

# federal register

TUESDAY, DECEMBER 16, 1975



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# presidential documents

## Title 3—The President

Executive Order 11891

December 15, 1975

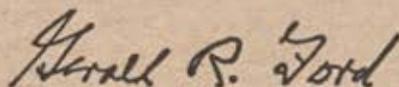
### Providing for the Closing of Government Departments and Agencies on Friday, December 26, 1975

By virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. All Executive departments, independent establishments, and other governmental agencies, including their field services, except as provided by Section 2 below, shall be closed, and employees thereof shall be excused from duty, on Friday, December 26, 1975, the day following Christmas Day.

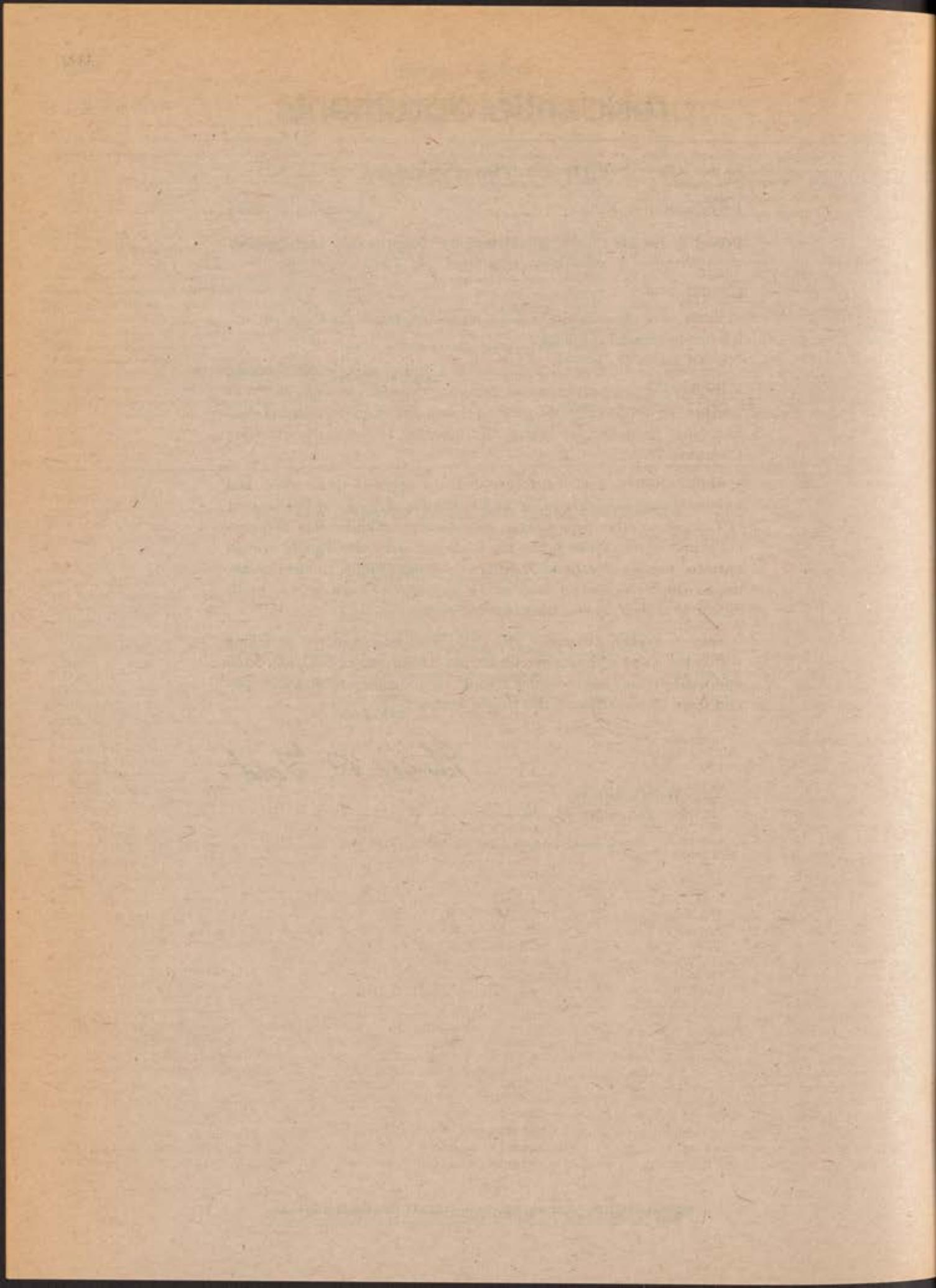
SEC. 2. Section 1 of this Order shall not apply to those offices and installations, or parts thereof, in the Department of State, the Department of Defense, or other departments, independent establishments, and governmental agencies which the heads thereof determine should remain open for reasons of national security or defense or other public reasons, nor to employees thereof who in the judgment of their agency heads should be at their posts of duty for these reasons.

SEC. 3. Friday, December 26, 1975, shall be considered as falling within the scope of Executive Order No. 11582 and of 5 U.S.C. 5546 and 6103(b) and other similar statutes so far as they relate to the pay and leave of employees of the United States.



THE WHITE HOUSE,  
December 15, 1975.

[FR Doc.75-34083 Filed 12-15-75;10:52 am]



# rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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

## Title 4—Accounts

### CHAPTER III—COST ACCOUNTING STANDARDS BOARD

#### PART 412—COST ACCOUNTING STANDARD FOR COMPOSITION AND MEASUREMENT OF PENSION COST

##### Effective Date

On September 24, 1975, a Cost Accounting Standard entitled Cost Accounting Standard for Composition and Measurement of Pension Cost was published in the Federal Register (40 FR 43873 et seq.).

The effective date of the Standard which was reserved in the September 24 publication is January 1, 1976 and § 412.80(a) is therefore supplemented as follows:

##### § 412.80 Effective date.

(a) The effective date of this Standard is January 1, 1976.

(84 Stat. 796, sec. 103; 50 U.S.C. app. 2168).

ARTHUR SCHOENHAUT,  
*Executive Secretary.*

[FR Doc.75-33883 Filed 12-15-75;8:45 am]

## Title 7—Agriculture

### SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

#### PART 1—ADMINISTRATIVE REGULATIONS

**Investigatory Subpoenas: Issuance and Service Pursuant to Statutes Administered by the Secretary of Agriculture**

Section 1.29(a), Title 7, Code of Federal Regulations is revised to clarify the conditions under which subpoenas may be issued, and to make it clear that authority to issue subpoenas may not be delegated by the head of a Department agency.

Accordingly, § 1.29(a) is revised to read as follows:

§ 1.29 Subpoenas relating to investigations under statutes administered by the Secretary of Agriculture.

(a) *Issuance of subpoena.* When the Secretary is authorized by statute to issue a subpoena in connection with an investigation being conducted by the Department, the attendance of a witness and the production of evidence relating to the investigation may be required by subpoena at any designated place, including the witness' place of business. Upon request of any representative of the Secretary involved in connection with the investigation, such subpoena may be issued by the Secretary, any Department official authorized pursuant to Part 2 of this title to administer the program

to which the statute relates, or by the Director, Office of Investigation with respect to an investigation involving the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) or the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), if the official who is to issue the subpoena is satisfied as to the reasonableness of the grounds, necessity and scope thereof; *Provided, however,* That the authority to issue subpoenas may not be delegated or redelegated by the head of an agency.

*Effective date.* This revision shall become effective on December 16, 1975.

Done at Washington, D.C., this 11 day of December, 1975.

EARL L. BUTZ,  
*Secretary of Agriculture.*

[FR Doc.75-33849 Filed 12-15-75;8:45 am]

### CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

#### SUBCHAPTER A—CHILD NUTRITION PROGRAMS [Amdt. 8]

#### PART 245—DETERMINING ELIGIBILITY FOR FREE AND REDUCED PRICE MEALS AND FREE MILK IN SCHOOLS

##### Nondiscretionary Regulations

In FR Doc. 75-32771 appearing on page 57206 in the issue of Monday, December 8, 1975, the heading should have appeared as set forth above.

In § 245.3(c), on page 57207, in the 12th line the word "child" was misspelled.

## Title 9—Animals and Animal Products

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

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

#### PART 78—BRUCELLOSIS

##### Subpart D—Designation of Brucellosis Areas, Specifically Approved Stockyards, and Slaughtering Establishments

##### BRUCELLOSIS AREAS

The amendments delete the following areas from the list of Modified Certified Brucellosis Areas in § 78.21 and add such areas to the list designated as Noncertified Areas in § 78.22 because it has been determined that they no longer come within the definition of a Modified Certified Brucellosis Area in § 78.1(m): Adair County in Missouri; Adair County in Oklahoma; Angelina, Dawson, Galveston, Garza, Hardeman, Hopkins,

Jasper, Morris, Red River, Shelby, Terry, Uvalde, Webb, and Zavala Counties in Texas.

The amendments delete the following areas from the list of Noncertified Areas in § 78.22 and add such areas to the list designated as Modified Certified Brucellosis Areas in § 78.21 because it has been determined that they again come within the definition of a Modified Certified Brucellosis Area in § 78.1(m): Beadle County in South Dakota; Harris, Liberty, McMullen, Robertson, and Upshur Counties in Texas.

The amendments delete the following areas from the list of Certified Brucellosis-Free Areas in § 78.20 and add such areas to the list designated as Noncertified Areas in § 78.22 because it has been determined that they no longer come within the definition of a Certified Brucellosis-Free Area in § 78.1(1): Jackson County in Illinois; Brewster County in Texas.

The amendments delete the following areas from the list of Noncertified Areas in § 78.22 and add such areas to the list designated as Certified Brucellosis-Free Areas in § 78.20 because it has been determined that they again come within the definition of a Certified Brucellosis-Free Area in § 78.1(1): Newton County in Texas.

The amendments delete the following areas from the list of Certified Brucellosis-Free Areas in § 78.20 and add such areas to the list designated as Modified Certified Brucellosis Areas in § 78.21 because it has been determined that they now come within the definition of a Modified Certified Brucellosis Area in § 78.1(m): Bannock County in Idaho, Reeves County in Texas.

The amendments delete the following areas from the list of Modified Certified Brucellosis Areas in § 78.21 and add such areas to the list designated as Certified Brucellosis-Free Areas in § 78.20 because it has been determined that they now come within the definition of a Certified Brucellosis-Free Area in § 78.1(1): Baca and Prowers Counties in Colorado; Fulton, Gallatin, and Woodford Counties in Illinois; Sequatchie County in Tennessee; Box Elder County in Utah.

Accordingly, §§ 78.20, 78.21, and 78.22 of Part 78, Title 9, Code of Federal Regulations, designating Certified Brucellosis-Free Areas, Modified Certified Brucellosis Areas, and Noncertified Areas, respectively, are amended to read as follows:

##### § 78.20 Movement of bison for purposes other than slaughter.

(a) *Entire States.*  
Arizona, California, Connecticut, Delaware, Hawaii, Indiana, Maine, Maryland,

Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, Washington, West Virginia, Wisconsin, Virgin Islands.

(b) *Specific Counties Within States.*  
*Alabama.* Barbour, Cherokee, Clay, Cleburne, Dale, Etowah, Geneva, Henry, Houston, Lee, Russell.

*Arkansas.* Ashley, Baxter, Benton, Boone, Bradley, Calhoun, Carroll, Clay, Cleburne, Cleveland, Columbia, Conway, Craighead, Dallas, Drew, Fulton, Garland, Grant, Greene, Jackson, Lafayette, Madison, Marion, Monroe, Montgomery, Newton, Ouachita, Perry, Pike, Polk, Pope, Prairie, Searcy, Sharp, Stone, Union, Woodruff, Yell.

*Colorado.* Adams, Alamosa, Arapahoe, Archuleta, Baca, Bent, Boulder, Chaffee, Cheyenne, Clear Creek, Conejos, Costilla, Crowley, Custer, Delta, Denver, Dolores, Douglas, Eagle, Elbert, El Paso, Fremont, Garfield, Gilpin, Grand, Gunnison, Hinsdale, Huerfano, Jackson, Jefferson, Kit Carson, Lake, La Plata, Larimer, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Otero, Ouray, Park, Phillips, Pitkin, Prowers, Rio Blanco, Rio Grande, Routt, Saguache, San Juan, San Miguel, Sedgwick, Summit, Teller, Washington, Weld.

*Florida.* Baker, Bay, Brevard, Calhoun, Dade, Dixie, Escambia, Franklin, Gadsden, Gulf, Hamilton, Holmes, Jackson, Leon, Liberty, Monroe, Okaloosa, Orange, Pasco, Santa Rosa, Seminole, Sumter, Taylor, Wakulla, Walton, Washington.

*Georgia.* Appling, Atkinson, Bacon, Banks, Barrow, Brantley, Bryan, Bulloch, Burke, Butts, Camden, Candler, Charlton, Chatham, Chattahoochee, Clarke, Clayton, Cook, Crawford, Dawson, De Kalb, Echols, Effingham, Evans, Fannin, Franklin, Glascock, Glynn, Greene, Habersham, Henry, Jeff Davis, Johnson, Jones, Lanier, Laurens, Liberty, Long, Madison, McIntosh, Monroe, Peach, Rabun, Richmond, Rockdale, Schley, Screven, Stephens, Taylor, Telfair, Toombs, Towns, Treutlen, Twiggs, Upson, Ware, Washington, Wayne, Wheeler, White, Wilkinson.

*Idaho.* Ada, Adams, Bear Lake, Benevolence, Blaine, Boise, Bonner, Boundary, Butte, Camas, Canyon, Caribou, Cassia, Clark, Clearwater, Custer, Elmore, Fremont, Gem, Gooding, Idaho, Jefferson, Jerome, Kootenai, Latah, Lemhi, Lewis, Lincoln, Madison, Minidoka, Nez Perce, Oneida, Owyhee, Payette, Power, Shoshone, Teton, Twin Falls, Valley, Washington, Yellowstone National Park.

*Illinois.* Adams, Alexander, Boone, Bond, Bureau, Calhoun, Carroll, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Cook, Crawford, Cumberland, De Kalb, De Witt, Douglas, Du Page, Edgar, Edwards, Fayette, Ford, Franklin, Fulton, Gallatin, Greene, Grundy, Hamilton, Hancock, Henderson, Henry, Iroquois, Jasper, Jefferson, Jersey, Jo Daviess, Johnson, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lawrence, Lee, Livingston, Logan, Macon, Macoupin, Madison, Marion, Marshall, Mas-

sac, McDonough, McHenry, McLean, Menard, Mercer, Monroe, Montgomery, Morgan, Moultrie, Ogle, Peoria, Perry, Piatt, Pulaski, Putnam, Randolph, Richland, Rock Island, St. Clair, Saline, Sangamon, Schuyler, Scott, Shelby, Stark, Stephenson, Tazewell, Union, Vermillion, Wabash, Warren, Washington, White, Whiteside, Will, Winnebago, Woodford.

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

*Kansas.* Comanche, Doniphan, Ford, Grove, Haskell, Hodgeman, Johnson, Lane, Marshall, Pawnee, Phillips, Riley, Scott, Trego, Washington.

*Kentucky.* Bell, Breathitt, Campbell, Clay, Edmonson, Floyd, Harlan, Jackson, Johnson, Kenton, Knott, Knox, Lawrence, Lee, Leslie, Letcher, Lewis, Magoffin, Martin, McCreary, Menifee, Morgan, Owsley, Pendleton, Perry, Pike, Robertson, Trimble, Whitley, Wolfe.

*Mississippi.* Alcorn, Hancock, Harrison, Jackson, Stone, Tishomingo.

*Missouri.* Audrain, Barry, Carter, Dallas, Douglas, Dunklin, Franklin, Gasconade, Hickory, Iron, Jackson, Laclede, Lewis, Marion, Miller, Moniteau, Montgomery, Perry, Platte, Pulaski, St. Louis, Schuyler, Shelby.

*Montana.* Big Horn, Beaverhead, Blaine, Broadwater, Carbon, Carter, Cascade, Chouteau, Custer, Daniels, Dawson, Deer Lodge, Elaine, Fallon, Fergus, Flathead, Gallatin, Garfield, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, Madison, McCone, Meagher, Mineral, Missoula, Musselshell, Park, Petroleum, Phillips, Pondera, Powder River, Powell, Prairie, Ravalli, Richland, Roosevelt, Rosebud, Sanders, Sheridan, Silver Bow, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, Yellowstone.

*New Mexico.* Bernalillo, Catron, Dona Ana, Grant, Harding, Lincoln, Los Alamos, Luna, McKinley, Otero, Sandoval, San Juan, Santa Fe, Sierra, Taos.

*South Dakota.* Aurora, Beadle, Bennett, Bon Homme, Brown, Brule, Buffalo, Butte, Campbell, Charles Mix, Clark, Clay, Codington, Custer, Davison, Day, Deuel, Dewey, Douglas, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Hughes, Hutchinson, Hyde, Jackson, Jerauld, Kingsbury, Lake, Lawrence, Lincoln, Lyman, McCook,

McPherson, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Sully, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton.

*Tennessee.* Anderson, Bledsoe, Blount, Campbell, Carter, Cheatham, Claiborne, Davidson, Decatur, Dickson, Fentress, Grainger, Greene, Grundy, Hamblen, Hancock, Hardin, Houston, Jackson, Jefferson, Johnson, Knox, Lake, Lincoln, Meigs, Monroe, Morgan, Polk, Roane, Robertson, Rutherford, Scott, Sequatchie, Sevier, Sullivan, Unicoi, Union, Van Buren, Warren, Washington, White.

*Texas.* Cochran, Comal, Crane, Childress, El Paso, Gray, Hansford, Hartley, Hemphill, Irion, Jeff Davis, Kerr, Kimble, Lipscomb, Llano, Loving, Newton, Pecos, Reagan, Roberts, Sterling, Terrell, Val Verde, Ward, Winkler.

*Utah.* Beaver, Box Elder, Carbon, Daggett, Davis, Duchesne, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Morgan, Piute, Rich, Salt Lake, San Juan, Sanpete, Sevier, Summit, Tooele, Uintah, Utah, Wasatch, Washington, Wayne, Weber.

*Wyoming.* Albany, Big Horn, Campbell, Carbon, Converse, Crook, Fremont, Goshen, Hot Springs, Johnson, Laramie, Natrona, Niobrara, Park, Platte, Sheridan, Sublette, Sweetwater, Teton, Uinta, Washakie, Weston.

*Puerto Rico.* Adjuntas, Aguada, Aguadilla, Aguas Buenas, Aibonito, Anasco, Arroyo, Barceloneta, Barranquitas, Bayamon, Cabo Rojo, Caguas, Camuy, Canovanas (Loiza), Catano, Cayey, Cieba, Ciales, Cidra, Coama, Comerio, Corozal, Culebra, Dorado, Fajardo, Guanica, Guayama, Guayanilla, Gurabo, Hormigueros, Humacao, Isabela, Jayuya, Juana Diaz, Lajas, Lares, Las Marias, Luquillo, Manati, Maricao, Maunabo, Mayaguez, Moca, Morovis, Naranjito, Orocovis, Patillas, Penuelas, Ponce, Quebradillas, Rincon, Rio Grande, Rio Piedras, Sabana Grande, Salinas, San German, San Juan, San Lorenzo, San Sebastian, Santa Isabel, Toa Alta, Toa Baja, Trujillo Alto, Utuado, Vega Alta, Vega Baja, Vieques, Villalba, Yabucoa, Yauco.

#### § 78.21 Modified Certified Brucellosis Areas.

The following States, or specified portions thereof, are hereby designated as modified Certified Brucellosis Areas:

(a) *Entire States.* Alaska, Nebraska.

(b) *Specific Counties Within States.*  
*Alabama.* Autauga, Baldwin, Bibb, Blount, Bullock, Butler, Calhoun, Chambers, Chilton, Choctaw, Clarke, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dallas, De Kalb, Elmore, Escambia, Fayette, Franklin, Greene, Hale, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Limestone, Lowndes, Macon, Madison, Marengo, Marion, Marshall, Mobile, Monroe, Montgomery, Morgan, Perry, Pickens, Pike, Randolph, St. Clair, Shelby, Sumter, Talladega, Tallapoosa, Tuscaloosa, Walker, Washington, Wilcox, Winston.

*Arkansas.* Arkansas, Chicot, Clark, Crawford, Crittenden, Cross, Desha, Faulkner, Franklin, Hempstead, Hot

RULES AND REGULATIONS

Spring, Howard, Independence, Izard, Jefferson, Lawrence, Lee, Lincoln, Little River, Logan, Lonoke, Miller, Mississippi, Nevada, Phillips, Poinsett, Pulaski, Randolph, Saline, Scott, St. Francis, Sebastian, Sevier, Van Buren, Washington, White.

*Colorado.* Kiowa, Morgan, Pueblo, Yuma.

*Florida.* Alachua, Bradford, Broward, Charlotte, Citrus, Clay, Collier, Columbia, De Soto, Duval, Flagler, Gilchrist, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Jefferson, Lafayette, Lake, Lee, Levy, Madison, Manatee, Marion, Martin, Nassau, Okeechobee, Osceola, Palm Beach, Pinellas, Polk, Putnam, St. Johns, St. Lucie, Sarasota, Suwannee, Union, Volusia.

*Georgia.* Baker, Baldwin, Bartow, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Carroll, Catoosa, Chattooga, Cherokee, Clay, Clinch, Cobb, Coffee, Colquitt, Columbia, Coweta, Crisp, Dade, Decatur, Dodge, Dooly, Dougherty, Douglas, Early, Elbert, Emanuel, Fayette, Floyd, Forsyth, Fulton, Gilmer, Gordon, Grady, Gwinnett, Hall, Hancock, Haralson, Harris, Hart, Heard, Houston, Irwin, Jackson, Jasper, Jefferson, Jenkins, Lamar, Lee, Lincoln, Lowndes, Lumpkin, Macon, Marion, McDuffie, Meriwether, Miller, Mitchell, Montgomery, Morgan, Murray, Muscogee, Newton, Oconee, Oglethorpe, Paulding, Pickens, Pierce, Pike, Polk, Pulaski, Putnam, Quitman, Randolph, Seminole, Spalding, Stewart, Sumter, Talbot, Taliaferro, Tattnall, Terrell, Thomas, Tift, Troup, Turner, Union, Walker, Walton, Warren, Webster, Whitfield, Wilcox, Wilkes, Worth.

*Idaho.* Bannock, Bingham, Bonneville, Franklin.

*Illinois.* Brown, Effingham, Hardin, Mason, Pike, Pope, Wayne, Williamson.

*Iowa.* Allamakee, Appanoose, Crawford, Davis, Decatur, Guthrie, Pottawattamie, Poweshiek, Ringgold, Warren, Wayne.

*Kansas.* Allen, Anderson, Atchison, Barber, Barton, Bourbon, Brown, Butler, Chase, Chautauqua, Cherokee, Cheyenne, Clark, Clay, Cloud, Coffey, Cowley, Crawford, Decatur, Dickinson, Douglas, Edwards, Elk, Ellis, Ellsworth, Finney, Franklin, Geary, Graham, Grant, Gray, Greeley, Greenwood, Hamilton, Harper, Harvey, Jackson, Jefferson, Jewell, Kearny, Kingman, Kiowa, Labette, Leavenworth, Lincoln, Linn, Logan, Lyon, Marion, McPherson, Meade, Miami, Mitchell, Montgomery, Morris, Morton, Nemaha, Neosho, Ness, Norton, Osage, Osborne, Ottawa, Pottawatomie, Pratt, Rawlins, Reno, Republic, Rice, Rooks, Rush, Russell, Saline, Sedgwick, Seward, Shawnee, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Sumner, Thomas, Wabaunsee, Wallace, Wichita, Wilson, Woodson, Wyandotte.

*Kentucky.* Adair, Allen, Anderson, Ballard, Barren, Bath, Boone, Bourbon, Boyd, Boyle, Bracken, Breckenridge, Bullitt, Butler, Caldwell, Calloway, Carlisle, Carroll, Carter, Casey, Christian, Clark, Clinton, Crittenden, Cumberland, Davless, Elliott, Estill, Fayette, Fleming,

Franklin, Fulton, Gallatin, Garrard, Grant, Graves, Grayson, Green, Greenup, Hancock, Harlin, Harrison, Hart, Henderson, Henry, Hickman, Hopkins, Jefferson, Jessamine, Larue, Laurel, Lincoln, Livingston, Logan, Lyon, Madison, Marion, Marshall, Mason, McCracken, McLean, Meade, Mercer, Metcalfe, Monroe, Montgomery, Muhlenberg, Nelson, Nicholas, Ohio, Oldham, Owen, Powell, Pulaski, Rockcastle, Rowan, Russell, Scott, Shelby, Simpson, Spencer, Taylor, Todd, Trigg, Union, Warren, Washington, Wayne, Webster, Woodford.

*Louisiana.* Acadia, Allen, Ascension, Assumption, Ayoelles, Beauregard, Bienville, Bossier, Caddo, Calcasieu, Caldwell, Cameron, Catahoula, Claiborne, Concordia, East Baton Rouge, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Iberia, Iberville, Jackson, Jefferson, Jefferson Davis, Lafayette, Lafourche, La Salle, Lincoln, Livingston, Madison, Morehouse, Natchitoches, Orleans, Ouachita, Plaquemines, Pointe Coupee, Rapides, Red River, Richland, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Tensas, Terrebonne, Union, Vermillion, Vernon, Washington, Webster, West Baton Rouge, West Carroll, West Feliciana, Winn.

*Mississippi.* Adams, Amite, Attala, Benton, Bolivar, Calhoun, Carroll, Choctaw, Chickasaw, Claiborne, Clarke, Clay, Coahoma, Copiah, Covington, De Soto, Forrest, Franklin, George, Greene, Grenada, Hinds, Holmes, Humphreys, Issaquena, Itawamba, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lafayette, Lamar, Lauderdale, Lawrence, Leake, Lee, LeFlore, Lincoln, Lowndes, Madison, Marion, Marshall, Monroe, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Panola, Pearl River, Perry, Pike, Pontotoc, Prentiss, Quitman, Rankin, Scott, Sharkey, Simpson, Smith, Sunflower, Tallahatchie, Tate, Tippah, Tunica, Union, Walthall, Warren, Washington, Wayne, Webster, Wilkinson, Winston, Yalobusha, Yazoo.

*Missouri.* Andrew, Atchison, Barton, Bates, Benton, Bollinger, Boone, Buchanan, Butler, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Cass, Cedar, Chariton, Christian, Clark, Clay, Clinton, Cole, Cooper, Crawford, Dade, Daviess, De Kalb, Dent, Gentry, Greene, Grundy, Harrison, Henry, Holt, Howard, Howell, Jasper, Jefferson, Johnson, Knox, Lafayette, Lawrence, Lincoln, Linn, Livingston, Macon, Madison, Maries, McDonald, Mercer, Mississippi, Monroe, Morgan, New Madrid, Newton, Nowaday, Oregon, Osage, Ozark, Pemisicot, Pettis, Phelps, Pike, Polk, Putnam, Ralls, Randolph, Ray, Reynolds, Ripley, St. Charles, St. Clair, St. Francois, St. Genevieve, Saline, Scotland, Scott, Shannon, Stoddard, Stone, Sullivan, Taney, Texas, Vernon, Warren, Washington, Wayne, Webster, Worth, Wright.

*New Mexico.* Chaves, Colfax, Curry, De Baca, Eddy, Guadalupe, Hidalgo, Lea, Mora, Quay, Rio Arriba, Roosevelt, San Miguel, Socorro, Torrance, Union, Valencia.

*Oklahoma.* Alfalfa, Atoka, Beaver, Beckham, Blaine, Bryan, Caddo, Canadian, Carter, Cherokee, Choctaw, Cimarron, Cleveland, Coal, Comanche, Cotton, Craig, Creek, Custer, Delaware, Dewey, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Haskell, Hughes, Jackson, Jefferson, Johnston, Kay, Kingfisher, Kiowa, Lincoln, Logan, Love, McClain, McIntosh, Major, Marshall, Mayes, Murray, Muskogee, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburg, Pontotoc, Pottawatomie, Roger Mills, Rogers, Seminole, Sequoyah, Stephens, Texas, Tillman, Tulsa, Wagoner, Washington, Washita, Woods, Woodward.

*South Dakota.* Brookings, Edmunds, Jones, Marshall, Stanley, Crow Creek Indian Reservation.

*Tennessee.* Bedford, Benton, Bradley, Cannon, Carroll, Chester, Clay, Cocke, Coffee, Crockett, Cumberland, DeKalb, Dyer, Fayette, Franklin, Gibson, Giles, Hamilton, Hardeman, Hawkins, Haywood, Henderson, Henry, Hickman, Humphreys, Lauderdale, Lawrence, Lewis, Loudon, Macon, Madison, Marion, Marshall, Maury, McMinn, McNairy, Montgomery, Moore, Obion, Overton, Perry, Pickett, Putnam, Rhea, Shelby, Smith, Stewart, Sumner, Tipton, Trousdale, Wayne, Weakley, Williamson, Wilson.

*Texas.* Anderson, Andrews, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazoria, Brazos, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Camp, Carson, Cass, Castro, Chambers, Cherokee, Clay, Coke, Coleman, Collin, Collingsworth, Colorado, Comanche, Concho, Cooke, Coryell, Cottle, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, De Witt, Dickens, Dimmitt, Donley, Eastland, Edwards, Ellis, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Ford, Fort Bend, Franklin, Freestone, Frio, Gaines, Gillespie, Glasscock, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Hale, Hall, Hamilton, Hardin, Harris, Harrison, Hays, Henderson, Hill, Hockley, Hood, Houston, Howard, Hudspeth, Hunt, Hutchinson, Jack, Jackson, Jim Hogg, Johnson, Jones, Kaufman, Kendall, Kenedy, Kent, King, Kinney, Kleberg, Knox, Lamar, Lamb, Lampasas, La Salle, Lavaca, Lee, Leon, Liberty, Limestone, Lubbock, Lynn, McCulloch, McLennan, McMullen, Madison, Marion, Martin, Mason, Matagorda, Maverick, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Moore, Motley, Navarro, Nolan, Nueces, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Polk, Potter, Presidio, Rains, Randall, Real, Reeves, Refugio, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Schleicher, Scurry, Shackelford, Sherman, Smith, Somervell, Stephens, Stonewall, Sutton, Swisher, Tarrant, Taylor, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Van Zandt, Victoria, Walker, Waller, Washington, Wharton,

Wheeler, Wichita, Wilbarger, Willacy, Williamson, Wilson, Wise, Wood, Yoakum, Young, Zapata.

Utah. Cache.

Wyoming. Lincoln.

Puerto Rico. Arecibo, Carolina, Guaynabo, Hatillo, Juncos, Las Piedras, Naguabo.

#### § 78.22 Noncertified Areas.

Illinois. Jackson.

Missouri. Adair.

Oklahoma. Adair, LeFlore, Pushmataha.

South Dakota. Corson, Ziebach.

Texas. Angelina, Brewster, Cameron, Duval, Ector, Galveston, Garza, Hardeeman, Haskell, Hidalgo, Hopkins, Jasper, Jefferson, Jim Wells, Karnes, Live Oak, Morris, Red River, Reeves, Shelby, Starr, Terry, Uvalde, Webb, Zavala.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 33 Stat. 791-792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 114a-1, 115, 117, 120, 121, 125, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141, 9 CFR 78.16.)

**Effective date.** The foregoing amendments shall become effective December 16, 1975.

The amendments impose certain restrictions necessary to prevent the spread of brucellosis in cattle and relieve certain restrictions presently imposed. They should be made effective promptly in order to accomplish their purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 11th day of December 1975.

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

[FR Doc.75-33805 Filed 12-15-75; 8:45 am]

#### Title 14—Aeronautics and Space

#### CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 14848; Amdt. 39-2469]

#### PART 39—AIRWORTHINESS DIRECTIVES Hawker Siddeley Aviation Ltd., DH/BH-125 Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring modification to strengthen inboard flap

structures on certain Hawker Siddeley DH/BH-125 airplanes, which have been damaged in a number of cases due to landing on heavily watered, or slush, or snow covered runways, was published in the FEDERAL REGISTER on August 1, 1975 (40 FR 32342).

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), §39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

**HAWKER SIDDELEY AVIATION LTD.** Applies to DH-125 series 3AR, S/N 25/148 and 149; series 3ARA, S/N 25/151, 152, 153, 155, 156, 158, 159, and NA 700 through NA 710; series 400 A, S/N NA 711 through NA 752 airplanes and to BH-125 series 400 A, S/N NA 753 through NA 780; and series 600A, S/N 25/6001 through 6004, 6007, 6009, 6010, 6011, 6013, 6014, 6016, 6018, 6020, 6022 through 6026, 6032, 6034, 6038, 6040, 6044, 6046, 6047, and 6051 airplanes.

Compliance required within the next 100 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent structural damage to the inboard end of the flaps which can result from landing on heavily watered, or slush, or snow covered runways, incorporate the structural modification to the inboard end of the flap (L/H & R/H) in accordance with the accomplishment instructions in Hawker Siddeley Aviation Ltd. Service Bulletin 27-112 (2426), Revision 1, dated March 11, 1975, or an FAA-approved equivalent.

This amendment becomes effective on January 15, 1976.

Issued in Washington, D.C., on December 9, 1975.

R. P. SKULLY,  
Director,  
Flight Standards Service.

[FR Doc.75-33767 Filed 12-15-75; 8:45 am]

[Docket HM-126; Amdt. No. 103-27]

#### PART 103—TRANSPORTATION OF DANGEROUS ARTICLES AND MAGNETIZED MATERIALS

#### Carriage of Certain Hazardous Materials on Cargo-Only Aircraft as Only Means of Transportation

The purpose of these amendments to 14 CFR Part 103 is to authorize certain materials, the air transportation of which is otherwise prohibited or restricted, to be transported by cargo-only aircraft subject to special handling and operational controls when other means of transport are not practicable.

On October 1, 1975, the Materials Transportation Bureau published a no-

tice of proposed rulemaking on this subject (40 FR 45197) inviting public comments and announcing a public hearing for October 23, 1975, in Washington, D.C. All comments received have been given due consideration.

As a result of comments received, the following changes which the Bureau believes compatible with the basic proposal have been made in the proposed amendments in addition to language changes for clarification:

1. The introductory clause in § 103.33 is reworded to (1) make that section equally applicable to small aircraft and helicopters operating in remote areas of the United States outside Alaska as well as within Alaska, and (2) include other flammable liquids, such as alcohol, used as fuel.

2. In the table in § 103.37(a), the entry pertaining to electric blasting caps (more than 1000) Class A explosives is revised to allow them to be carried on the same aircraft with non-hazardous cargo if they are packaged in IME 22 cap containers.

3. In the table in § 103.37(a), the entry pertaining to electric blasting caps (1000 or less) is revised to allow them to be carried in IME 22 or MC 201 cap containers on the same aircraft with other hazardous cargo, except Class A or Class B explosives.

4. In the table in § 103.37(a), the entry pertaining to high explosives Class A is revised to allow them to also be carried on the same aircraft with certain other commercial blasting agents which are similar to high explosives, are difficult to initiate, and are presently authorized for carriage aboard cargo-only aircraft.

5. In § 103.37(b) (2) requiring advance permission from airports where hazardous materials covered by new § 103.37 are to be loaded or unloaded or where the aircraft is to land enroute, a new provision is added in recognition of the possibility of the aircraft being diverted to an alternate airport.

6. In § 103.37(b) (6), the written instructions to be provided to the pilot of a cargo-only aircraft scheduled to carry any of the special hazardous materials shipments authorized by these amendments are modified to include the name of the airport official(s) who have granted the required approval for the use of his airport facilities.

7. The proposed prohibition in § 103.37(c) (4) (ii) against smoking and flame or spark producing devices within 50 feet of aircraft loading or unloading flammable or combustible liquid bulk tanks is transferred to paragraph (b) (9) of that section so as to make the prohibition applicable to all loadings and unloadings of hazardous materials covered by new § 103.37.

The Bureau has not adopted a number of other recommendations for the reasons stated:

1. It was recommended that electric blasting caps in IME 22 or MC 201 cap containers be allowed to accompany any other hazardous or non-hazardous cargo. As stated above, the proposed amendment has been modified to allow Class A ship-

ments (1000 or more) with other non-hazardous materials and Class C shipments (less than 1000) with hazardous materials exclusive of Class A or B explosives as well as with non-hazardous cargoes.

The Bureau is considering a broad review and possible revision of the regulations pertaining to the classification and packaging of blasting caps for all modes of transportation. Until that effort is completed, the Bureau is not prepared to issue a regulation that would authorize large quantities of blasting caps (i.e., Class A) to be transported in the same aircraft with other hazardous materials such as flammable liquids, corrosive liquids, or oxidizing materials. The Bureau's primary concern in this regard is the possible adverse interaction that could occur even considering the high integrity of the IME 22 container system.

2. It was also recommended that Class A high explosives be allowed to accompany non-hazardous materials. The Bureau believes that shipments of these explosives should be made on an exclusive basis receiving the full attention of the loading, off-loading, and airborne cargo handling personnel, the only exception being those closely related materials which have been added to the high explosives entry in the § 103.37(a) table. These materials, as pointed out by several commentors, are also used in blasting operations and are generally handled and treated with the same consideration as high explosives. Any further relaxations in this regard can only be considered and the related circumstances evaluated on a case-by-case basis.

In consideration of the foregoing, 14 CFR Part 103 is amended as follows:

1. In § 103.19, paragraphs (a) and (c) are revised to read as follows:

**§ 103.19 Quantity limitations.**

(a) Except as provided in § 103.31(b) in the case of a small, single pilot, cargo-means of transportation are not available or impracticable, no person may only aircraft being used when other carry more than 150 pounds net weight of nonflammable compressed gas in any inaccessible cargo pit or bin on any aircraft.

(c) Except as provided in § 103.31(b) in the case of a small, single pilot, cargo-only aircraft being used when other means of transportation are not available or impracticable, no person may carry more than 50 pounds of any article that is subject to this part (other than an article specified in paragraph (a) or (b) of this section and magnetized materials) in any inaccessible cargo pit or bin of any aircraft.

2. Section 103.31(b) is revised to read as follows:

**§ 103.31 Cargo location.**

(b) Except in the case of a small, single pilot aircraft being used where other

means of transportation are not available or impracticable, each person carrying materials acceptable only for cargo aircraft shall carry those articles in a location accessible to a crewmember in flight. When materials acceptable for cargo-only aircraft are carried on a small, single pilot, cargo-only aircraft being used where other means of transportation are not available or impracticable, they may be carried in a location that is not accessible to the pilot, subject to the following conditions:

(1) No person other than the pilot, an FAA inspector, the shipper or consignee of the material or a representative of the shipper or consignee so designated in writing, or a person necessary for handling the material may be carried on the aircraft.

(2) The pilot must be provided with written instructions on characteristics and proper handling of the material.

(3) Whenever a change of pilots occurs while the material is on board, the new pilot must be briefed under a hand-to-hand signature service provided by the operator of the aircraft.

3. In § 103.33 the heading and the introductory clause preceding paragraph

(a) are revised; paragraph (c)(3) is added to read as follows:

**§ 103.33 Transportation of flammable liquid fuels in small, passenger-carrying aircraft.**

A small aircraft or helicopter operated entirely within the State of Alaska or into a remote area elsewhere in the United States may carry, in other than scheduled passenger operations, not more than 20 gallons of flammable liquid fuels—

- (c) \* \* \*
- (3) DOT Specification 17E containers of not more than 5 gallons capacity.

4. A new section 103.37 is added to read as follows:

**§ 103.37 Cargo-only aircraft; only means of transportation.**

(a) Notwithstanding § 103.9(a) (1) and (2), when means of transportation other than air are not available or are impracticable, hazardous materials listed in the following table may be carried on a cargo-only aircraft subject to the conditions stated in the table and in paragraph (b) and, when appropriate, paragraph (c) of this section:

Material description	Class	Conditions
Electric blasting caps (more than 1000).	Class A explosives.	Permitted only when no other cargo is aboard the aircraft. However, if the electric blasting caps are packed in an IME 22 container (see 49 CFR 171.7(d)(9)) they may be transported in the same aircraft with materials that are not classed as hazardous materials.
Electric blasting caps (1000 or less).	Class C explosives.	Permitted only when no other cargo is aboard the aircraft. However, if the electric blasting caps are packed in a DOT MC 201 container (49 CFR 178.318) or an IME 22 container (see 49 CFR 171.7(d)(9)) they may be transported in the same aircraft with materials other than Class A or Class B explosives.
Gasoline.....	Flammable liquid....	Permitted in metal drums having rated capacities of 55 gal or less. May not be transported in the same aircraft with materials classed as Class A, B, or C explosives, corrosive materials or oxidizing materials. Permitted in installed metal tanks each having a capacity of more than 110 gal subject to the conditions specified in paragraph (c) of this section.
High explosives.....	Class A explosives....	Limited to explosives to be used for blasting. Permitted only when no other cargo is aboard the aircraft or when being transported in the same aircraft with an authorized shipment of any one or more of the following materials to be used for blasting: Nitro carbo nitrate. Cordeau detonant fuse. Propellant explosive (solid) Class B [water gels only]. Propellant explosive (liquid) Class B [water gels only].
Oil, n.e.s.; petroleum oil; or petroleum oil, n.o.s.	Flammable liquid....	Permitted in metal drums having rated capacities of 55 gal or less. May not be transported in the same aircraft with materials classed as Class A, B, or C explosives, corrosive materials or oxidizing materials. Permitted in installed metal tanks each having a capacity of more than 110 gal subject to the conditions specified in paragraph (c) of this section.
Combustible liquid, n.o.s.	Combustible liquid.	Permitted in installed metal tanks each having a capacity of more than 110 gal subject to the conditions specified in paragraph (c) of this section.

