
<input type="checkbox"/> Multiple-year _____ (expiration date)	<input type="checkbox"/> Contract authority
<input checked="" type="checkbox"/> No-year	<input type="checkbox"/> Other _____

Justification: Budget authority of \$15,000,000 for clean lakes grants under the Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500) is proposed for deferral. The purpose of the funds is to provide assistance to States in order to carry out methods and procedures for lake restoration approved by the EPA Administrator, consisting of land management practices to control the discharge of non-point sources^{1/} of pollution to lakes and techniques for the in-lake restoration of water quality.

The funds are proposed for deferral through June 30, 1976, or, if appropriate legislation is enacted, through September 30, 1976. The funds are proposed for deferral for two reasons:

1. Because a national classification of lakes according to eutrophic condition has not yet been completed, and because of gaps in scientific knowledge of lake restoration, EPA has thus far focused the clean lakes program on developing and demonstrating cost-effective innovative techniques for lake restoration. Congress appropriated \$4 M for this purpose in FY 1975. To date, EPA has received grant applications for approximately \$2 M but has not yet awarded any grants. The additional \$15 million cannot be utilized in an effective manner until the initial demonstrations are underway and their effectiveness evaluated.
2. The development of land management practices to control non-point sources of pollution is assigned primarily to the Section 208 areawide and statewide planning processes. Comprehensive plans for non-point source control will not be completed until 1977 or 1978. Thus, it is not known at this time how clean lakes grants can

^{1/} pollution that is not discharged through a pipe, ditch, conduit, etc.

D76-83

2

best be utilized in supporting comprehensive non-point source pollution abatement to restore and maintain the quality of freshwater lakes.

Estimated Effect: It is estimated that the deferral will have no programmatic effects, because:

- (1) \$4 M has been available for this program for almost a year with grant applications thus far for only \$2 M and no funds obligated, and
- (2) there are no estimated FY 1976 outlays from the \$15M if it were made available for obligation at this time.

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1976 Budget:

- | | |
|--|-------|
| 1. Budget outlay estimate for 1976 | 352.0 |
| 2. Outlay savings, if any, included in the budget
outlay estimate | 0.0 |

Current Outlay Estimate for 1976

- | | |
|---------------------------------|-------|
| 3. Without deferral | 395.6 |
| 4. With deferral | 395.6 |
| 5. Current outlay savings | 0 |

Outlay Savings for the Transition Quarter	0.5
---	-----

Outlay Savings for 1977	7.5
-------------------------------	-----

Deferral No: D76-84

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency <u>National Aeronautics and Space Administration</u>	New budget authority <u>\$775,512,000</u> (P.L. <u>94-116</u>)
Bureau _____	Other budgetary resources <u>---</u>
Appropriation title & symbol <u>Research and Program Management</u> <u>8060103</u>	Total budgetary resources <u>775,512,000</u>
	Amount to be deferred: Part of year <u>\$2,900,000</u>
	Entire year _____
OMB identification code: <u>27-00-0103-0-1-999</u>	Legal authority (in addition to sec. 1013): <input type="checkbox"/> Antideficiency Act
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Other _____
Type of account or fund: <input checked="" type="checkbox"/> Annual	Type of budget authority: <input checked="" type="checkbox"/> Appropriation
<input type="checkbox"/> Multiple-year _____ (expiration date)	<input type="checkbox"/> Contract authority
<input type="checkbox"/> No-year	<input type="checkbox"/> Other _____

JUSTIFICATION

Purchase of an administrative aircraft provided for in NASA's fiscal year 1976 appropriation will be deferred pending review of the need for this aircraft, its economic justification, and any relevant alternatives available to the Government (e.g., lease vs. buy and the possibility of otherwise obtaining the needed transportation from commercial sources).

ESTIMATED EFFECTS

This deferral is not expected to affect NASA's ability to effectively manage its programs.

OUTLAY EFFECT

None anticipated because this is a part-year deferral.

Deferral No: D76-85

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of State	New budget authority (P.L. <u>94-24</u>)	\$ <u>305,000,000</u>
Bureau Refugee and Migration Affairs	Other budgetary resources	<u>-0-</u>
Appropriation title & symbol Special Assistance to Refugees from Cambodia and Vietnam	Total budgetary resources	<u>305,000,000</u>
	Amount to be deferred:	
	Part of year	\$ <u>28,492,695</u>
	Entire year	<u>-0-</u>
OMB identification code: <u>14-25-1144-0-1-604</u>	Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act	
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Other _____	
Type of account or fund: <input type="checkbox"/> Annual <input checked="" type="checkbox"/> Multiple-year <u>June 30, 1976</u> (expiration date) <input type="checkbox"/> No-year	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other _____	

Justification

Public Law 94-23, approved May 23, 1975, authorized appropriations to relocate and resettle refugees from Cambodia and Vietnam in the United States and other countries. Public Law 94-24, approved the same date, appropriated \$305,000,000 to the Department of State for these purposes. This appropriation, together with certain foreign assistance funds, financed the evacuation of refugees from Cambodia and Vietnam; the establishment, outfitting and staffing refugee staging centers in the Pacific and reception centers in the United States; and contracts with voluntary agencies to recruit sponsors and to provide initial financial aid in settling refugees. Current plans anticipate that most, if not all, refugees will have left reception centers by December 30, 1975. Certain resettlement activities will, however, continue through June, 1976, by which time the State Department program must be completed as required by P.L. 94-23.