(b) The following conditions apply to the carriage of hazardous materials performed under the authority of this section;

(1) No person other than a required flight crewmember, an FAA inspector, the shipper or consignee of the material or a representative of the shipper or consignee so designated in writing, or a person necessary for handling the material may be carried on the aircraft.

(2) The operator of the aircraft must have advance permission from the owner or operator of each manned airport where the material is to be loaded or unloaded or where the aircraft is to land while the material is on board. When the destination is changed after departure because of weather or other unforeseen circumstances, permission from the

owner or operator of the alternate airport should be obtained as soon as practicable before landing.

(3) At any airport where the airport owner or operator or authorized representative thereof has designated a location for loading or unloading the material concerned, the material may not be loaded or unloaded at any other location.

(4) If the material concerned can create destructive forces or have lethal or injurious effects over an appreciable area as a result of an accident involving the aircraft or the material, the loading and unloading of the aircraft and its operation in takeoff, en route, and in landing must be conducted at a safe distance from heavily populated areas and from any place of human abode or assembly.

(5) If the aircraft is being operated by a holder of a certificate issued under Part 121, Part 127, or Part 135 of this title, operations must be conducted in accordance with conditions and limitations specified in the certificate holder's operations specifications or operations manual accepted by the FAA. If the aircraft is being operated under Part 91 of this title, operations must be conducted in accordance with an operations plan accepted and acknowledged in writing by the operator's FAA District Office.

(6) Each pilot of the aircraft must be provided written instructions stating the conditions and limitations of the operation being conducted and the name of the airport official(s) granting the advance permission required by the first sentence of subparagraph (2) of this paragraph.

(7) The aircraft and the loading arrangement to be used must be approved for safe carriage of the particular materials concerned by the FAA District Office holding the operator's certificate and charged with overall inspection of its operations, or the appropriate FAA District Office serving the place where the material is to be loaded.

(8) When Class A explosives are carried under the authority of this section, the operator of the aircraft shall obtain route approval from the FAA inspector in the operator's FAA District Office.

(9) During loading and unloading, no person may smoke, carry a lighted cigarette, cigar, or pipe, or operate any device capable of causing an open flame or spark within 50 feet of the aircraft.

(c) The following additional conditions apply to the carriage of flammable liquids and combustible liquids in metal tanks each having a capacity of more than 110 gallons under the authority of this section:

(1) The tanks and their associated piping and equipment and the installations thereof must have been approved under a supplemental type certificate.

(2) In the case of an aircraft being operated by a certificate holder, the operator shall list the aircraft and the supplemental type certificate approval information in its operating specifications. If the aircraft is being operated by other than a certificate holder, a copy of the supplemental type certificate must be carried on board the aircraft.

(3) The crew of the aircraft must be thoroughly briefed on the operation of the particular bulk tank system being used.

(4) During loading and unloading and thereafter until any remaining fumes within the aircraft are dissipated:

(i) Only those electrically operated bulk tank shutoff valves that have been approved under a supplemental type certificate may be electrically operated.

(ii) No engine or electrical equipment, avionic equipment, or auxiliary power units may be operated, except position lights in the steady position and equipment required by approved loading or unloading procedures, as set forth in the operator's operations manual, or for operators that are not certificate holders, as set forth in a written statement.

(iii) No person may fill a container, other than an approved bulk tank, with a flammable or combustible liquid or discharge a flammable or combustible liquid from a container, other than an approved bulk tank, while that container is inside or within 50 feet of the aircraft.

(iv) When filling an approved bulk tank by hose from inside the aircraft, the doors and hatches must be fully open to insure proper ventilation.

(v) Static ground wires must be connected between the storage tank or fueler and the aircraft, and between the aircraft and a positive ground device.

Since these amendments relieve restrictions and do not impose any new duties or obligations, they are being made effective in less than 30 days after publication in the FEDERAL REGISTER.

(49 U.S.C. 1472(h) (1), 49 CFR 1.53(h).)

*Effective date:* These amendments are effective on December 11, 1975.

Issued in Washington, D.C., on December 11, 1975.

JAMES T. CURTIS, JR.,  
Director, Materials  
Transportation Bureau.

[FR Doc. 75-33834 Filed 12-15-75; 8:45 am]

## Title 16—Commercial Practices

### CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2763]

#### PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

##### Inter-Continental Services Corporation, et al.

Subpart—Coercing and intimidating: § 13.356 Delinquent debtors. 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 (c) Complaints. Subpart—Misrepresenting oneself and goods—business status, advantages or connections: § 13.1440 Identity; § 13.1460 Individual or private business as professional person, association or guild; § 13.1520 Personnel or staff. Subpart—Simulating another or product thereof: § 13.2208 Court documents. Subpart—Threatening suits, not in good faith; § 13.2264 Delinquent debt collection.

(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 Inter-Continental Services Corporation, a Corporation, and North American Credit Services, Inc., a Corporation, and Jerome E. Baker, Jerry L. Nickell, and James F. Bell, Individually and as Officers of said Corporations, and Ronald A. Green and Thomas F. Fangrow, Individually and as Officers of Inter-Continental Services Corporation, and Richard L. Wilson, Individually and as an Officer of North American Credit Services, Inc.*

Consent order requiring two Shawnee Mission, Kans., debt collection agency

affiliates, among other things to cease using legal-looking forms, letterheads or language that might deceive debtors or credit card holders, and making telephone misrepresentations. Further, the order limits the times during which the credit card holder or debtor may be called.

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

#### ORDER

*It is ordered,* That respondents Inter-Continental Services Corporation, a corporation, its successors and assigns, and its officers, and North American Credit Services, Inc., a corporation, its successors and assigns, and its officers, and Jerome E. Baker, Jerry L. Nickell and James F. Bell, individually and as officers of said corporations, and Ronald A. Green and Thomas F. Fangrow, individually and as officers of Inter-Continental Services Corporation, and Richard L. Wilson, individually and as an officer of North American Credit Services, Inc., and respondents' representatives, agents and employees, directly or through any corporation, subsidiary, division or other device, in connection with the collection of accounts or the retrieval of credit cards in or affecting commerce as "commerce" is defined by the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that any legal action is being considered, will be taken, or has been taken, or using any forms, letters or other documents which simulate legal process.

2. Representing, directly or by implication, that respondents or their agents or employees are attorneys, or misrepresenting in any manner the position or function of any of respondents, their agents or employees.

3. Representing, directly or by implication, that the failure of any individual to pay amounts requested, or to take any other action, will result in garnishment of wages, attachment of any property, or will affect the individual's credit rating.

4. Communicating or threatening to communicate with any alleged debtor's employer or any other person not liable for the debt, other than the spouse or attorney of the alleged debtor, except by order of a court, or solely to locate an alleged debtor whose whereabouts are genuinely unknown by respondents: *Provided That*, in these circumstances, no mention of the alleged indebtedness is made.

5. Placing of any telephone call to any alleged debtor or to any individual from whom respondents wish to retrieve a credit card, in the time zone of such person, before the hour of 8:00 a.m. or after the hour of 9:00 p.m. on week days, including Saturdays; or before the hour of 11:00 a.m. or after the hour of 9:00 p.m. on Sundays unless permission is received from such person to so call.

<sup>1</sup> Copies of the Complaint, Decision and Order, filed with the original document.

6. Misrepresenting in any manner the consequences of individuals' or alleged debtors' failure to comply with any of respondents' requests or demands.

*It is further ordered.* That respondents maintain and make available records relative to complaints received by respondents involving the acts and practices prohibited by this order and which describe steps taken by respondents to investigate and dispose of said complaints. Said records shall be maintained for a period of six (6) months from the date such complaint is received, for inspection and copying by the Federal Trade Commission.

*It is further ordered.* That respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions, to each of their branch offices, and to each of their customers.

*It is further ordered.* That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents 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 corporations which may affect compliance obligations arising out of the order.

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

*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 Nov. 14, 1975.

CHARLES A. TOBIN,  
Secretary.

[FR Doc.75-33760 Filed 12-15-75;8:45 am]

[Docket No. C-2762]

**PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS**

**Ira Sachs t/a Burglar King**

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; 13.533-55 Refunds, rebates and/or credits. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements; § 13.1892 Sales contract, right-to-cancel provision; § 13.1905 Terms and conditions; 13.905-50 Sales contract.

(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 Ira Sachs, an Individual, Trading and Doing Business as Burglar King**

Consent order requiring a Chicago, Ill., door-to-door seller of burglar gates, among other things to cease violating provisions of the Trade Regulation Rule on Door-to-Door Sales (16 CFR 429) by failing to disclose to customers of their right to cancel contracts during a specified cooling-off period with full refund of any monies paid.

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

**ORDER**

*It is ordered.* That respondent Ira Sachs, an individual, trading and doing business as Burglar King, or under any name or names, its successors and assigns and respondent's agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any door-to-door sale of consumer goods or services, as such sales are defined in the Federal Trade Commission Trade Regulation Rule Concerning a Cooling-Off Period Rule for Door-To-Door Sales (16 CFR 429.1) (hereinafter "the Commission Rule"), do forthwith cease and desist from:

1. Failing to furnish their buyers with a fully completed copy of the contract used in door-to-door sales, as such transactions are defined in the Rule, which contains in immediate proximity to the space reserved in the contract for the signature of the buyer a summary notice of the buyer's right to cancel in substantially the same form as that required in subsection (a) of the Commission's Rule.

2. Failing to inform each buyer orally at the time he signs the contract or purchases the goods or services of his right to cancel as required in subsection (e) of the Commission's Rule.

3. Including in their door-to-door contracts a confession of judgment clause.

4. Engaging in any act or practice which constitutes an unfair or deceptive act or practice pursuant to the Commission's Trade Regulation Rule entitled "Cooling Off Period for Door to Door Sales", effective June 7, 1974, 16 C.F.R. 429 (a copy of which is attached hereto as Appendix A), and any amendments thereto.

*It is further ordered.* That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondent engaged in the door-to-door sale of the respondents' goods or services, as such transactions are defined in the Commission's Rule, and that respondent secure a signed statement acknowledging receipt of said order from each such person.

*It is further ordered.* That the respondent named herein promptly notify

<sup>1</sup> Copies of the Complaint, Decision and Order, filed with the original document.

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 respondent notify the Commission at least thirty (30) days prior to any proposed change in the company ownership, such as dissolution, assignment or sale, the creation or dissolution of subsidiaries, incorporation, or any other change in the ownership which may affect compliance obligations arising out of the order.

*It is further ordered.* That respondent, in connection with the promotion, offering for sale, sale or distribution of any consumer goods or services included in this order, offer to cancel the sale of such goods or services and to refund immediately all monies paid by any customer who was procured by or involved a violation of any of the provisions of this Order; and make such cancellation and refund to any customer who so elects. Respondent shall maintain a list of the names and addresses of such customers requesting a cancellation of their contracts or a refund under the terms of this paragraph for a three (3) year period together with a record of the action taken in each case and make such records available for inspection by the Commission.

*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 form and manner in which they have complied with this order.

The Decision and Order was issued by the Commission Nov. 4, 1975.

CHARLES A. TOBIN,  
Secretary.

[FR Doc.75-33761 Filed 12-15-75;8:45 am]

**Title 21—Food and Drugs**

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

**SUBCHAPTER B—FOOD AND FOOD PRODUCTS**

[FAP6H5104/R 17; (FRL 469-2)]

**PART 123—TOLERANCES FOR PESTICIDES IN FOOD ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY**

**2.4-D**

On October 28, 1975, the Environmental Protection Agency (EPA) announced (40 FR 50124) that the Department of the Army, Office of the Chief of Engineers (DAEN-CWO-R), Washington, DC 20314, had submitted a petition (FAP6H5104) which proposed that 21 CFR 123.100 be amended by establishing a food additive regulation permitting the use of the herbicide and plant regulator 2,4-dichlorophenoxyacetic acid (2,4-D) in potable water with a tolerance of 0.1 part per million. Residues would

result from the application of the dimethylamine salt of 2,4-D in water hyacinth control programs conducted by the Corps of Engineers or other Federal, State, or local public agencies in ponds, lakes, reservoirs, marshes, bayous, drainage ditches, canals, rivers and streams that are quiescent or slow moving. No comments were received by the Agency in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated and it is concluded that the regulation should be established. The tolerance established by amending 21 CFR 123.100 will protect the public health.

Any person adversely affected by this regulation may, on or before January 15, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M St. SW, East Tower, Room 1019, Washington DC 20460. Such objections should be submitted in quintuplicate and specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on December 16, 1975, Part 123, Subpart A, Section 123.100, is amended as set forth below.

(Section 409(c)(1) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 348(c)(1)])

Dated: December 9, 1975.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

Section 123.100 is amended by revising the regulation to permit the use of 2,4-D in potable water in water hyacinth control programs as follows.

#### § 123.100 2,4-D.

Tolerances are established for residues of the herbicide 2,4-D (2,4-dichlorophenoxyacetic acid) as follows:

2 parts per million in the milled fractions (except flour) derived from barley, oats, rye, and wheat to be ingested as food or to be converted to food. Such residues may be present therein only as a result of application to the growing crop of the herbicides identified in 40 CFR 180.142.

0.1 part per million (negligible residue) in potable water. Such residues may be present therein only:

(a) as a result of the application of the dimethylamine salt of 2,4-D to irrigation ditch banks in the Western United States in programs of the Bureau of Reclamation; cooperating water user organizations; the Bureau of Sport Fisheries, U.S. Department of the Interior; Agricultural Research Service, U.S. Department of Agriculture; and the Corps of Engineers, U.S. Department of Defense.

(b) as a result of the application of the dimethylamine salt of 2,4-D for water hyacinth control in ponds, lakes, reservoirs, marshes, bayous, drainage

ditches, canals, rivers and streams that are quiescent or slow moving in programs of the Corps of Engineers or other Federal, State, or local public agencies.

(c) as a result of application of the dimethylamine salt of 2,4-D and the butoxyethanol ester of 2,4-D to the Fort Cobb Reservoir in central Oklahoma under an experimental use program which expires June 20, 1976. This program is to be conducted by the Bureau of Reclamation, U.S. Department of Interior. Residues remaining in potable water after June 20, 1976, will not be considered actionable if the pesticide is legally applied during the term and in accordance with provisions of the experimental permit/food additive tolerance.

[FR Doc.75-33869 Filed 12-15-75; 8:45 am]

#### SUBCHAPTER D—DRUGS FOR HUMAN USE

[Docket No. 75N-0241]

#### PART 369—INTERPRETATIVE STATEMENT RE WARNINGS ON DRUGS AND DEVICES FOR OVER-THE-COUNTER SALE

##### Insulin Syringes; Recommended Warning and Caution Statement, Effective Date Extension

This order extends to July 6, 1976, the effective date of the requirement that all insulin syringe labeling carry a warning and caution statement.

In an amendment of § 369.30 (21 CFR 369.30), published in the FEDERAL REGISTER of October 6, 1975 (40 FR 46100), the Commissioner of Food and Drugs required that a warning and caution statement be added to the labeling of all insulin syringes after January 5, 1976. The order was based on a proposal published in the FEDERAL REGISTER of November 15, 1974 (39 FR 40301).

The Commissioner concludes, on the basis of information contained in petitions submitted to FDA requesting an extension of the effective date, and other relevant data, that the order of October 6, 1975 should be amended to provide for a 6-month extension of the effective date.

This extension would give manufacturers ample time to make changes in the labeling of individual syringes. Copies of the petitions are available for review at the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

The Commissioner is aware, however, that manufacturers currently have the capacity to provide copies of the warning and caution statement with wholesale and retail packages of insulin syringes distributed in bulk. In most cases, this information could be distributed to the appropriate user (e.g., through a hospital or retail pharmacy), thus providing the user with the needed information during the interval between January 6, 1976, when the regulation was to become effective, and July 6, 1976, the new effective date.

As a condition to granting the extension, the Commissioner is requiring that after January 5, 1976, and until July 6, 1976, manufacturers provide copies of the warning and caution statement with wholesale and retail packages of insulin syringes distributed in bulk. The Commissioner will consider petitions requesting exceptions to this interim requirement, provided that the petitioner can substantiate a claim with sufficient data that compliance with this requirement would result in a substantial disruption of the supply of insulin syringes or would in any other way be detrimental to the public health.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(m), 502, 701(a), 52 Stat. 1041, 1050-1051 as amended, 1055 (21 U.S.C. 321(m), 352, 371(a))), and under authority delegated to the Commissioner (21 CFR 2.120), the effective date for the order amending § 369.30 is revised to read as follows:

*Effective date.* Manufacturers shall provide product inserts of the required labeling under this regulation with all wholesale and retail packages of insulin syringes distributed in bulk after January 5, 1976 and before July 6, 1976. The labeling of all individual insulin syringes introduced into interstate commerce after July 5, 1976 shall be in compliance with this regulation.

(Secs. 201(m), 502, 701(a), 52 Stat. 1041, 1050-1051, 1055 (21 U.S.C. 321(m), 352, 371(a))).

Dated: December 10, 1975.

WILLIAM F. RANDOLPH,  
Acting Associate Commissioner  
for Compliance.

[FR Doc.75-33773 Filed 12-15-75; 8:45 am]

#### PART 440—PENICILLIN ANTIBIOTIC DRUGS

##### Ampicillin Trihydrate-Probenecid Capsules

The Commissioner of Food and Drugs has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 357), with respect to approval of the antibiotic drug product, ampicillin trihydrate-probenecid capsules.

The Commissioner concludes that data supplied by the manufacturer concerning the subject antibiotic drug product are adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended to provide for its certification, effective December 16, 1975.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 440 is amended by adding new § 440.107e to read as follows:

##### § 440.107e Ampicillin trihydrate-probenecid capsules.

(a) *Requirements for certification—*  
(1) *Standards of identity, strength, quality, and purity.* Ampicillin trihydrate-

probenecid capsules are composed of ampicillin trihydrate and probenecid with or without one or more buffer substances, diluents, binders, lubricants, vegetable oils, colorings, and flavorings enclosed in a gelatin capsule. Each capsule contains ampicillin trihydrate equivalent to 389 milligrams of ampicillin and 111 milligrams of probenecid. Its ampicillin content is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin that it is represented to contain. Its probenecid content is satisfactory if it is not less than 90 percent and not more than 110 percent of the number of milligrams of probenecid that it is represented to contain. Its moisture content is not less than 8.5 percent and not more than 13.0 percent. The ampicillin trihydrate used conforms to the standards prescribed by § 440.7(a)(1). The probenecid used conforms to the standards prescribed by the U.S.P.

(2) **Labeling.** In addition to the labeling requirements prescribed by § 432.5 of this chapter, this drug shall be labeled "ampicillin-probenecid capsules".

(3) **Requests for certification; samples.** In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(A) The ampicillin trihydrate used in making the batch for potency, safety, loss on drying, pH, ampicillin content, concordance, crystallinity, and identity.  
 (B) The probenecid used in making the batch for all U.S.P. specifications.

(C) The batch for ampicillin content, probenecid content, and moisture.

(ii) Samples required:

(A) The ampicillin trihydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(B) The batch: A minimum of 30 capsules.

(b) **Tests and methods of assay—(1) Ampicillin content.** Use any of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) **Microbiological agar diffusion assay.** Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place a representative number of capsules into a high-speed glass blender jar with sufficient 0.1M potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Blend for 8 to 10 minutes. Remove an aliquot and further dilute with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(ii) **Iodometric assay.** Proceed as directed in § 436.204 of this chapter, preparing the sample as follows: Place the contents of a representative number of capsules into a high-speed glass blender jar with sufficient distilled water to give a convenient concentration. Blend for 8 to 10 minutes. Filter through Whatman No. 2 filter paper. Further dilute an aliquot of the filtrate with distilled water to the prescribed concentration.

(2) **Probenecid content—(1) Preparation of standard solution.** Transfer approximately 25 milligrams of probenecid reference standard U.S.P., accurately weighed, to a 25-milliliter volumetric flask. Dissolve and dilute to volume with 1 percent aqueous sodium carbonate solution.

(ii) **Preparation of sample solution.** Place the contents of a representative number of capsules into a high-speed glass blender jar with 100 milliliters of 1 percent aqueous sodium carbonate solution for each capsule. Blend for 8 to 10 minutes. Filter a portion through Whatman No. 2 filter paper, discarding the first 10-milliliter portion of the filtrate.

(iii) **Procedure.** Transfer 2.0 milliliters of the clear filtrate to a 125-milliliter separatory funnel and add 8.0 milliliters

of 1.0N hydrochloric acid. Extract the solution with four 20-milliliter portions of chloroform, filtering each extract into a 100-milliliter volumetric flask through a glass wool pledget and 6 grams of chloroform-washed anhydrous sodium sulfate. Wash the pledget and sodium sulfate with chloroform, dilute to volume with chloroform and mix. Treat 2.0 milliliters of the standard solution in the same manner. Using a suitable spectrophotometer equipped with a 1-centimeter cell and chloroform washed with 1 percent aqueous sodium carbonate solution as a blank, determine the absorbance of the sample and standard solutions at the peak near 257 nanometers.

(iv) **Calculations.** Calculate the probenecid content as follows:

$$\text{Milligrams probenecid per capsule} = \frac{\text{Absorbance of sample} \times \frac{\text{weight of standard in milligrams}}{\text{Absorbance of standard}} \times \text{percent purity of standard}}{\text{Absorbance of standard} \times 25}$$

$$\text{Milligrams probenecid per capsule} = \frac{\text{Absorbance of sample} \times \frac{\text{weight of standard in milligrams}}{\text{Absorbance of standard}} \times \text{percent purity of standard}}{\text{Absorbance of standard} \times 25}$$

(3) **Loss on drying.** Proceed as directed in § 436.200(a) of this chapter.

As the conditions prerequisite to providing for certification of the subject antibiotic drug product have been complied with and since the matter is non-controversial in nature, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

**Effective date.** This amendment shall become effective December 16, 1975.

(Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357))

Dated: December 10, 1975.

MARY A. McENIRY,  
 Assistant to the Director for  
 Regulatory Affairs, Bureau of  
 Drugs.

[FR Doc. 75-33772 Filed 12-15-75; 8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS,  
 AND RELATED PRODUCTS  
**PART 556—TOLERANCES FOR RESIDUES  
 OF NEW ANIMAL DRUGS IN FOOD**

**PART 558—NEW ANIMAL DRUGS FOR  
 USE IN ANIMAL FEEDS**  
**Monensin**

The Commissioner of Food and Drugs has evaluated a new animal drug application (95-735V) filed by Elanco Products Co., Division of Eli Lilly & Co., 740 South Alabama St., Indianapolis, IN 46206, proposing the safe and effective use of monensin in the feed of cattle. The new animal drug application also proposes that finished feeds prepared from a 20-gram-per-pound premix as the sole drug need not satisfy all the requirements of section 512(m) of the Federal Food, Drug, and Cosmetic Act. The application is approved, effective December 16, 1975.

Monensin as the sole drug premix meets the uniform criteria set forth in 1971 Bureau of Veterinary Medicine memoranda for administrative waiver of the ministerial requirements of section 512(m) of the act. The pertinent

provisions of the memoranda indicate that waiver is appropriate if:

1. The feeding of 1.5X to 2X level of the product in the finished feed does not have an impact on the tissue residue picture, i.e., an impact on an existing withdrawal period or tolerance.

2. The product is not a known carcinogen or is not classed with a family of known carcinogens.

3. Appropriate documentation covering animal safety is on file. This will not require additional generation of data in that this documentation is by definition a part of the new animal drug application (NADA).

4. The margin of safety to the animal and safety to the consumer is such that the product label does not have to contain a statement such as "Use as the sole source of \* \* \*".

5. Data are on file to demonstrate that the product is efficacious over the approved range. This data should generally satisfy current standards for the demonstration of efficacy.

6. Except under special circumstances, the product has been used at least 3 years in the target species without significant complaints related to or associated with it. Applications of this criterion require a review of the available Drug Experience Reports.

The memoranda make explicit that because waiver of the ministerial requirements of section 512(m) is permitted only for specific efficacy claims or at specific levels of the drugs, distinct products with corresponding labeling for those claims or levels should exist. This is necessary in order to cover those premixes that can be made into finished feeds with various concentrations of drugs.

The foregoing criteria established in the 1971 memoranda constitute an interim agency policy that is under review. The Bureau of Veterinary Medicine is preparing a proposed regulation for publication in the FEDERAL REGISTER, based on the criteria listed above, governing waiver of the 512(m) requirements for

the finished feed. In waiving the ministerial requirements of section 512(m), the agency has not waived the current good manufacturing practice regulations under Part 225 (21 CFR 225) for feed mills mixing such feeds.

The Commissioner is amending Part 558 to reflect this approval, and Part 556 to provide a tolerance for negligible residues of monensin in the edible tissues of cattle.

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

The Commissioner has carefully considered the environmental effects of the regulation and, because it does not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. Copies of the FDA environmental impact assessment are on file with the Hearing Clerk, Food and Drug Administration, address noted above.

Therefore, under the Federal Food, Drug and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(1))), and under authority delegated to the Commissioner (21 CFR 2.120), Parts 556 and 558 are amended as follows:

1. In Part 556, by revising § 556.420 to read as follows:

**§ 556.420 Monensin.**

A tolerance of 0.05 part per million is established for negligible residues of monensin in the edible tissues of chickens and cattle.

2. In Part 558 by amending § 558.355 by adding new paragraph (b) (7), revising paragraphs (c) and (d), and adding new paragraph (f) (3) to read as follows:

**§ 558.355 Monensin.**

(b) \* \* \*

(7) To 000986: 20 or 30 grams per lb., as monensin sodium, paragraph (f) (3).

(c) *Assay limits.* (1) Finished chicken feed not less than 75 percent nor more than 125 percent of labeled amount of monensin activity.

(2) Finished feeds for cattle:

(i) Feeds labeled as containing 5 to 10 grams of monensin activity per ton, not less than 80 percent nor more than 120 percent of labeled amount of monensin activity.

(ii) Feeds labeled as containing 10 to 30 grams of monensin activity per ton, not less than 85 percent nor more than 115 percent of labeled amount of monensin activity.

(d) *Special considerations.* (1) Finished chicken feed containing monensin as the mycelial cake shall bear an expiration date of 90 days after its date of manufacture.

(2) Finished cattle feeds containing 30 grams or less monensin sodium per ton shall bear an expiration date of 30 days after its date of manufacture.

(3) Finished cattle feeds manufactured from feed supplements that contain not more than 1,200 grams per ton of monensin and that comply with the provisions of paragraph (f) (3) of this section are not required to comply with the requirements of section 512(m) of the Federal Food, Drug, and Cosmetic Act.

(4) Finished cattle feeds manufactured from premixes containing 20 grams per pound of monensin and that comply with the requirements of paragraph (f) (3) of this section are not required to comply with the requirements of section 512(m) of the Federal Food, Drug, and Cosmetic Act.

(f) \* \* \*

(3) *Cattle*—(i) *Amount per ton.* Monensin, 5-30 grams.

(ii) *Indications for use.* Improved feed efficiency.

(iii) *Limitations.* Feed only to cattle being fed in confinement for slaughter; feed continuously in finished feed; as monensin sodium; each animal must receive not more than 360 milligrams per day and not less than 50 milligrams per day.

*Effective date.* This regulation shall be effective December 16, 1975.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(1)))

Dated: December 10, 1975.

FRED J. KINGMA,  
Acting Director, Bureau of  
Veterinary Medicine.

[FR Doc. 75-33774 Filed 12-15-75; 8:45 am]

**Title 32—National Defense**

**CHAPTER V—DEPARTMENT OF THE ARMY**

**SUBCHAPTER F—PERSONNEL**

**PART 577—MEDICAL AND DENTAL ATTENDANCE**

**Uniformed Services Health Benefits Program**

Below is a procedural change to the Code of Federal Regulations, title 32, Part 577, Medical and Dental Attendance. Since it was approved by the Department of Defense on October 24, 1973, it is not necessary to publish as a proposed rule.

**§ 577.64 Basic program of CHAMPUS benefits for dependents and retired members.**

(1) *Timely filing of claims.* (1) Claims for services and supplies provided on and after January 1, 1974—All claims must be submitted no later than December 31 of the calendar year after the one in which the care, service, or supply was provided.

(2) Claims for services and supplies provided prior to January 1, 1974—All claims received by CHAMPUS fiscal ad-

ministrators for care, service, or supplies furnished more than five years after the care, service, or supply was provided shall be forwarded to OCHAMPUS, Denver, Colorado 80240. The Director, OCHAMPUS, may, at his absolute discretion, allow or disallow the claim.

(Department of Defense Memorandum 24 October 1973)

By authority of the Secretary of the Army.

Dated: December 9, 1975.

ROBERT G. FLOWERS, Jr.,  
Lt. Colonel, U.S. Army,  
Chief, Plans Office, TAGO.

[FR Doc. 75-33766 Filed 12-15-75; 8:45 am]

**Title 35—Panama Canal**

**CHAPTER I—CANAL ZONE REGULATIONS**

**PART 5—PUBLIC LANDS; MILITARY RESERVATIONS, SUBPART B—MILITARY RESERVATIONS**

**Revision of Boundaries of Certain Military Reservations and Redesignation of Albrook Air Force Base as Albrook Air Force Station**

This document amends the regulations describing the boundaries of two military reservations within the Canal Zone. The amendment transfers certain lands from the present Albrook Air Force Base to the Curundu Army Reservation because the subject lands have been declared surplus to the needs of the Department of the Air Force. In addition, the amendment redesignates Albrook Air Force Base as Albrook Air Force Station.

Part 5 of 35 CFR is amended as follows:

**§ 5.26 [Amended]**

1. In § 5.26(a), the portion of the text thereof commencing with the fifth unnumbered paragraph (which begins: "S. 15°28'20" E., 127.4 feet, along . . .") and ending with all of the thirty-eighth unnumbered paragraph (which begins: "The above-described boundary line from monument No. 32-A. . .") is deleted, and the following text is substituted therefor:

S. 15°28'20" E., 43.3 feet, along the eastern fence line of the Deer Park to an unmarked point called 35-1, located at right angles to, and 85 feet southeasterly from the centerline of Canfield Avenue;

Southwesterly, along a line parallel to and 85 feet southeasterly from the centerline of Canfield Avenue, to an unmarked point called 35-2, located on the east sidewalk of the concrete paved ditch leading from Flood Control Dam No. 2;

Southerly, 1,870 feet, more or less, following the east sidewalk of the above-mentioned paved ditch, to an unmarked point called 35-3, located on the prolongation of the east sidewalk of an improved drainage ditch on the west side of Taxiway No. 1;

Southerly, 790 feet, more or less, along the prolongation of, and along the east sidewalk of the improved drainage ditch, to an unmarked point called 35-4, located on the

easterly sidewall of the improved ditch at its head;

Southerly, 800 feet, more or less, to an unmarked point called 35-5, located on the south sidewall of the concrete paved channel of the Maria Salas River where the said sidewall meets an existing headwall;

Southwesterly, 900 feet, more or less, along the south sidewall of the paved channel of the Maria Salas River, to an unmarked point called 35-6, located where the sidewall meets an existing concrete headwall approximately 60 feet north of Building No. 444;

Southwesterly, 100 feet, more or less, to an unmarked point called 35-7, located at the intersection of the prolongation of the east edge of Canfield Avenue with the west prolongation of the north face of Building No. 444;

Southwesterly, 2,850 feet, more or less, along the prolongation of, and along the east edge of Canfield Avenue, to monument "H", which is a 3-inch iron pipe set in concrete, located at the corner of a cyclone fence on the northeasterly side of Gaillard Highway;

The above-described boundary line from monument No. 34 to monument "H", inclusive, is common with the easterly boundary of Albrook Air Force Station (Parcel No. 2).

Along the above-mentioned cyclone fence, with the following courses, to monument "M":

S. 32°45'40" E., 507.7 feet, to monument "I", which is a 3-inch iron pipe set in concrete;

S. 20°14'30" E., 791.0 feet, to monument "J", which is a 3-inch iron pipe set in concrete;

S. 26°57'30" E., 300.2 feet, to monument "K", which is a 3-inch iron pipe set in concrete;

S. 34°35'40" E., 305.1 feet, to monument "L", which is a 3-inch iron pipe set in concrete;

S. 45°40'40" E., 265.2 feet, to monument "M", which is a 3-inch iron pipe set in concrete, the geodetic position of which is in latitude 8°57' N. plus 4,887.1 feet and longitude 79°33' W. plus 4,153.0 feet;

Easterly, parallel to, and 1.5 feet from the face of the above-mentioned cyclone fence, to monument "P", which is a 3-inch iron pipe set in concrete, located 1.5 feet southerly from the above-mentioned cyclone fence, the geodetic position of which is in latitude 8°57' N. plus 4,796.5 feet, and longitude 79°33' W. plus 3,406.7 feet;

Northeasterly, along a line parallel to, and 30 feet from the northwesterly edge of Gaillard Highway, passing through to the westerly side of the above-mentioned cyclone fence, to monument "Q", which is a 3-inch iron pipe set in concrete;

N. 40°17'50" E., 378.4 feet, to monument "R", which is a 3-inch iron pipe set in concrete;

N. 05°12'40" W., 20.4 feet, to monument "S", which is a 3-inch iron pipe set in concrete;

N. 39°04'50" E., 836.2 feet, to monument "T", which is a 3-inch iron pipe set in concrete;

N. 85°23'00" E., 57.4 feet, to monument "U", which is a 3-inch iron pipe set in concrete, located southwesterly from the southerly corner of the hangar situated southwesterly from the Civil Affairs Building, Ancon, C.Z., and is on the southerly boundary of Parcel No. 2, Fort Clayton Army Reservation;

N. 58°14'06" W., 227.6 feet, along the southwesterly edge of the concrete apron, southwesterly from the above-mentioned hangar, to monument No. 75.9, which is an iron rod set in concrete, located at the southwesterly edge of the above-mentioned apron;

N. 24°57'39" E., 146.2 feet, to monument No. 75-8, which is an iron rod set in concrete, located 15.0 feet westerly from the westerly corner of the above-mentioned hangar;

N. 32°22'09" E., 199.9 feet, along a line parallel to and 15.0 feet northwesterly from the northwesterly face of the above-mentioned hangar, to monument No. 75-7, which is a monel metal plug, located in a concrete sidewalk, and is 15.0 feet northwesterly from the northerly corner of the above-mentioned hangar;

N. 38°19'54" E., 157.2 feet, to monument No. 75-6, which is an iron rod set in concrete, located 5.0 feet northerly from the northerly edge of the northerly concrete apron of the above-mentioned hangar;

S. 58°18'51" E., 53.6 feet, to monument No. 75-5, which is an iron rod set in concrete, located 5.0 feet northerly from the northerly edge of the above-mentioned apron;

S. 84°11'06" E., 49.2 feet, to monument No. 75-4, which is an iron rod set in concrete, located 5.0 feet northerly from the northerly edge of the above-mentioned apron, and is 250.0 feet southeasterly from the northwesterly edge of a concrete taxiway;

N. 39°47'24" E., 210.7 feet, along a line parallel to and 250.0 feet southeasterly from the above-mentioned taxiway to monument No. 75-3, which is a 1½-inch iron pipe set in concrete, located 250.0 feet southeasterly from the above-mentioned taxiway;

N. 39°46'25" E., 1,192.3 feet, along a line parallel to and 250.0 feet southeasterly from the above-mentioned taxiway, to monument No. 75-2, which is a 1½-inch pipe set in concrete;

N. 20°28'30" E., 670.3 feet, along a line parallel to and 250.0 feet southeasterly from the above-mentioned taxiway, to monument No. 75-1, which is a 1½-inch iron pipe set in concrete, located at the corner of a cyclone fence on the westerly side of Curundu Road;

S. 50°55'10" E., 561.9 feet, along the southwesterly side of the above-mentioned cyclone fence, to monument No. 75, which is a 1½-inch iron pipe set in concrete, located at the corner of the above-mentioned cyclone fence;

S. 49°48'50" E., 445.3 feet, to monument No. 74, which is a brass plug in a concrete road pavement;

S. 52°01'20" E., 192.3 feet, to monument No. 73, which is a 1½-inch iron pipe set in concrete, located at the corner of a cyclone fence on the westerly side of Curundu Road;

2. In § 5.26(a), the concluding sentence of the fifty-first unnumbered paragraph (which paragraph begins "northerly, along the centerline of the Rio Curundu . . ."), is revised to read as follows:

Point No. 72 is located at the southeast corner of Fort Clayton Army Reservation (Parcel No. 4).

3. In § 5.26(a), the concluding sentence of the sixty-eighth unnumbered paragraph (which paragraph begins: "Northwesterly, along the face of the above-mentioned cyclone fence . . .") is revised to read as follows:

Monument No. 41 is on the easterly boundary of Fort Clayton Army Reservation (Parcel No. 4).

4. In § 5.26(a), the sixty-ninth unnumbered paragraph (which begins: "The above-described boundary line . . .") is revised to read as follows:

The above-described boundary line from point No. 72 through monuments Nos. 71 to 41, inclusive, is common with the southerly boundary of Fort Clayton Army Reservation (Parcel No. 4).

5. In § 5.26(a), the concluding paragraph (which begins: "The area of Curundu Army Reservation . . .") is revised to read as follows:

The area of Curundu Army Reservation is 1355.0 acres, more or less, and is as shown on Canal Zone Government Drawing No. 6118-34, (Revision No. 9, dated February 4, 1975) entitled "Map Showing U.S. Army and U.S. Air Force Reservations—Fort Clayton, Corozal, Curundu and Albrook Air Force Base, Canal Zone", scale 1: 10,000, dated May 29, 1952, on file in the Office of the Governor of the Canal Zone, Balboa Heights, Canal Zone.

6. Section 5.26(b) is revised to read as follows:

(b) A right-of-way, through Curundu Army Reservation, over a strip of land 10 feet each side of the centerline of the railroad tracks, between monument "B" (Parcel No. 4) of Albrook Air Force Station and monument No. 74 of Curundu Army Reservation, is reserved for the Air Force.

7. The title and introductory paragraph of § 5.61 are revised to read as follows:

#### § 5.61 Albrook Air Force Station.

The following-described areas of land, situated in the Canal Zone and designated as the Albrook Air Force Station, are reserved and set apart as, and assigned to the uses and purposes of, an Air Force reservation, under the jurisdiction and control of the Secretary of the Air Force but subject to § 5.82:

8. In § 5.61, the portion of the text thereof commencing with the twenty-first unnumbered paragraph of Parcel No. 2 (which begins: "S. 15°28'20" E., 127.4 feet, along the eastern fence . . .") and ending with all of the seventy-seventh unnumbered paragraph (which begins: "N. 32°45'40" W., 507.7 feet to monument "H" . . .") is deleted and the following text is substituted therefor:

S. 15°28'20" E., 43.3 feet, along the eastern fence line of the Deer Park to an unmarked point called 35-1, located at right angles to, and 85 feet southeasterly from the centerline of Canfield Avenue;

Southwesterly, along a line parallel to and 85 feet southeasterly from the centerline of Canfield Avenue, to an unmarked point called 35-2, located on the east sidewall of the concrete paved ditch leading from Flood Control Dam No. 2;

Southerly, 1,870 feet, more or less, following the east sidewall of the above-mentioned paved ditch, to an unmarked point called 35-3, located on the prolongation of the east sidewall of an improved drainage ditch on the west side of Taxiway No. 1;

Southerly, 790 feet, more or less, along the prolongation of, and along the east sidewall of the improved drainage ditch, to an unmarked point called 35-4, located on the easterly sidewall of the improved ditch at its head;

Southerly, 800 feet, more or less, to an unmarked point called 35-5, located on the south sidewall of the concrete paved channel of the Maria Salas River where the said sidewall meets an existing headwall;

Southwesterly, 900 feet, more or less, along the south sidewall of the paved channel of the Maria Salas River, to an unmarked point called 35-6, located where the sidewall meets an existing concrete headwall approximately 60 feet north of Building No. 444;

Southwesterly, 100 feet, more or less, to an unmarked point called 35-7, located at the intersection of the prolongation of the east edge of Canfield Avenue with the west prolongation of the north face of Building No. 444;

Southwesterly, 2,850 feet, more or less, along the prolongation of, and along the east edge of Canfield Avenue, to monument "H", which is a 3-inch iron pipe set in concrete, located at the corner of a cyclone fence on the northeasterly side of Gaillard Highway;

The above-described boundary line from monument 32-A to monument "H", inclusive, is common with the western boundary of the Curundu Army Reservation.

9. In § 5.61, the concluding paragraph (which begins: "The total area of Albrook . . .") is revised to read as follows:

The total area of Albrook Air Force Station is 692.7 acres, more or less; Parcel No. 2 is 560.3 acres, more or less; Parcel No. 3 is 31.8 acres, more or less; Parcel No. 4 is 98.6 acres, more or less; and Parcel No. 6 is 2.01 acres; and is as shown on Canal Zone Government Drawing No. 6115-34 (Revision No. 9 dated February 4, 1975 entitled "Map Showing U.S. Army and U.S. Air Force Reservations—Fort Clayton, Corozal, Curundu, and Albrook Air Force Base, Canal Zone", scale 1:10,000, dated May 29, 1952, on file in the Office of the Governor of the Canal Zone, Balboa Heights, Canal Zone.

*Effective Date:* This amendment is effective November 1, 1975.

(2 C.Z.C. §§ 31, 33, 76A Stat. 7, 35 CFR 3.3(c))

H. R. PARFITT,  
Governor of the Canal Zone.

Dated: October 14, 1975.

Approved:

MARTIN R. HOFFMANN,  
Secretary of the Army.

Dated: November 6, 1975.

[FR Doc.75-33763 Filed 12-15-75; 8:45 am]

#### PART 5—PUBLIC LANDS; MILITARY RESERVATIONS

##### Revision of Boundaries of Certain Military Reservations

This document amends the regulations describing the boundaries of a military reservation in the Canal Zone. The amendment removes certain lands from the Howard Air Force Base because the subject lands have been declared surplus to the needs of the Department of the Air Force.

#### § 5.62 [Amended]

In 35 CFR Part 5, § 5.62(a) is amended as follows:

1. Parcel No. 3 is deleted in its entirety.
2. Parcel No. 4 is amended as follows: Immediately following the last para-

graph of Parcel No. 4 (which begins: "S. 49°33'25" E., 2,170 feet, more or less, through . . .") add the following paragraphs:

The directions of the lines refer to the true meridian and the geodetic positions of all points refer to the Panama-Colon datum of the Canal Zone Triangulation system.

The total area of Howard Air Force Base is 6,775.1 acres, more or less. Parcel No. 1 contains an area of 4,258 acres, more or less and is shown on Canal Zone Government Drawing No. X-6121-47, Sheet 1 of 2, entitled, "Boundaries of Howard Air Force Base and Fort Kobbe Army Reservation." Parcel No. 2 contains an area of 2,488.8 acres, more or less, and is as shown on Canal Zone Government Drawing No. X-6121-47, Sheet 2 of 2, entitled "Boundary of Parcel No. 2, Howard Air Force Base." Parcel No. 4 contains an area of 28.3 acres, more or less, and is as shown on Canal Zone Government Drawing No. M-6117-46 (Revision No. 2, dated April 21, 1974) entitled "Fort Clayton Army Reservation." Drawing No. X-6121-47, Sheets 1 and 2, scale 1:10,000 dated May 13, 1969 and Drawing No. M-6117-46, scale 1:3,000, dated April 21, 1974 are on file in the Office of the Governor of the Canal Zone, Balboa Heights, Canal Zone.

*Effective date:* This amendment is effective November 1, 1975.

[2 C.Z.C. 31, 33, 76A Stat. 7, 35 CFR 3.3(c)]

H. R. PARFITT,  
Governor of the Canal Zone.

OCTOBER 14, 1975.

Approved:

MARTIN R. HOFFMANN,  
Secretary of the Army.

NOVEMBER 6, 1975.

[FR Doc.75-33764 Filed 12-15-75; 8:45 am]

#### Title 40—Protection of the Environment

##### CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

##### SUBCHAPTER D—WATER PROGRAMS

[FRL 464-4]

##### PART 149—REVIEW OF PROJECTS AFFECTING SOLE SOURCE AQUIFERS

##### Edwards Underground Reservoir, Tex. Area; Interim Project Review Guidelines

Section 1424(e) of the Safe Drinking Water Act (Pub. L. 93-523) authorizes the Administrator to determine, on his own initiative or upon petition, that an area has an aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health. No commitment for Federal financial assistance (through a grant, contract, loan guarantee, or otherwise) may then be entered into for any project which the Administrator determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health.

Pursuant to Section 1424(e) of the Safe Drinking Water Act, the Administrator has determined that the San Antonio area has an aquifer, the Edwards Underground Reservoir, which is the principal source of drinking water for this area. The following interim guide-

lines describe the project review process applicable to major Federal financially assisted programs or actions which may affect the Edwards Underground Reservoir through the recharge zone as described in the Edwards Underground Reservoir Notice of Determination.

EPA does not wish to delay approval of numerous minor and some major Federal actions which have a negligible impact on ground water quality. Therefore, the Administrator will only review on his own motion those major programs or actions which in his judgment may have a significant impact on the safety of drinking water in the reservoir.

In general, the major Federal financially assisted programs or actions with which the EPA will be primarily concerned are those which in the opinion of the Regional Administrator are already subject to the provisions of the National Environmental Policy Act. EPA requests that Federal agencies originating projects which might contaminate the reservoir through the recharge zone, particularly if such projects involve hazardous or toxic materials, prepare an environmental impact statement, or a brief groundwater impact evaluation. Accordingly, review under Section 1424(e) will generally be carried out in conjunction with EPA's review of draft and final environmental impact statements as presently required. Citizens may still petition EPA to review projects other than those which the agency reviews on its own initiative. However, this Agency will not be concerned with reviewing minor actions having an insignificant impact on the quality of the reservoir such as individual home mortgage loans (i.e. Farmers Home Administration loans, Veterans Administration loans, and others). Ordinarily, the Regional Administrator will review a project upon his own initiative if he determines that it is significant enough to be subject to NEPA requirements and is located in the recharge zone; in such cases the Administrator requests that Federal agencies responsible for implementing the National Environmental Policy Act notify EPA of any projects for which they are planning to prepare environmental assessments or environmental impact statements and discuss in such evaluations the groundwater quality implications of such actions with respect to the recharge zone.

The streamflow source zone, as outlined in the Edwards Underground Reservoir Notice of Determination, is an area which drains into the recharge zone and contributes approximately 90% of the recharge flow to the reservoir. EPA will review projects in the streamflow source zone upon petition or on an exceptional basis only. A petition to review a project in this area must reasonably demonstrate that the impact of the project in the streamflow source zone will be of a magnitude such that it may have a significant impact on the quality of the Edwards Underground Reservoir through the recharge zone. Federal agencies financing major actions or programs on the streamflow source zone should, in their environmental assessments and environmental impact statements, discuss

the effect which such actions might have on the quality of any waters reaching the recharge zone.

Programs or actions for which environmental impact statements are not necessary but for which petitions under §149.4 of these regulations have been submitted and found to have merit will be reviewed by EPA after requesting the originating agency to prepare a brief groundwater impact evaluation.

EPA is working with other Federal agencies to develop procedures whereby EPA will be notified of proposed commitments for major programs or actions which could contaminate the Edwards Underground Reservoir. EPA's personnel reviewing draft and final EIS's have been instructed to include in future reviews notification to the responsible agency when EPA determines that a project is subject to 1424(e) review. Although the project review process cannot be delegated, EPA will rely to the maximum extent possible upon any existing State control mechanisms in protecting the groundwater quality of the Edwards Underground Reservoir.

EPA review of federally assisted projects applies only to future commitments for Federal financial assistance; outstanding commitments are not affected by this determination, however, a renewal of a lapsed commitment for a project may subject that project to EPA review.

It should also be emphasized that the statute applies only to Federal financial assistance. Direct Federal actions, such as dredging performed by the Corps of Engineers, are not subject to review under § 1424(e). Some types of direct Federal action may be performed by contractors for the government. An example would be construction of roads on Federal lands by a contractor under the supervision of the Bureau of Public Roads. This also constitutes direct Federal action, as opposed to "Federal financial assistance", and it is for that reason not subject to review under § 1424(e).

Because these procedures must be effective immediately in order to allow project review to proceed in the San Antonio area, notice and comment upon these interim regulations is impracticable, and they shall be effective immediately upon publication in the FEDERAL REGISTER. However, the agency will consider any public comments hereon submitted within 60 days after publication.

A map outlining the recharge zone and streamflow source zone can be obtained from the address below. Public comments should be sent to the same address within sixty (60) days from the date of publication:

Environmental Protection Agency, Region VI, Water Division, 1600 Patterson Street, Suite 1100, Dallas, Texas 75201

After reviewing all public comments received and evaluating the agency's experience in the application of these interim guidelines to the Edwards Underground Reservoir, the EPA may revise

these regulations or publish general regulations for the review of Federal financially assisted projects under 1424(e).

Dated: December 10, 1975.

RUSSELL E. TRAIN,  
Administrator.

Subpart A—Edward Aquifer, San Antonio, Tex.

Sec.	
149.1	Applicability.
149.2	Definitions.
149.3	Project review authority.
149.4	Submission of petitions.
149.5	Decision to review.
149.6	Notice of review.
149.7	Public hearing.
149.8	Decisions under 1424(e).
149.9	Resubmittal of redesigned projects.
149.10	Waiver of requirements.
149.11	Effect of decision by Administrator.

Subpart A—Edwards Aquifer, San Antonio, Texas

§ 149.1 Applicability.

This document sets forth, pursuant to Section 1424(e) and 1450 of the Public Health Service Act, as amended by the Safe Drinking Water Act, Pub. L. 93-523, interim guidelines relating to the review of major Federal financially assisted programs or actions which could potentially affect the quality of the Edwards Underground Reservoir through the recharge zone.

§ 149.2 Definitions.

As defined in these guidelines, and except as otherwise specifically provided, the term(s):

(a) "Act" means the Public Health Service Act, as amended by the Safe Drinking Water Act, P.L. 93-523.

(b) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

(c) "Recharge zone" means the area through which water enters the Edwards Underground Reservoir.

(d) "Administrator" or "Regional Administrator" means the Administrator or a Regional Administrator of the United States Environmental Protection Agency.

(e) "Person" means an individual, corporation, company, association, partnership, State, or municipality.

(f) "Project" means a major Federal financially assisted program or major Federal financially assisted action which may have a significant impact on the quality of the Edwards Underground Reservoir.

(g) "Streamflow source zone" means the upstream headwaters area of the Nueces, San Antonio and Guadalupe River basins where contaminants may enter the streams that replenish the Edwards Underground Reservoir through the recharge zone.

(h) "Significant hazard to public health" means any level of contaminant which causes or may cause the Edwards Underground Reservoir to exceed any maximum contaminant level set forth in any promulgated National Primary Drinking Water Standard (whether or not the 18 month period following promulgation prescribed in section 1412(b) of the Act has passed with respect to such standard) at any point where

the water may be used or which may otherwise have a serious adverse effect on the health of persons.

(i) "Commitment of Federal financial assistance" means a commitment by a Department, agency, or instrumentality of the Federal Government, through any authorized agent, to provide financial assistance through a contract, grant, loan guarantee or otherwise. Renewal of a commitment which the issuing agency determines has lapsed shall not constitute a new commitment unless the Regional Administrator determines that the project may have a significant impact upon a designated aquifer and that such impact has not previously been reviewed. The determination of the Federal agency issuing a commitment shall be conclusive with respect to the existence of such commitment.

§ 149.3 Project review authority.

(a) The Regional Administrator is hereby delegated the authority and assigned responsibility for carrying out the responsibilities assigned to the Administrator under Section 1424(e) of the Act, except the publication of a final determination that a project may contaminate the Edwards Underground Reservoir through a recharge zone so as to create a significant hazard to public health.

(b) Upon his own motion or upon petition, the Regional Administrator may review any project which he considers may potentially lead to contamination of the Edwards Underground Reservoir through its recharge zone so as to create a significant hazard to public health.

§ 149.4 Submission of petitions.

Any person may submit a petition requesting the Regional Administrator to review a project to determine if such project will contaminate the Edwards Underground Reservoir so as to create a significant hazard to public health. Any such petition shall identify:

(a) The name, address and telephone number of the individual, organization or other entity submitting the petition;

(b) A brief statement of the requesting person's interest in the Regional Administrator's determination;

(c) The name of the project and Federal agency involved;

(d) The potential contaminants involved;

(e) The means by which the contaminants might enter the reservoir;

(f) The potential cumulative impacts of the proposed project;

(g) A statement of applicable action already taken by State and local agencies including establishment of regulations to prevent contamination of the Edwards Underground Reservoir and why, in the petitioner's judgment, that action was inadequate;

(h) A statement of any actions taken under the National Environmental Policy Act and why, in the petitioner's judgment, that action was inadequate in regard to evaluation of potential effect on the reservoir.

**§ 149.5 Decision to review.**

(a) In determining whether to review a project on his own or in response to a petition, the Regional Administrator shall consider whether the project is:

(1) Located within a recharge zone, as defined by the Administrator in the Edwards Underground Reservoir Notice of Determination; or

(2) Of a nature that could directly or indirectly cause contamination of the Edwards Underground Reservoir.

(b) The Regional Administrator shall review any draft environmental impact statement provided by any other Federal agency to determine if the action involved may significantly affect groundwater quality and whether it is otherwise subject to review under Section 1424(e).

(c) The Regional Administrator may request such additional information from the petitioner as he deems necessary in determining whether to review a project.

(d) The Regional Administrator may consult with or request additional information from the Federal agency to which the project application has been made, and with the applicant through such agency, as well as with appropriate State and local agencies and other persons or entities as may be appropriate.

**§ 149.6 Notice of review.**

(a) Notice to Federal agency—The Regional Administrator shall notify the originating Federal agency in writing of any decision to review a project pursuant to Section 1424(e). The notification shall include:

(1) A description and identification of the project;

(2) A request for information. The nature and detail of information will depend upon the project's size and expected effects on public health;

(3) For projects subject to NEPA, a statement that (i) the Federal agency should endeavor to integrate its analysis and review into its broad environmental responsibilities under the National Environmental Policy Act (NEPA) (42 U.S.C. 4321) and (ii) that the Federal agency may attach the information requested by EPA to the detailed statement required under Section 102(2)(C) of NEPA and submit the package to EPA as part of the normal review process required by NEPA, if the Federal agency determines that NEPA applies to the project;

(4) For projects for which environmental impact statements are not appropriate but for which a citizen petition has been submitted and accepted, a statement that the Federal agency may prepare a groundwater impact evaluation of whether the proposed project may contaminate the Edwards Underground Reservoir through a recharge zone so as to create a significant hazard to public health.

(b) Notice to Public—The Regional Administrator shall provide public notice of a decision to formally review any project, either in response to a petition or his own motion, by such means

as he deems appropriate. The notice shall set forth the availability for public review of all data and information available to the Regional Administrator and shall solicit comments, data and information with respect to the determination of impact under 1424(e).

(c) Period for review—The period for public comment shall be 30 days after public notice unless the Regional Administrator extends the period at his discretion or a public hearing is held pursuant to Section 149.7.

**§ 149.7 Public hearing.**

Where there is significant public interest therein, the Regional Administrator may hold a public hearing with respect to any project or projects to be reviewed. Public hearings held under this section should be coordinated, if possible, with other Federal agency public hearings held pursuant to their applicable laws and regulations. Any such hearing shall be conducted by the Regional Administrator or his designee in an informal, orderly, and expeditious manner. Where appropriate, limits may be placed upon the time allowed for oral statements, and statements may be required to be submitted in writing. The record will be held open for further public comment for seven (7) days following the close of the public hearing.

**§ 149.8 Decision under 1424(e).**

(a) As soon as practicable after the submission of public comments under Section 1424(e), information requested by the Environmental Protection Agency from the originating Federal agency, and on the basis of such information as is available to him, the Regional Administrator shall review the project taking the following factors into account:

(1) The extent of possible public health hazard by the project;

(2) Planning, design, construction, operation, maintenance and monitoring measures included in the project which could prevent or mitigate the possible health hazard;

(3) The extent and effectiveness of State or local controls over possible contaminant releases to the Edwards Underground Reservoir;

(4) The expected benefits of the project;

(5) The cumulative impacts of the proposed project.

(b) After reviewing the available information, the Regional Administrator shall

(1) Decline, on behalf of the Administrator, to make the requested determination; or

(2) Forward the available project information to the Administrator with his recommendation that the Administrator make the determination that a project may contaminate the reservoir through the recharge zone so as to create significant hazard to public health.

(c) After receiving the available information forwarded by the Regional Administrator, the Administrator shall:

(1) Decline to make such a determination; or

(2) Determine that the project may contaminate the reservoir through the recharge zone so as to create a significant hazard to public health.

(d) Notice of any decision by the Regional Administrator under subsection (b)(1) or by the Administrator under paragraph (c) of this section shall be published in the Federal Register. Such notice shall include a description of the proposed project, and a statement of the decision with an accompanying statement of facts and reasons.

**§ 149.9 Resubmittal of redesigned projects.**

If a project is redesigned in response to EPA's objections, the applicant for Federal funds or the grantor agency may petition the Regional Administrator to withdraw the determination that the project may contaminate the reservoir through the recharge zone so as to create a significant hazard to public health. Any such petition shall demonstrate how the project has been redesigned so as to justify the withdrawal of EPA's objections. If appropriate, the Regional Administrator may request public comments or hold an informal public hearing to consider the petition. After review of the pertinent information, the Regional Administrator may vacate the determination or may refuse to vacate the determination. The decision of the Regional Administrator shall be published in the Federal Register with an accompanying statement of reasons.

**§ 149.10 Waiver of requirements.**

The requirements of section 149.6 concerning notice and public comment may be waived by the Regional Administrator where for good cause he finds that the notice and public procedures are impracticable, unnecessary, or contrary to the public interest.

**§ 149.11 Effect of decision by Administrator.**

After publication of a decision that a proposed project may contaminate the Edwards Underground Reservoir through the recharge zone so as to create a significant hazard to public health, no commitment for Federal financial assistance may be entered into for such project. However, a commitment may be entered into, if authorized under another provision of law, to plan or design such project to assure that it will not so contaminate the reservoir.

[FR Doc. 75-33864 Filed 12-15-75; 8:45 am]

**SUBCHAPTER E—PESTICIDE PROGRAMS**

[PPE1046/R08; FRL 460-1]

**PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES****2.4-D**

On October 28, 1975, the Environmental Protection Agency published in the FEDERAL REGISTER (40 FR 50099) a notice of proposed rulemaking to amend 40 CFR 180.142 to establish tolerances for

residues of the herbicide and plant regulator 2,4-dichlorophenoxyacetic acid (2,4-D) in or on the raw agricultural commodities fish and shellfish at 1.0 part per million (ppm) resulting from the application of its dimethylamine salt in water hyacinth control programs. Notice of the proposed rulemaking was published in response to a petition (PP 1E1046) submitted by the Department of the Army, Office of the Chief of Engineers (DAEN-CWO-F), Washington, DC 20314.

No comments or requests for referral to an advisory committee were received by the Agency. Therefore, based on the data submitted in the petition and other relevant material it is concluded that the tolerance established by amending 40 CFR 180.142 will protect the public health and that the proposed regulation should be adopted without change.

Any person adversely affected by this regulation may, on or before January 15, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M St. SW., East Tower, Room 1019, Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Dated: December 9, 1975.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

Part 180, Subpart C, § 180.142, is amended by adding the new paragraph (f) to read as follows.

§ 180.142 2,4-D; tolerances for residues.

(f) Tolerances are established for residues of 2,4-D (2,4-dichlorophenoxyacetic acid) from application of its dimethylamine salt for water hyacinth control in ponds, lakes, reservoirs, marshes, bayous, drainage ditches, canals, rivers and streams that are quiescent or slow moving in programs conducted by the Corps of Engineers or other Federal, State, or local public agencies at 1.0 part per million (ppm) in the crops and crop groupings listed in paragraph (c) above and at 1.0 ppm in or on the raw agricultural commodities fish and shellfish. Where tolerances are established at higher levels from other uses of the dimethylamine salt of 2,4-D on crops included within these commodity groups, the higher tolerances also apply to residues from the aquatic uses cited above.

[FR Doc. 75-33865 Filed 12-15-75; 8:45 am]

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 20—EMPLOYEE RESPONSIBILITIES AND CONDUCT

List of Employees Required To File Statements

In accordance with the provisions of 5 CFR 735.104, Appendix C to Part 20 of Title 43 of the Code of Federal Regulations is amended in its entirety to reflect current organizational designations and position titles. Additional positions are included based on the criteria approved by the Civil Service Commission June 18, 1975, and published on July 3, 1975 (40 FR 28288). As provided in 43 CFR 20.735-22(a)(1)-(5), the employees in the positions listed in this appendix shall file statements of employment and financial interests with the ethics counselors designated in 43 CFR 20.735-22(c)(1)-(7). These additions were approved by the Civil Service Commission on November 14, 1975 and are effective on December 16, 1975.

(E.O. 11222 of May 8, 1965; 3 CFR, 1964-1965, Comp.; 5 CFR 735.104; 43 CFR 735-22.)

JAMES T. CLARKE,  
Assistant Secretary of the Interior.

Dated: December 9, 1975.

APPENDIX C

LIST OF EMPLOYEES REQUIRED TO FILE STATEMENTS

Secretary's Immediate Office

- Executive Assistant to the Secretary, Washington, D.C.
- Assistants to the Secretary (3), Washington, D.C.
- Special Assistant to the Secretary (6), Washington, D.C.
- Confidential Assistant to the Secretary (2), Washington, D.C.
- Assistant to the Secretary and Director of Communications, Washington, D.C.
- Special Assistants to the Secretary (Field Representatives) (7):
  - Anchorage, Alaska.
  - Portland, Oregon.
  - San Francisco, California.
  - Albuquerque, New Mexico.
  - Atlanta, Georgia.
  - Boston, Massachusetts.
  - Denver, Colorado.
- Assistant and Science Advisor to the Secretary, Washington, D.C.
- Assistant to the Secretary and Director of Office of International Activities, Washington, D.C.

Immediate Office of the Under Secretary

- Deputy Under Secretary, Washington, D.C. (2)
- Technical Assistant to the Under Secretary, Washington, D.C.
- Assistant to the Under Secretary, Anchorage, Alaska

Ethics Counselors

- Deputy Department Ethics Counselor, Washington, D.C.
- Deputy Ethics Counselor, Office of the Secretary, Washington, D.C.
- Deputy Bureau Ethics Counselors, Washington, D.C., Portland, Oregon, Tulsa, Oklahoma, Elberton, Georgia, Arlington, Virginia, Reston, Virginia (16)

- Assistant Department Ethics Counselor, Washington, D.C.
- Assistant Ethics Counselor, Office of the Secretary, Washington, D.C. (2)
- Assistant Bureau Ethics Counselors, Washington, D.C., Portland, Oregon, Elberton, Georgia, Albuquerque, New Mexico, Twin Cities, Minnesota, Atlanta, Georgia, Boston, Massachusetts, Seattle, Washington, Spokane, Washington, Walla Walla, Washington, Arlington, Virginia, Reston, Virginia (21)

Office for Equal Opportunity

- Director, Washington, D.C.
- Assistant Director—Contract Compliance, Washington, D.C.
- Assistant Director—Title VI Compliance, Washington, D.C.
- Equal Opportunity Specialist—Contract Compliance, Washington, D.C. (2)
- Equal Opportunity Specialist—Contract Compliance, Regional Offices (45)
- Title VI Compliance Officer, Washington, D.C. (6)
- Minority Business Enterprise Specialist, Washington, D.C. (3)

Office of Hearings and Appeals

Director, Washington, D.C.

BOARD OF CONTRACT APPEALS

- Supervisory Attorney-Examiner (General) (Administrative Judge, Chief), Washington, D.C.
- Attorney-Examiners (General) (Administrative Judges) (4), Washington, D.C.

BOARD OF INDIAN APPEALS

- Supervisory Attorney-Adviser (General) (Administrative Judge, Chief), Washington, D.C.
- Attorney-Advisers (General) (Administrative Judges) (2), Washington, D.C.

BOARD OF MINE OPERATIONS APPEALS

- Supervisory Attorney-Adviser (General) (Administrative Judge, Chief), Washington, D.C.
- Attorney-Advisers (General) (Administrative Judges) (2), Washington, D.C.

BOARD OF LAND APPEALS

- Supervisory Attorney-Examiner (General) (Administrative Judge, Chief), Washington, D.C.
- Attorney-Advisers (General) (Administrative Judges) (7), Washington, D.C.

ALASKA NATIVE CLAIMS APPEAL BOARD

- Board Chairman, Anchorage, Alaska
- Board Members (3), Anchorage, Alaska

HEARINGS DIVISION

- Chief Administrative Law Judge, Washington, D.C.
- Assistant Chief Administrative Law Judge (Regional)
- Administrative Law Judges (Departmental) (14), Washington, D.C.
- Administrative Law Judges (Regional) (17)

Office of Territorial Affairs

- Director, Office of Territorial Affairs, Washington, D.C.
- Deputy Director, Office of Territorial Affairs, Washington, D.C.
- Government Comptroller for the Virgin Islands, St. Thomas, Virgin Islands.
- Auditor, (3), GS-14, St. Thomas, Virgin Islands
- Auditor, (6), GS-13, St. Thomas and St. Croix, Virgin Islands.
- Government Comptroller for Guam/TTPI, Agaña, Guam.
- Auditor, (1), GS-14, Guam
- Auditor, (2), GS-13, Guam

- Governor of American Samoa, Pago Pago, Tutuila, American Samoa.  
 Secretary of American Samoa, Pago Pago, Tutuila, American Samoa.  
 Attorney General, Pago Pago, Tutuila, American Samoa.  
 Director, Department of Financial Management, Pago Pago, American Samoa.  
 Chief Justice of American Samoa, Pago Pago, Tutuila, American Samoa.  
 Associate Justice of American Samoa, Pago Pago, Tutuila, American Samoa.  
 Director, Office of Material Management, Pago Pago, American Samoa.  
 High Commissioner of the Trust Territory, Saipan, Mariana Islands.  
 Deputy High Commissioner of the Trust Territory, Saipan, Mariana Islands.  
 Director of Resources and Development, Saipan, Mariana Islands.  
 Attorney General, Saipan, Mariana Islands.  
 Director of Finance, Saipan, Mariana Islands.  
 Chief Justice, Saipan, Mariana Islands.  
 Associate Justice, Palau, Western Caroline Islands.  
 Associate Justice, Majuro, Marshall Islands.  
 Associate Justice, Ponape, Eastern Caroline Islands.  
 District Administrator, Yap, Western Caroline Islands.  
 Special Assistant to High Commissioner for District Affairs, Saipan, Mariana Islands.  
 Special Assistant to High Commissioner for Legislative Affairs, Saipan, Mariana Islands.  
 Public Defender, Trust Territory of the Pacific Islands, Saipan, Mariana Islands.
- Bureau of Indian Affairs*
- Deputy Commissioner, Washington, D.C.  
 Director, Office of Administration, Washington, D.C.  
 Chief, Audit Staff, Washington, D.C.  
 Chief, Division of Contracting, Washington, D.C.  
 Assistant Director, Support Services, Washington, D.C.  
 Property and Supply Officer, Administrative Services Center, Albuquerque, New Mexico.  
 Assistant Director, Management Services, Washington, D.C.  
 Chief, Division of Property Management, Washington, D.C.  
 Chief, Division of Facilities Engineering, Albuquerque, New Mexico.  
 Assistant Chief, Division of Facilities Engineering, Albuquerque, New Mexico.  
 Assistant Director, Financial Management, Washington, D.C.  
 Director, Office of Indian Services, Washington, D.C.  
 Director, Office of Indian Education Programs, Washington, D.C.  
 Director, Office of Tribal Resources Development, Washington, D.C.  
 Director, Office of Trust Responsibilities, Washington, D.C.  
 Area Director, Aberdeen, South Dakota.  
 Deputy Area Director, Aberdeen, South Dakota.  
 Area Property and Supply Officer, Aberdeen, South Dakota.  
 Superintendent, Cheyenne River Agency, Eagle Butte, South Dakota.  
 Superintendent, Crow Creek Agency, Ft. Thompson, South Dakota.  
 Superintendent, Fort Berthold Agency, New Town, North Dakota.  
 Superintendent, Fort Totten Agency, Ft. Totten, North Dakota.  
 Superintendent, Lower Brule Agency, Lower Brule, South Dakota.  
 Superintendent, Pine Ridge Agency, Pine Ridge, South Dakota.  
 Superintendent, Rosebud Agency, Rosebud, South Dakota.  
 Superintendent, Sisseton Agency, Sisseton, South Dakota.  
 Superintendent, Standing Rock Agency, Fort Yates, North Dakota
- Superintendent, Turtle Mountain Agency, Belcourt, North Dakota  
 Superintendent, Winnebago Agency, Winnebago, Nebraska  
 Superintendent, Yankton Agency, Wagner, South Dakota  
 Area Director, Albuquerque, New Mexico  
 Assistant Area Director, Administration, Albuquerque, New Mexico  
 Area Property and Supply Officer, Albuquerque, New Mexico  
 Contract Specialist, Albuquerque, New Mexico  
 Contract Management Engineer, Albuquerque, New Mexico  
 Superintendent, Jicarilla Agency, Dulce, New Mexico  
 Superintendent, Mescalero Agency, Ruidoso, New Mexico  
 Superintendent, Northern Pueblos Agency, Santa Fe, New Mexico  
 Superintendent, Ramah-Navajo Agency, Ramah, New Mexico  
 Superintendent, Southern Pueblos Agency, Albuquerque, New Mexico  
 Superintendent, Southern Ute Agency, Ignacio, Colorado  
 Superintendent, Ute Mountain Ute Agency, Towaoc, Colorado  
 Area Director, Anadarko, Oklahoma  
 Area Administrative Officer, Anadarko, Oklahoma  
 Superintendent, Anadarko Agency, Anadarko, Oklahoma  
 Superintendent, Concho Agency, El Reno, Oklahoma  
 Superintendent, Horton Agency, Horton, Kansas  
 Superintendent, Pawnee Agency, Pawnee, Oklahoma  
 Superintendent, Shawnee Agency, Shawnee, Oklahoma  
 Area Director, Billings, Montana  
 Assistant Area Director, Administration, Billings, Montana  
 Area Property and Supply Officer, Billings, Montana  
 Contract Specialist, Billings, Montana GS-12  
 Project Engineer, Flathead Irrigation Project, St. Ignatius, Montana  
 Superintendent, Blackfeet Agency, Browning, Montana  
 Superintendent, Crow Agency, Crow Agency, Montana  
 Superintendent, Flathead Agency, Ronan, Montana  
 Superintendent, Fort Belknap Agency, Harlem, Montana  
 Superintendent, Fort Peck Agency, Poplar, Montana  
 Superintendent, Northern Cheyenne Agency, Lame Deer, Montana  
 Superintendent, Rocky Boy's Agency, Box Elder, Montana  
 Superintendent, Wind River Agency, Ft. Washakie, Wyoming  
 Area Director, Eastern Area Office, Washington, D.C.  
 Superintendent, Cherokee Agency, Cherokee, North Carolina  
 Superintendent, Choctaw Agency, Philadelphia, Mississippi  
 Superintendent, Seminole Agency, Hollywood, Florida  
 Area Director, Juneau, Alaska  
 Assistant Area Director, Administration, Juneau, Alaska  
 Area Property and Supply Officer, Juneau, Alaska  
 Contract Specialist, Juneau, Alaska GS-12  
 Superintendent, Southeast Agency, Juneau, Alaska  
 Superintendent, Anchorage Agency, Anchorage, Alaska  
 Superintendent, Bethel Agency, Bethel, Alaska  
 Superintendent, Fairbanks Agency, Fairbanks, Alaska  
 Superintendent, Nome Agency, Nome, Alaska
- Administrative and Special Representative (Liaison Officer, Seattle, Washington, Juneau Area), Seattle, Washington  
 Area Director, Minneapolis, Minnesota  
 Assistant Area Director, Minneapolis, Minnesota  
 Area Administrative Officer, Minneapolis, Minnesota  
 Contract Specialist, Minneapolis, Minnesota GS-12  
 Superintendent, Great Lakes Agency, Ashland, Wisconsin  
 Superintendent, Minnesota Agency, Bemidji, Minnesota  
 Superintendent, Red Lake Agency, Red Lake, Minnesota  
 Area Director, Muskogee, Oklahoma  
 Deputy Area Director, Muskogee, Oklahoma  
 Area Property and Supply Officer, Muskogee, Oklahoma  
 Contract Management Engineer, Muskogee, Oklahoma GS-12  
 Superintendent, Ardmore Agency, Ardmore, Oklahoma  
 Superintendent, Okmulgee Agency, Okmulgee, Oklahoma  
 Superintendent, Osage Agency, Pawhuska, Oklahoma  
 Superintendent, Miami Agency, Miami, Oklahoma  
 Superintendent, Tablequah Agency, Tablequah, Oklahoma  
 Superintendent, Talihina Agency, Talihina, Oklahoma  
 Superintendent, Wewoka Agency, Wewoka, Oklahoma  
 Area Director, Navajo Area, Window Rock, Arizona  
 Assistant Area Director, Administration (Navajo Area), Gallup, New Mexico  
 Area Property and Supply Officer, Navajo Area, Gallup, New Mexico  
 Contract Specialist, Navajo Area, Gallup, New Mexico (1) GS-13; (3) GS-12  
 Superintendent, Chinle Agency, Chinle, Arizona  
 Superintendent, Eastern Navajo Agency, Crownpoint, New Mexico  
 Superintendent, Fort Defiance Agency, Fort Defiance, Arizona  
 Superintendent, Shiprock Agency, Shiprock, New Mexico  
 Superintendent, Tuba City Agency, Tuba City, Arizona  
 Project Manager, Navajo Irrigation Project, Farmington, New Mexico  
 Area Director, Phoenix, Arizona  
 Assistant Area Director, Administration, Phoenix, Arizona  
 Area Property and Supply Officer, Phoenix, Arizona  
 Contract Specialists, Phoenix, Arizona (1) GS-12; (1) GS-13  
 General Engineer, San Carlos Irrigation Project, Coolidge, Arizona  
 Superintendent, Colorado River Agency, Parker, Arizona  
 Superintendent, Eastern Nevada Agency, Owyhee, Nevada  
 Superintendent, Fort Apache Agency, White-river, Arizona  
 Superintendent, Hopi Agency, Keams Canyon, Arizona  
 Superintendent, Papago Agency, Sells, Arizona  
 Superintendent, Pima Agency, Sacaton, Arizona  
 Superintendent, Salt River Agency, Scottsdale, Arizona  
 Superintendent, San Carlos Agency, San Carlos, Arizona  
 Superintendent, Truxton Canyon Agency, Valentine, Arizona  
 Superintendent, Vintah and Ouray Agency, Ft. Duchesne, Utah  
 Superintendent, Western Nevada Agency, Stewart, Nevada  
 Area Director, Portland, Oregon

Assistant Area Director, Administration, Portland, Oregon  
 Area Property and Supply Officer, Portland, Oregon  
 General Engineer, Wapato Irrigation Project, Wapato, Washington  
 Contract Specialist, Portland, Oregon (1) GS-12  
 Superintendent, Colville Agency, Nespelem, Washington  
 Superintendent, Fort Hall Agency, Fort Hall, Idaho  
 Superintendent, Northern Idaho Agency, Lapwal, Idaho  
 Superintendent, Spokane Agency, Wellpinit, Washington  
 Superintendent, Umatilla Agency, Pendleton, Oregon  
 Superintendent, Warm Springs Agency, Warm Springs, Oregon  
 Superintendent, Western Washington Agency, Everett, Washington  
 Superintendent, Yakima Agency, Toppenish, Washington  
 Area Director, Sacramento, California  
 Area Administrative Officer, Sacramento, California  
 Contract Specialist, Sacramento, California (1) GS-12  
 Superintendent, Central California Agency, Sacramento, California  
 Superintendent, Hoopa Agency, Hoopa, California  
 Superintendent, Southern California Agency, Riverside, California  
 Field Representative, Palm Springs Area Field Office, Palm Springs, California

*Office of the Solicitor*

Deputy Solicitor, Washington, D.C. (2)  
 Special Assistants to the Solicitor, Washington, D.C. (2)  
 Associate Solicitors (5), Washington, D.C.  
 Assistant Solicitors (24), Washington, D.C.  
 Regional Solicitors (8)  
 Assistant Regional Solicitors (11)  
 Field Solicitors (17)  
 Administrative Management Assistant, Washington, D.C.

*Assistant Secretary—Program Development and Budget*

Deputy Assistant Secretary, Washington, D.C.  
 Director, Office of Policy Analysis  
 Assistant Director, Program Staff  
 Assistant Director, Economics

*Office of Environmental Project Review*

Director, Office of Environmental Project Review, Washington, D.C.  
 General Engineer (2), Washington, D.C.  
 Environmental Review Officer (2), Washington, D.C.

*Office of Budget*

Director, Washington, D.C.  
 Deputy Director, Washington, D.C.  
 Chief, Division of Financial Administration, Washington, D.C.

*Office of Outer Continental Shelf Program Coordination*

Director, Outer Continental Shelf Program Coordination Office, Washington, D.C.

*Assistant Secretary—Management*

Deputy Assistant Secretary—Management, Washington, D.C.  
 Special Assistant to the Assistant Secretary—Management, Washington, D.C.  
 Digital Computer Systems Administrator, Washington, D.C.  
 DIPS Project Leader, Washington, D.C.

*Office of Audit and Investigation*

Director, Washington, D.C.  
 Staff Assistant (Deputy Counselor), Washington, D.C.  
 Program Audit Manager, Washington, D.C. (4)  
 Manager, Division of Investigation, Washington, D.C.  
 Regional Audit Manager (3), (Washington, D.C.; Denver, Colorado; and Sacramento, California)  
 Regional Audit Supervisor (24), (Washington, D.C.; Denver, Colorado; Albuquerque, New Mexico; Sacramento, California; Portland, Oregon)  
 Auditor (21), GS-12, (Washington, D.C.; Denver, Colorado; Albuquerque, New Mexico; Sacramento, California; and Portland, Oregon)  
 Supervisory Auditor, Contract and Grant Audit, Washington, D.C.  
 Management Analyst, Washington, D.C.  
 Management Analyst, (2), GS-12 (Washington, D.C. and Denver, Colorado)  
 Investigators (General), (5), GS-13 and above, Washington, D.C.

*Office of Aircraft Services*

Director, Office of Aircraft Services, Boise, Idaho  
 Contracting and General Services Manager, Boise, Idaho  
 Supervisory Contract Specialist, Boise, Idaho  
 Chief, Division of Technical Services, Boise, Idaho  
 Regional Director, Office of Aircraft Services, Anchorage, Alaska  
 Chief, Division of Technical Services, Anchorage, Alaska

*Office of ADP Management*

Director, Office of ADP Management  
 Staff Specialist: (4) Washington, D.C.  
 Specialist: (4) Washington, D.C.  
 Plans and Policy Officer  
 Systems and Equipment Review Analyst  
 Operations Review Analyst  
 ADP Resource Management Specialist

*Office of Manpower Training and Youth Activities*

Director, Office of Manpower Training and Youth Activities, Washington, D.C.  
 Division Manager, Administrative Division, Washington, D.C.  
 Division Manager, Operations Division, Washington, D.C.  
 Conservation Center Director, Ft. Simcoe, Washington

*Office of Library Services*

Library Director, Washington, D.C.

*Office of Management Consulting*

Director, Washington, D.C.  
 Assistant Director, General Management and Organization, Washington, D.C.  
 Assistant Director, Financial Systems, Washington, D.C.  
 Assistant Director, Applied Systems, Washington, D.C.  
 Assistant Director, Special Projects, Washington, D.C.

*Office of Management Operations*

Director, Washington, D.C.  
 Deputy Director, Washington, D.C.  
 Chief, Division of General Services, Washington, D.C.  
 Chief, Division of Printing and Publications

*Office of Management Services*

Director, Washington, D.C.  
 Assistant Director for Procurement, Washington, D.C.

Procurement Analyst, Washington, D.C. (2)  
 Grants Policy Specialist, Washington, D.C.  
 Procurement Analyst, Salt Lake City, Utah.  
 Staff Assistant for Analysis & Evaluation, Washington, D.C.

*Office of Organization and Personnel Management*

Director, Office of Organization and Personnel Management, Washington, D.C.  
 Chief, Division of Employee Development and Improvement, Washington, D.C.