The State Department has prepared a financial plan which, at this time, identifies \$276,507,305 of requirements against this appropriation. The Department proposes to maintain \$28,492,695 in reserve for possible contingencies. This amount has been apportioned as a reserve for contingencies under authority of the Antideficiency Act.

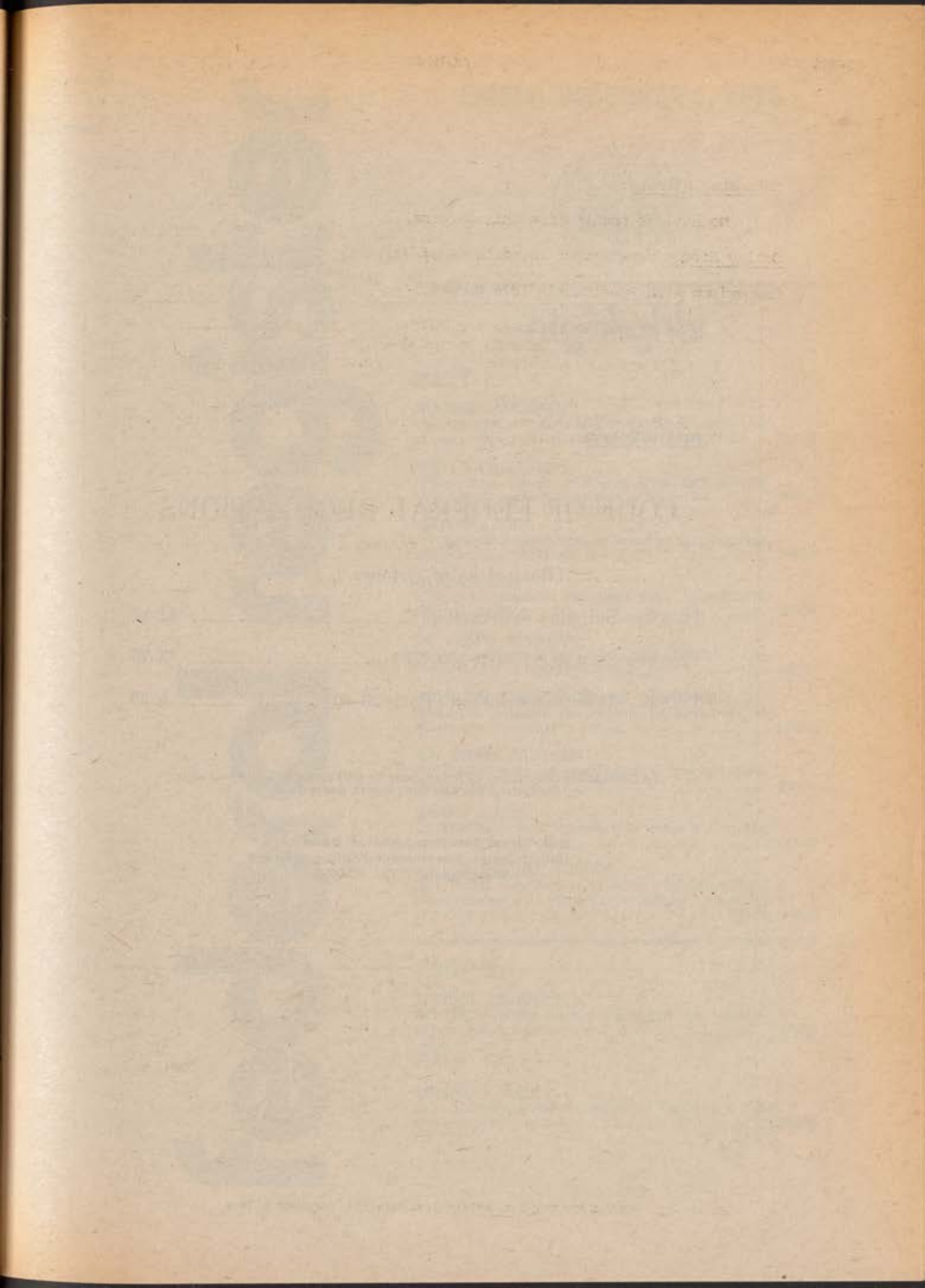
Estimated Effects:

No savings result from this deferral.

Outlay Effect: (estimated in millions of dollars)Comparison with President's 1976 Budget:

1. Budget outlay estimate for 1976.....	-0-
2. Outlay savings, if any, included in the budget outlay estimate.....	-0-
Current outlay estimates for 1976:	
3. Without deferral.....	271.4
4. With deferral.....	271.4
5. Current outlay savings.....	-0-
Outlay savings for the Transition Quarter.....	-0-
Outlay savings for 1977.....	-0-

[FR Doc.75-32831 Filed 12-2-75;3:43 pm]



Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of October 1, 1975)

Title 46—Shipping (Parts 30-40)-----	\$2. 15
Title 46—Shipping (Parts 150-165)-----	3. 75
Title 47—Telecommunication (Parts 20-69)-----	5. 25

[A Cumulative checklist of CFR issuances for 1975 appears in the first issue of the Federal Register each month under Title 1]

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