*Office of Secretarial Operations*

Chief, Division of Fiscal Services, Washington, D.C.  
 Chief, Division of Personnel Services, Washington, D.C.  
 Chief, Branch of Personnel Operations (2), Washington, D.C.

*Assistant Secretary—Congressional and Legislative Affairs*

Deputy Assistant Secretary—Congressional and Legislative Affairs, Washington, D.C.  
 Assistant to the Secretary, Congressional Liaison, Washington, D.C.

*Office of Legislation*

Director, Office of Legislation, Washington, D.C.  
 Staff Assistant  
 Assistant Legislative Counsel

*Office of Assistant Secretary—Energy and Minerals*

Deputy Assistant Secretaries (4), Washington, D.C.  
 Staff Assistant to Assistant Secretary (4), Washington, D.C.  
 Public Information Officer, Washington, D.C.  
 Administrator, Ocean Mining Administration, Washington, D.C.  
 Coal Policy Coordinator, Washington, D.C.  
 Executive Assistant, Washington, D.C.  
 Industrial Specialists (2), Washington, D.C.

*Office of Research and Development*

Director, Office of Research and Development, Washington, D.C.

*Office of Minerals Policy Development*

Director, Office of Minerals Policy Development, Washington, D.C.

BUREAU OF MINES

Director  
 Chief Mining Engineer  
 Chief, Office of Mineral Information  
 Officer in Charge, Audio Visual  
 Chief, Division of Public Information  
 Public Information Specialists, GS-13 and above  
 Chief, Division of Production and Distribution  
 Assistant to the Director for Congressional and Legislative Affairs  
 Chief Scientist  
 Chief, Office of University Relations  
 Management Officer, Office of University Relations  
 Associate Director—Mineral and Materials Research and Development  
 Special Assistant—Environmental Activities  
 Chief, Process Evaluation Group  
 Chief, Coal Preparation and Analysis  
 Chief, Office of Energy and Minerals Technology Coordination  
 Chief, Division of Helium  
 General Manager, Helium Operations  
 Administrative Officer, Helium Operations  
 Assistant Director—Mining  
 Chief, Division of Mining Research Health and Safety<sup>1</sup>

Chief, Division of Mine Systems Engineering<sup>1</sup>  
 Chief, Division of Mining Research—Resources<sup>1</sup>  
 Chief, Division of Environment<sup>1</sup>  
 Assistant to the Chief, Division of Environment  
 Chief, Environmental Affairs Field Office  
 Research Director, Pittsburgh Mining and Safety Research Center<sup>2</sup>  
 Research Director, Denver Mining Research Center<sup>2</sup>  
 Research Director, Twin Cities Mining Research Center<sup>2</sup>  
 Research Director, Spokane Mining Research Center<sup>2</sup>  
 Assistant Director—Metallurgy  
 Chief, Division of Solid Wastes<sup>2</sup>  
 Chief, Division of Metallurgy<sup>2</sup>  
 Research Director, College Park Metallurgy Research Center<sup>1</sup>  
 Research Director, Twin Cities Metallurgy Research Center<sup>4</sup>  
 Research Director, Salt Lake City Metallurgy Research Center<sup>4</sup>  
 Research Director, Rolla Metallurgy Research Center<sup>4</sup>  
 Research Director, Reno Metallurgy Research Center<sup>4</sup>  
 Research Director, Albany Metallurgy Research Center<sup>4</sup>  
 Chief, Boulder City Metallurgy Research Laboratory<sup>4</sup>  
 Chief, Tuscaloosa Metallurgy Research Laboratory<sup>4</sup>  
 Associate Director—Mineral and Materials Supply/Demand Analysis  
 Chief, State Liaison Program Office  
 Liaison Program Staff Specialists  
 All State Liaison Officers  
 Chief, Division of Statistical and Technical Services  
 Chief, Office of Statistics  
 Chief, Office of Technical Data Services  
 Assistant Director—Metals, Minerals and Materials  
 Chief, Division of Ferrous Metals<sup>2</sup>  
 Chief, Division of Nonferrous Metals<sup>2</sup>  
 Chief, Division of Nonmetallic Minerals<sup>2</sup>  
 Assistant Director—Fuels  
 Assistant to the Director—Fuels  
 Chief, Division of Fuels Data<sup>6</sup>  
 Chief, Division of Interfuels Studies<sup>6</sup>  
 Chief, Division of Coal<sup>6</sup>  
 Chief, Division of Petroleum and Natural Gas<sup>6</sup>  
 Chief, Dallas Field Office  
 Assistant Director—International Data and Analysis  
 Special Assistant—International Activities  
 Chiefs, Area Offices  
 Area Specialists  
 Assistant Director—Field and Environmental Activities  
 Chief, Dallas Field Office  
 Chief, Office of Minerals Availability<sup>7</sup>  
 Chief, Alaska Field Operation Center<sup>7</sup>  
 Chief, Western Field Operation Center<sup>7</sup>  
 Chief, Intermountain Field Operation Center<sup>7</sup>  
 Chief, Eastern Field Operation Center<sup>7</sup>  
 Assistant Director—Interindustry and Economic Analysis  
 Chief, Division of Interindustry Analysis<sup>8</sup>  
 Chief, Division of Economic Analysis<sup>8</sup>  
 Assistant Director—Program Development and Evaluation  
 Chief, Division of Planning and Evaluation  
 Chief, Division of Budget  
 Assistant Director—Administration  
 Chief, Division of Automatic Data Processing  
 Chief, Branch of Administration and Contracts  
 Chief, Pittsburgh/Bruceton Administrative Office

Chief, Branch of Procurement and Property  
 Contract Specialists, GS-13 and above  
 Chief, Division of Management Services  
 Deputy Management Services Officer  
 Chief, Branch of Contracts and Grants  
 Contract Specialists and Analysts, GS-13 and above  
 Chief, Branch of Procurement and Property Operations  
 Deputy Chief, Branch of Procurement and Property Operations  
 Contract Specialists, GS-13 and above

NOTE.—Any supervisor not otherwise covered by the above will be required to file if he/she supervises an employee who is required to file.

## FOOTNOTES

<sup>1</sup> Staff Engineers, GS-12 and above, Washington Office (regardless of official classification title) will also be required to file a statement. (23) GS-12 (7)

<sup>2</sup> Technical Project Officers, GS-12 and above (regardless of official classification title) will also be required to file. (133) GS-12 (20)

<sup>3</sup> Staff Engineers, Washington Office (regardless of official classification title) will also be required to file.

<sup>4</sup> Technical Project Officers (regardless of official classification title) will also be required to file.

<sup>5</sup> Commodity Specialists, GS-12 and above (regardless of official classification title) will also be required to file. (51) GS-12 (14)

<sup>6</sup> Commodity Specialists, GS-12 and above (regardless of official classification title) will also be required to file. (30) GS-12 (7)

<sup>7</sup> Mineral Assessment Specialists, GS-12 and above (regardless of official classification title) will also be required to file. (70) GS-12 (40)

<sup>8</sup> Staff Specialists, GS-12 and above will also be required to file. (20) GS-12 (7)

## GEOLOGICAL SURVEY

Assistant Director—Program Analysis, Reston, Virginia.  
 Deputy Assistant Director—Western Region, Menlo Park, California.  
 Special Assistant, Office of the Director, Reston, Virginia.  
 Senior Scientist, Washington, DC.  
 Biological Scientist, Reston, Virginia.  
 Special Assistant to the Director (Office and Laboratory Facilities), Reston, Virginia.  
 Public Information Officer, Reston, Virginia.  
 Geologists (2), Reston, Virginia.  
 Special Assistant for Environmental Analysis, Reston, Virginia.  
 Research Geographer (2), Reston, Virginia.  
 Associate Research Coordinator (EROS), Reston, Virginia.  
 Staff Scientist, Reston, Virginia.  
 Staff Assistant for Program Development, Reston, Virginia.  
 Research Coordinator, Mineral and Land Resources, Reston, Virginia.  
 Research Coordinator, Water Resources, Reston, Virginia.  
 Assistant Program Manager for Applications Research, Reston, Virginia.  
 Mining Engineer, Reston, Virginia.  
 General Engineer, Reston, Virginia.  
 Geographer (2), Reston, Virginia.  
 Geologist (2), Reston, Virginia. (1) GS-12  
 Staff Engineer, Reston, Virginia.  
 Administrative Officer EROS Program, Reston, Virginia.  
 Supervisory Operations Research Analyst, Reston, Virginia.  
 Computer Specialist, Reston, Virginia.  
 Environmental Planner, Reston, Virginia.  
 Operations Research Analyst, Reston, Virginia.  
 Remote Sensing Specialist, Bay St. Louis, Mississippi.

Physical Scientist (4), Reston, Virginia.  
 Administrative Officer, EROS Data Center, Sioux Falls, South Dakota.  
 Research Forester, Sioux Falls, South Dakota.  
 Supervisory Remote Sensing Specialist, Sioux Falls, South Dakota.  
 Chief, Branch of Professional Services, Sioux Falls, South Dakota.  
 General Engineer, Sioux Falls, South Dakota.  
 Physical Scientist, Sioux Falls, South Dakota.  
 Supervisory Geologist (2), Reston, Virginia.  
 Hydrologist (4), Reston, Virginia.  
 Geologist (5), Reston, Virginia.  
 Supervisory Physical Scientist, Reston, Virginia.  
 Deputy Assistant Director for Administration, Reston, Virginia.  
 Chief, Branch of Procurement and Contracts, Reston, Virginia.  
 Contract Specialist (12), Reston, Virginia. (5) GS-12  
 Management Officer, Reston, Virginia.  
 Supervisory Contract Specialist, Reston, Virginia. (2) GS-12  
 Procurement Agent (2), Reston, Virginia. (2) GS-12  
 Management Officer, Lakewood, Colorado.  
 Supervisory Contract Specialist, Lakewood, Colorado.  
 Contract Specialist (2), Lakewood, Colorado. GS-12 (2)  
 Management Officer, Menlo Park, California.  
 Procurement Officer, Menlo Park, California.  
 Contract Specialist (3), Menlo Park, California. (2) GS-12  
 Assistant Chief, Computer Center Division, Reston, Virginia.  
 Assistant Chief for Operations, Conservation Division, Reston, Virginia.  
 Assistant Chief for Programs, Conservation Division, Reston, Virginia.  
 Assistant Chief for Resources Evaluation, Conservation Division, Reston, Virginia.  
 Assistant Regional Conservation Manager, Menlo Park, California.  
 Regional Conservation Manager, Menlo Park, California.  
 Assistant Regional Conservation Manager, Lakewood, Colorado.  
 Assistant Conservation Manager, Metairie, Louisiana.  
 Area Oil and Gas Supervisor—Resource Evaluation and Analysis, Metairie, Louisiana.  
 Assistant Oil and Gas Supervisor—Resource Evaluation and Analysis, Metairie, Louisiana.  
 Regional Conservation Manager, Washington, D.C.  
 Environmental Conservation Specialist, Reston, Virginia.  
 Environmental Specialist, Reston, Virginia. GS-12 (1)  
 Economist, Reston, Virginia.  
 Operating Accountant, Reston, Virginia. GS-12 (1)  
 Accountant, Reston, Virginia.  
 Accounting Assistant, Reston, Virginia. GS-12 (1)  
 Scientific Staff Assistant, Reston, Virginia.  
 Program Analysis Officer, Reston, Virginia.  
 Legal Staff Assistant (2), Reston, Virginia.  
 Mathematical Statistician, Reston, Virginia.  
 Administrative Officer, Reston, Virginia.  
 Supervisory Petroleum Engineer, Anchorage, Alaska.  
 Supervisory Physical Scientist, Anchorage, Alaska.  
 Geophysicist (4), Anchorage, Alaska. GS-12 (4)  
 Geologist (9), Anchorage, Alaska. GS-12 (7)  
 Petroleum Engineer (5), Anchorage, Alaska. GS-12 (2)  
 Petroleum Engineering Technician, Anchorage, Alaska. GS-12 (1)  
 Accounting and Administrative Officer, Anchorage, Alaska. GS-12 (1)  
 Supervisory Petroleum Engineer, Bakersfield, California.

- Petroleum Engineer (2), Bakersfield, California. GS-12 (2)
- Petroleum Engineering Technician (2), Bakersfield, California. GS-12 (2)
- Supervisory Petroleum Engineer (3), Los Angeles, California.
- Geologist (11), Los Angeles, California. GS-12 (4)
- Research Geologist, Los Angeles, California.
- Environmental Specialist, Los Angeles, California.
- Petroleum Engineer (10), Los Angeles, California. GS-12 (7)
- Petroleum Engineering Technician, Los Angeles, California. GS-12 (1)
- Geophysicist (4), Los Angeles, California. GS-12 (3)
- Mechanical Engineer, Los Angeles, California. GS-12 (1)
- Supervisory Accountant, Los Angeles, California. GS-12 (1)
- Accountant, Los Angeles, California. GS-12 (1)
- Accounting Assistant (Mineral Royalties), Los Angeles, California. GS-12 (1)
- Supervisory Mining Engineer (2), Menlo Park, California.
- Supervisory Petroleum Engineer, Menlo Park, California.
- Supervisory Physical Scientist (2), Menlo Park, California.
- Supervisory Geologist (2), Menlo Park, California.
- Supervisory Hydrologist, Menlo Park, California.
- Mining Engineer (4), Menlo Park, California. GS-12 (3)
- Geologist (13), Menlo Park, California. GS-12 (1)
- Physical Scientist (5), Menlo Park, California. GS-12 (2)
- Petroleum Engineer (5), Menlo Park, California. GS-12 (3)
- Petroleum Engineering Technician, Menlo Park, California. GS-12 (1)
- Mechanical Engineer, Menlo Park, California. GS-12 (1)
- Chemical Engineer, Menlo Park, California. GS-12 (1)
- Geophysicist, Menlo Park, California. GS-12 (1)
- Industry Economist, Menlo Park, California. GS-12 (1)
- Administrative Officer, Menlo Park, California. GS-12 (1)
- Accounting Assistant (Mineral Royalties), Menlo Park, California. GS-12 (1)
- Supervisory Petroleum Engineer, Santa Barbara, California.
- Petroleum Engineer, Santa Barbara, California. GS-12 (1)
- Petroleum Engineering Technician (6), Santa Barbara, California. GS-12 (6)
- Supervisory Hydraulic Engineer, Denver, Colorado.
- Geologist (16), Denver, Colorado. GS-12 (16)
- Mining Engineer (2), Denver, Colorado. GS-12 (2)
- Administrative Officer, Denver, Colorado. GS-12 (1)
- Systems Accountant, Denver, Colorado. GS-12 (1)
- Accounting Assistant (Typing), Denver, Colorado.
- Supervisory Petroleum Engineer, Durango, Colorado.
- Petroleum Engineer (2), Durango, Colorado. GS-12 (2)
- Supervisory Mining Engineer, Grand Junction, Colorado.
- Supervisory Physical Scientist, Grand Junction, Colorado.
- Supervisory Hydrologist, Grand Junction, Colorado.
- Environmental Specialist (Geology), Grand Junction, Colorado.
- Environmental Specialist (Reclamation), Grand Junction, Colorado. GS-12 (1)
- Physical Scientist, Grand Junction, Colorado.
- Meteorologist, Grand Junction, Colorado.
- Supervisory Mining Engineer (2), Lakewood, Colorado.
- Supervisory Physical Scientist (2), Lakewood, Colorado.
- Supervisory Geologist, Lakewood, Colorado.
- Geologist (6), Lakewood, Colorado.
- Physical Scientist (3), Lakewood, Colorado.
- Hydraulic Engineer, Lakewood, Colorado.
- Computer Systems Analyst, Lakewood, Colorado.
- Petroleum Engineer (2), Lakewood, Colorado.
- Staff Assistant for Oil and Gas, Lakewood, Colorado.
- Staff Assistant for Programs, Lakewood, Colorado.
- Staff Assistant for Environment, Lakewood, Colorado.
- Staff Assistant for Mining, Lakewood, Colorado.
- Mining Engineer (2), Pocatello, Idaho. GS-12 (1)
- Supervisory Petroleum Engineer, Houma, Louisiana.
- Petroleum Engineer (3), Houma, Louisiana. GS-12 (3)
- Petroleum Engineering Technician (2), Houma, Louisiana. GS-12 (2)
- Supervisory Petroleum Engineer, Lafayette, Louisiana.
- Petroleum Engineer (5), Lafayette, Louisiana. GS-12 (5)
- Petroleum Engineering Technician (8), Lafayette, Louisiana. GS-12 (8)
- Geologist, Lafayette, Louisiana. GS-12 (1)
- Geophysicist, Lafayette, Louisiana. GS-12 (1)
- Supervisory Petroleum Engineer, Lake Charles, Louisiana.
- Supervisory Petroleum Engineer (13), Metairie, Louisiana. GS-12 (4)
- Supervisory Geologist (3), Metairie, Louisiana.
- Supervisory Geophysicist (3), Metairie, Louisiana.
- Geologist (37), Metairie, Louisiana. GS-12 (37)
- Digital Computer Systems Administrator, Metairie, Louisiana.
- Petroleum Engineer (42), Metairie, Louisiana. GS-12 (30)
- Petroleum Engineering Technician (6), Metairie, Louisiana. GS-12 (6)
- Mechanical Engineer (2), Metairie, Louisiana. GS-12 (2)
- General Engineer, Metairie, Louisiana. GS-12 (1)
- Electrical Engineer, Metairie, Louisiana. GS-12 (1)
- Physical Science Technician, Metairie, Louisiana. GS-12 (1)
- Helicopter Transportation Specialist, Metairie, Louisiana. GS-12 (1)
- Administrative Officer, Metairie, Louisiana. GS-12 (1)
- Supervisory Accountant (3), Metairie, Louisiana. GS-12 (3)
- Accountant (2), Metairie, Louisiana. GS-12 (2)
- Accounting Assistant (Mineral Royalties) (6), Metairie, Louisiana. GS-12 (6)
- Auditor (2), Metairie, Louisiana. GS-12 (2)
- Staff Assistant for Environmental Analysis, Metairie, Louisiana.
- Staff Assistant for Programs, Metairie, Louisiana.
- Staff Assistant for Operations and Regulation, Metairie, Louisiana.
- Geophysicist (11), Metairie, Louisiana. GS-12 (11)
- Supervisory Petroleum Engineer, Jackson, Mississippi.
- Petroleum Engineer, Jackson, Mississippi. GS-12 (1)
- District Mining Engineer, Rolla, Missouri.
- Supervisory Petroleum Engineer, Billings, Montana.
- Petroleum Engineer, Billings, Montana. GS-12 (1)
- Supervisory Mining Engineer (3), Billings, Montana.
- Mining Engineer, Billings, Montana. GS-12 (1)
- Geologist (6), Billings, Montana. GS-12 (6)
- Accounting Assistant (Mineral Royalties), Billings, Montana. GS-12 (1)
- Supervisory Petroleum Engineer, Reno, Nevada.
- Supervisory Petroleum Engineer, Artesia, New Mexico.
- Petroleum Engineer, Artesia, New Mexico. GS-12 (1)
- Supervisory Mining Engineer, Carlsbad, New Mexico.
- Mining Engineer (3), Carlsbad, New Mexico. GS-12 (1)
- Mining Inspector, Carlsbad, New Mexico. GS-12 (1)
- Supervisory Petroleum Engineer, Farmington, New Mexico.
- Petroleum Engineer, Farmington, New Mexico. GS-12 (1)
- Geologist, Farmington, New Mexico.
- Petroleum Engineering Technician, Farmington, New Mexico. GS-12 (1)
- Supervisory Petroleum Engineer, Hobbs, New Mexico.
- Petroleum Engineer, Hobbs, New Mexico. GS-12 (1)
- Supervisory Petroleum Engineer (3), Roswell, New Mexico.
- Petroleum Engineer (5), Roswell, New Mexico. GS-12 (3)
- Supervisory Geologist (2), Roswell, New Mexico.
- Geologist (3), Roswell, New Mexico. GS-12 (3)
- Supervisory Accountant (2), Roswell, New Mexico. GS-12 (2)
- Accountant, Roswell, New Mexico. GS-12 (1)
- Accounting Assistant (Mineral Royalties) (2), Roswell, New Mexico. GS-12 (2)
- Accounting Clerk (Mineral Royalties), Roswell, New Mexico. GS-12 (1)
- Supervisory Mining Engineer, McAlester, Oklahoma.
- Accounting Assistant (Mineral Royalties), McAlester, Oklahoma. GS-12 (1)
- Supervisory Petroleum Engineer, Oklahoma City, Oklahoma.
- Petroleum Engineering Technician (2), Oklahoma City, Oklahoma. GS-12 (2)
- Supervisory Petroleum Engineer (2), Tulsa, Oklahoma.
- Petroleum Engineer (2), Tulsa, Oklahoma. GS-12 (2)
- Geologist (2), Tulsa, Oklahoma. GS-12 (1)
- Supervisory Accountant (2), Tulsa, Oklahoma. GS-12 (2)
- Supervisory Accounting Assistant (Mineral Royalties), Tulsa, Oklahoma. GS-12 (1)
- Accounting Assistant (Mineral Royalties) (2), Tulsa, Oklahoma. GS-12 (2)
- Supervisory Petroleum Engineer, Portland, Oregon.
- Supervisory Hydraulic Engineer, Portland, Oregon.
- Supervisory Petroleum Engineer (2), Salt Lake City, Utah.
- Petroleum Engineer (2), Salt Lake City, Utah.
- Supervisory Mining Engineer (3), Salt Lake City, Utah.
- Supervisory Geologist, Salt Lake City, Utah.
- Mining Engineer (4), Salt Lake City, Utah. GS-12 (4)
- Geologist (4), Salt Lake City, Utah. GS-12 (3)
- Accounting Assistant (Mineral Royalties), Salt Lake City, Utah. GS-12 (1)
- Supervisory Petroleum Engineer (2), Reston, Virginia.
- Supervisory Mining Engineer, Reston, Virginia.
- Supervisory Physical Scientist (2), Reston, Virginia.

- Supervisory Geologist (2), Reston, Virginia.  
Mining Engineer (3), Reston, Virginia.  
Geologist (5), Reston, Virginia. GS-12 (1)  
Geophysicist, Reston, Virginia.  
Physical Scientist (4), Reston, Virginia.  
Hydraulic Engineer, Reston, Virginia.  
Petroleum Engineer (5), Reston, Virginia.  
GS-12 (2)  
Petroleum Engineering Technician, Tacoma, Washington.  
Supervisory Petroleum Engineer (4), Casper, Wyoming.  
Petroleum Engineer (8), Casper, Wyoming. GS-12 (7)  
Supervisory Geologist (2), Casper, Wyoming.  
Geologist (7), Casper, Wyoming. GS-12 (7)  
Supervisory Accountant (2), Casper, Wyoming. GS-12 (2)  
Accountant, Casper, Wyoming. GS-12 (1)  
Supervisory Accounting Assistant (Mineral Royalties), Casper, Wyoming. GS-12 (1)  
Accounting Assistant (Mineral Royalties) (2), Casper, Wyoming. GS-12 (2)  
Supervisory Petroleum Engineer, Newcastle, Wyoming.  
Petroleum Engineer, Newcastle, Wyoming. GS-12 (1)  
Supervisory Petroleum Engineer, Rock Springs, Wyoming.  
Petroleum Engineer (2), Rock Springs, Wyoming. GS-12 (1)  
Mining Engineer, Rock Springs, Wyoming.  
Supervisory Petroleum Engineer, Thermopolis, Wyoming.  
Petroleum Engineer, Thermopolis, Wyoming. GS-12 (1)  
Supervisory Petroleum Engineer, Washington, DC.  
Supervisory Mining Engineer, Washington, DC.  
Supervisory Geologist, Washington, DC.  
Geologist (3), Washington, DC. GS-12 (3)  
Petroleum Engineer (2), Washington, DC.  
Geophysicist (5), Washington, DC. GS-12 (4)  
Deputy Chief Geologist, Reston, Virginia.  
Deputy Chief Geologist for Program and Budget, Reston, Virginia.  
Assistant Program Officer, Reston, Virginia.  
Administrative Officer, Reston, Virginia.  
Eastern Regional Geologist, Reston, Virginia.  
Deputy Eastern Regional Geologist, Reston, Virginia.  
Central Regional Geologist, Denver, Colorado.  
Deputy Central Regional Geologist, Denver, Colorado.  
Western Regional Geologist, Menlo Park, California.  
Deputy Western Regional Geologist, Menlo Park, California.  
Administrative Officer, Reston, Virginia.  
International Activities Officer, Reston, Virginia.  
Assistant to Office Chief, Reston, Virginia.  
Mineral Attache Assistant, Reston, Virginia.  
Circum-Pacific Specialist, Menlo Park, California.  
Project Chief (Indonesia), Reston, Virginia.  
Deputy Mission Chief (SAG), Jidda, Saudi Arabia.  
Deputy Chief, Office of Environmental Geology, Reston, Virginia.  
Administrative Officer, Reston, Virginia.  
Staff Geologist, Reston, Virginia.  
Chief, Branch of Eastern Environmental Geology, Reston, Virginia.  
Staff Geologist, Reston, Virginia.  
Chief, Branch of Kentucky Environmental Geology, Lexington, Kentucky.  
Chief, Branch of Central Environmental Geology, Lakewood, Colorado.  
Program Manager, Lakewood, Colorado.  
Chief, Branch of Western Environmental Geology, Menlo Park, California.  
Program Manager, Menlo Park, California.  
Chief, Branch of Engineering Geology, Lakewood, Colorado.  
Chief, Branch of Special Projects, Lakewood, Colorado.
- Chief, Branch of Astrogeology, Menlo Park, California.  
Chief, Branch of Paleontology and Stratigraphy, Washington, DC.  
Deputy Chief, Office of Mineral Resources, Reston, Virginia.  
Deputy Chief, Office of Mineral Resources—Wilderness Program, Reston, Virginia.  
Staff Geologist, Denver Programs, Reston, Virginia.  
Staff Geologist, Menlo Park Programs, Reston, Virginia.  
Chief, Branch of Alaskan Geology, Menlo Park, California.  
Chief, Branch of Western Mineral Resources, Menlo Park, California.  
Chief, Branch of Exploration Research, Golden, Colorado.  
Chief, Office of Resource Analysis, Reston, Virginia.  
Chief, Branch of Central Mineral Resources, Denver, Colorado.  
Chief, Branch of Eastern Mineral Resources, Reston, Virginia.  
Geologist, Reston, Virginia.  
Administrative Officer, Reston, Virginia.  
Deputy Chief, Office of Scientific Publications, Reston, Virginia.  
Chief, Branch of Seismic Engineering, San Francisco, California.  
Chief, Branch of Seismicity and Risk Analysis, Golden, Colorado.  
Chief, Branch of Seismology, Menlo Park, California.  
Chief, Branch of Earthquake Tectonics, Menlo Park, California.  
Supervisory Geophysicist, Albuquerque, New Mexico.  
Chief, Office of Earthquake Studies, Reston, Virginia.  
Deputy for Seismology, Reston, Virginia.  
Deputy for Engineering, Reston, Virginia.  
Deputy for Geology, Reston, Virginia.  
Administrative Officer, Reston, Virginia.  
Program Manager for Contracts, Menlo Park, California.  
Deputy Chief for Geophysical Programs, Lakewood, Colorado.  
Deputy Chief for Geothermal Research, Reston, Virginia.  
Program Manager, Menlo Park, California.  
Deputy Chief, Office of Geochemistry and Geophysics, Reston, Virginia.  
Staff Geophysicist for Remote Sensing, Reston, Virginia.  
Administrative Officer, Reston, Virginia.  
Staff Geologist for Remote Sensing, Reston, Virginia.  
Staff Botanist for Geochemistry and Geophysics, Reston, Virginia. GS-12 (1)  
Chief, Branch of Experimental Geochemistry and Mineralogy, Reston, Virginia.  
Chief, Branch of Theoretical and Applied Geophysics, Lakewood, Colorado.  
Chief, Branch of Isotope Geology, Lakewood, Colorado.  
Chief, Branch of Regional Geochemistry, Lakewood, Colorado.  
Geophysicist, Lakewood, Colorado.  
Supervisory Geophysicist, Lakewood, Colorado.  
Staff Geologist for Resource Analysis, Reston, Virginia.  
Principal Deputy to Chief, Office of Energy Resources, Reston, Virginia.  
Contracts and Grants Officer, Reston, Virginia.  
Deputy for Coal Resources, Reston, Virginia.  
Deputy for Uranium-Thorium Deposits, Reston, Virginia.  
Deputy for Oil and Gas Resources, Reston, Virginia.  
Deputy for Marine Geology, Reston, Virginia.  
Staff Geologist for Coastal Zone Program, Reston, Virginia.  
Deputy for Outer Continental Shelf Environmental Studies, Reston, Virginia.  
Administrative Officer, Reston, Virginia.
- Chief, Branch of Oil and Gas Resources, Lakewood, Colorado.  
Chief, Branch of Coal Resources, Reston, Virginia.  
Chief, Branch of Chemical Resources, Lakewood, Colorado.  
Chief, Branch of Uranium-Thorium Resources, Lakewood, Colorado.  
Chief, Branch of Atlantic-Gulf of Mexico Geology, Woods Hole, Massachusetts.  
Chief, Branch of Pacific-Arctic Geology, Menlo Park, California.  
Associate Chief, Publications Division, Reston, Virginia.  
Assistant Chief (Management and Administration), Publications Division, Reston, Virginia.  
Deputy Assistant Chief (Management and Administration), Reston, Virginia.  
Chief, Branch of Administrative Services, Reston, Virginia.  
Assistant Chief (Research and Technical Coordination), Reston, Virginia.  
Deputy Assistant Chief (Research and Technical Coordination), Reston, Virginia.  
Printing Liaison Officer, Reston, Virginia.  
Chief, Eastern Region, Reston, Virginia.  
Assistant Chief, Eastern Region, Reston, Virginia.  
Chief, Administrative Services, Eastern Region, Reston, Virginia.  
Assistant Chief Administrative Services, Eastern Region, Reston, Virginia.  
Chief, Branch of Technical Editing, Eastern Region, Reston, Virginia.  
Chief, Branch of Cartography, Eastern Region, Reston, Virginia.  
Chief, Branch of Printing, Eastern Region, Reston, Virginia.  
Chief, Branch of Distribution, Eastern Region, Arlington, Virginia.  
Chief, Branch of Exhibits, Eastern Region, Reston, Virginia.  
Chief, Branch of Visual Services, Eastern Region, Reston, Virginia.  
Chief, Central Region, Lakewood, Colorado.  
Chief, Branch of Technical Editing, Central Region, Lakewood, Colorado.  
Chief, Branch of Cartography, Central Region, Lakewood, Colorado.  
Chief, Branch of Distribution, Central Region, Lakewood, Colorado.  
Chief, Branch of Exhibits, Central Region, Lakewood, Colorado. GS-12 (1)  
Chief, Western Region, Menlo Park, California.  
Chief, Branch of Cartography, Western Region, Menlo Park, California.  
Chief, Branch of Technical Editing, Western Region, Menlo Park, California.  
Chief, Office of Research and Technical Standards, Reston, Virginia.  
Chief, Special Mapping Center, Reston, Virginia.  
Deputy Chief, Research and Technical Standards, Reston, Virginia.  
Photographic Technologist, Reston, Virginia.  
Civil Engineer, Reston, Virginia.  
Research Specialist (5), Reston, Virginia.  
Chief, Branch of Research and Design, Reston, Virginia.  
Chief, Branch of Aerial Photography, Reston, Virginia.  
Research Civil Engineer (2), Reston, Virginia.  
Cartographer (3), Reston, Virginia. GS-12 (1)  
Chief, Branch of Exhibits, Western Region, Menlo Park, Calif. GS-12 (1)  
Cartographic Technician, Reston, Virginia. GS-12 (1)  
Chief, Branch of Field Surveys, Reston, Virginia.  
Chief, Branch of Photogrammetry, Reston, Virginia.  
Chief, Branch of Cartography, Reston, Virginia.  
Assistant Chief Hydrologist for Operations, Reston, Virginia.

Regional Hydrologist, Menlo Park, California.  
 Supervisory Hydrologist (Delaware River Master), Reston, Virginia.  
 Supervisory Hydrologist, Tallahassee, Florida.  
 Supervisory Hydrologist, Lakewood, Colorado.  
 Hydrologist (2), Reston, Virginia.

*Mining Enforcement and Safety Administration*

Assistant Administrator—Plans, Assessments, and Management  
 Assistant Administrator—Coal Mine Health and Safety  
 Assistant Administrator—Metal and Nonmetal Mine Health and Safety  
 Assistant Administrator—Education and Training  
 Assistant Administrator—Technical Support  
 District Manager, Coal Mine Health and Safety, District 1, Wilkes-Barre, Pa.  
 District Manager, Coal Mine Health and Safety, District 2, Pittsburgh, Pa.  
 District Manager, Coal Mine Health and Safety, District 3, Morgantown, W. Va.  
 District Manager, Coal Mine Health and Safety, District 4, Mount Hope, W. Va.  
 District Manager, Coal Mine Health and Safety, District 5, Norton, Va.  
 District Manager, Coal Mine Health and Safety, District 6, Pikeville, Ky.  
 District Manager, Coal Mine Health and Safety, District 7, Barboursville, Ky.  
 District Manager, Coal Mine Health and Safety, District 8, Vincennes, Ind.  
 District Manager, Coal Mine Health and Safety, District 9, Denver, Colo.  
 District Manager, Metal and Nonmetal Mine Health and Safety, North Central District, Duluth, Minnesota  
 District Manager, Metal and Nonmetal Mine Health and Safety, Northeastern District, Pittsburgh, Pennsylvania  
 District Manager, Metal and Nonmetal Mine Health and Safety, Southeastern District, Birmingham, Alabama  
 District Manager, Metal and Nonmetal Mine Health and Safety, South Central District, Dallas, Texas  
 District Manager, Metal and Nonmetal Mine Health and Safety, Rocky Mountain District, Denver, Colorado  
 District Manager, Metal and Nonmetal Mine Health and Safety, Western District, Alameda, California  
 Chief, Office of Assessment  
 Chief, Division of Management Services  
 Chief, State Grant Program Office  
 Superintendent, National Mine Health and Safety Academy  
 Executive Assistant to the Administrator  
 Chief, Division of Health, Coal Mine Health and Safety  
 Chief, Division of Safety, Coal Mine Health and Safety  
 Chief, Division of Health, Metal and Nonmetal Mine Health and Safety  
 Chief, Division of Safety, Metal and Nonmetal Mine Health and Safety  
 Chief, Pittsburgh Technical Support Center  
 Chief, Denver Technical Support Center  
 Procurement Officer, Arlington, Virginia  
 Subdistrict Manager, Coal Mine Health and Safety, Monroeville, Pennsylvania  
 Subdistrict Manager, Coal Mine Health and Safety, Johnstown, Pennsylvania  
 Subdistrict Manager, Coal Mine Health and Safety, Mount Hope, West Virginia  
 Subdistrict Manager, Coal Mine Health and Safety, Princeton, West Virginia  
 Subdistrict Manager, Coal Mine Health and Safety, Madison, West Virginia  
 Subdistrict Manager, Coal Mine Health and Safety, Norton, West Virginia  
 Subdistrict Manager, Coal Mine Health and Safety, Richlands, Virginia

Subdistrict Manager, Coal Mine Health and Safety, Barboursville, Kentucky  
 Subdistrict Manager, Coal Mine Health and Safety, Madisonville, Kentucky  
 Subdistrict Manager, Coal Mine Health and Safety, Birmingham, Alabama  
 Subdistrict Manager, Coal Mine Health and Safety, Vincennes, Indiana  
 Subdistrict Manager, Coal Mine Health and Safety, St. Clairsville, Ohio  
 Subdistrict Manager, Coal Mine Health and Safety, Denver, Colorado  
 Subdistrict Manager, Coal Mine Health and Safety, Price, Utah  
 Subdistrict Manager, Coal Mine Health and Safety, McAlester, Oklahoma  
 Subdistrict Manager, Metal and Nonmetal Mine Health and Safety, Pittsburgh, Pennsylvania  
 Subdistrict Manager, Metal and Nonmetal Mine Health and Safety, Albany, New York  
 Subdistrict Manager, Metal and Nonmetal Mine Health and Safety, Birmingham, Alabama  
 Subdistrict Manager, Metal and Nonmetal Mine Health and Safety, Knoxville, Tennessee  
 Subdistrict Manager, Metal and Nonmetal Mine Health and Safety, Duluth, Minnesota  
 Subdistrict Manager, Metal and Nonmetal Mine Health and Safety, Vincennes, Indiana  
 Subdistrict Manager, Metal and Nonmetal Mine Health and Safety, Dallas, Texas  
 Subdistrict Manager, Metal and Nonmetal Mine Health and Safety, Rolla, Missouri  
 Subdistrict Manager, Metal and Nonmetal Mine Health and Safety, Denver, Colorado  
 Subdistrict Manager, Metal and Nonmetal Mine Health and Safety, Salt Lake City, Utah  
 Subdistrict Manager, Metal and Nonmetal Mine Health and Safety, Alameda, California  
 Subdistrict Manager, Metal and Nonmetal Mine Health and Safety, Seattle, Washington  
 Subdistrict Manager, Metal and Nonmetal Mine Health and Safety, Reno, Nevada  
 Subdistrict Manager, Metal and Nonmetal Mine Health and Safety, Phoenix, Arizona  
 All Supervisory Coal Mine Health and Safety Inspectors, GS-13 and above (139)  
 All Supervisory Metal and Nonmetal Mine Health and Safety Inspectors, GS-13 and above (16)  
 All Coal Mine Health and Safety Inspectors (1004) GS-12 (624) GS-11 (185) GS-9 (195)  
 All Metal and Nonmetal Health and Safety Inspectors (252) GS-12 (76) GS-11 (82) GS-9 (94)

*Alaska Power Administration*

Chief, Administrative Services Division, Juneau, Alaska.  
 Chief, Power Division, Juneau, Alaska.  
 Chief, Project Development Division, Juneau, Alaska.  
 Project Superintendent (Eklutna), Palmer, Alaska.  
 Project Superintendent (Snettisham), Juneau, Alaska.

*Bonneville Power Administration*

Public Information Officer, Portland, Oregon  
 Assistant to Chief Engineer, Computer Applications Staff, Division of Engineering and Construction, Portland, Oregon  
 BPA Project Manager, Portland, Oregon  
 Projects Engineer—Richland, Washington  
 General Engineer—Richland, Washington  
 General Services Manager, Vancouver, Washington  
 Assistant Head, Line Construction Section, Branch of Construction, Vancouver, Washington

Assistant Chief, Branch of Land, Portland, Oregon  
 Head, Appraisal Section, Branch of Land, Portland, Oregon  
 Head, Acquisitions Section, Branch of Land, Portland, Oregon  
 Head, Bids and Awards Unit, Branch of Materials and Procurement, Portland, Oregon  
 Head, Purchase Unit, Branch of Materials and Procurement, Portland, Oregon  
 Staff Assistant, Contract Management Section, Branch of Materials and Procurement, Portland, Oregon  
 Consultants (3), Branch of Control Engineering, Portland, Oregon  
 Head, Program Planning and Management Staff, Branch of Control Engineering, Portland, Oregon  
 Head, Technical Services Staff, Branch of Control Engineering, Portland, Oregon  
 Project Manager, Station Projects Unit A, Branch of Substation Design, Portland, Oregon  
 Project Manager, Station Projects Unit B, Branch of Substation Design, Portland, Oregon  
 Project Manager, Station Projects Unit C, Branch of Substation Design, Portland, Oregon  
 Project Manager, Station Projects Unit D, Branch of Substation Design, Portland, Oregon  
 Consultants (2), Branch of Transmission Design, Portland, Oregon  
 Assistant Administrative Manager, Portland, Oregon  
 Assistant Head, Disbursement Audit Section, Branch of Finance and Accounts, Portland, Oregon  
 Assistant Operation and Maintenance Manager, Portland, Oregon  
 Assistant to Operations and Maintenance Manager (Program Management), Portland, Oregon  
 Assistant Chief, Branch of System Operations, Portland, Oregon  
 District Manager, Kalspell District Office, Kalspell, Montana  
 District Manager, Eugene District Office, Eugene, Oregon  
 District Manager, Wenatchee District Office, Wenatchee, Washington  
 District Manager, Idaho Falls District Office, Idaho Falls, Idaho  
 Assistant to Power Manager (Computer Applications), Portland, Oregon  
 Head, Requirements Section, Branch of Power Resources, Portland, Oregon

*Defense Electric Power Administration*

Administrator, Defense Electric Power Administration, Washington, D.C.

*Southeastern Power Administration*

Chief, Division of Fiscal Operations, Elberton, Georgia  
 Chief, Division of Power Sales, Elberton, Georgia  
 Chief, Division of Power Operations, Elberton, Georgia  
 Chief, Division of Administrative Management, Elberton, Georgia  
 Supervisory Cost Allocation, Rate and Re- payment Specialist, Division of Fiscal Operations, Elberton, Georgia  
 Supervisory Electrical Engineer, Division of Power Sales, Elberton, Georgia  
 General Engineer, Division of Power Operations, Elberton, Georgia

*Southwestern Power Administration*

Administrator, Tulsa, Okla.  
 Deputy Administrator, Tulsa, Okla.  
 Director, Planning Staff, Tulsa, Okla.  
 Chief, Division of Power Marketing, Tulsa, Okla.  
 Chief, Division of Power Facilities, Tulsa, Okla.

- Chief, Division of Administrative Management, Tulsa, Okla.  
 Electrical Engineer, Advisor to the Administrator, Tulsa, Okla.  
 Chief, Branch of Power Resources Production, Tulsa, Okla.  
 Chief, Branch of Power Operations, Tulsa, Okla.  
 Chief, Branch of Engineering, Tulsa, Okla.  
 Chief, Branch of Customer Service, Tulsa, Okla.  
 Chief, Branch of Finance and Accounts, Tulsa, Okla.  
 Chief, Branch of Personnel Management, Tulsa, Okla.  
 Chief, Branch of General Services, Tulsa, Okla.  
 Chief, Branch of Maintenance, Tulsa, Okla.  
 Chief, Branch of Power Contracts, Tulsa, Okla.  
 Area, Engineer, Muskogee, Okla.  
 Area, Engineer, Jonesboro, Ark.  
 Area, Engineer, Springfield, Mo.  
 Public Utilities Specialist (2), Tulsa, Okla.  
 Electrical Engineer (Power Systems), Planning Staff, Tulsa, Okla.
- Assistant Secretary for Fish and Wildlife and Parks*
- Deputy Assistant Secretary, Washington, D.C. (2)  
 Special Assistant, Washington, D.C. (3)
- National Park Service*
- Deputy Director—Washington, D.C.  
 Assistant to the Director—Washington, D.C.  
 Assistant to the Director for Public Affairs—Washington, D.C.  
 Associate Directors—Washington, D.C. (4)  
 Assistant Directors—Washington, D.C. (7)  
 Deputy Associate Director, Administration—Washington, D.C.  
 Deputy Associate Director, Legislation—Washington, D.C.  
 President, National Park Foundation  
 Chief Scientist—Washington, D.C.  
 Chief, Planning and Program Policy—Washington, D.C.  
 Chief, Division of Contracting and Property Management—Washington, D.C.  
 Chief, Concessions Division—Washington, D.C.  
 Chief, Land Acquisition Division—Washington, D.C.  
 Chief, Grants Division—Washington, D.C.  
 Chief, Finance Division—Washington, D.C.  
 Chief, Systems Design Division—Washington, D.C.  
 Chief, Organization and Methods Division—Washington, D.C.  
 Chief, Federal, State, and Private Liaison Division—Washington, D.C.  
 Chief, Programming and Budget Division—Washington, D.C.  
 Chief, Program Controls Division—Washington, D.C.  
 Chief, Natural Resources Division—Washington, D.C.  
 Chief, Youth Conservation Division—Washington, D.C.  
 Chief, Visitor Services Division—Washington, D.C.  
 Chief, Interpretation Division—Washington, D.C.  
 Chief, Professional Publications Division—Washington, D.C.  
 Chief, Interagency Archeological Services Division—Washington, D.C.  
 Chief, National Register Division—Washington, D.C.  
 Chief, Environmental Quality Division—Washington, D.C.  
 Chief, Maintenance Division—Washington, D.C.  
 Chief Architect (Historical)—Washington, D.C.  
 Supervisory Architect—Washington, D.C.  
 Hydrologist—Washington, D.C.
- Supply Management Officer—Washington, D.C.  
 Supervisory Appraiser—Washington, D.C.  
 Appraiser—Washington, D.C.  
 Appraisers, GS-13 and above (10)  
 Realty Officers and Specialists, GS-13 and above (27)  
 Chief, Branch of Coordination and Control—Washington, D.C.  
 Concessions Analysts, GS-13 and above (2)—Washington, D.C.  
 Concessions Analysts and Specialists, GS-13 and above (8)  
 Regional Directors (8)  
 Director, National Capital Parks—Washington, D.C.  
 Deputy Regional Directors (8)  
 Deputy Director, National Capital Parks—Washington, D.C.  
 Associate Directors, Regions and National Capital Parks (23)  
 Regional Chiefs, Division of Contracting and Property Management (8)  
 Manager, Denver Service Center—Denver, Colorado  
 Associate Manager, Denver Service Center—Denver, Colorado  
 Deputy Associate Manager, Denver Service Center—Denver, Colorado  
 Manager, Harpers Ferry Center, Harpers Ferry, West Virginia  
 Deputy Manager, Harpers Ferry Center—Harpers Ferry, West Virginia  
 Administrative Officer, Harpers Ferry Center—Harpers Ferry, West Virginia  
 Superintendents, GS-13 and above (93)  
 Assistant Superintendents, GS-13 and above (10)  
 Regional Chiefs, Division of Finance (7)  
 Administrative Officers, GS-13 and above (10)  
 Regional Chiefs, Division of Programming and Budget (8)  
 Chief, Division of Exhibits, Harpers Ferry Center—Harpers Ferry, West Virginia  
 Chief, Division of Publications, Harpers Ferry Center—Harpers Ferry, West Virginia  
 Chief, Division of Museum Services, Harpers Ferry Center—Harpers Ferry, West Virginia  
 Chief, Division of Audiovisual Arts, Harpers Ferry Center—Harpers Ferry, West Virginia  
 Chief, Land Acquisition—Santa Fe, New Mexico  
 Assistant to the Regional Director, Idaho—Boise, Idaho  
 Chief Scientist—Seattle, Washington  
 Mining Engineer—Seattle, Washington  
 Management Assistant—Seattle, Washington  
 Staff Assistant—Seattle, Washington  
 Team Leader, Alaska—Seattle, Washington  
 Chief, Midwest Archeological Center—Lincoln, Nebraska  
 Conservation Center Directors (3)—Atlanta, Georgia  
 Supervisory—Archeologist, Southeast Archeological Center—Atlanta, Georgia  
 Supervisory Archeologist, Atlanta Archeological Center—Atlanta, Georgia  
 Chiefs, Division of Programming and Budget (8)  
 Manager, Western Archeological Center—Tucson, Arizona  
 Architect—Philadelphia, Pennsylvania  
 Park Planner—Philadelphia, Pennsylvania  
 General Biological Scientist—Philadelphia, Pennsylvania  
 Public Information Officer—Philadelphia, Pennsylvania  
 Outdoor Recreation Planner—Philadelphia, Pennsylvania  
 Staff Curator—Philadelphia, Pennsylvania  
 Archeologist—Philadelphia, Pennsylvania  
 Special Assistant to the Regional Director for Bicentennial Projects—Philadelphia, Pennsylvania  
 Supervisory Museum Curator—Philadelphia, Pennsylvania  
 Supervisory Park Ranger (Colonial NHP)—Philadelphia, Pennsylvania
- Supervisory Legal Assistant (C&O Canal)—Philadelphia, Pennsylvania  
 Assistant to the Regional Director—Boston, Massachusetts  
 Chiefs, Maintenance, GS-13 and above (2)—Boston, Massachusetts  
 Chiefs, Visitor Services, GS-13 and above (2)—Boston, Massachusetts  
 Chief, Park Operations—Boston, Massachusetts  
 Public Information Officers, GS-13 and above (2)—Boston, Massachusetts  
 Regional Scientist—Boston, Massachusetts  
 Regional Landmarks Specialist—Boston, Massachusetts  
 Unit Manager, GS-13 and above—Boston, Massachusetts  
 Park Planners, GS-13 and above (2)—Boston, Massachusetts  
 Regional Federal and State Liaison Coordinator—Boston, Massachusetts  
 Assistant to the Regional Director, Utah—Salt Lake City, Utah  
 Assistant to the Regional Director, Public Affairs—Denver, Colorado  
 Chief, Contract Administration Division, Denver Service Center—Denver, Colorado  
 Supervisory Archeologist, Denver Archeological Office—Denver, Colorado  
 Assistant Managers, (5) Denver Service Center—Denver, Colorado  
 Chief, Quality Control and Compliance Division, Denver Service Center—Denver, Colorado  
 Chief, Surveys Division, Denver Service Center—Denver, Colorado  
 Chief, Graphic Services Division, Denver Service Center—Denver, Colorado  
 Chief, Historic Preservation Division, Denver Service Center—Denver, Colorado  
 Chief, Professional Support Division, Denver Service Center—Denver, Colorado  
 Chief, Branch of Construction Contracts, Denver Service Center—Denver, Colorado  
 Chief, Branch of Professional Service Contracts, Denver Service Center—Denver, Colorado  
 Chief Scientist, NPS Science Center—Denver, Colorado  
 Program Manager, NPS Science Center—Denver, Colorado  
 Chief, Division of Property Management, National Capital Parks—Washington, D.C.  
 Chief, Division of Programming and Budget, National Capital Parks—Washington, D.C.  
 Chief, Division of Contracting and Procurement, National Capital Parks—Washington, D.C.  
 Chief, Division of Finance, National Capital Parks—Washington, D.C.  
 General Managers (2), National Capital Parks, Washington, D.C.  
 Chief, U.S. Park Police—Washington, D.C.  
 Assistant Chief, U.S. Park Police—Washington, D.C.
- Bureau of Outdoor Recreation*
- Deputy Director, Washington, D.C.  
 All Assistant Directors (3), Washington, D.C.  
 Chief, Division of Personnel and Management, Washington, D.C.  
 Chief, Office of Communications, Washington, D.C.  
 Chief, Division of State Programs, Washington, D.C.  
 Chief, Division of Federal Land Acquisition, Washington, D.C.  
 Management Officer, Washington, D.C.  
 Accounting Officer, Washington, D.C.  
 All Regional Directors (7)  
 All Deputy Regional Directors (2)  
 All Assistant Regional Directors (16)  
 Regional Supervisory Outdoor Recreation Planners (State Grants) (7)  
 All Contract Managers (7)  
 Employees detailed to the Alaskan Natural Gas Transportation System (3)

*U.S. Fish and Wildlife Service*

Deputy Director—Washington, D.C.  
 Associate Directors—Washington, D.C.  
 Deputy Associate Directors—Washington, D.C.  
 Assistant Directors—Washington, D.C.  
 Deputy Assistant Directors—Washington, D.C.  
 Special Assistant to the Director—Washington, D.C.  
 Chief, Contracting and General Services—Washington, D.C.  
 Assistant Chief, Contracting and General Services—Washington, D.C.  
 Chief, Division of Federal Aid—Washington, D.C.  
 Chief, Division of Technical Assistance—Washington, D.C.  
 Regional Directors—Portland, Oregon; Albuquerque, New Mexico; Twin Cities, Minnesota; Atlanta, Georgia; Boston, Massachusetts; Denver, Colorado  
 Deputy Regional Directors—Portland, Oregon; Albuquerque, New Mexico; Twin Cities, Minnesota; Atlanta, Georgia; Boston, Massachusetts; Denver, Colorado  
 Associate Regional Directors—Portland, Oregon; Albuquerque, New Mexico; Twin Cities, Minnesota; Atlanta, Georgia; Boston, Massachusetts; Denver, Colorado  
 Regional Supervisor, Federal Aid—Portland, Oregon; Albuquerque, New Mexico; Twin Cities, Minnesota; Atlanta, Georgia; Boston, Massachusetts  
 Alaska Area Director—Anchorage, Alaska  
 Deputy Alaska Area Director—Anchorage, Alaska  
 Chief, Property Officer—Portland, Oregon; Twin Cities, Minnesota; Atlanta, Georgia (GS-13 and above)  
 Chief Property Officers—Albuquerque, New Mexico; Boston, Massachusetts (2) GS-12  
 Chief, Officer of Planning and Assistance—Denver, Colorado  
 Western Field Coordinator—Denver, Colorado  
 Chief and Assistant Chief, Division of Ecological Services—Washington, D.C.  
 Senior Ecologist, Office of Biological Services—Washington, D.C.  
 Chiefs of Research Divisions—Washington, D.C. (5)  
 Project Coordinator, Upland Ecosystems, Office of Biological Services—Washington, D.C.  
 Project Coordinator, Aquatic Ecosystems, Office of Biological Services—Washington, D.C.  
 Project Coordinator, Inventory and Systems—Washington, D.C.  
 Leader, Coastal Ecosystems, Office of Biological Services—Washington, D.C.  
 Leader, Stream Alteration Team, Office of Biological Services—Washington, D.C.  
 Leader, Power Plant Team, Office of Biological Services—Washington, D.C.  
 Leader, Western Energy and Land Use Team, Office of Biological Services—Washington, D.C.  
 Special Agents—Washington, D.C. (19) GS-12 (8)  
 AFW Program Coordinators—Washington, D.C. (6)  
 Chief, Office of International Wildlife—Washington, D.C.  
 Chief and Assistant Chief, Office of Endangered Species—Washington, D.C.  
 Assistant Chief, Division of Federal Aid—Washington, D.C.  
 Staff Biologists, GS-13 and above, Division of Federal Aid—Washington, D.C. (6)  
 Chief, Office of Legislative Services—Washington, D.C.  
 Chief, Office of Current Information, Public Affairs—Washington, D.C.  
 Chief, Office of Audio Visual Services, Public Affairs—Washington, D.C.

Chief, Office of Radio and TV Program Coordination, Public Affairs—Washington, D.C.  
 Chief, Youth Conservation Programs—Washington, D.C.  
 Chief and Assistant Chief, Division of Engineering—Washington, D.C.  
 Chief and Assistant Chief, Division of Wildlife Refuges—Washington, D.C.  
 Chief and Assistant Chief, Division of National Fish Hatcheries—Washington, D.C.  
 Chief and Assistant Chief, Division of Realty—Washington, D.C.  
 Chief Appraiser—Washington, D.C.  
 Realty Specialists and Appraisers, GS-13 and above—Washington, D.C. (9)  
 Chief, Office of Migratory Bird Management—Washington, D.C.  
 Assistant Chief, Migratory Bird Management—Laurel, Maryland  
 Assistant Chief, Division of Technical Assistance—Washington, D.C.  
 Chief, Branch of State, Federal and Private Services, Technical Assistance—Washington, D.C.  
 Chief, Branch of Indian Eskimo Services, Technical Assistance—Washington, D.C.  
 Chief, Branch of Pesticide Activities, Technical Assistance—Washington, D.C.  
 Assistant Regional Directors—Portland, Oregon; Albuquerque, New Mexico; Minneapolis, Minnesota; Atlanta, Georgia; Boston, Massachusetts; Denver, Colorado, (24)  
 Assistant Area Directors—Anchorage, Alaska (2)  
 Chiefs, Office of Support Services—Portland, Oregon; Albuquerque, New Mexico; Minneapolis, Minnesota; Atlanta, Georgia; Boston, Massachusetts; Denver, Colorado (5)  
 Chief, Property Officer—Denver, Colorado  
 Regional Public Affairs Officers—Portland, Oregon; Albuquerque, New Mexico; Minneapolis, Minnesota; Atlanta, Georgia; Boston, Massachusetts; Denver, Colorado; Alaska (7) GS-12 (6)  
 Activity Leaders, Office of Biological Services—Portland, Oregon; Albuquerque, New Mexico; Minneapolis, Minnesota; Atlanta, Georgia; Boston, Massachusetts; Denver, Colorado; Alaska  
 Staff Biologists, GS-12 and above, Federal Aid—Portland, Oregon; Albuquerque, New Mexico; Minneapolis, Minnesota; Atlanta, Georgia; Boston, Massachusetts; Denver, Colorado (30) GS-12 (18)  
 Realty Specialists and Appraisers, GS-11 and above—Portland, Oregon; Albuquerque, New Mexico; Minneapolis, Minnesota; Atlanta, Georgia; Boston, Massachusetts; Denver, Colorado (54) GS-12 (34)  
 Pesticide Specialists, Technical Assistance Program—Portland, Oregon; Albuquerque, New Mexico; Minneapolis, Minnesota; Atlanta, Georgia; Boston, Massachusetts; Denver, Colorado (6) GS-12 (5)  
 Coordinator, Indian Programs, Technical Assistance—Portland, Oregon

*Field Level*

Unit Leaders, Cooperative Fish and Wildlife Research Units, All—Various Locations, (45)  
 Director, Patuxent Wildlife Research Center—Laurel, Maryland  
 Director, Denver Wildlife Research Center—Denver, Colorado  
 Director, Northern Prairie Wildlife Research Center—Jamestown, North Dakota  
 Director, Great Lakes Fisheries Laboratory—Ann Arbor, Michigan  
 Director, Fish Control Laboratory—LaCrosse, Wisconsin

Director, National Fish and Wildlife Laboratory—Washington, D.C.  
 Area Supervisors, Division of Ecological Services, All—Various locations (40) GS-12 (15)  
 Special Agents, All—Various locations (168) GS-12 (142)  
 Project Leaders, National Wildlife Refuges, All—Various locations (184) GS-12 (154)  
 Project Leaders, National Fish Hatcheries, All—Various locations (90) GS-12 (87)  
 Research Laboratory Directors, All—Various locations (20)  
 Center Directors, Job Corps Centers—Puxico, Missouri and Indianola, Oklahoma  
 State Supervisors, Animal Damage Control Programs, All—Various locations (34) GS-12 (32)  
 Director, Administrative Service Center—Denver, Colorado  
 Chief, Engineering Service Center—Denver, Colorado  
 Project Leaders, Technical Assistance Programs, All—Various locations (51) GS-12 (49)  
 Area and Assistant Area Managers, All—Various locations (36)

*Assistant Secretary—Land and Water Resources*

Deputy Assistant Secretaries (2), Washington, D.C.  
 Special Assistant to the Assistant Secretary Staff Assistant (Economics), Washington, D.C.  
 Staff Assistants (6), Washington, D.C.

*Bureau of Reclamation*

Assistant Commissioner—Resource Development, Commissioner's Office, Washington, D.C.  
 Assistant Commissioner—Resource Management, Commissioner's Office, Washington, D.C.  
 Assistant Commissioner—Resource Planning, Commissioner's Office, Washington, D.C.  
 Assistant Commissioner—Administration, Commissioner's Office, Washington, D.C.  
 Assistant to the Commissioner—Ecology Commissioner's Office, Washington, D.C.  
 Chief, Division of General Services, Commissioner's Office, Washington, D.C.  
 Chief, Division of General Engineering, Commissioner's Office, Washington, D.C.  
 Chief, Construction and Contracting Activities Branch, Commissioner's Office, Washington, D.C.  
 Chief, Division of Research, Commissioner's Office, Washington, D.C.  
 Chief, Division of Power, Commissioner's Office, Washington, D.C.  
 Assistant Chief, Division of Power, Commissioner's Office, Washington, D.C.  
 Chief, Systems Engineering Branch, Commissioner's Office, Washington, D.C.  
 Chief, Division of Program Coordination and Finance, Commissioner's Office, Washington, D.C.  
 Assistant Chief, Division of Program Coordination and Finance, Commissioner's Office, Washington, D.C.  
 Chief, Division of Procurement and Property, Commissioner's Office, Washington, D.C.  
 Chief, Operations Branch, Division of Procurement and Property, Commissioner's Office, Washington, D.C.  
 Chief, Division of Planning, Commissioner's Office, Washington, D.C.  
 Assistant Chief, Division of Planning, Commissioner's Office, Washington, D.C.  
 Chief, Division of Water and Land, Commissioner's Office, Washington, D.C.  
 Assistant Chief, Division of Water and Land, Commissioner's Office, Washington, D.C.  
 Chief, Water Operations Branch, Commissioner's Office, Washington, D.C.

Chief, Lands and Recreation Branch, Commissioner's Office, Washington, D.C.  
 Realty Officer, Commissioner's Office, Washington, D.C.  
 Chief, Contracts and Repayment Branch, Commissioner's Office, Washington, D.C.  
 Contract and Repayment Specialists (3), Commissioner's Office, Washington, D.C.  
 Chief, Division of Youth Conservation Programs, Commissioner's Office, Washington, D.C.  
 Chief, Office of Public Affairs, Commissioner's Office, Washington, D.C.

## ENGINEERING AND RESEARCH CENTER

Director of Design and Construction, Engineering and Research Center, Denver, Colorado  
 Supervisory General Engineers (11), Denver, Colorado  
 Environmental Specialist, Denver, Colorado  
 Supervisory Electrical Engineers (2), Denver, Colorado  
 Supervisory Civil Engineers (11), Denver, Colorado  
 Chief, Division of Management Support, Denver, Colorado  
 Supervisory Contract Specialist, Denver, Colorado GS-12  
 Supervisory Contract Procurement Officer, Denver, Colorado GS-12  
 Supervisory Procurement Agent, Denver, Colorado  
 Supervisory Mechanical Engineer, Denver, Colorado  
 Supervisory Geologist, Denver, Colorado  
 Civil Engineers (4), Denver, Colorado  
 Procurement Officer, Denver, Colorado  
 Supervisory General Physical Scientists (5), Denver, Colorado  
 Supervisory Research Physical Scientists (3), Denver, Colorado  
 Research Physical Scientist, Denver, Colorado  
 Supervisory Hydraulic Engineer, Denver, Colorado  
 General Engineer, Denver, Colorado  
 Supply Management Officer, Denver, Colorado  
 Appraiser, Denver, Colorado

## PACIFIC NORTHWEST REGION

Regional Director, Pacific Northwest Region, Boise, Idaho  
 Assistant Regional Director, Boise, Idaho  
 Assistant to the Regional Director, Boise, Idaho  
 Regional Engineer, Boise, Idaho  
 Chief, Construction Branch, Boise, Idaho  
 Chief, Design Branch, Boise, Idaho  
 Chief, Division of Water and Land Operations, Boise, Idaho  
 Chief, Repayment and Statistics Branch, Boise, Idaho  
 Chief, Lands and Recreation Branch, Boise, Idaho  
 Regional Supervisor of Power, Boise, Idaho  
 Chief, Resources and Contracts Branch, Boise, Idaho  
 Regional Planning Officer, Boise, Idaho  
 Assistant Regional Planning Officer, Boise, Idaho  
 Chief, Engineering and Surveys Branch, Boise, Idaho  
 Chief, Economic Resources Branch, Boise, Idaho  
 Regional Procurement and Property Officer, Boise, Idaho  
 Chief, Resource Utilization Branch, Boise, Idaho  
 Regional Public Affairs Officer, Boise, Idaho  
 Chief, Procurement Branch, Boise, Idaho GS-12  
 Contract Specialist, Boise, Idaho GS-12  
 Appraiser, Boise, Idaho GS-12  
 Realty Specialists (5), Boise, Idaho GS-11  
 Chief, Water Operations Branch, Boise, Idaho  
 Project Superintendent, Central Snake Projects Office, Boise, Idaho  
 Chief, Salem Field Branch, Salem, Oregon

Center Director, Columbia Basin Civilian Conservation Center, Moses Lake, Washington  
 Project Manager, Columbia Basin Project Office, Ephrata, Washington  
 Chief, Engineering and Drainage Division, Ephrata, Washington  
 Chief, Construction Division, Ephrata, Washington  
 Chief, Water and Land Operations Division, Ephrata, Washington  
 Chief, Realty Branch, Ephrata, Washington GS-12  
 Chief, Appraisal Branch, Ephrata, Washington GS-12  
 Appraiser, Ephrata, Washington GS-11  
 Project Superintendent, Hungry Horse Project Office, Hungry Horse, Washington  
 Project Superintendent, Minidoka Project Office, Burley, Idaho  
 Center Director, Marsing Civilian Conservation Center, Marsing, Idaho  
 Project Construction Engineer, East Greenacres Project Office, Post Falls, Idaho  
 Project Construction Engineer, Teton Project Office, Newdale, Idaho  
 Office Engineer, St. Anthony, Idaho  
 Field Engineer, St. Anthony, Idaho  
 Project Construction Engineer, Tualatin Project Office, Forest Grove, Oregon  
 Field Engineer, Forest Grove, Oregon  
 Office Engineer, Forest Grove, Oregon  
 Realty Specialists (3), Tualatin Project Office, Forest Grove, Oregon GS-12 (1) GS-11 (2)  
 Project Superintendent, Yakima Project Office, Yakima, Washington  
 Project Construction Engineer, Chief Joseph Dam Project Office, Manson, Washington  
 Realty Officer, Chief Joseph Dam Project Office, Manson, Washington GS-11  
 Appraiser, Manson, Washington GS-9  
 No. 33766 Gay, D. J. Day Lino 12-12-75 No. 63 J 58-000 folio 143  
 Columbia-North Pacific Planning Officer, Columbia North Pacific Planning Office, Vancouver, Washington  
 Project Manager, Grand Coulee Project Office, Grand Coulee, Washington  
 Chief, Third Power Plant Construction Division, Grand Coulee, Washington  
 Field Engineer, Grand Coulee, Washington  
 Office Engineer, Grand Coulee, Washington  
 Chief, Maintenance Division, Grand Coulee, Washington  
 Chief, Operations Division, Grand Coulee, Washington  
 Project Public Affairs Officer, Grand Coulee Project Office, Grand Coulee, Washington GS-12  
 Chief, Administrative Services, Grand Coulee, Washington

## MID-PACIFIC REGION

Regional Director, Sacramento, California  
 Assistant Regional Director, Sacramento, California  
 Assistant Regional Director, Sacramento, California  
 Assistant to the Regional Director—Administrative Management, Sacramento, California  
 Project Construction Engineer, Fresno, California  
 Chief, Office Engineering Division, Fresno, California  
 Project Manager, Klamath Falls, Oregon  
 Project Construction Engineer, Auburn, California  
 Chief, Office Engineering Division, Auburn, California  
 Chief, Right-of-Way Division, Auburn, California  
 Administrative Officer, Auburn, California  
 Project Manager, Carson City, Nevada  
 Regional Loan Engineer, Sacramento, California  
 Regional Supervisor of Water and Land Operations, Sacramento, California

Regional Supervisor of Power, Sacramento, California  
 Chief, Marketing and Sales Branch, Sacramento, California  
 Regional Engineer, Sacramento, California  
 Regional Planning Officer, Sacramento, California  
 Assistant Regional Planning Officer, Sacramento, California  
 Chief, Repayment Branch, Division of Water and Land Operations, Sacramento, California  
 Regional Supply and Services Officer, Sacramento, California  
 Chief, Procurement Branch, Division of Supply and Services, Sacramento, California  
 Chief, Acquisition Branch, Division of Real Estate, Sacramento, California  
 Regional Real Estate Officer, Sacramento, California  
 Supervisory Appraiser, Sacramento, California  
 Chief, Folsom Field Division, Folsom, California  
 Chief, Fresno Field Division, Fresno, California  
 Chief, Tracy Field Division, Tracy, California  
 Chief, Shasta Field Division, Redding, California  
 Project Construction Engineer, Willows, California  
 Chief, Office Engineering Division, Willows, California  
 Project Construction Engineer, Gilroy, California

## LOWER COLORADO REGION

Regional Director, Lower Colorado Region, Boulder City, Nevada  
 Assistant Regional Director, Boulder City, Nevada  
 Assistant to the Regional Director, Boulder City, Nevada  
 Regional Public Affairs Officer, Boulder City, Nevada  
 Regional Engineer, Boulder City, Nevada  
 Regional Supervisor of Power, Boulder City, Nevada  
 Regional Supervisor of Water and Land Operations, Boulder City, Nevada  
 Assistant Regional Supervisor of Power, Boulder City, Nevada  
 Regional Supply and Services Officer, Boulder City, Nevada  
 Chief, Procurement Branch, Boulder City, Nevada GS-12  
 Chief, Contracts and Repayment Branch, Boulder City, Nevada  
 Chief, Marketing and Sales Branch, Boulder City, Nevada  
 Regional Planning Officer, Boulder City, Nevada  
 Regional Loan Program Coordinator, Boulder City, Nevada GS-12  
 Project Manager, Boulder City, Nevada  
 Project Manager, Parker-Davis Project, Phoenix, Arizona  
 Assistant Project Manager, Parker-Davis Project, Phoenix, Arizona  
 Chief, Office of Procurement and Property, Parker-Davis Project, Phoenix, Arizona GS-12  
 Projects Manager, Arizona Projects Office, Phoenix, Arizona  
 Associate Projects Manager, Arizona Projects Office, Phoenix, Arizona  
 Chief, Administrative Division, Arizona Projects Office, Phoenix, Arizona  
 Chief, Procurement and Property Branch, Arizona Projects Office, Phoenix, Arizona GS-12  
 Chief, Appraisal Branch, Arizona Projects Office, Phoenix, Arizona  
 Chief, Lands Branch, Arizona Projects Office, Phoenix, Arizona  
 Project Manager, Yuma Projects Office, Yuma, Arizona

Assistant Project Manager, Yuma Projects Office, Yuma, Arizona  
 Chief, Administrative Division, Yuma Projects Office, Yuma, Arizona

UPPER COLORADO REGION

U.S. Representative on the Bear River Commission (Expert), Salt Lake City, Utah  
 U.S. Commissioner & Chairman, Upper Colorado River Commission, Salt Lake City, Utah  
 Regional Director, Salt Lake City, Utah  
 Assistant Regional Director, Salt Lake City, Utah  
 Assistant to Regional Director—Administrative Management, Salt Lake City, Utah  
 Public Information Officer, Salt Lake City, Utah  
 Regional Engineer, Salt Lake City, Utah  
 Regional Supervisor of Water and Land Operations, Salt Lake City, Utah  
 Chief, Operations and Repayment Branch, Salt Lake City, Utah  
 Chief, Lands Branch, Salt Lake City, Utah  
 Realty Specialist, Salt Lake City, Utah  
 Appraisers (2), Salt Lake City, Utah GS-12 (1); GS-11 (1)  
 Regional Planning Officer, Salt Lake City, Utah  
 Regional Supervisor of Water and Land Operations, Utah  
 Public Utilities Specialists (2), Salt Lake City, Utah GS-12 (1)  
 Chief, Marketing and Sales Branch, Salt Lake City, Utah  
 Regional Finance Officer, Salt Lake City, Utah  
 Regional Property and Services Officer, Salt Lake City, Utah  
 Regional Procurement Officer, Salt Lake City, Utah GS-12  
 Project Power Manager, CRSP Power Operations Office, Montrose, Colorado  
 Administrative Officer, Montrose, Colorado  
 Chief, Procurement Branch, Montrose, Colorado GS-11  
 General Supply Officer, Montrose, Colorado GS-11  
 Chief, Flaming Gorge Field Division, Flaming Gorge Field Division, Dutch John, Utah  
 Chief, Glen Canyon, Field Division, Glen Canyon Field Division, Page, Arizona  
 Administrative Officer, Page, Arizona GS-12  
 Chief, General Supply Specialist, Page, Arizona GS-9

Project Manager, Western Colorado Projects Office, Grand Junction, Colorado  
 Administrative Officer, Grand Junction, Colorado  
 Center Director, Collbran Job Corps Civilian Conservation Center, Collbran, Colorado  
 Administrative Officer, Collbran, Colorado GS-11  
 Center Director, Weber Basin Job Corps Civilian Conservation Center, Ogden, Utah  
 Assistant Center Director, Ogden, Utah GS-12  
 Administrative Officer, Ogden, Utah GS-11

SOUTHWEST REGION

Regional Director, Southwest Region, Amarillo, Texas  
 Assistant Regional Director, Amarillo, Texas  
 Regional Public Information and General Services Officer, Amarillo, Texas GS-12  
 Regional Engineer, Amarillo, Texas  
 Regional Supervisor of Power, Amarillo, Texas  
 Regional Planning Officer, Amarillo, Texas  
 Regional Supervisor of Water and Land Operations, Amarillo, Texas  
 Chief, Land Operations Branch, Division of Water and Land Operations, Amarillo, Texas  
 Chief, Repayment and Economics Branch, Division of Water and Land Operations, Amarillo, Texas  
 Regional Finance Officer, Amarillo, Texas  
 Regional Procurement and Property Officer, Amarillo, Texas

Project Superintendent, Upper Rio Grande Basin Project Office, Albuquerque, New Mexico  
 Project Superintendent, Rio Grande Project, El Paso, Texas  
 Project Construction Engineer, San Juan-Chamma Project, Santa Fe, New Mexico  
 Project Construction Engineer, Navajo Indian Irrigation Project, Farmington, New Mexico  
 Planning Officer, Albuquerque, New Mexico  
 Project Manager, Pecos River Project Office, Carlsbad, New Mexico  
 Planning Officer, Oklahoma City, Oklahoma  
 Planning Officer, Austin, Texas  
 Project Construction Engineer, Mountain Park Project Office, Altus, Oklahoma GS-12  
 Chief, Right-of-Way Division, Mountain Park Project Office, Altus, Oklahoma  
 Project Construction Engineer, Palmetto Bend Project Office, Edna, Texas  
 Chief, Right-of-Way Division, Palmetto Bend Project Office, Edna, Texas  
 Special Government Employee, U.S. Commissioner and Chairman of the Canadian River Commission (Expert), Office of the Regional Director, Amarillo, Texas

UPPER MISSOURI REGION

Regional Director, Billings, Montana  
 Assistant Regional Director, Billings, Montana  
 Assistant to the Regional Director, Billings, Montana  
 Regional Public Affairs Officer, Billings, Montana  
 Regional Engineer, Billings, Montana  
 Regional Supervisor of Water and Land Operations, Billings, Montana  
 Regional Supervisor of Power, Billings, Montana  
 Assistant Regional Supervisor of Power, Billings, Montana  
 Chief, Power Marketing and Sales Branch, Billings, Montana  
 Chief, Reviewing Appraiser, Billings, Montana GS-12  
 Regional Planning Engineer, Billings, Montana  
 Regional Procurement and Property Officer, Billings, Montana  
 Chief, Procurement Branch, Billings, Montana GS-12  
 Chief, Right-of-Way Branch, Billings, Montana  
 Project Manager, Bismarck, North Dakota  
 Assistant Project Manager, Bismarck, North Dakota  
 Chief, Administrative Services Division, Bismarck, North Dakota  
 Chief, Procurement and Property, Bismarck, North Dakota GS-12  
 Chief, Appraisal Branch, Bismarck, North Dakota GS-12  
 Chief, Acquisition Branch, Bismarck, North Dakota GS-12  
 Public Information Officer, Bismarck, North Dakota GS-11  
 Appraisers (3), Bismarck, North Dakota GS-11  
 Realty Specialists (4), Bismarck, North Dakota GS-11  
 Project Manager, Huron, South Dakota  
 Assistant Project Manager, Huron, South Dakota  
 Chief, Right-of-Way Branch, Huron, South Dakota GS-12  
 Realty Specialists (3), Huron, South Dakota GS-11  
 Appraisers (4), Huron, South Dakota GS 7-11  
 Chief, Administrative Services Division, Huron, South Dakota  
 Chief, Procurement and Property Branch, Huron, South Dakota GS-12  
 Project Manager, Great Falls, Montana  
 Project Manager, Riverton, Wyoming  
 Administrative Officer, Riverton, Wyoming GS-11

Power System Operations Officer, Watertown, South Dakota  
 Assistant Power System Operations Officer, Watertown, South Dakota  
 Chief, Administrative Services Division, Watertown, South Dakota GS-12  
 Project Superintendent, Canyon Ferry, Montana  
 Administrative Officer, Canyon Ferry, Montana GS-9  
 Project Superintendent, Fort Peck, Montana  
 Project Superintendent, Fort Smith, Montana  
 Chief, Administrative Services Division, Fort Smith, Montana GS-9

LOWER MISSOURI REGION

Regional Director, Lower Missouri Region, Denver, Colorado  
 Assistant Regional Director, Denver, Colorado  
 Assistant to the Regional Director—Administrative Management, Denver, Colorado  
 Regional Public Affairs Officer, Denver, Colorado  
 Regional Engineer, Denver, Colorado  
 Chief, Construction Coordination and Estimates Branch, Denver, Colorado  
 Regional Planning Officer, Denver, Colorado  
 Regional Supervisor of Water and Land, Denver, Colorado  
 Chief, Land Acquisition Branch, Denver, Colorado  
 Appraisers (2), Denver, Colorado GS-11 (1); GS-12 (1)  
 Realty Specialists (2), Denver, Colorado GS-9 (1); GS-11 (1)  
 Chief, Repayment Branch, Denver, Colorado  
 Regional Supervisor of Power, Denver, Colorado  
 Chief, Power Contracts Branch, Denver, Colorado  
 Regional Finance Officer, Denver, Colorado  
 Supply Management Officer, Denver, Colorado  
 Regional Procurement Officer, Denver, Colorado GS-11  
 Kansas Reclamation Representative, Topeka, Kansas  
 MRB Planning Officer, Omaha, Nebraska  
 Wyoming Reclamation Representative, Cheyenne, Wyoming  
 Project Manager, Fryingspan-Arkansas Project, Pueblo, Colorado  
 Chief, Construction Field Division, Fryingspan-Arkansas Project, Salida, Colorado  
 Realty Specialists (2), Fryingspan-Arkansas, Pueblo, Colorado GS-11 (1); GS-12 (1)  
 Administrative Officer, Fryingspan-Arkansas Project, Pueblo, Colorado  
 Project Manager, South Platte River Project, Loveland, Colorado  
 Project Manager, North Platte River Project, Casper, Wyoming  
 Construction Engineer, Cheyenne Construction Office, Cheyenne, Wyoming  
 Project Manager, Kansas River Project, McCook, Nebraska  
 Planning Officer, Nebraska Reclamation Office, Grand Island, Nebraska

BUREAU OF LAND MANAGEMENT

Associate Director, Washington, D.C.  
 Assistant Director, Administration, Washington, D.C.  
 Assistant Director, Resources, Washington, D.C.  
 Deputy Assistant Director, Resources, Washington, D.C.  
 Assistant Director, Legislation and Plans, Washington, D.C.  
 Assistant Director, Technical Services, Washington, D.C.  
 Assistant Director, Minerals Management, Washington, D.C.  
 Deputy Assistant Director, Minerals Management, Washington, D.C.  
 Chief, Office of Evaluation, Washington, D.C.  
 Chief, Division of Lands and Realty, Washington, D.C.

Chief, Division of Mineral Resources, Washington, D.C.  
 Chief, Division of Minerals Environmental Assessment, Washington, D.C.  
 Chief, Division of Minerals Program Development and Analysis, Washington, D.C.  
 Chief, Division of Forestry, Washington, D.C.  
 Chief, Division of Appraisal, Washington, D.C.  
 Chief, Division of Budget and Program Development, Washington, D.C.  
 Chief, Division of Finance, Washington, D.C.  
 All Chiefs, Division of Administrative Services (2).  
 All Managers, Outer Continental Shelf Offices (4).  
 All Assistant Managers, Outer Continental Shelf Offices (2).  
 All State Directors (12).  
 All Associate State Directors (12).  
 All Chiefs, Division of Technical Services (11).  
 All Chiefs, Division of Resources (11).  
 All District Managers (61).  
 All Assistant District Managers (19).  
 Director, Denver Service Center, Denver, Colorado.  
 BLM Director, Boise Interagency Fire Center, Boise, Idaho.  
 Deputy BLM Director, Boise Interagency Fire Center, Boise, Idaho.  
 Chief, Appraisal Staff, Denver Service Center, Denver, Colorado.  
 All Staff Appraisers, Denver Service Center, Denver, Colorado (2).  
 All Chief State Appraisers (11) GS-12 and above, GS-12 (8); GS-13 (3).  
 Chief, Division of Data Processing, Denver, Colorado.  
 Chief, Office of Scientific Systems Development, Denver, Colorado.  
 Pipeline Project Coordinator, Anchorage, Alaska.  
 Chief, Division of Cadastral Survey, Anchorage, Alaska.

*Office of Land Use and Water Planning*  
 Director, Office of Land Use and Water Planning, Washington, D.C.

*Office of Water Research and Technology*  
 Assistant Director, Program Planning and Evaluation, Washington, D.C.  
 Budget and Program Analyst, Office of Program Planning and Evaluation, Washington, D.C.  
 General Engineer, Office of Program Planning and Evaluation, Washington, D.C.  
 Assistant Director, Research, Washington, D.C.  
 Chief, Biological Sciences Division, Washington, D.C.  
 Chief, Hydrologic Sciences Division, Washington, D.C.  
 Physical Scientist, Hydrologic Sciences Division, Washington, D.C.  
 Chief, Physical Chemistry Division, Washington, D.C.  
 Physical Scientist (2), Physical Chemistry Division, Washington, D.C.  
 Chemist, Physical Chemistry Division, Washington, D.C.  
 Chief, Planning Sciences Division, Washington, D.C.

Physical Scientist (2), Planning Sciences Division, Washington, D.C.  
 Chief, Engineering Systems Division, Washington, D.C.  
 Physical Scientist, Engineering Systems Division, Washington, D.C.  
 Manager, Water Resources Scientific Information Center, Washington, D.C.  
 Assistant Manager, Water Resources Scientific Information Center, Washington, D.C.  
 Computer Systems Analyst, Water Resources Scientific Information Center, Washington, D.C.  
 Physical Scientist, Water Resources Scientific Information Center, Washington, D.C.  
 Administrative Manager, Washington, D.C.  
 Staff Assistant, Office of Administrative Manager, Washington, D.C.  
 Chief, Contracts and Grants Management Division, Washington, D.C.  
 Assistant Chief, Contracts and Grants Management Division, Washington, D.C.  
 Contract Specialist, Contracts and Grants Management Division, Washington, D.C.  
 Chief, Management Services Division, Washington, D.C.  
 Assistant Director, Saline Water Conversion, Washington, D.C.  
 General Engineer, Office of Assistant Director, Saline Water Conversion, Washington, D.C.  
 Chief, Membrane Processes Division, Washington, D.C.  
 Physical Scientist, Membrane Processes Division, Washington, D.C.  
 Chief, Thermodynamic Processes Division, Washington, D.C.  
 General Engineer, Thermodynamic Processes Division, Washington, D.C.  
 Chief, Facilities Engineering Design and Construction Division, Washington, D.C.  
 General Engineer (2), Facilities Engineering Design and Construction Division, Washington, D.C.  
 Manager, Wrightsville Beach Test Facility, Wrightsville Beach, N. Car.  
 Manager, Roswell Test Facility, Roswell, N. Mex.  
 Manager, Fountain Valley Test Facility, Fountain Valley, Calif.

[FR Doc.75-33816 Filed 12-15-75;8:45 am]

#### Title 46—Shipping

### CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION MARINE INVESTIGATION REGULATIONS Disclosure of Records and Information CFR Correction

In 46 CFR Parts 1-29, Revised as of October 1, 1975 the following corrections are made:

1. Sections 4.13-5 thru 4.13-40 appearing on page 36 and corresponding table of contents entries on page 29 should be deleted.

2. Sections 5.50-5 and 5.50-10 appearing on page 63, and corresponding table of contents entries on page 39 should be deleted.

3. Sections 14.15-5 thru 14.15-15 appearing on page 146, and corresponding table of contents entries on page 141 should be deleted.

#### Title 47—Telecommunication

### CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 75-1289]

#### PART 0—COMMISSION ORGANIZATION

##### Delegations of Authority to the Chief, Common Carrier Bureau; Correction

1. In the Order, FCC 75-1151, 56 FCC 2d —, (released October 21, 1975), (40 FR 50035) the Commission adopted procedural modifications of § 0.291 of the Commission's rules with the respect to Delegations of Authority to the Chief, Common Carrier Bureau. The following corrections are intended to clarify the extent of authority delegated.

1. At paragraph 1, line 5: delete parenthetical phrase.

2. At paragraph 1, line 9, after "... Commission.": insert "The proposal continues the delegation of joint authority to the Chief, Common Carrier Bureau and to the Chief, Safety and Special Radio Services Bureau to act upon applications involving common carrier matters in the maritime mobile service, aeronautical mobile service and in the fixed service in Alaska.

Adopted: November 25, 1975.

Released: December 1, 1975.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc.75-33838 Filed 12-15-75;8:45 am]

[Docket No. 20444; RM No. 2430;  
FCC 75-1316]

#### PART 91—INDUSTRIAL RADIO SERVICES

##### Industrial Communications Emergency Plan

##### Correction

In FR Doc. 75-33344, appearing on page 57684 in the issue of Thursday, December 11, 1975, make the following correction on page 57685: In the first column, the two lines immediately above the heading "Subpart Q—Emergency Communications" should read "B. New Subpart Q is added to Part 91 as follows:".

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

PART 103—TRANSPORTATION OF DANGEROUS ARTICLES AND MAGNETIZED MATERIALS

Carriage of Certain Hazardous Materials on Cargo-Only Aircraft as Only Means of Transportation

CROSS REFERENCE: For a document issued by the Materials Transportation Bureau, Department of Transportation, see FR document 75-33834, appearing elsewhere in this issue.

Title 50—Wildlife and Fisheries

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

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

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Reclassification of the American Alligator and Other Amendments; Correction

In FR Doc. 75-31134 appearing at page 53399 in the FEDERAL REGISTER of Tuesday, November 18, 1975, the following changes should be made:

1. Item number 21 is corrected to read "section 17.45 Special rules—snails and clams [Reserved]".

2. Item number 24 is corrected to read "On page 44425, section 17.23(b) (4) (ii) is corrected to read "Became binding prior to the date when the notice of a review of the status of the species or the notice of proposed rulemaking proposing to list such wildlife as endangered was published in the FEDERAL REGISTER, whichever is earlier;".

Dated: December 10, 1975.

GEORGE W. MILLAS,  
Acting Director,

U.S. Fish and Wildlife Service.

[FR Doc.75-33842 Filed 12-15-75;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 INTERIOR

U.S. Fish and Wildlife Service

[ 50 CFR Part 17 ]

### ENDANGERED AND THREATENED WILDLIFE AND PLANTS

#### Proposed Determination of Critical Habitat for Snail Darter, American Crocodile, Whooping Crane, California Condor, Indiana Bat and Florida Manatee

The Director, United States Fish and Wildlife Service, hereby issues a proposed rulemaking which would determine critical habitat for six endangered species, pursuant to section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543). An interpretation of the term critical habitat was published by the Fish and Wildlife Service and the National Marine Fisheries Service in the FEDERAL REGISTER of April 22, 1975 (40 FR 17764-17765), and a notice of intent to determine critical habitat for five of the six species named below was published by the Fish and Wildlife Service in the FEDERAL REGISTER of May 16, 1975 (40 FR 21499-21500).

The areas delineated below do not necessarily include the entire critical habitat of any of the name species, and modifications to critical habitat descriptions may be proposed in the future. In accordance with section 7 of the Endangered Species Act of 1973, all Federal departments and agencies would be required to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of the critical habitat of the six named species found within the areas delineated below.

It is recognized that some of the delineated areas are large and may contain man-made structures, settlements, and other localities that are not of primary use to the species involved. It should be stressed, however, that this is only a proposed rulemaking that is setting forth the outer parameters of the critical habitat areas in question, and that based upon the comments received and additional studies conducted by the Fish and Wildlife Service, the final rulemaking will exclude those settlements and structures devoid of critical habitat significance.

Until the issuance of additional guidelines, all Federal departments and agencies should, in accordance with section 7 of the Endangered Species Act, consult with the Secretary of the Interior with respect to any actions which might reasonably be expected to affect critical habitat within the delineated areas.

#### BASIS FOR DETERMINATION

##### SNAIL DARTER (*Percina (Imostoma) sp.*)

*Tennessee.* Critical habitat for the snail darter extends from river mile 0.5 to river mile 17 of the Little Tennessee River, Loudon County, Tennessee. River miles 0.5 through 17 are shown on a map entitled "Tellico Project," prepared by the Tennessee Valley Authority (TVA), Bureau of Water Control Planning, August 1965 (map 65-MS-453 K 501). River mile 17 is two river miles below the U.S. Highway 411 bridge over the Little Tennessee River, and is near Rose Island; river mile 0.5 on the Little Tennessee River is one half mile upstream from its confluence with the Tennessee River. Presently, this section of river is the only known existing habitat of the snail darter. In portions of this area, certain conditions exist which are required by the species, and the disruption of these conditions would lead to decline or extinction of the snail darter.

##### AMERICAN CROCODILE (*Crocodylus acutus*)

*Florida.* All land and water within the following boundary: beginning at the easternmost tip of Turkey Point, Dade County, on the coast of Biscayne Bay; thence southeastward along a straight line to Christmas Point at the southernmost tip of Elliot Key; thence southwestward along a line following the shores of the Atlantic Ocean side of Old Rhodes Key, Palo Alto Key, Angelfish Key, Key Largo, Plantation Key, Windley Key, Upper Matecumbe Key, Lower Matecumbe Key, and Long Key, to the westernmost tip of Long Key; thence northward along a straight line to the termination of the main Everglades National Park road at Flamingo; thence to a point ten road miles northeastward along the main Everglades National Park road; thence northeastward along a straight line to the point of beginning. The delineated area must be considered an absolute minimum amount of critical habitat for the American crocodile in Florida. The current population of the State, with only 200 to 300 individuals, is concentrated in this area and is dependent upon the included habitat of Florida Bay and associated brackish marshes, swamps, creeks, and canals. All known breeding females, of which there are less than ten in Florida, inhabit and nest in the delineated area.

##### Whooping Crane (*Grus americana*)

*Texas.* An area of land, water, and airspace with a boundary as follows: beginning at a point where Texas State

Highway 35 crosses the Refugio-Aransas county line; thence eastward along the Refugio-Aransas county line to the point at which this line reaches San Antonio Bay; thence northeastward across San Antonio Bay to the western-most tip of Swan Point, Calhoun County; thence southeastward along a straight line drawn through the westernmost tip of Vanderveer Island on the south side of Espiritu Santo Bay and through Matagorda Island to the point at which the line reaches the coast of the Gulf of Mexico; thence southwestward along the outer shores of Matagorda and St. Joseph Islands to a point five statute miles southwest of Cedar Bayou; thence northwestward to the point at which the Texas State Highway 35 bridge over Aransas Bay reaches the Lamar Peninsula; thence northward along Texas State Highway 35 to the point of beginning. This area is the only wintering site of the last surviving wild population of whooping cranes. The population is entirely dependent on this area and on the food supplies, cover and isolation that it provides.

*Oklahoma.* Salt Plains National Wildlife Refuge, Alfalfa County. This area provides an important stopping site on the migration route of the whooping crane. A number of the birds are known to have utilized the site during most years of the last decade.

*Kansas.* Quivira National Wildlife Refuge, Stafford, Reno, and Rice Counties; and Cheyenne Bottoms State Waterfowl Management Area, Barton County. These areas provide important stopping sites on the migration route of the whooping crane. A number of the birds are known to have utilized each of the sites during most years of the last decade.

*Nebraska.* An area of land, water, and airspace with a boundary as follows: beginning at the junction of U.S. Highway 283 and U.S. Highway 30 at Lexington, Dawson County; thence eastward along U.S. Highway 30 to its junction with U.S. Highway 281 near Grand Island, Hall County; thence southward along U.S. Highway 281 to its junction with U.S. Highway 136 at Red Cloud, Webster County; thence westward along U.S. Highway 136 to its junction with U.S. Highway 183 at Alma, Harlan County; thence northward along U.S. Highway 183 to its junction with U.S. Highway 34 at Holrege, Phelps County; thence westward along U.S. Highway 34 to its junction with Nebraska State Highway 23; thence northwestward along Nebraska State Highway 23 to its junction with U.S. Highway 283 at Elwood, Gosper

County; thence northward along U.S. Highway 283 to the point of beginning. This area of the Platte River Valley and wet prairie to the south forms the most important stopping site on the migration route of the whooping crane. Historical data show that this area, sometimes called the "Big Bend" area of the Platte River, was a focal point through which the whooping cranes passed before spreading out to their wintering grounds to the south and their breeding grounds to the north. There are more old records of the presence of the species here than in any other part of the migration route, and recent confirmed records indicate continued heavy use within the last few years. Available information indicates that the combination of the Platte River channel, and adjacent wet meadows, rainwater basins, and farmlands form a unique association of habitats that is the most valuable part of the entire migration route of the species. Reduction in the quality or size of this habitat association, especially in the water level of the area, could be expected to have an adverse effect on the surviving population of the species.

**Idaho.** Grays Lake National Wildlife Refuge, and all land and water within one mile of the boundaries of this refuge, Bonneville and Caribou Counties. This area is the site of an experimental project in which whooping crane eggs, taken from nests in Canada, were placed in the nests of sandhill cranes (*Grus canadensis*) at Grays Lake. It is hoped that the sandhill cranes will raise the whooping crane hatchlings to maturity, thereby establishing a new flock of whooping cranes in the wild.

**Colorado.** Monte Vista National Wildlife Refuge, Alamosa and Rio Grande Counties, and Alamosa National Wildlife Refuge, Alamosa and Conejos Counties. These areas are the most important stopping sites on the migration route of the sandhill cranes that are serving as "foster parents" of the whooping cranes hatched in the Grays Lake experiment.

**New Mexico.** All areas at or below 4,600 feet in elevation of Bosque del Apache National Wildlife Refuge, Socorro County. This area is the primary wintering ground of the sandhill cranes that are serving as "foster parents" of the whooping cranes hatched in the Grays Lake Experiment.

CALIFORNIA CONDOR (GYMNOGYPUS CALIFORNICUS)

**California.** *Sespe-piru Condor Area:* an area of land, water, and airspace to an elevation of not less than 3,000 feet above the terrain, in Ventura and Los Angeles Counties, with the following components (San Bernardino Meridian): Sespe Condor Sanctuary, as delineated by Public Land Order 695 (January 1951): T4N R20W sec. 2, 5-10, N $\frac{1}{2}$  sec. 11; T4N R21W Sec. 1-3, 10-12 N $\frac{1}{4}$  Sec. 13, N $\frac{1}{4}$  Sec. 14, N $\frac{1}{4}$  Sec. 15; T5N R18W Sec. 4-9, 18, 19, 30, 31, N $\frac{1}{2}$  Sec. 3, N $\frac{1}{2}$  Sec. 17; T5N R21W Sec. 1-4, 9-16, 21-28, 33-36; T6N R18W Sec. 7-11, 14-23, 26-35; T6N R19W Sec. 7-36; T6N

R20W Sec. 8-36; T6N R21W Sec. 13-36; T6N R22W Sec. 3-26, 35, 36; T6N R23W Sec. 1-3, 10-14, 24, N $\frac{1}{2}$  Sec. 23; T7N R22W Sec. 31; T7N R23W Sec. 34-36. *Matilija Condor Area:* an area of land, water, and airspace to an elevation of not less than 3,000 feet above the terrain, in Ventura and Santa Barbara Counties, with the following components (San Bernardino Meridian): T5N R24W W $\frac{1}{2}$  Sec. 3, Sec. 4-11, 14, 15, N $\frac{1}{2}$  Sec. 16, N $\frac{1}{4}$  Sec. 17; T5N R25W E $\frac{1}{2}$  Sec. 1, NE $\frac{1}{4}$  Sec. 12; T5 $\frac{1}{2}$ N R24W Sec. 31-34; T6N R24W S $\frac{1}{2}$  Sec. 32, S $\frac{1}{2}$  Sec. 33, S $\frac{1}{2}$  Sec. 34. *Sisquoc-San Rafael Condor Area:* an area of land, water, and airspace to an elevation of not less than 3,000 feet above the terrain, in Santa Barbara County, with the following components (San Bernardino Meridian): T6N R26W Sec. 5, 6; T6N R27W Sec. 1, 2; T7N R26W Sec. 5-8, 17-20, 29-32; T7N R27W Sec. 1-14, 23-26, 35, 36. T7N R28W Sec. 1, 2, 11, 12; T8N R26W Sec. 19-22, 27-34; T8N R27W Sec. 19-36. *Hi Mountain-Beartrap Condor Areas:* areas of land, water, and airspace to an elevation of not less than 3,000 feet above the terrain in San Luis Obispo County, with the following components (Mt. Diablo Meridian): T30S R16E Sec. 13, 14, 23-26, SE $\frac{1}{4}$  Sec. 11, S $\frac{1}{2}$  Sec. 12; T30S R17E Sec. 17-20, 29, 30; T31S R14E Sec. 1, 2, 11, 12, E $\frac{1}{2}$  Sec. 3, E $\frac{1}{2}$  Sec. 10, N $\frac{1}{2}$  Sec. 14, N $\frac{1}{2}$  Sec. 13; T31S R15E W $\frac{1}{2}$  Sec. 6, W $\frac{1}{2}$  Sec. 7, NW $\frac{1}{4}$  Sec. 18. Sespe-Piru, Matilija, Sisquoc-San Rafael, and Hi Mountain-Beartrap condor areas, as described above, are considered critical for nesting and related year long activity.

*Mt. Pinos Condor Area:* an area of land, water, and airspace in Ventura and Kern Counties, with the following components (San Bernardino Meridian): T8N R21W W $\frac{1}{2}$  Sec. 5, Sec. 6, N $\frac{1}{2}$  Sec. 7, NW $\frac{1}{4}$  Sec. 8, T8N R22W Sec. 1, 2, E $\frac{1}{2}$  Sec. 3, NE $\frac{1}{4}$  Sec. 10, N $\frac{1}{2}$  Sec. 11, N $\frac{1}{2}$  Sec. 12; T9N R21W Sec. 31, 32, W $\frac{1}{2}$  Sec. 33; T9N R22W E $\frac{1}{2}$  Sec. 35, Sec. 36. *Blue Ridge Condor Area:* an area of land, water, and airspace in Tulare County, with the following components (Mt. Diablo Meridian): T19S R29E Sec. 5-9, 15-22, 27-30, The Mt. Pinos and Blue Ridge Condor areas, as described above, are considered critical for roosting.

*Tejon Ranch:* an area of land, water, and airspace in Kern County, with the following components (San Bernardino Meridian): R16W T10N, R17W T10N, R17W T11N, R18W T9N, R18W T10N, R19W T10N. *Kern County rangelands:* an area of land, water, and airspace in Kern County between California State Highway 65 and the western boundary of Sequoia National Forest, with the following components (Mt. Diablo Meridian): R29E T25S, R29E T26S, R30E T25S, R30E T26S. *Tulare County rangelands:* an area of land, water, and airspace in Tulare County between California State Highway 65, State Highway 198, and the western boundary of Sequoia National Forest, with the following components (Mt. Diablo Meridian): R28E T18S (all sections); R28E T19S (all sections); R28E T20S (all sections); R28E T21S

Sec. 1-18; R29E T20S (all sections); R29E T21S Sec. 1-18. The Tejon Ranch, Kern County rangelands, and Tulare County rangelands, as described above, are considered critical for feeding and related activities. The Tejon Ranch is very important because it contains the only significant feeding habitat remaining in close proximity to the Sespe-Piru condor nesting area. In most cases condor feeding habitat is not so restricted as nesting and roosting sites, and only certain portions of the areas described above are needed at any one time. Because, however, the location of food is directly related to both condor distribution and reproductive success, substantial areas of open range, with adequate food, and limited development and disturbance, would have to be preserved in each delineated area in order to maintain the species.

INDIANA BAT (*Myotis sodalis*)

**Illinois.** Blackball Mine, La Salle County.

**Indiana.** Big Wyandotte Cave, Crawford County; Ray's Cave, Greene County.

**Kentucky.** Bat Cave, Carter County; Coach Cave, Edmonson County.

**Missouri.** Cave 021, Crawford County; Cave 009, Franklin County; Cave 017, Franklin County; Pilot Knob Mine, Iron County; Bat Cave, Shannon County; Cave 029, Washington County (numbers assigned by Division of Ecological Services, U.S. Fish and Wildlife Service, Region 6).

**Tennessee.** White Oak Blowhole Cave, Blount County.

**West Virginia.** Hellhole Cave, Pendleton County.

The precise localities of these caves and mines are on file with the U.S. Fish and Wildlife Service. Approximately 94 percent of the known Indiana bat population hibernates at these sites. The bats are entirely dependent on the shelter provided by these caves and mines during the winter. Their loss or subjection to excessive disturbance or modification would lead to the near or total extinction of the species. Riparian habitat is also believed to be essential to the bat for feeding and reproduction. These habitats are currently being evaluated and may be proposed in the future as critical habitat.

FLORIDA MANATEE (*TRICHECHUS MANATUS*)

**Florida.** Crystal River and its headwaters known as King's Bay, Citrus County; the Little Manatee River downstream from the U.S. Highway 301 bridge, Hillsborough County; the Manatee River downstream from the Lake Manatee Dam, Manatee County; the Myakka River downstream from Myakka River State Park, Sarasota and Charlotte Counties; the Peace River downstream from the Florida State Highway 760 bridge, De Soto and Charlotte Counties; Charlotte Harbor north of the Charlotte-Lee County line, Charlotte County; Caloosahatchee River downstream from the Florida State Highway 31 bridge, Lee County; all U.S. territorial waters

adjoining the coast and islands, and all connected bays and estuaries, and rivers from Gordon's Pass, near Naples, Collier County, southward to and including Whitewater Bay, Monroe County; all waters of Card, Barnes, Blackwater, Little Blackwater, Manatee, and Buttonwood Sounds between Key Largo, Monroe County, and the mainland of Dade County; Biscayne Bay, and all adjoining and connected lakes, rivers, canals, and waterways from the southern tip of Key Biscayne northward to and including Maule Lake, Dade County; all of Lake Worth, from its northernmost point immediately south of the intersection of U.S. Highway 1 and Florida State Highway A1A southward to its southernmost point immediately north of the town of Boynton Beach, Palm Beach County; the Loxahatchee River and its headwaters, Martin and West Palm Beach Counties; that section of the intracoastal waterway from the town of Sewalls Point, Martin County to Jupiter Inlet, Palm Beach County; the entire inland section of water known as the Indian River, from its northernmost point immediately south of the intersection of U.S. Highway 1 and Florida State Highway 3, Volusia County, southward to its southernmost point near the town of Seawalls Point, and the entire inland section of water known as the Banana River and all waterways between the Indian and Banana Rivers, Orange and Brevard Counties; the St. Johns River, including Lake George, and including Blue Springs and Silver Glen Springs from their points of origin to their confluences with the St. Johns River; that section of the Intracoastal Waterway from its confluence with the St. Marys River on the Georgia-Florida border to the Florida State Highway A1A bridge south of Coastal City, Nassau and Duval Counties.

The delineated areas contain the largest concentrations of manatees in the United States, and are the only areas that presently can be defined as having major dependent populations. The Crystal River and its King's Bay headwaters form one of the largest natural warm water resources for manatees. Up to 60 manatees possibly representing six to ten percent of the total population of the species in the United States, utilize this refugium during cold weather periods. The Little Manatee, Manatee, Myakka, and Peace rivers, and Charlotte Harbor all support large manatee concentrations. Manatees also utilize the Caloosahatchee River and associated coastal areas. The warm water discharge of the Florida Power and Light Company Ft. Meyers power plant into the Orange River, on the south bank of the Caloosahatchee River at Tice, is known to attract as many as 75 manatees during cold periods. The area off the coast of Collier and Monroe Counties, southwestern Florida, is the center of a large, but uncounted manatee population. This population is at least partially resident and is dependent on the extensive local growths

of *Thalassia* and *Diplanthera* as a primary food resource. Concentrations of as many as 75 manatees are observed in Whitewater Bay. The waterway formed by Card, Barnes, Blackwater, and Buttonwood sounds may constitute the manatee's essential thoroughfare between Miami-Biscayne Bay and the lower Keys and Florida Bay.

#### PROCEDURES

The rule proposed in this notice will be followed by a more complete rulemaking on the entire subject of critical habitat. That rulemaking will codify, among other things, the criteria for determining critical habitat and general rules for Federal agencies. At the time that this future rulemaking is adopted, the specific determinations proposed here for these six species will become part of that rulemaking. In the interim, this special designation of critical habitat, upon final rulemaking, will be found in new §§ 17.81 through 17.86, under Subpart F—Critical Habitats, 50 CFR Part 17. This Subpart was proposed to be added to Part 17 by the proposed regulation for determining critical habitat for the Mississippi sandhill crane (40 FR 40521-40522, September 3, 1975).

#### PUBLIC COMMENTS SOLICITED

The Director intends that finally adopted rules be as responsive as possible to the conservation of the critical habitat of endangered and threatened species. The Director therefore desires to obtain the comments and suggestions of the public, other concerned government agencies, and private interests on these proposed rules.

Final promulgation of critical habitat regulations will take into consideration the comments received by the Director. Such comments and any additional information received may lead the Director to adopt final regulations that differ from this proposal.

#### SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, P.O. Box 19183, Washington, D.C. 20036. All relevant comments received no later than February 20, 1976, will be considered. The Service will attempt to acknowledge receipt of comments, but substantive responses to individual comments may not be provided. Comments received will be available for public inspection during normal business hours at the Service's Office in Suite 600, 1612 K Street NW., Washington, D.C.

Accordingly, it is hereby proposed to amend 50 CFR Part 17 to determine critical habitat for the following endangered species, as shown below.

Dated: November 12, 1975.

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

1. Amend the proposed Subpart F, 50 CFR Part 17, by adding the following new §§ 17.81 through 17.86.

#### Subpart F—Critical Habitat

Sec.	
17.81	Snail darter.
17.82	American crocodile.
17.83	Whooping crane.
17.84	California condor.
17.85	Indiana bat.
17.86	Florida manatee.

#### Subpart F—Critical Habitat

##### § 17.81 Snail darter.

(a) The following area is critical habitat for the snail darter (*Percina (Imostoma) sp.*): From river mile 0.5 to river mile 17 of the Little Tennessee River, Loudon County, Tennessee, as shown on a map entitled "Tellico Project", prepared by Tennessee Valley Authority, Bureau of Water Control Planning, August 1965 (map 65-MS-453 K 501).

(b) Pursuant to section 7 of the act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of this critical habitat area.

##### § 17.82 American crocodile.

(a) The following area is critical habitat for the American crocodile (*Crocodylus acutus*): All land and water within the following boundary in Florida: beginning at the easternmost tip of Turkey Point, Dade County, on the coast of Biscayne Bay; thence southeastward along a straight line to Christmas Point at the southernmost tip of Elliott Key; thence southwestward along a line following the shores of the Atlantic Ocean side of Old Rhodes Key, Palo Alto Key, Angelfish Key, Key Largo, Plantation Key, Windley Key, Upper Matecumbe Key, Lower Matecumbe Key, and Long Key, to the westernmost tip of Long Key; thence northward along a straight line to the termination of the main Everglades National Park road at Flamingo; thence to a point ten road miles northeastward along the main Everglades National Park road; thence northeastward along a straight line to the point of beginning.

(b) Pursuant to section 7 of the act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of this critical habitat area.

##### § 17.83 Whooping crane.

(a) The following areas are critical habitat for the whooping crane (*Grus americana*):

(i) Texas. An area of land, water, and airspace within Texas with a boundary as follows: beginning at a point where Texas State Highway 35 crosses the Refugio-Aransas County line; thence eastward along the Refugio-Aransas county line to the point at which this line reaches San Antonio Bay; thence north-eastward across San Antonio Bay to the

westernmost tip of Swan Point, Calhoun County; thence southeastward along a straight line drawn through the westernmost tip of Vanderveer Island on the south side of Espiritu Santo Bay and through Matagorda Island to the point at which the line reaches the coast of the Gulf of Mexico; thence southwestward along the outer shores of Matagorda and St. Joseph Islands to a point five statute miles southwest of Cedar Bayou; thence northwestward to the point at which the Texas State Highway 35 bridge over Aransas Bay reaches the Lamar Peninsula; thence northward along Texas State Highway 35 to the point of beginning.

(ii) *Oklahoma*. Salt Plains National Wildlife Refuge, Alfalfa County.

(iii) *Kansas*. Quivira National Wildlife Refuge, Stafford, Reno and Rice Counties; and Cheyenne Bottoms State Waterfowl Management Area, Barton County.

(iv) *Nebraska*. An area of land, water, and airspace within Nebraska with a boundary as follows: beginning at the junction of U.S. Highway 283 and U.S. Highway 30 at Lexington, Dawson County; thence eastward along U.S. Highway 30 to its junction with U.S. Highway 281 near Grand Island, Hall County; thence southward along U.S. Highway 281 to its junction with U.S. Highway 136 at Red Cloud, Webster County; thence westward along U.S. Highway 136 to its junction with U.S. Highway 183 at Alma, Harlan County; thence northward along U.S. Highway 183 to its junction with U.S. Highway 34 at Holrege, Phelps County; thence westward along U.S. Highway 34 to its junction with Nebraska State Highway 23; thence northwestward along Nebraska State Highway 23 to its junction with U.S. Highway 283 at Elwood, Gosper County; thence northward along U.S. Highway 283 to the point of beginning.

(v) *Idaho*. Grays Lake National Wildlife Refuge, and all land and water within one mile of the boundaries of this refuge, Bonneville and Caribou Counties.

(vi) *Colorado*. Monte Vista National Wildlife Refuge, Alamosa and Rio Grande Counties; and Alamosa National Wildlife Refuge, Alamosa and Conejos Counties.

(vii) *New Mexico*. All areas at or below 4,600 in elevation of Bosque del Apache National Wildlife Refuge, Socorro County.

(b) Pursuant to section 7 of the act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded or carried out by them do not result in the destruction or modification of these critical habitat areas.

#### § 17.84 California condor.

(a) The following areas in California are critical habitat for the California condor (*Gymnogyps californicus*):

(i) *Sespe-Piru Condor Area*: an area of land, water, and airspace to an elevation of not less than 3,000 feet above the terrain, in Ventura and Los Angeles Counties, with the following components

(San Bernardino Meridian): Sespe Condor Sanctuary, as delineated by Public Land Order 695 (January 1951); T4N R20W Sec. 2, 5-10, N $\frac{1}{2}$  Sec. 11; T4N R21W Sec. 1-3, 10-12, N $\frac{1}{4}$  Sec. 13, N $\frac{1}{2}$  Sec. 14, N $\frac{1}{4}$  Sec. 15; T5N R18W Sec. 4-9, 18, 19, 30, 31, N $\frac{1}{2}$  Sec. 3, N $\frac{1}{2}$  Sec. 17; T5N R21W Sec. 1-4, 9-16, 21-28, 33-36; T6N R18W Sec. 7-11, 14-23, 26-35; T6N R19W Sec. 7-36; T6N R20W Sec. 8-36; T6N R21W Sec. 13-36; T6N R22W Sec. 3-26, 35, 36; T6N R23W Sec. 1-3, 10-14, 24, N $\frac{1}{2}$  Sec. 23; T7N R22W Sec. 31; T7N R23W Sec. 34-36.

(ii) *Matilija Condor Area*: an area of land, water, and airspace to an elevation of not less than 3,000 feet above the terrain, in Ventura and Santa Barbara Counties, with the following components (San Bernardino Meridian): T5N R24W W $\frac{1}{2}$  Sec. 3, Sec. 4-11, 14, 15, N $\frac{1}{2}$  Sec. 16, N $\frac{1}{4}$  Sec. 17; T5N R25W E $\frac{1}{2}$  Sec. 1, NE $\frac{1}{4}$  Sec. 12; T5 $\frac{1}{2}$ N R24W Sec. 31-34; T6N R24W S $\frac{1}{2}$  Sec. 32, S $\frac{1}{2}$  Sec. 33, S $\frac{1}{2}$  Sec. 34.

(iii) *Sisquoc-San Rafael Condor Area*: an area of land, water, and airspace to an elevation of not less than 3,000 feet above the terrain, Santa Barbara County, with the following components (San Bernardino Meridian): T6N R26W Sec. 5, 6; T6N R27W Sec. 1, 2; T7N R26W Sec. 5-8, 17-20, 29-32; T7N R27W Sec. 1-14, 23-26, 35, 36; T7N R28W Sec. 1, 2, 11, 12; T8N R28W Sec. 19-22, 27-34; T8N R27W Sec. 19-36.

(iv) *Hi Mountain-Beartrap Condor Areas*: areas of land, water, and airspace to an elevation of not less than 3,000 feet above the terrain in San Luis Obispo County, with the following components (Mt. Diablo Meridian): T30S R16E Sec. 13, 14, 23-26, SE $\frac{1}{4}$  Sec. 11, S $\frac{1}{2}$  Sec. 12; T30S R17E Sec. 17-20, 29, 30; T31S R14E Sec. 1, 2, 11, 12, E $\frac{1}{2}$  Sec. 3, E $\frac{1}{2}$  Sec. 10, N $\frac{1}{2}$  Sec. 14, N $\frac{1}{2}$  Sec. 13; T31S R15E W $\frac{1}{2}$  Sec. 6, W $\frac{1}{2}$  Sec. 7, NW $\frac{1}{4}$  Sec. 18.

(v) *Mt. Pinos Condor Area*: An area of land, water, and airspace in Ventura and Kern Counties, with the following components (San Bernardino Meridian): T8N R21W W $\frac{1}{2}$  Sec. 5, Sec. 6, N $\frac{1}{2}$  Sec. 7, NW $\frac{1}{4}$  Sec. 8; T8N R22W Sec. 1, 2, E $\frac{1}{2}$  Sec. 3, NE $\frac{1}{4}$  Sec. 10, N $\frac{1}{2}$  Sec. 11, N $\frac{1}{2}$  Sec. 12; T9N R21W Sec. 31, 32, W $\frac{1}{2}$  Sec. 33; T9N R22W E $\frac{1}{2}$  Sec. 35, Sec. 36.

(vi) *Blue Ridge Condor Areas*: An area of land, water, and airspace in Tulare County, with the following components (Mt. Diablo Meridian): T19S R29E Sec. 5-9, 15-22, 27-30.

(vii) *Tejon Ranch*: an area of land, water, and airspace in Kern County, with the following components (San Bernardino Meridian): R16W T10N, R17W T10N, R17W T11N, R18W T9N, R18W T10N, R19W T10N.

(viii) *Kern County rangelands*: an area of land, water, and airspace in Kern County between California State Highway 65 and the western boundary of Sequoia National Forest, with the following components (Mt. Diablo Meridian): R29E T25S, R29E T26S, R30E T25S, R30E T26S.

(ix) *Tulare County rangelands*: an area of land, water, and airspace in Tu-

lare County between California State Highway 65, State Highway 198, and the western boundary of Sequoia National Forest, with the following components (Mt. Diablo Meridian): R28E T18S (all sections); R28E T19S (all sections); R28E T20S (all sections); R28E T21S Sec. 1-18; R29E T20S (all sections); R29E T21S Sec. 1-18.

(b) Pursuant to section 7 of the act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these critical habitat areas.

#### § 17.85 Indiana bat.

(a) The following areas are critical habitat for the Indiana bat (*Myotis sodalis*):

(i) *Illinois*. The Blackball Mine, La Salle County.

(ii) *Indiana*. Big Wyandotte Cave, Crawford County; Ray's Cave, Greene County.

(iii) *Kentucky*. Bat Cave, Carter County; Coach Cave, Edmonson County.

(iv) *Missouri*. Cave 021, Crawford County; Cave 009, Franklin County; Cave 017, Franklin County; Pilot Knob Mine, Iron County; Bat Cave, Shannon County; Cave 029, Washington County (numbers assigned by Division of Ecological Services, U.S. Fish and Wildlife Service, Region 61).

(v) *Tennessee*. White Oak Blowhole Cave, Blount County.

(vi) *West Virginia*. Hellhole Cave, Pendleton County.

(b) Pursuant to section 7 of the act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these critical habitat areas.

#### § 17.86 Florida manatee.

(a) The following areas in Florida are critical habitat for the Florida manatee (*Trichechus manatus*): Crystal River and its headwaters known as King's Bay, Citrus County; the Little Manatee River downstream from the U.S. Highway 301 bridge, Hillsborough County; the Manatee River downstream from the Lake Manatee Dam, Manatee County; the Myakka River downstream from Myakka River State Park, Sarasota and Charlotte Counties; the Peace River downstream from the Florida State Highway 760 bridge, De Soto and Charlotte Counties; Charlotte Harbor north of the Charlotte-Lee county line, Charlotte County; Caloosahatchee River downstream from the Florida State Highway 31 bridge, Lee County; all U.S. territorial waters adjoining the coast and islands of Lee County; all U.S. territorial waters adjoining the coast and islands and all connected bays, estuaries, and rivers from Gordon's Pass, near Naples, Collier County, southward to and including Whitewater Bay, Monroe County; all waters of Card, Barnes, Blackwater, Little Blackwater, Manatee, and Buttonwood sounds between Key Largo, Monroe

County, and the mainland of Dade County; Biscayne Bay, and all adjoining and connected lakes, rivers, canals, and waterways from the southern tip of Key Biscayne northward to and including Maule Lake, Dade County; all of Lake Worth, from its northernmost point immediately south of the intersection of U.S. Highway 1 and Florida State Highway A1A southward to its southernmost point immediately north of the town of Boynton Beach, Palm Beach County; the Loxahatchee River and its headwaters, Martin and West Palm Beach Counties; that section of the intracoastal waterway from the town of Sewalls Point, Martin County to Jupiter Inlet, Palm Beach County; the entire inland section of water known as the Indian River, from its northernmost point immediately south of the intersection of U.S. Highway 1 and Florida State Highway 3, Volusia County, southward to its southernmost point near the town of Sewalls Point, Martin County, and the entire inland section of water known as the Banana River and all waterways between the Indian and Banana rivers, Orange and Brevard Counties; the St. Johns River, including Lake George, and including Blue Springs and Silver Glen Springs from their points of origin to their confluences with the St. Johns River; that section of the Intracoastal Waterway from its confluence with the St. Marys River on the Georgia-Florida border to the Florida State Highway A1A bridge south of Coastal City, Nassau and Duval Counties.

(b) Pursuant to section 7 of the act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of the critical habitat area.

[FR Doc. 75-33841 Filed 12-15-75; 8:45 am]

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

[FHWA Docket No. 75-9]

[23 CFR Part 750]

### NATIONAL STANDARDS FOR DIRECTIONAL AND OFFICIAL SIGNS

#### Advance Notice of Proposed Rulemaking

The Federal Highway Administration is herein issuing an advance notice of proposed rulemaking in regard to the National Standards for Directional and Official Signs which the Department of Transportation has issued for signs along the Interstate and Federal-aid primary system containing directional information pertaining to, but not limited to, natural wonders, scenic and historical sites, pursuant to 23 U.S.C. § 131(c), as amended, at Subpart B, Part 750, Title 23, CFR, as amended.

The purpose of this advance notice of proposed rulemaking is to make available to the public and to solicit comments from interested parties on a study concerning the aforementioned subject.

Current standards permit signs of a maximum area of 150 square feet, with

a maximum width of 20 feet and a maximum length of 20 feet. However, since the issuance of the National Standards, there has been substantial controversy as to the adequacy of the standards. Some believe that the standards are too restrictive, while others believe the standards are too generous. Attention has focused specifically on the height, width, area, number, and spacing of signs. To evaluate objectively the National Standards issued, the Federal Highway Administration in cooperation with the National Bureau of Standards, investigated the effectiveness of signs erected in accordance with the standards. The completed study was made available to the public on October 17, 1975.

Copies of this study will be available after January 5, 1976, for inspection at all Regional and Division offices of the Federal Highway Administration and the Office of Chief Counsel, Room 4226, Federal Highway Administration, 400 7th Street SW., Washington, D.C. 20590. Copies are also available upon request from the foregoing office. The addresses of the Regional offices are as follows:

Federal Highway Administration—Region 1, Leo W. O'Brien Federal Building, Room 729, Clinton Avenue and North Pearl Street, Albany, New York 12207.

Federal Highway Administration—Region 3, George H. Fallon Federal Office Building, 31 Hopkins Plaza, Room 1633, Baltimore, Maryland 21201.

Federal Highway Administration—Region 4, Suite 200, 1720 Peachtree Road NW., Atlanta, Georgia 30309.

Federal Highway Administration—Region 5, 18209 Dixie Highway, Homewood, Illinois 60430.

Federal Highway Administration—Region 6, 819 Taylor Street, Fort Worth, Texas 76102.

Federal Highway Administration—Region 7, 6301 Rockhill Road, Kansas City, Missouri 64131, Mailing address: Post Office Box 19715, Kansas City, Missouri 64141.

Federal Highway Administration—Region 8, Post Office Box 25246, Building 40, Denver Federal Center, Denver, Colorado 80225.

Federal Highway Administration—Region 9, Two Embarcadero Center, Suite 530, San Francisco, California 94111, Mailing address: Post Office Box 7616, San Francisco, California 94120.

Federal Highway Administration—Region 10, Mohawk Building, Room 412, 222 SW. Morrison Street, Portland, Oregon 97204.

Federal Highway Administration—Region 15, 1000 North Giebe Road, Arlington, Virginia 22201 (Eastern Federal Highway Projects Office).

The Division offices are located in the State capitals, with the exception of those of Iowa and Maryland, which are located in Ames and Baltimore, respectively.

Data and comments on this advance notice of proposed rulemaking may be submitted to the Federal Highway Administration, Department of Transportation, Room 4226, Docket No. 75-9, 400 7th Street, SW., Washington, D.C. 20590. All written communications received by February 9, 1976, will be considered before final action is taken on this proposal. Three (3) copies of any data and comments should be submitted and reference made to Docket No. 75-9. Copies of com-

ments received will be available for examination during normal business hours, 7:45 a.m. to 4:15 p.m., at the foregoing address.

This advance notice of proposed rulemaking is issued under the authority of 23 U.S.C. § 131 and § 315; 49 CFR 1.48.

Issued on: December 9, 1975.

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

A summary of the study follows: The 1965 Highway Beautification Act made provisions for the establishment of effective control of outdoor advertising signs, displays, and devices which are visible from highways in the United States. In support of the Act, the Department of Transportation in 1969 issued National Standards for Directional and Other Official Signs. These standards apply to signs that contain directional information for attractions such as natural wonders, scenic and historical sites, and other activities deemed to be in the interest of the traveling public. Moreover, they pertain to signs located within 660 feet of the nearest edge of the right-of-way of the Interstate and Federal-aid primary system. They do not apply to signs erected on the highway right-of-way.

The standards have been controversial and have come under criticism from both commercial and environmental groups. Environmental groups have criticized the standards for being too liberal whereas commercial groups have objected to them for being too restrictive. Furthermore, private businesses that are permitted to erect directional information signs in the protected zone have criticized the standards on the grounds that they are inconsistent with the information processing requirements of the motorist. For example, The National Caves Association, an organization of privately owned and operated caverns, has criticized the standards on this basis.

The sign design constraints in the standards that have been most severely challenged concern the restrictions placed on sign height, width, area, number and spacing. The maximum sign dimensions permitted under the existing standards, including border and trim, but not supports are: area—150 square feet, height—20 feet, and width—20 feet. No more than three directional signs for a given activity and facing the same direction of travel may be located along any single approach route to the activity. No two signs may be spaced less than one mile apart and none can be located within 2,000 feet of an interchange or intersection. In addition, the signs have to be within 75 air miles of the activity for the Interstate System and within 50 air miles for the Primary System.

In response to the questions raised concerning the adequacy of the standards, the Office of Environmental Policy of the Federal Highway Administration (FHWA) requested the FHWA Office of Research to evaluate the standards on the basis of the needs of the motorist. Pursuant to this request the Office of

Research initiated a human factors evaluation of the existing standards. The National Bureau of Standards (NBS), under contract to FHWA, assisted in this evaluation by performing a review of the adequacy of the standards based on an analysis of pertinent literature and existing data. The results of the NBS review are documented in a report entitled, "An Overview of the Adequacy of National Standards for Directional and Other Official Signs." As a parallel effort the FHWA Office of Research also conducted a human factors staff study on the importance of sign location to driver information processing. The technical report presenting the results of this study is entitled, "A Laboratory Evaluation of Public Information Signs." Copies of both of these reports are included in the aforementioned study.

#### OBJECTIVE

The objective of this paper is to synthesize the results of the NBS review and FHWA staff study and summarize the important conclusions and recommendations. The primary question addressed in the analysis was: Are the present National Standards for Directional and Other Official Signs adequate in terms of the information processing requirements of the motorist? The secondary question concerned how the standards should be changed in the event they were found to be inadequate.

#### APPROACH

To address the question concerning the adequacy of the current standards, NBS completed a comprehensive literature search and review of the pertinent available data. In conjunction with the technical literature review, four experts were consulted whose published research dealt with subjects relevant to parts of the standards. The consultants performed a review of the standards and responded to questions on specific points. On the basis of the examination of the relevant technical material, two recently developed theoretical models dealing with driver information processing were identified as being applicable to the evaluation. Using these models, a theoretical analysis was performed on the standards. To provide a real world frame of reference for considering the results of the theoretical analysis, measurements were taken on signs in the field. This theoretical analysis is the primary basis for many of the conclusions and recommendations presented in the report.

In addition to the NBS work, two laboratory experiments were conducted by FHWA staff in the Office of Research. The experiments were designed to study the importance of sign angle of regard to driver information processing. The term "angle of regard" is used in this report to refer to the divergence angle between the direction of roadway travel and the driver's line of sight toward the sign. In the first experiment comparisons were made between the relative effectiveness of signs varying in size, message length, and angle of regard. The

second experiment investigated the effects of different numbers and spacings of signs on driver performance. Both experiments employed a part-task simulator which provided measures of drivers' perception and comprehension of signing information, latitudinal and longitudinal control, and decision making at roadway junctures.

**Theoretical Analysis.** The two theoretical models that were determined by NBS to be applicable to the question of adequacy of the standards were developed by King (1971) and Rockwell (1973). Both models consider the effects of vehicular velocity, perpendicular distance between the sign and roadway, sign width, number of words on the sign, and the angle of regard on the minimum viewing distance of a sign. These models assume ideal visibility conditions. The minimum viewing distance is the minimum line of sight distance at which the driver must begin reading a given sign in order to have enough time to adequately process all of its information. It is distinguished from the term, legibility distance, which refers to the maximum distance at which a sign can be read because of the characteristics of its letters and numbers. For a sign to be adequate

from the point of view of the motorist, it must satisfy both legibility and viewing distance requirements.

The King model is based on empirical research done by others in the United States and Great Britain whereas Rockwell's model is based primarily on his own eye-movement experiments. Both models use the geometries shown in Figure 1. The parameters used in the models are:

- AB = minimum viewing distance.
- AC = minimum distance required to search and acquire information from the sign (minimum information processing distance). AC is the product of the design speed and minimum information processing time of the motorist.
- DE = width of roadway.
- EF = perpendicular distance between the inner edge of the sign and the outer edge of the roadway.
- FB = one half the sign width.
- $\theta$  (theta) = maximum acceptable angle of regard which determines the last point where the driver can read the sign (terminal divergence angle).

The equations of the King and Rockwell models reduce to the following general form:

$$AB = \sqrt{(AC + (DE + EF + FB) \cot \theta)^2 + (DE + EF + FB)^2}$$

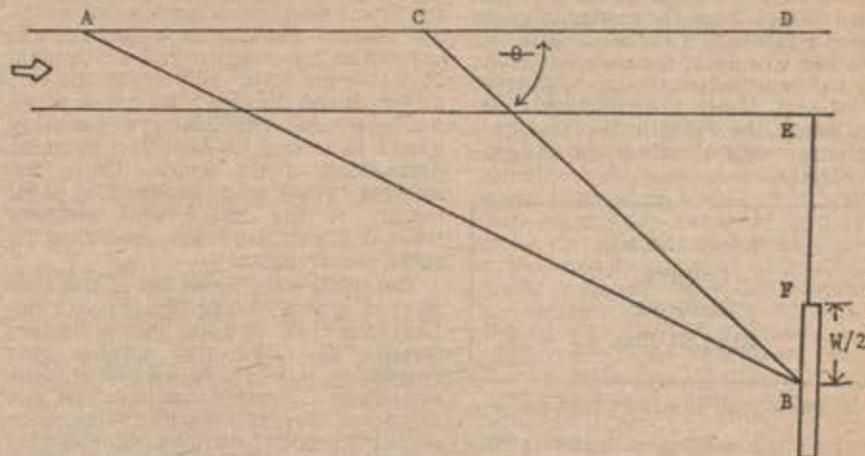


Figure 1. Geometries used in theoretical models.

The difference between the two models pertains to the assumptions on which they are based. Although the mathematical form of the models reduce to an identical equation, the different assumptions of the models affect the values assigned to some of the parameters. There are two parameters affected by the assumptions, the minimum information processing distance (AC) and the terminal divergence angle  $\theta$ . They will differ in value when the two models are compared.

The theoretical analysis performed by NBS consisted of comparing the legibility distances of signs designed according to the existing standards with their predicted minimum viewing distances as de-

termined by the Rockwell and King models. The main premise of the analysis was that for a sign to meet the information processing requirements of the driver, its maximum legibility distance had to be greater or equal to its minimum viewing distance. In other words, a sign has to be capable of being read at the point (point A in Figure 1) where the driver must begin processing its information. The assumption is that if the motorist cannot begin reading the sign at its minimum viewing distance (point A) then he cannot finish reading it before he reaches the terminal divergence angle (point C in Figure 1). This is coupled with the assumption that the driver cannot adequately process informa-

tion on the sign beyond the terminal divergence angle. Therefore, for purposes of the analysis, the current standards were considered to be inadequate under the conditions where signs were not capable of being designed so that their maximum legibility distance was more or equal to their required viewing distance.

As part of the analysis, theoretical signs were designed for testing with the King and Rockwell models. This made it necessary to determine the maximum sign dimensions which could accommodate a worst case message in compliance with the standards. Signs were designed with the worst case message displayed in three different formats. The three formats presented the message in four, three, and two lines of text. Furthermore, five signs differing in letter case and line spacing characteristics were designed for each of the three formats. This brought the total number of types of theoretical signs that were tested against the models to 15. Presented in Figure 2 is one of the theoretical signs that was evaluated. It is a sign with the worst case message in four lines of text using upper and lower case letters.

An optimum height to width ratio had to be determined for each of the 15 theoretical signs so that each could be designed to fit in a 150 square foot area where neither the height nor width exceeded 20 feet. From the optimum height to width ratios, the actual height and width was calculated for each sign along with the resulting character height per line of text. Using the optimum character height, the legibility distances were then computed for each of the 15 theoretical signs.

Schmillingrass  
Caverns  
Route 99  
Kent St Exit

FIGURE 2. Theoretical Sign Example.

Having the maximum legibility distances for the 15 theoretical signs, optimally designed in compliance with the standards, comparisons were then possible between these values and the minimum viewing distances predicted by the King and Rockwell models as a function

of perpendicular distance from the roadway edge. In addition, the sign dimensions for the equivalence point where maximum legibility distance and minimum viewing distance were equal were derived for each theoretical sign as a function of perpendicular distance. This latter analysis permitted an examination of what changes to the sign dimensions were required to maintain legibility and viewing distance requirements of signs located at various distances from the roadway.

**Laboratory Experiments.** The first laboratory experiment performed by FHWA staff concerned the effects of sign angle of regard, sign size, and message length on driver information processing. Thirty paid volunteers drove a part-task rolling road simulator and responded to sign stimuli located at 0, 14, 50, and 65 degrees relative to the roadway. These angles were chosen to represent signs positioned 0, 80, 370, and 660 feet from the pavement surface, respectively. Three sign sizes of 150, 375, and 600 square feet were simulated and two message lengths were used. One type of test sign had a short message (Deep Cave, Next Right). The other test sign had a long message (Natural Bridge Caverns, Next Exit Turn Right).

The simulator consisted of a modified AETna driving unit, originally designed for driver training, and a moving roadway display. The simulated roadway was painted on a motor driven, back-lighted, 11 inch wide Mylar loop which the test driver viewed through a 6 x 2 inch viewing aperture. The roadway geometry varied in lateral position and provided destination choice points. Using the steering wheel and accelerator pedal control of the AETna unit, subjects tracked the roadway and controlled its speed of movement.

Test signs were presented to the subjects by means of four 35mm projectors located behind 1 x 2 feet rear projection screens. The projection screens were positioned at 0, 14, 50 and 65 degrees relative to the driver's position and 10.6 feet from his eyes. Polarized filters were placed in front of each projector shutter to balance the light brightness between projectors, and the shutter opening on each projector was set for 0.5 seconds.

Each subject was instructed to drive the simulator and follow the test signs to a prescribed destination. They were told to ignore signs that were not rele-

vant to their destination, but to push the dimmer switch in the AETna cab with their foot when they identified a sign directing them to their destination. When they came to a junction in the road they were to take the appropriate direction indicated by the sign. The subjects were told to drive at their own pace.

The presentation of the signs in terms of the angle of regard, test slides, and irrelevant slides was programmed to be near random. The subjects completed three trials under each possible combination of size and angle of regard variables. On the three trials subjects were directed by the test signs to go right, left and straight ahead, respectively, at the roadway junctures. Half of the drivers, selected at random, were directed to the Deep Cave (short message) and half to Natural Bridge Caverns (long message). The order of sign presentation was changed halfway through the testing to counter balance the effects of learning.

The dependent variables for the experiment were (1) the subject's response latency to the test signs, (2) tracking variance in the vicinity of the test signs, (3) speed in the vicinity of the test signs, and (4) the number of correct choices at the roadway junctures.

The second laboratory experiment dealt with the relative effects of various numbers and spacings of signs on driver information processing. The number of test signs preceding each roadway juncture was varied between 2, 3, and 4 signs. Spacing variations included a condition where signs were spaced close together near the junction versus two conditions where the spacing distance was increased. In the second experiment all of the test signs were presented only in the two positions farthest from the road, 370 and 660 feet. Sign size was randomized and used. Otherwise, the conditions and measures were identical to those described for the first experiment.

#### RESULTS AND DISCUSSION

**Theoretical Analysis.** The results of the NBS theoretical analysis will be presented and discussed first since they are the most germane to the central question of the evaluation. Only the most significant results will be covered here, however. The reader is referred to the original report for the complete details and results.

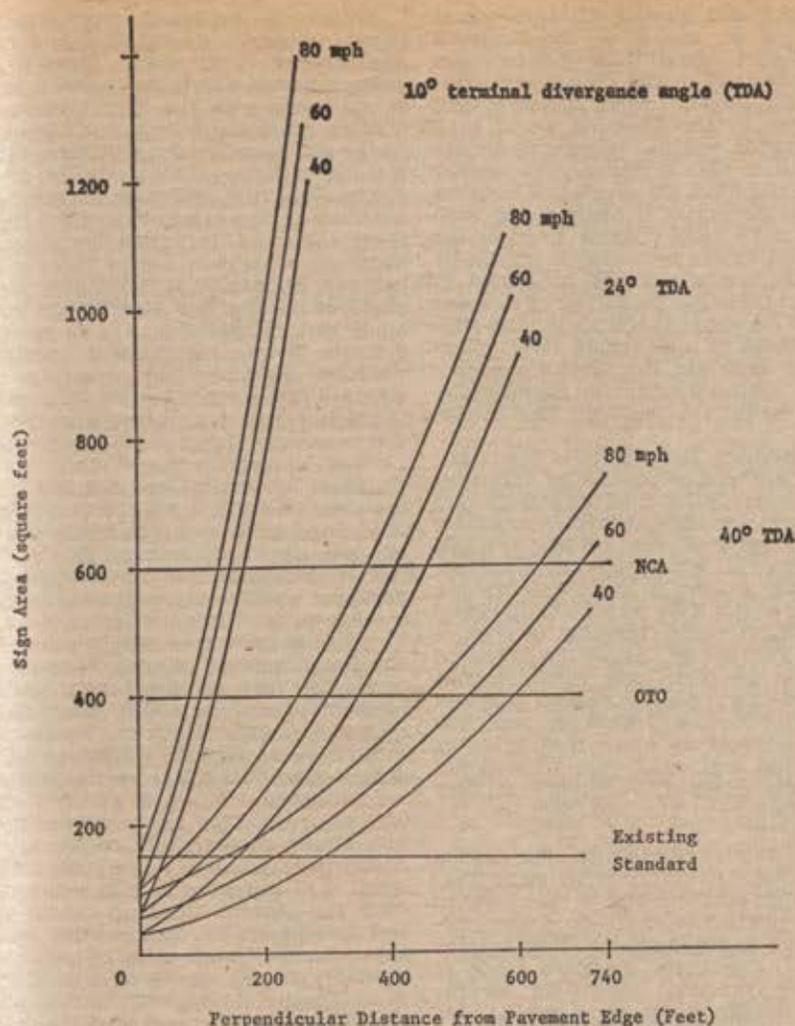


Figure 3. Required Sign Area as a function of Sign Location Parameters.

Figure 3 summarizes the most important findings of the theoretical analysis. This figure shows the conditions under which the existing standard, in terms of the square footage limitation placed on total sign size, is adequate and inadequate. It also illustrates when the standards proposed by the FHWA Office of Traffic Operations (OTO) and the National Caves Association (NCA) are adequate and inadequate. The three lines drawn horizontally across the figure mark the sign area limitations under the existing standard, the proposed OTO standard, and the standard proposed by NCA. The areas below these lines depict the conditions under which these respective standards are adequate. The area above the lines show when they are inadequate.

Plotted along the vertical axis in Figure 3 is sign area in square feet and along the horizontal axis is the perpendicular distance in feet between the inner edge of the sign and the outer edge of the roadway. The curves show how the variables, vehicle speed and terminal divergence angle (angle of regard), affect required sign area as a function of a

sign's perpendicular distance from the highway. The angle of regard values of 10, 24, and 40 degrees form three curve clusters in the figure with the lines in each cluster representing vehicular speed values of 40, 60, and 80 miles per hour.

It is apparent from Figure 3 that the existing standard, limiting the total sign area to 150 square feet, is not adequate for a large portion of the controlled 660 foot zone. For example, if the 40 mph/40° angle curve is examined, it can be seen that the existing standard becomes inadequate when a sign is placed greater than 300 feet from the edge of the highway. Similarly, the present standard is never adequate for the conditions represented by the 80 mph/10° angle curve.

It is important that the conditions represented by the curves in Figure 3 be clearly defined. As was pointed out earlier, in order for a given sign to satisfy the information processing requirements of the driver, it must be legible at its minimum viewing distance. Sign legibility is determined by many variables, but the most important one is letter size which in turn controls total sign size. On the other hand, minimum viewing dis-

tance is also affected by several variables the most critical of which are the perpendicular distance of the sign from the highway and its terminal divergence angle. Both of these variables affect the time afforded a driver to process the information on a sign. As expected the speed of the driver's vehicle is also important.

It comes down to the fact that the three major variables, sign distance from the roadway, terminal divergence angle, and the driver's speed combine to determine how large a sign must be to accommodate letter characters that are large enough to be adequately processed by the motorist. The curves in Figure 3 demonstrate how these variables relate to required sign size. It can be seen that as the terminal divergence angle increases from 10 to 40 degrees, the required sign size greatly decreases. Similarly, as the perpendicular distance between the sign and the roadway increases, much more sign area is needed. Increases in the speed at which the motorist is traveling also increases the necessary sign size.

In making the observation that the terminal angle of regard has a profound effect on required sign size, the question is raised concerning what value should be selected for this angle in determining the adequacy of the present standards. There is no evidence currently available that directly addresses this question. However, the FHWA laboratory work and work reported in Ewald and Mandelker (1971) permits some reasonable bounds to be placed on its value.

It can be argued that the 10 degree angle would be appropriate only under extreme conditions where the driver is heavily loaded in terms of visual input and demanding vehicular control actions. Such conditions exist for some urban area freeways which carry heavy traffic volumes where the interchanges are closely spaced and the driver is overloaded with visual information. As was pointed out in the NBS report, angles up to 10 degrees are within the limits that a driver can be expected to see and read roadside signs without head movement. Therefore, this angle is appropriate for the determination of sign sizes for extremely demanding driving conditions assuming line of sight requirements can be accommodated, but not as a basis for determining the overall adequacy of the present standards.

In terms of the most common driving conditions where the standards apply, it can be reasoned that a terminal divergence angle of 40 degrees is the maximum value that should be accepted. There are different views on this; e.g., Rockwell uses 30 degrees with his model. In the absence of any conclusive data, 40 degrees was considered the maximum acceptable angle to use in evaluating the present standard. It is compatible with the assumption that most of the traffic using signs where the standards apply will be moving on the average of 60 miles per hour. At 60 miles per hour, the driver can see clearly that detail which lies within an area of 110 to 1,400 feet ahead of the car and within an angle of 40 degrees (Ewald and Mandelker, 1971).

There are other assumptions upon which the values in Figure 3 are based. It is clear that the quantity of information on a sign and its design affects the curves in this figure. These curves represent a sign that can be thought of as a worst case in terms of the information content. The worst case sign used is like the one illustrated in Figure 2. It has seven words and numerals and the identification content part of the information contains 21 characters. Few if any signs are required that exceed this much content and can still conform to the content specifications of the standard. The sign represented by the curves in Figure 3 is also designed with four lines of text. This was done because all of the worst case signs designed with three and two lines of text violated the width specification of the standard when optimum height to width ratios were determined. Therefore, the optimal design of the worst case sign in terms of the existing standards for the maximum use of 150 square feet has four lines of text. In addition, the sign represented in Figure 3 has upper and lower case characters and 0.75 interline spacing.

The legibility distance per inch of character height used to determine the curves in Figure 3 was 49.8 feet per inch. This is the "rule of thumb" value used by highway engineers to estimate the legibility distances of right-of-way signs that exhibit upper and lower case series E type alphabets. The 15 theoretical signs developed by NBS were all designed on the basis of the series E alphabet characteristics. The 49.8 feet per inch legibility distance value represents a highway design driver with 20/23 visual acuity. The visual angle associated with this rule of thumb value is 1.15 minutes of arc. This means that the visual angle subtended by the stroke width of a series E type letter character on the retina of the driver's eye at 49.8 feet is 1.15 minutes of arc.

Different curves would be generated in Figure 3 for each of the 15 theoretical signs analyzed by NBS. This is because the spacing and upper and lower case characteristics of the letters affect the legibility distances of the signs. For example, signs that exhibit all upper case letters have a legibility distance of 43.0 feet per inch of character height. Therefore in terms of maximum exploitation of the standards, signs with upper and lower case characters are more effective than those with all upper case letters because they exhibit greater legibility distances. The sign used to generate the curves in Figure 3 has optimum legibility characteristics.

The final qualification that must be stated about the theoretical analysis relates to the characteristics of the model used to determine the minimum viewing distances that were in turn employed in the computation of the required sign size values shown in Figure 3. King's model was used to obtain the results illustrated in this figure. The predictions from his model appear to be more consistent with field observations in comparison with the Rockwell model.

The minimum viewing distance values computed by means of the Rockwell model were substantially greater than those predicted by the King model. Consequently, larger required sign sizes were predicted by the Rockwell model as a function of vehicle velocity and perpendicular sign distance. The reader should not form the conclusion however that the findings of the King model were found to be valid whereas those of the Rockwell model were not. A systematic field evaluation was not conducted to validate these two models since this was beyond the scope of the project. As NBS pointed out in their report, it is impossible to ascertain the precise accuracy of the predicted minimum viewing distances without a thorough field evaluation.

On balance, the results of the theoretical analysis performed by NBS support the conclusion that the present sign size limitation standards are inadequate for the outer portion of the 660 foot control zone. When the standards are given the benefit of the doubt through the use of the King versus the Rockwell model, a 40 degree terminal divergence angle, and a highway design speed of 60 miles per hour, they fail to permit adequate sign designs beyond 200 feet from the highway. However, the sign size standards do allow the design of signs that can satisfy the information processing needs of the driver when they are located within 200 feet of the highway.

*Laboratory Experiments.* The results of the first laboratory experiment indicated that sign size and angle of regard had a significant effect on driver performance in the simulator. The accuracy of the navigational decisions made at roadway junctions decreased significantly the farther the signs were located from the edge of the roadway. This decrease in accuracy was attenuated, however, with the larger sign sizes. In addition, comparisons between the longer and shorter messages showed an overall lower decision accuracy when signs with longer messages were used.

Results on the speed of response measure in Experiment I revealed that drivers responded faster to short message signs than they did to long message signs and they also responded faster to those at close distances to the simulated highway as opposed to those farther away. Sign size also produced a significant effect on the driver's speed of response. However, faster response times were associated with the middle sized sign (375 square feet) rather than the largest (600 square feet).

There were significant findings on the driving speed and roadway tracking performance measures in the first experiment. Higher speeds were associated with signs close to the roadway, but sign size and message length had no effect on this measure. The amount of variability in the driver's steering (tracking) in the vicinity of the test signs showed that the largest steering variance was associated with the largest sign.

In general, the results from Experiment I showed a degradation in driver performance with signs located at greater distances from the roadway. This is consistent with the NBS theoretical analysis which showed a lack of adequacy in the size standard for signs located in the outer reaches of the controlled zone. For example, the NBS analysis indicated a failure in the size standard for signs greater than 100 feet from the highway assuming a highway design speed of 60 miles per hour and a terminal divergence angle of 24 degrees. The FHWA staff study revealed more than a 20 percent drop in driver navigational accuracy when the 150 square foot sign with seven words (long message) was moved from 80 to 370 feet from the roadway edge. These distances represented angles of regard of 14 and 50 degrees respectively. Since distances between 80 and 370 feet were not simulated in the FHWA staff study, it is not possible to ascertain the effects of signs positioned between 80 and 370 feet from the roadway on navigational decision accuracy. Nevertheless, the breakdown in driver performance associated with signs in compliance with the standards located in the outer two-thirds portion of the control zone, as predicted by the NBS analysis, was in general substantiated by the laboratory results.

More specifically, the NBS and FHWA studies agree that the present size standard is adequate within 80 feet from the highway edge. Even the more stringent, but ideally more acceptable, terminal divergence angle of 24 degrees at a design speed of 60 miles per hour is compatible with the current standard within 100 feet (see Figure 3). On the other hand, the laboratory work is in concert with the NBS analysis that a terminal divergence angle of 40 degrees is a maximum upper limit for purposes of determining the required viewing distance of signs. Therefore, it comes down to the fact that both the laboratory and theoretical analysis suggest that the existing size standard is definitely adequate within 100 feet of the roadway. And, that this standard probably diminishes in its adequacy from 100 feet until it can only at best be considered minimally acceptable at 200 feet from the highway.

With regard to the results from laboratory Experiment II, neither variations in the number or spacing of signs produced statistically significant results. As the number of signs was increased from two to four, there was no tendency for subjects to make more correct choices at the roadway junctures. Also, variations in sign spacing produced no identifiable trend. Accuracy was the same when signs were bunched near the juncture as it was when the signs were spread along the entire length of the roadway. The caveat with respect to these findings, however, is that number and spacing variables do not lend themselves well to the simulation technique used here. Therefore, these results must be accepted somewhat tentatively.

The four experts in traffic signing that were commissioned by NBS to provide a

critique of the adequacy of the standards expressed their views on standards pertaining to number and spacing of signs. None of the consultants found justification to increase the number of signs or change the minimum spacing between signs. They agreed that if for some reason the spacing was changed, the minimum distance between signs should never be less than 1500-2000 feet.

[FR Doc. 75-33668 Filed 12-15-75; 8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

[FRL 463-1]

[ 40 CFR Parts 51, 52 ]

### STATE IMPLEMENTATION PLANS

#### Variances

On August 14, 1971 (36 FR 15486), the Administrator of the Environmental Protection Agency promulgated as 40 CFR Part 420, regulations for the preparation, adoption, and submittal of State Implementation Plans (SIPs) under section 110 of the Clean Air Act, as amended. These regulations were republished November 25, 1971 (36 FR 22398), as 40 CFR Part 51. Subsequent to this republication, numerous additions and changes have been made to the original requirements. The amendments proposed herein would further revise 40 CFR Part 51 by clarifying the requirements pertaining to variances to regulations which have been approved as part of a State Implementation Plan.

#### BACKGROUND

In response to four appellate court decisions involving the question of variances, the Administrator on September 26, 1974 (39 FR 34533) promulgated new §§ 51.11(g) Legal Authority, 51.15(d) Compliance Schedules, 51.20 Attainment Dates for National Standards, and 52.26 Variances and Enforcement Orders to implement the court decisions. Also on that date the Agency promulgated a revised § 51.32(f).

As originally promulgated, § 51.32(f) permitted variances to be treated as plan revisions where the variance would not prevent attainment or maintenance of a national standard within the time specified in the plan. (See 38 FR 15958, June 19, 1973). This was true of variances that extended beyond an applicable attainment date as well as variances terminating prior to an applicable attainment date. However, on September 26, 1974, the section was revised to restrict the approvable term of a variance to the preattainment date period. As indicated above, this was done in consequence of four circuit court opinions. (For a more comprehensive narrative on the subject, see the Agency's Notice of Interim Variance Policy on Post Attainment Date Variances published on May 23, 1975, at 40 FR 22587). The Agency's rulemaking of September 26, 1974, (39 FR 34573) will not be pursued further.

One of these decisions, *NRDC et al. v. EPA*, 489 F.2d 390 (CA 5, 1974), has since

been overturned (on the variance issue) by the Supreme Court in *Train v. NRDC et al.*, (421 U.S. 60), 7 ERC 1735 (decided April 16, 1975). In its decision, the Supreme Court stated that EPA's original position on variances, i.e., that they were to be treated as a plan revision under § 110(a)(3), "was at least sufficiently reasonable that it should have been accepted by the reviewing courts." (7 ERC at 1739). In light of this pronouncement by the Supreme Court, EPA has decided to reinstate its original position on variances as reflected in the original § 51.32(f). The actions proposed herein accomplish this by withdrawing all conflicting regulations promulgated on September 26, 1974, and by reinstating the substance of the original § 51.32(f). Also proposed herein is a new provision (§ 51.1(y)) which defines variances, and a new procedural provision (§ 51.34(a)) which emphasizes that, as is the case with all plan revisions that alter emission regulations or schedules, variances must be accompanied by a demonstration which shows that all requirements applicable to plan revisions have been met, and that such revisions and demonstrations are to be handled under the current procedures for submitting revisions to State Implementation Plans.

#### DEFINITION OF VARIANCE

For the purpose of this regulation, the term variance is defined as the temporary deferral of a final compliance date for an individual source subject to an approved regulation, or a temporary change to an approved regulation as it applies to an individual source. Hence, it is assumed for purposes of these regulations, that a variance does not revise a source's underlying obligations; rather, that the variance merely alters the time frame within which the obligation must be satisfied. If the plan revision was such that the date was removed permanently or that the relaxed emission limit was continued as a new regulation, then the action would not be considered a variance.

As noted, Federally approved variances constitute revisions to the State Implementation Plans. Accordingly, the variance process must begin at the State level. All procedures set up by the State for variances would first have to be met by the source requesting the variance. If this were done and the State approved the variance request, the State would then have to submit the variance to the Administrator in the proper form following the procedures for submission of a plan revision. If the control strategy demonstration accompanying the submission showed that the variance would not interfere with attainment or maintenance of the national standards, then it would be approved by the Administrator. Otherwise, the variance would be disapproved. In this latter case, the State would have to seek recourse under § 110(f), or would have to revise its control strategy in some other manner, or take appropriate enforcement action. As noted by the Supreme Court, variances do not become part of an implementa-

tion plan until approved by EPA. (7 ERC at 1746.) Also, the pendency or granting of a variance at the State level does not, in itself, operate as a stay of Federal enforcement.

#### IMPLICATIONS OF THESE REGULATIONS

As explained above, the regulations proposed herein would treat any given variance as a plan revision. Under 40 CFR 51.8, any revision must, in order to be approvable, satisfy all requirements of 40 CFR Part 51. Of these requirements, the two most important are 40 CFR 51.4, which requires full public participation in the granting of the variances, and 40 CFR 51.12, 51.13, and 51.14, which require a demonstration that revisions to emission regulations or schedules will provide for sufficient emission reduction to ensure attainment and maintenance of the national standards.

Paragraph 51.4 requires at least one public hearing on the plan revision (variance), preceded by adequate notice of such hearing. Additionally, each local air pollution control agency within the region, and neighboring State(s) in the case of interstate AQCRs, must be notified of the variance request and the public must be given an opportunity to inspect the conditions of the variance.

By virtue of paragraphs 51.12, 51.13, and 51.14, a variance must be disapproved if it fails to provide for emission limitations necessary to attain and maintain the national standards.

Most States have considerable experience in developing control strategy demonstrations as described in 40 CFR 51. Additionally, the Environmental Protection Agency has published numerous Guidelines to assist States in analyzing ambient air quality data, and in assessing the potential impact of source emissions on that air quality.

A complete list of agency guidelines is available from the Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, S.W., Washington, D.C. 20460. These guidelines are available from the Librarian of each EPA Regional Office. The guidelines which are most pertinent to the development and analysis of control strategy demonstrations are the following volumes of the technical series *Guidelines for Air Quality Maintenance Planning and Analysis*:

Volume 3: Control Strategies

Volume 5: Case Studies in Plan Development

Volume 10: Reviewing New Stationary Sources

The basis for Agency policy regarding approvability of plan revisions is the mandate in the Clean Air Act that the Administrator must approve implementation plans if they are adequate to attain and maintain the national standards, and therefore that he must disapprove plans which are not adequate to attain and maintain the national standards. The control strategy demonstration, which must be submitted in support of any revision to an emission regulation or schedule is the primary method by which the Administrator insures that this legislative mandate is accomplished.

The typical control strategy demonstration is a very detailed document which contains the latest available comprehensive data regarding air quality, emissions and ambient background levels which influence that air quality, the regulations which control the emissions, and the procedures which ensure that the national standards will be maintained in the future. These four basic elements form the basis for determining the approvability of the plan revision.

Development of a control strategy demonstration is time consuming and expensive, and therefore, is usually undertaken only when absolutely necessary. For a State to develop an adequate control strategy demonstration in support of most variances, the complete emission inventory for the affected area would have to be updated, because emissions inventories are normally not routinely maintained; the available ambient monitoring data for the past several years would have to be collected and evaluated; the impact of emissions from sources which have been approved for construction but which are not yet reflected in the ambient data would have to be assessed; and any impact of existing regulations which have not been implemented, in combination with anticipated growth, would have to be projected. These data, and the impact of the proposed plan revision, would then have to be incorporated into, in most cases, a sophisticated air quality simulation model (atmospheric dispersion model) to assess the adequacy of the total control strategy.

It is not necessarily required that the control strategy demonstration be submitted for the entire Air Quality Control Region. The area affected by an individual source is a function of many variables. Generally, if a variance is proposed for a source located within an Air Quality Maintenance Area (AQMA) designated pursuant to 40 CFR 51.12(f) the demonstration would have to include all sources located within the AQMA, as well as any other sources within the area affected by the source for which the variance is being requested. This is because designation of an area as an AQMA is a preliminary indication that the existing State Implementation Plan for that area is potentially inadequate to ensure maintenance of the national standards. In the Administrator's judgment, a more complete air quality analysis is therefore warranted in these areas. However, this requirement would not necessarily apply to those few AQMAS in which air quality is substantially superior to the national standards.

For sources not located in AQMAS, the control strategy demonstration would normally have to include only those sources located within the area affected by the source in question, plus those additional sources whose emissions impact on the affected area. The areas considered in different control strategy demonstrations would therefore vary widely depending upon many considerations. However, even for a very small source,

the control strategy demonstration must consider all significant sources within at least 5 kilometers of the source in question.

#### SEQUENTIAL VARIANCE SUBMITTAL

It should also be noted that Agency policy regarding treatment of sequential SIP revisions is to rely upon the State to determine which sources should receive any "benefits" attending SIP revisions. This policy, as applied to variances, means that the Administrator will assess the approvability of variances in the order in which they are submitted by the State. For example, if a State were to submit three variances in sequence, the Administrator would approve those variances in sequence so long as at each step, attainment and maintenance of standards were demonstrated. If the first two variance requests provided adequate demonstration, but the third did not (due to the impact of the first two), then the third variance would be disapproved. The Administrator would not assess whether, for example, the first variance should be disapproved in order to permit approval of the third.

Using this same example, if all three variances were submitted simultaneously, absent a requested ordering of preference, all three would be disapproved. The Administrator would treat such a submittal as a total package, and would not assess the relative merits of the individual variances, even though one or two of the variances might be approvable as individual revisions.

The Administrator will assess the approvability of a variance under the same criteria used to assess the approvability of any other revision to emission regulations or schedules, i.e., whether the variance would interfere with attainment or maintenance of national standards.

Finally, it should be noted that as worded, the September 26, 1974, regulations referred to all post-attainment deferral action, including both enforcement orders and variances. Since that time extensive regulations involving post-attainment orders have been proposed by the Agency under a new Part 65. (See 40 FR 14876.) Accordingly, the proposal which follows does not address State deferral action that would qualify as enforcement under Part 65, except to the extent that the State deferral action would qualify as a plan revision.

#### OPPORTUNITY FOR PUBLIC COMMENT

In response to the regulations promulgated and proposed on September 26, 1974, 13 separate industrial and utility petitioners filed § 307 petitions in five separate circuit courts. All of these actions have been stayed in light of the above-cited *Train* case and consequential representations by the Agency that the September 26, 1974 regulations would be revised. Accordingly, although it would be appropriate to publish the following regulations as final rulemaking since they merely reinstate previous Agency policy with no additional re-

quirements, it is nevertheless deemed desirable to release them as proposed rulemaking. By doing so, it is anticipated that any concerns still harbored by the 13 petitioning parties referred to above can be resolved through the administrative process rather than by costly and time-consuming litigation. Also, the proposal will provide NRDC (and the other parties responsible for the four circuit court cases which precipitated the September 26, 1974 regulations) with an opportunity to comment on the way EPA has chosen to implement the Supreme Court's decision in *Train v. NRDC et al.*

All interested parties are invited to submit written comments on the proposed regulations set forth below. Comments should be submitted, preferably in triplicate, to the Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711, Attention: Mr. Schueneman. All relevant comments received on or before January 15, 1976, will be considered. Comments received by EPA will be available for inspection during normal business hours at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, S.W., Washington, D.C. 20460. This notice of proposed rulemaking is issued under the authority of sections 110 and 301 of the Clean Air Act. (42 U.S.C. 1857c-5 and 1857g)

Dated: December 9, 1975.

RUSSELL E. TRAIN,  
Administrator.

Part 51 of Title 40, Code of Federal Regulations, is proposed to be amended as follows:

1. In § 51.1 paragraph (y) is added as follows:

#### § 51.1 Definitions.

(y) "Variance" means the temporary deferral of a final compliance date for an individual source subject to an approved regulation, or a temporary change to an approved regulation as it applies to an individual source.

#### § 51.11 [Amended]

2. In § 51.11, paragraph (g) is revoked.

#### § 51.15 [Amended]

3. In § 51.15, paragraph (d) is revoked.

4. In 51.32 paragraph (f) is revised to read as follows:

#### § 51.32 Request for 1-year postponement.

(f) Notwithstanding the requirements of this section, a State's implementation plan may be revised in accordance with § 51.6 to permit a source to comply after the applicable attainment date with an emission limitation of that plan if such plan, as revised, continues to provide for attainment and maintenance of the national standards as provided in §§ 51.12, 51.13, and 51.14.

5. In Subpart C, § 51.34 is added as follows:

### § 51.34 Variances.

(a) In order to be considered for approval as a revision to the State implementation plan, a variance must be submitted by the State in accordance with the requirements of § 51.6.

Part 52 of Title 40, Code of Federal Regulations, is proposed to be amended as follows:

### § 52.26 [Revoked]

6. Section 52.26 is revoked.

[FR Doc.75-33866 Filed 12-15-75; 8:45 am]

### [ 40 CFR Part 52 ]

[FRL 468-4]

### APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

#### Kentucky: Proposal of Plan Revision

On August 15, 1974 (39 FR 29357), the Administrator took approval/disapproval action on the Kentucky plan to attain and maintain the national ambient air quality standards in that State, his earlier approval of the plan having been vacated by a decision of the U.S. Court of Appeals for the Sixth Circuit. Chapter VII of the plan, control regulations, was approved except for section 1(b) of AP-1, which was explicitly disapproved since it could be construed as permitting the use of intermittent controls in cases where continuous controls were available. Chapter IV, Control Strategy: Sulfur Dioxide and Particulates, and Chapter V, Control Strategy: Carbon Monoxide, Hydrocarbons, Photochemical Oxidants, Nitrogen Dioxide, were approved as justifying the regulations set forth as Chapter VII.

At that time, the Administrator encouraged the Kentucky Division of Air Pollution to re-examine its sulfur dioxide control strategy to determine if it could be modified without jeopardizing the attainment and maintenance of the national standards for that pollutant. Also, the regulations of Chapter VII, adopted in 1972, expired on June 30, 1975. Accordingly, the Kentucky agency has developed a new body of control regulations. These were formally adopted on July 2, 1975. On August 30, 1975, the new regulations were submitted to EPA as a proposed plan revision. In addition, the analytical material justifying the new regulations was incorporated into revisions to Chapters IV and V, and these have also been submitted as plan revisions. The hearing on the new regulations was held on April 15, 1975, following public notice in all air quality control regions in the Commonwealth of Kentucky. Therefore, all procedural requirements of 40 CFR Part 51 have been met. The purpose of this notice is to describe the major changes in the Kentucky plan and to request public comment thereon.

#### MAJOR CHANGES

1. Under 401 KAR 3:010, the Department for Natural Resources and Environmental Protection may now unilaterally issue compliance schedules.

2. Under 401 KAR 3:040, regulations concerning emissions of asbestos, mercury, beryllium, and beryllium rocket motor firing are added.

3. Under 401 KAR 3:050, emission limitations for additional new source categories are as follows: (a) Process operations, (b) asphalt concrete plants, (c) petroleum refineries, (d) storage vessels for petroleum liquids, (e) secondary lead smelters, (f) secondary brass and bronze ingot production plants, (g) iron and steel plants, (h) sewage treatment plants, (i) sources using organic solvents, (j) Kraft (sulfate) pulp mills, (l) ethylene producing plants, and (m) oil-effluent water separators.

Kentucky already has Federally approved regulations for new installations of five source categories. In the proposed regulations, a change has been made in the regulation covering new installations of indirect heat exchangers to allow boiler averaging between existing units and new units in order to calculate total allowable emissions. This is in conflict with 40 CFR Part 60, and where such conflict exists, Part 60 must prevail.

4. Under 401 KAR 3:060, emission limits for some categories of existing sources are changed. The major changes are: (a) NO<sub>x</sub> regulations for indirect heat exchangers are dropped, (b) SO<sub>x</sub> emission limits for indirect heat exchangers are tightened for some units and relaxed for others, in accordance with the degree of control required to meet ambient standards, (c) emission rate averaging by boiler over an entire facility is allowed in regulating SO<sub>x</sub> emissions from indirect heat exchangers, (d) particulate regulations for sulfuric acid plants and sulfate pulp mills are added, (e) carbon monoxide limitations from processes and hydrocarbon limitations from solvent disposal/evaporation are dropped, and (f) regulations for some sources are now found under different headings.

5. The date for attaining primary and secondary ambient standards for sulfur dioxide is set at July 1, 1977, for the entire State.

Additionally, many changes in definitions, grouping, and codification have been made to improve the readability of the regulations and to improve their usefulness as reference materials.

Copies of the three proposed chapters are available for public inspection at the following locations:

Air Programs Branch, Environmental Protection Agency, Region IV, 1421 Peachtree Street, N.E., Atlanta, Georgia 30309  
 Kentucky Division of Air Pollution, U.S. 127 South, Frankfort, Kentucky 40601  
 Kentucky Division of Air Pollution, Appalachian Regional Office, 523 High Street, Room 22, Hazard, Kentucky 41701  
 Owensboro Regional Office, 311 W 2nd Street, Owensboro, Kentucky 42301  
 South Central Regional Office, 1032 College Street, Suite 202, Bowling Green, Kentucky 42101  
 Ashland Regional Office, 2106 39th Street, Ashland, Kentucky 41201  
 Cincinnati Regional Office, 7209 US 42, Florence, Kentucky 41402  
 Paducah Regional Office, 609 Kentucky Avenue, Paducah, Kentucky 42001

Interested persons are encouraged to submit written comments on the proposed plan revisions. These comments will be weighed carefully by EPA before the agency decides to approve or disapprove these changes in the Kentucky plan. Comments will be accepted on or before January 15, 1976. They should be addressed to: John Eagles, Air Programs Branch, Air and Hazardous Materials Division, Environmental Protection Agency, Region IV, 1421 Peachtree Street, N.E., Atlanta, Georgia 30309.

(42 U.S.C. 1857c-5(a))

Dated: December 8, 1975.

JACK E. RAVAN,  
 Regional Administrator.

[FR Doc.75-33758 Filed 12-15-75; 8:45 am]

### [ 40 CFR Part 52 ]

[FRL 468-8]

### STATE IMPLEMENTATION PLANS

#### Air Pollution Emergency Plan for California

On August 14, 1971 (36 FR 15486), the Administrator promulgated regulations (originally designated 42 CFR 420.16, now designated 40 CFR 51.16) specifying minimum requirements for compliance with section 110(a)(2)(F)(v) of the Clean Air Act of 1970 (42 U.S.C. 1857c-5(a)(2)(F)(v)). These regulations required, as part of each State Air Quality Standards Implementation Plan (SIP), the establishment of an Air Pollution Emergency Episode Contingency Plan with at least two (2) stages for all Priority I and Priority II Air Quality Control Regions (AQCRs).

On October 23, 1971 (36 FR 20513), 40 CFR 51.16 was amended to include in paragraph (a), specific concentrations of pollutants "which would cause significant harm to the health of persons." Each state's Air Pollution Emergency Episode Contingency Plan is required to prevent these concentrations from occurring. The section was amended again on August 3, 1973 (38 FR 20835), by deleting paragraph (c), which had required the submittal of emission control action programs for each stationary source emitting 100 tons per year or more of any one pollutant.

On August 20, 1975 (40 FR 36330), 40 CFR 51.16(a) was revised to read that the significant harm level for photochemical oxidants is 1200 micrograms per cubic meter (0.6 ppm), for one-hour.

The SIP originally submitted by the State of California on February 21, 1972, did not contain comprehensive air pollution emergency contingency plans for any of California's Priority I or II AQCRs. The California SIP was therefore legally deficient in that it did not fulfill the requirements of 40 CFR 51.16. Furthermore, the episode plans contained in the rules and regulations of individual Air Pollution Control Districts within the State of California did not adequately meet the requirements of 40 CFR 51.16. The Administrator therefore, on May 31, 1972 (37 FR 10851), disap-

proved the episode contingency plan portion of the California SIP, as originally submitted (40 CFR 52.231).

On November 13, 1973 the State of California adopted a Comprehensive Air Pollution Emergency Contingency Plan. This plan set forth requirements and guidelines for the development of detailed episode contingency plans by individual Air Pollution Control Districts (APCDs) within the State. Many APCDs adopted the rules needed to establish and implement episode programs to be in keeping with the State Plan.

On February 6, 1974, the State of California submitted its comprehensive Air Pollution Emergency Contingency Plan and the implementing regulations of the affected APCDs to the Administrator as Chapter 4 of Revision 4 to the California SIP.

After careful consideration, the Regional Administrator, on June 26, 1974 (39 FR 23069), proposed a conditional approval of part of California's comprehensive Air Pollution Emergency Plan and proposed a disapproval for regions not covered by the plan. In addition, the State was requested to correct several technical deficiencies and submit all APCD rules, state procedures for air episodes under the Peacetime Emergency Plan, and improved procedures for interdistrict coordination. Because of this conditional approval/disapproval, the State of California has significantly revised their plan. During the past 18 months, the State has responded to the technical deficiencies and other conditions noted by EPA. Since August 6, 1975, EPA and the Air Resources Board (ARB) have been on a voluntarily developed compliance schedule leading towards federal approval of an air episode plan for the South Coast Air Basin (SCAB) of California. The schedule is the result of the lawsuit brought against EPA and the ARB by the California Lung Association, etc. et al. in the U.S. District Court for the Central District of California, Civil No. CV 75 1044 WPG. The complaint requests the Court to order EPA to promulgate and enforce an episode plan for the SCAB until a State Plan is approved and to order the ARB to revise that portion of the SIP dealing with air episodes.

On December 5, 1975 the Executive Officer of the California Air Resources Board submitted California's Air Pollution Emergency Plan as amended on October 21, 1975 to the Regional Administrator as a revision to the California SIP.

The Administrator hereby issues this notice setting forth the California Air Pollution Emergency Plan as proposed rulemaking, and advises the public that comments may be submitted on whether the emergency plan should be approved or disapproved as required by section 110 of the Clean Air Act. Only comments received on or before January 15, 1976 will be considered. The Administrator's decision to approve or disapprove the plan is based on whether it meets the requirements of section 110(a)(2)(F)(v) and EPA regulations in 40 CFR Part 51.

The plan provides the basis for taking action to prevent air pollution concentrations from reaching levels which could endanger or cause significant harm to the public health and to abate such concentrations should they occur. The plan is primarily applicable in the areas of California which do not meet air quality standards and where the potential exists for air pollution to reach concentrations at which emergency actions are necessary.

The plan provides for abatement action and specifies the minimum geographical areas of applicability and pollutants (sulfur dioxide, oxidants, carbon monoxide). If excessive concentrations of other pollutants occur or are predicted to occur similar abatement actions or other actions as appropriate shall be taken by the affected APCD after consultation with the ARB.

The plan provides for three episode stages. Specific levels and abatement actions are given. The stages can be declared on either attained or predicted levels. A "4th Stage" (Air Pollution Disaster) is declared whenever medical authorities or local officials determine that a substantial number of persons are suffering or are likely to suffer incapacitating effects from air pollution and analysis of the data indicates the condition is likely to continue or reoccur. This stage can be declared regardless of the measured concentrations.

The APCDs are responsible for declaring episodes but the ARB can declare an episode after consultation with the APCD if the affected APCD fails to declare it immediately and the ARB determines it is predicted or exists. The APCDs are required to adopt the necessary rules and regulations to implement the revised plan. The ARB can enforce the appropriate provisions of the APCD's regulations if the APCD does not take responsible action to abate the episode.

The state plan and local regulations require abatement plans for both stationary and mobile sources. The stationary source abatement plans are required for an industrial business or commercial establishment emitting 100 tons per year or more of hydrocarbons or any pollutant included in the plan. Traffic abatement plans are directed toward reducing the causes for vehicular traffic but may include direct controls and must include specific actions to be taken at each episode stage. The abatement plans are reviewed and approved by the APCD according to the criteria established by the ARB. Abatement plans must be submitted by the source within 45 days after notification, reviewed by the APCD and approved or disapproved within an additional 45 days. If disapproved, the plan must be revised and resubmitted within 30 days of the notice of disapproval. If the required plan is not submitted within this time limit, the applicant is considered to be in violation of the APCD's rules and regulations. Each APCD must prepare plans for inspection of sources subject to mandatory curtailment to assure compliance and to determine effects of curtailment.

The plan requires approved procedures for interdistrict and interbasin coordination and in the absence of approved procedures provides for the source area to seek relief from the ARB from implementing actions considered inappropriate. The time limit gives the source area one hour to determine the appropriateness of the requested actions and the ARB an additional hour after receiving the request to advise the source area on what actions must be taken.

The following actions are taken when Stage 1 is declared:

1. Issue health warning for sensitive persons.
2. Advise schools to discontinue strenuous activities by students.
3. Abatement Actions—
  - a. Initiate actions to reduce vehicular traffic.
  - b. If a sulfur oxide episode is declared, request specific sulfur oxide sources to reduce emissions.

When Stage 2 is declared:

1. Issue health warning to sensitive persons and those displaying reaction symptoms.
2. Suspend programs which involve physical exertion by participants using public parks or public recreation facilities. Programs with adult participants in scheduled athletic events with paid attendance are excepted.
3. Abatement Actions—
  - a. Prohibit the burning of combustible refuse.
  - b. Implement the OPCD traffic curtailment plan appropriate to the episode.
  - c. Implement the APCD stationary source plans appropriate to the episode. Affected industries will be advised to prepare for possible shutdown.
  - d. If a carbon monoxide episode is declared, where appropriate and when approved by local law enforcement officials advise motorists to turn off engines.

When Stage 3 is declared:

1. Issue warnings, describing protective measures.
2. Implement the source inspection plans.
3. Abatement actions—
  - a. Implement the traffic curtailment plans appropriate to the episode.
  - b. Implement the stationary source curtailment plans appropriate to the episode.

When an Air Pollution Disaster is declared, the Governor will order the institution of any health protection and abatement actions he considers appropriate. Examples of disaster abatement actions are given in the plan, as are recommended "self-help" actions for oxidant episodes.

Copies of California's Air Pollution Emergency Plan are available for public inspection during normal business hours at the Office of EPA, Region IX, 100 California Street, San Francisco, California 94111 and at EPA's Los Angeles Contact Office, Room 2037, 300 North Los Angeles Street, Los Angeles, California 90012 and in the Office of the California Air Resources Board, 1709 11th Street, Sacramento, California 95814 and at the Public Information Reference

Unit EPA, 401 "M" Street SW., Washington, D.C. 20460.

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Regional Administrator, Environmental Protection Agency, Region IX, 100 California Street, San Francisco, California 94111. Relevant comments received on or before January 15, 1976 will be considered and acknowledged. Comments received will be available during normal working hours at the Region IX Offices and at the Public Information Reference Unit.

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

Dated: December 8, 1975.

PAUL DE FALCO, Jr.,  
Regional Administrator.

[FR Doc.75-33867 Filed 12-15-75; 8:45 am]

Ethylene oxide adducts of 2,4,7,9-tetramethyl-5-decyne-1,3-diol, the ethylene oxide content averages 3.5, 10, or 30 moles.

$\alpha$ -Alkyl ( $C_{12}$ - $C_{18}$ )  $\alpha$ -hydroxypoly(oxyethylene) block polymer with poly(oxypropylene); polyoxyethylene content is 3-12 moles and polyoxypropylene content is 2-9 moles.

$\alpha,\alpha$ -(Methylene(4-(1,1,3,3-tetramethylbutyl)- $\alpha$ -phenylene))bis- $\omega$ -hydroxypoly(oxyethylene) having 6-7.5 moles of ethylene oxide per hydroxyl group.

Paraformaldehyde; propylene oxide.  
Pigment Red 48.

Sodium O-phenylphenate.

Woolwax alcohols.

Zinc orthophosphate.

Phenol; polyvinyl chloride; 1,1,1-trichloroethane.

Based on available information on the chemistry and toxicity of these substances, as well as on a review of the history of their use, it has been found that when used in accordance with good agricultural practice, these substances are useful as adjuvants and do not pose a hazard. It has been concluded, therefore, that the proposed amendment to the regulations (40 CFR 180.1001) will protect the public health.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, on or before January 15, 1976, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the

[ 40 CFR Part 180 ]  
[FRL 469-5; OPP-300008]  
PESTICIDE PROGRAMS

Proposed Tolerances

At the request of several interested persons, the Administrator, Environmental Protection Agency, is proposing, pursuant to Section 408(e) of the Federal Food, Drug, and Cosmetic Act, to amend 40 CFR 180.1001 to exempt certain additional pesticide chemicals which are inert (or occasionally active) ingredients in pesticide formulations from tolerance requirements.

The inert (or occasionally active) ingredients concerned, and the persons requesting that the Administrator propose exemptions with respect to them are as follows:

Air Products and Chemicals, 1 Possumtown Rd., Piscataway NJ 08854.  
BASF Wyandotte Corp., Wyandotte MI 48192.

Diamond Shamrock Chemical Co., Nopco Chemical Div., PO Box 2386R, Morris-town NJ 07960.

Upjohn Co., Kalamazoo MI 49001.  
Stauffer Chemical Co., 1200 S. 47th St., Richmond CA 94804.

Dow Chemical USA, 2030 Dow Center, Midland MI 48640.

Thompson-Hayward Chemical Co., PO Box 2383, Kansas City KS 66110.

Leffingwell Chemical Co., Agricultural and Industrial Chemicals, PO Box 188, Brea CA 92621.

Animal Health Institute, Suite 1009, 1717 K St. NW., Washington DC 20006.

comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments must be received by January 15, 1976 and should bear a notation indicating the subject [OPP-300008].

All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

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

Dated: December 10, 1975.

JOHN B. RITCH, Jr.,  
Director,  
Registration Division.

It is proposed that Part 180, Subpart D, § 180.1001 be amended by revising the item "Paraformaldehyde . . ." in paragraph (d) and by alphabetically inserting new items in paragraphs (c), (d), and (e) as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

(c) \* \* \*

Inert ingredients	Limits	Uses
Ethylene oxide adducts of 2,4,7,9-tetramethyl-5-decyne-1,3-diol, the ethylene oxide content averages 3.5, 10, or 30 moles.		Surfactants, related adjuvants of surfactants.

(d) \* \* \*

Inert ingredients	Limits	Uses
$\alpha$ -Alkyl ( $C_{12}$ - $C_{18}$ ) $\alpha$ -hydroxy-poly(oxyethylene) block polymer with poly(oxypropylene); poly-oxyethylene content 3-12 moles and polyoxypropylene content 2-9 moles.		Surfactants, related adjuvants of surfactants.
$\alpha,\alpha$ -(methylene(4-(1,1,3,3-tetramethylbutyl)- $\alpha$ -phenylene))bis- $\omega$ -hydroxypoly(oxyethylene) having 6-7.5 moles of ethylene oxide per hydroxyl group.		Surfactants, related adjuvants of surfactants.
Paraformaldehyde	Not more than 2 percent of pesticide formulation.	Preservative for formulation.
Pigment red 48	For seed treatment use only.	Dye.
Sodium o-phenylphenate.	Not more than 0.1 percent of pesticide formulation.	Preservative for formulation.
Woolwax alcohols		Solvent.
Zinc orthophosphate		Plant nutrient and safener.

(e) \* \* \*

Inert ingredients	Limits	Uses
Ethylene oxide adducts of 2,4,7,9-tetramethyl-5-decyne-1,3-diol, the ethylene oxide content averages 3.5, 10, or 30 moles.		Surfactants, related adjuvants of surfactants.
$\alpha,\alpha$ -(Methylene(4-(1,1,3,3-tetramethylbutyl)- $\alpha$ -phenylene))bis- $\omega$ -hydroxypoly(oxyethylene) having 6-7.5 moles of ethylene oxide per hydroxyl group.		Surfactants, related adjuvants of surfactants.
Paraformaldehyde	Not more than 2 percent of pesticide formulation.	Preservative for formulation.
Phenol		Solvent, co-solvent.
Polyvinyl chloride		Solid diluent, carrier.
Propylene oxide		Stabilizer.
1,1,1-trichloroethane		Solvent, co-solvent.

[FR Doc.75-33868 Filed 12-15-75; 8:45 am]

FEDERAL COMMUNICATIONS  
COMMISSION

[ 47 CFR Parts 81, 83 ]

[ Docket No. 20638; FCC 75-1267 ]

MARINE UTILITY STATIONS AND SHIP  
STATIONS

Notice of Proposed Rule Making

In the Matter of Amendment of the rules to remove locality restrictions from Marine Utility stations and to modify the capabilities of ship stations to meet certain operational requirements of ships.

1. Notice of Proposed Rule Making is hereby given.

2. By this Notice, the Commission proposes to amend its rules to enhance the operational flexibility and usefulness of certain methods of ship communications. It proposes to do so in two ways: (1) by removal of locality restrictions from Marine Utility stations, and (2) by establishing "associated portable ship units" to permit the use of portable, low power units by the licensee of a ship station in association with the main ship station in circumstances where auxiliary equipment is used about the ship.

REMOVAL OF LOCALITY RESTRICTIONS ON  
MARINE UTILITY SHIP AND COAST STATIONS

3. A series of waiver requests has been received by the Commission seeking relief from the locality restrictions on marine utility ship and coast stations which are contained in §§ 81.3 (l) and (m); 83.2(h) and (i); and § 81.362(a) of the rules. The waived requests indicate that these restrictions unduly and unnecessarily hamper the operational usefulness of these stations and their continued retention does not appear to be necessary.

4. Accordingly, we propose to abolish these restrictions on marine utility stations by deleting the phrase "within a designated local area" from §§ 81.3 (l) and (m) and 83.2(h) and (i) of the rules and by deleting § 81.362(a) of the rules in its entirety as set forth below.

PROVISION FOR ASSOCIATED PORTABLE SHIP  
UNITS

5. There appears to be an operational requirement for the use of small, handheld portable units in connection with a ship radio station which requirement is not currently met by utility stations or on-board communications. This operational requirement stems from the use of auxiliary equipment in the vicinity of the "mother ship". The auxiliary equipment is used on dinghies, launches, etc. in the vicinity of the mother ship.

6. Accordingly, we propose to provide for the use of such equipment to meet this operational requirement. In order to preclude improper uses of the proposed associated portable ship units, such as point to point communications on land or as a substitute for circumventing limited or public coast stations on land, this type of station must necessarily be carefully restricted. The restrictions on use of an associated portable ship unit are

contained in the attached appendix and are intended to limit the use of the device to the legitimate needs of the vessel—commercial or non-commercial—and not to substitute for or displace communications which should be conducted in accordance with other provisions of Part 83 of the Commission's rules.

7. The proposed amendment as set forth below is issued pursuant to the authority contained in Section 303(r) of the Communications Act of 1934, as amended.

8. Pursuant to the applicable procedures set forth in Section 1.415 of the Commission's rules, interested persons may file comments on or before January 11, 1976, and reply comments on or before January 21, 1976. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding.

9. In accordance with the provisions of Section 1.419 of the Commission's rules, an original and 11 copies of all statements, briefs or comments shall be furnished the Commission. All comments received in response to this Notice of Proposed Rule Making, will be available for public inspection in the Docket Reference Room in the Commission's Offices in Washington, D.C.

Adopted: November 25, 1975.

Released: December 2, 1975.

FEDERAL COMMUNICATIONS  
COMMISSION.

[SEAL] VINCENT J. MULLINS,  
Secretary.

Part 81 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 81.3 (l) and (m) is amended by deleting the references to a designated local area as follows:

§ 81.3 Maritime mobile service.

(l) *Marine-utility coast station.* A coast station, readily portable for use as a limited coast station at unspecified points ashore.

(m) *Marine-utility ship station.* A ship station, readily portable for use as a limited ship station on mobile vessels.

§ 81.362 [Amended]

3. Section 81.362(a) is deleted and designated [Reserved].

2. Section 83.3 (h) and (i) is amended by deleting the references to a designated local area, as follows:

§ 83.3 Maritime mobile service.

(h) *Marine-utility ship station.* A ship station, readily portable for use as a limited ship station on mobile vessels.

(i) *Marine-utility coast station.* A coast station, readily portable for use as a limited coast station at unspecified points ashore.

4. Section 83.2(i) is amended to include reference to associated portable ship units as follows:

§ 83.2 General.

(1) *Ship station License.* A license authorizing the operation of a ship station, a survival craft station associated with a ship, a ship radionavigation station, or an associated portable ship unit or units for use in the vicinity of the ship with which it is associated.

5. Subpart G of Part 83 is amended by adding a new section as follows:

§ 83.166 Operational conditions on use of associated portable ship units.

Use of an associated portable ship unit is restricted as follows:

(a) It shall be operated only on the safety and calling frequency 156.8 MHz (Channel 16), and on commercial or non-commercial intership frequencies appropriate to the class of ship station with which it is associated.

(b) Except for safety purposes, it shall be used to communicate only with the ship station with which it is associated or with other associated ship portable units but portable units may not be used from or on shore.

(c) It shall be equipped to transmit on Channel 16 and at least one appropriate intership frequency.

(d) Calling shall occur on Channel 16 unless, by prearrangement, provision is made for calling and working on an intership frequency.

(e) Power is limited to one watt.

(f) The call sign of the ship station with which it is associated and an appropriate unit designator shall be used.

6. Section 83.103 is amended by adding a reference to associated ship portable units, as follows:

§ 83.103 Location of station.

All components of a station on board ship subject to this part, including the antenna(s), antenna supporting structures, and source(s) of power used to energize the station equipment, shall be located on board the vessel identified in the station license, even though the vessel be temporarily moored. For purposes of communication, no component of a ship station shall be connected by wire line directly or indirectly to any equipment, apparatus, or facilities which are not located entirely on board the vessel identified in the station license: Provided, That the limitations on this section shall not apply (a) when the station is being operated in an emergency under the provisions of § 83.75, (b) when it is necessary, while the ship is temporarily moored, to energize one or more components of a main installation or an emergency installation by means of a source of power not located on board the ship for the purpose of assuring compliance with any applicable safety radio requirement of law, or (c) to associated ship portable units which may be used in accordance with the conditions contained in Section 83.166 of this part.

[FR Doc. 75-33839 Filed 12-15-75; 8:45 am]

# notices

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

## DEPARTMENT OF STATE

[CM-5/134]

### NORTHWEST ATLANTIC FISHERIES ADVISORY COMMITTEE

#### Open and Closed Meeting

In accordance with section 10(d) of the Federal Advisory Committee Act, notice is given that the Northwest Atlantic Fisheries Advisory Committee to the U.S. Commissioners to the International Commission for the Northwest Atlantic Fisheries (ICNAF), will hold a meeting at 10:00 a.m., Tuesday, January 6, 1976, in room 307 of the John F. Kennedy Federal Building in Boston, Massachusetts. The morning session of the meeting will be open to the public, and the afternoon session will be closed to the public.

The meeting will be devoted to discussions on and development of the U.S. negotiating position for the Special Meeting of ICNAF, particularly herring allocations off the U.S. east coast, to be held in Rome, Italy, January 21-26, 1976. Pursuant to section 4 of the Northwest Atlantic Fisheries Act of 1950, which provides that "the Advisory Committee . . . shall be given full opportunity to examine and to be heard on all proposed programs of investigation, reports, and recommendations of the United States Commissioners . . ." the members of the Advisory Committee will examine the possible positions to be taken by the U.S. Commissioners. During the afternoon session, this discussion will necessarily involve discussion of classified national security information, in part related to the Law of the Sea, the premature disclosure of which would adversely affect the ability of the U.S. negotiators at the Special Meeting to achieve U.S. fisheries and foreign policy objectives. As it has been determined that the afternoon session of the meeting will involve matters exempt from public disclosure under 5 U.S.C. 552(b)(1) and that the public interest requires that such discussions be withheld from disclosure, the afternoon session will not be open to the public.

Dated: December 10, 1975.

LEO N. SCHOWENGERDT, Jr.,  
Office of Fisheries Affairs.

[FR Doc.75-33785 Filed 12-15-75; 8:45 am]

## DEPARTMENT OF THE TREASURY

### Customs Service

#### CHEESE FROM FINLAND

#### Preliminary Countervailing Duty Determination

On August 15, 1975, a "Notice of Receipt of Countervailing Duty Petition" was published in the Federal Register (40 FR 34423). The notice stated that a petition had been received alleging that payments and bestowals conferred by the Government of Finland upon the manufacture, production, or exportation of cheese constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303).

On the basis of an investigation conducted pursuant to § 159.47(c) Customs Regulations (19 CFR 159.47(c)), it has been determined preliminarily that a bounty or grant is being paid or bestowed upon the manufacture, production, or exportation of cheese from Finland. Programs considered to be bounties or grants include a deficiency payment provided by the Government on milk which is designed to offset increases in milk production costs, export refunds provided by the Government to make up losses on sales of cheese exports, regional production assistance subsidies, milk transportation cost subsidies, and preferential financing for dairy plant modernization in developing regions.

It has been preliminarily determined, therefore, that imports of cheese from Finland benefit from the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303).

A final decision in this case is required before June 11, 1976. Before a final determination is made, consideration will be given to any relevant data, views or arguments submitted in writing with respect to this preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, in time to be received by his office on or before January 15, 1976.

This preliminary determination is published pursuant to section 303(a) of

the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

Approved: December 11, 1975.

VERNON D. ACRRE,  
Commissioner of Customs.

DAVID R. MACDONALD,  
Assistant Secretary of the  
Treasury.

[FR Doc.75-33880 Filed 12-15-75; 8:45 am]

#### Office of the Secretary

### POTASSIUM CHLORIDE (OTHERWISE KNOWN AS MURIATE OF POTASH) FROM CANADA

#### Tentative Determination To Modify or Revoke Dumping Finding

A finding of dumping with respect to potassium chloride, otherwise known as muriate of potash, from Canada was made in Treasury Decision 69-265 which was published in the FEDERAL REGISTER on December 19, 1969 (34 FR 19904).

After due investigation, it has been determined, tentatively, that potassium chloride exported by Cominco, Ltd., Vancouver, British Columbia, Canada, is not being, nor is likely to be sold, for export to the United States at less than fair value within the meaning of the Anti-dumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

Statement of reasons on which this tentative determination is based. The investigation indicated that, with the exception of some sporadic sales for which dumping duties in *de minimis* amounts were assessed, all sales by Cominco, Ltd., for a period two years subsequent to the finding of dumping have been made at not less than fair value. Written assurances have been given that future sales of potassium chloride to the United States will be made at not less than fair value.

Accordingly, notice is hereby given that the Department of the Treasury intends to modify the finding of dumping with respect to potassium chloride from Canada to exclude potassium chloride produced and sold by Cominco, Ltd., from the finding.

In accordance with § 153.37, Customs Regulations (19 CFR 153.37), interested persons may present written views or arguments, or requests in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed

to the Commissioner of Customs, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, in time to be received by his office on or before December 26, 1975. Such requests must be accompanied by a statement outlining the issues to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than 30 days from the date of publication of this notice in the Federal Register. This notice is published pursuant to § 153.41(c) of the Customs Regulations (19 CFR 153.41(c)).

Dated: December 10, 1975.

DAVID R. MACDONALD,  
Assistant Secretary of the Treasury.  
[FR Doc.75-33881 Filed 12-15-75; 8:45 am]

## DEPARTMENT OF DEFENSE

### Department of the Air Force USAF SCIENTIFIC ADVISORY BOARD Cancelled Meeting

DECEMBER 5, 1975.

Reference is made to the USAF Scientific Advisory Board meeting of the USAF Scientific Advisory Board ad hoc Committee on the Location, Identification, and Destruction of Surface Targets by Tactical Air Forces Under Adverse Weather Conditions, to be held on December 10, 1975, published in FEDERAL REGISTER, Volume 40, No. 219, Wednesday, November 12, 1975. The meeting has been canceled and will not be rescheduled.

JAMES L. ELMER,  
Major, USAF Executive,  
Directorate of Administration.

[FR Doc.75-33759 Filed 12-15-75; 8:45 am]

### Department of the Army ARMY SCIENTIFIC ADVISORY PANEL Amended Notice of Meeting

Under the provisions of exemption contained in section 552(b)(1), Title 5 U.S.C., this meeting is partially closed to the public (3 February, 0800-1050 hours) due to the overall secret security classification of the material to be discussed.

Name of committee: Army Scientific Advisory Panel. Date: February 2-3, 1976. Place: Ames Research Center, Moffett Field, CA. Time: 0800-2200 hours, February 2, 1976, 0800-1135 hours, February 3, 1976. Agenda: Attached.

Any additional information concerning the meeting may be obtained from Dr. Marvin E. Lasser, Chief Scientist, Department of the Army, Executive Director, Army Scientific Advisory Panel, Washington, D.C., (202) 695-1447.

MARVIN E. LASSER,  
Executive Director,  
ASAP WINTER MEETING AGENDA

AMES RESEARCH CENTER

February 2-3, 1976

Sunday, February 1

Arrivals at San Francisco and San Jose Airports and travel to Ricketts.

- Monday, February 2**
- 0740-0800 Enroute from Ricketts Hyatt House to Ames Research Center by bus.
- 0800-0805 Welcome, B. G. Stevens.
- 0805-0810 Remarks, Dr. Mark.
- 0810-0815 Remarks, Mr. O'Neill.
- 0815-0835 Air Mobility Requirements, M. G. Maddox.
- 0835-0855 Discussion.
- 0855-0910 Utility Tactical Transport Aircraft System (UTTAS), HQ AVSCOM.
- 0910-0925 Discussion.
- 0925-0945 Coffee break.
- 0945-1000 Advanced Attack Helicopter (AAH), HQ AVSCOM.
- 1000-1015 Discussion.
- 1015-1030 Remotely Piloted Vehicles (RPV), HQ AVSCOM.
- 1030-1045 Discussion.
- 1045-1130 A/C Survivability Equipment, AH-1Q Advanced Blade, Manufacturing Methods & Technology (MM&T) Program, HQ AVSCOM.
- 1130-1215 Discussion.
- 1215-1315 Luncheon.
- 1315-1430 Tour: Laser Velocimeter, Water Tunnel, Acoustics, Simulation, HQ AMRDL.
- 1430-1450 Break.
- 1450-1520 Advancing Blade Concept (ABC), Tilt Rotor, Rotor Systems Research Aircraft (RSRA), Controllable Twist Rotor, HQ AMRDL.
- 1520-1550 Discussion.
- 1550-1635 Propulsion, Structures, Aerodynamics, HQ AMRDL.
- 1635-1720 Discussion.
- 1720-1740 Enroute Ricketts Hyatt House by Bus.
- 1740-1830 Unscheduled Time.
- 1830-2200 Social Hour and Dinner, Rose Room, Ricketts Hyatt House—Remarks by Assistant Secretary of the Army (R&D); Honorable Edward A. Miller.
- Presentation on the Army Materiel Acquisition Review Committee (AMARC), Mr. Gale.
- Tuesday, February 3**
- 0740-0800 Enroute from Ricketts Hyatt House to Ames Research Center by Bus.
- 0800-0805 Remarks, Panel Chairman.
- 0805-0855 USAF Presentation "Tactical Air Concept for Close Air Support 1980-85" (SECRET), HQ, Tactical Air Command.
- 0855-0945 Discussion.
- 0945-1005 Break.
- Panel Business Meeting—Ad Hoc Group  
Chairman Reports**
- 1005-1010 Remarks of the Panel Chairman, Mr. O'Neill.
- 1010-1020 Army Security Agency Programs (SECRET), Mr. Brown.
- 1020-1030 Discussion.
- 1030-1040 Fire Safe Fuels (Confidential), Dr. Hess.
- 1040-1050 Discussion.
- 1050-1100 Nap of the Earth (NOE) Simulation (Unclassified), Dr. Curtiss.
- 1100-1110 Discussion.
- 1110-1120 1974 Summer Study Review (Unclassified), Mr. Hope.
- 1120-1130 Discussion.
- 1130-1135 Administrative Remarks, Swearing-In of New Members and Consultants, and Adjournment, Mr. O'Neill.

[FR Doc.75-33815 Filed 12-15-75; 8:45 am]

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### ENDANGERED SPECIES PERMIT

##### Receipt of Application for Amendment

A permit authorizing capture of not more than 25 INDIANA BATS (*Myotis sodalis*) for purposes of identification and release, was issued on November 11, 1974, to Mr. Todd L. Vogel, U.S. Fish and Wildlife Service, Kansas City, Missouri. The name of the permittee was changed to Area Manager, U.S. Fish and Wildlife Service, Kansas City, Missouri, on May 23, 1975, by amendment to the permit. A notice containing the application for the permit was published in the FEDERAL REGISTER on October 2, 1974 (39 FR 35582) soliciting public comments for a period of 30 days. A notice of the issuance of the permit was published on February 5, 1975 (40 FR 5380-81-82).

Under date of October 23, 1975, the Acting Area Director, U.S. Fish and Wildlife Service, Kansas City, Missouri, has submitted a request for amendment of the permit. Published herewith is that request. It is being considered pursuant to § 13.23, Title 50 Code of Federal Regulations (see 39 FR 1162).

OCTOBER 23, 1975.

To: Director, U.S. Fish & Wildlife Service (LE), Washington, D.C.  
From: Acting Area Manager, U.S. Fish & Wildlife Service, Kansas City, Mo.  
Subject: Amendment of U.S. Fish & Wildlife Permit (Endangered Species), No. PRT-8-31-C.

This supersedes our request for amendment of PRT-8-31-C dated August 13, 1975.

The cooperative study on Myotis bats in the Meramec Basin, Missouri, is being conducted under the authority of the subject permit.

In order to achieve the objectives of the study and to obtain data which will aid in recovery of the species, it will be necessary to capture and observe the bats in a number of different sites and situations. Bats will be captured with nets or traps in foraging areas and in or near cave entrances. Disturbances while bats are in hibernation will be held to a minimum, and hibernating bats will be tagged only when it is necessary to examine them for other purposes.

The following additional information is also provided for your information as required by 50 CFR 17.22.

(1) Indiana bat, *Myotis sodalis*, undesignated numbers, all ages, both males and females.

Activity sought be authorized by this amendment is described earlier in this memo and in the attached "Scope of Work."

(2) The wildlife sought to be covered by this permit is still in the wild.

(3) Only trained, knowledgeable, professional biologists will be working under the authority of this permit. Methods selected for use in obtaining wildlife sought to be covered by this permit will be those demonstrated to be the least damaging and disruptive to the subject wildlife and least likely to cause their death or removal from the wild.

(4) N/A.

(5) Any wildlife covered by this permit that is accidentally killed during capture will be retained for scientific study by participants in the cooperative myotiline bat

study. Upon completion of the study, all such wildlife shall be submitted to the National Fish and Wildlife Laboratory, U.S. Fish and Wildlife Service, Washington, D.C.

(6) Applicant does not seek to have live wildlife covered by this permit as described in this subsection.

(7) Copies of contracts and agreements are attached.

(8) Justification has been provided earlier in this memo, in the attached "Scope of Work," and in original request for Fish and Wildlife Permit (Endangered Species) No. PRT-8-31-C.

JAMES W. SALYER.

#### APPENDIX A

##### SCOPE OF WORK

1. *General Description of Work:* The work to be accomplished by the Contractor consists of performing the necessary research and the writing of a report that will evaluate the status of myotis bats (with emphasis on the Indiana bat, *Myotis sodalis*) in the Meramec Park Lake project area and vicinity.

2. *Location of the Study Area:* The study area consists of all project fee and easement lands and any other lands deemed significant near the flood control pool (elevation 709 ft. m.s.l. for Meramec). Meramec Park Lake will be located on the Meramec River primarily in Crawford County. The dam will be constructed at mile 108.7. 40,700 acres will be obtained by fee and easement for project purposes. The normal pool elevation will be 675 ft. m.s.l.

3. *Work to be performed by the Contractor:* The Contractor shall complete the following phases of this study which will include those items listed under each phase:

a. *Phase I: Spring-Summer population and habitat analysis.* (1) Search for sites used by nursery colonies and other roosting groups in caves, trees, buildings or other suitable places in the study area. Identify species of myotis bats present and estimate numbers present. Determine population structure. Measure pertinent parameters of summer roosts.

(2) Investigate summer habitat and quantify if possible.

(3) Capture and band myotis bats, record species, sex, age, and reproductive condition. Estimate density and/or relative abundance of the populations of each species of myotis bat using the Meramec Park Lake project area and vicinity as well as the sex and age structure.

(4) Determine foraging habitat of each species (emphasis on *M. sodalis*). Gather food-habitat data as possible from guano.

b. *Phase II: Fall population and habitat analysis.* (1) Survey all known caves in the study area to locate caves being used by myotis bats for hibernation activities such as mating and staging areas. Determine population parameters.

(2) Document shift of bats from breeding areas to hibernating and staging caves. Distinguish among caves.

c. *Phase III: Hibernating populations and habitat analysis.* (1) Locate all caves used by hibernating myotis bats on all fee and easement lands and on other lands that may be impacted. All available literature and knowledgeable persons should be consulted.

(2) Survey each cave for the presence of bats. Identify species of myotis bats present and estimate numbers and sex ratio by species. Estimate extent of habitat by measuring such parameters as described below in c-3.

(3) Measure the following parameters for each cave having myotis bats or evidence of them. Other parameters should be measured as necessary.

(a) Relative humidity.

(b) Air and rock temperature.

(c) Approximate entrance elevation, dimensions and other distinguishing characteristics of each cave. Important bat caves that are near the flood pool elevation will be surveyed by the St. Louis District.

(d) Temperature of bats.

(e) Evidence of disturbance or visitation.

(f) Presence of water.

(4) Search for summer banded animals to determine if animals summering in the areas also winter there.

d. *Phase IV: Spring-Summer population and habitat analysis:* (Same as Phase I). Reproductive activities will be carefully monitored.

e. *Phase V: Analysis of the Impact of Meramec Park Lake on myotis bats.* (1) For each species, discuss the impacts of the projects on each phase of their life history. All phases of construction and project operation are to be considered. These activities include, but are not necessarily limited to:

(a) Constructing Meramec Park Lake Dam.

(b) Constructing all other buildings, structures, and facilities.

(c) Construction and relocation of roads.

(d) Operation and maintenance of the project after construction.

(e) Any effects of change in climate immediately adjacent to the lake.

(f) Effect of planned recreational and other developments on land adjacent to the lake.

f. *Phase VI: Species Management.* Discuss methods that would assure the continuation of all myotis bat species in the project area, with emphasis on the Indiana bat (*Myotis sodalis*). These could include, but not necessarily be limited to, the preservation of existing habitat and a monitoring study to take place during and after construction to assess actual impact.

4. *Schedule of Work:* a. *Phase I.* The Contractor shall complete the field investigations for this phase between 1 July 1975 and 30 August 1975. A preliminary report (3 copies) describing findings of this phase shall be submitted to the Contracting Officer, the U.S. Fish and Wildlife Service, Kansas City Area Office and the Missouri Department of Conservation by 1 October 1975.

b. *Phase II.* The Contractor shall complete the field investigations for this phase between 1 September 1975 and 30 November 1975. A preliminary report (3 copies) describing findings of this phase shall be submitted to the Contracting Officer, the U.S. Fish and Wildlife Service, Kansas City Area Office and the Missouri Department of Conservation by 1 January 1976.

c. *Phase III.* The Contractor shall complete the field investigations for this phase between 1 December 1975 and 30 April 1976. A preliminary report (3 copies) describing findings of this phase shall be submitted to the Contracting Officer, the U.S. Fish and Wildlife Service, Kansas City Area Office and the Missouri Department of Conservation by 1 June 1976.

d. *Phase IV.* The Contractor shall complete field investigations for this phase between 1 May 1976 and 30 August 1976.

e. *Phases V, VI, and Preliminary Draft Report.* (1) The preliminary draft of the final report (3 copies of each) covering the entire study shall be submitted to the Contracting Officer, the U.S. Fish and Wildlife Service,

Kansas City Area Office and the Missouri Department of Conservation by 1 November 1976.

(2) The Contracting Officer and the U.S. Fish and Wildlife Service and the Missouri Department of Conservation shall review and return the preliminary draft within 30 calendar days after its receipt.

f. *Final Report.* The Contractor shall submit three copies each of the final report to the Contracting Officer and U.S. Fish and Wildlife Service Area Office and the Missouri Department of Conservation within 30 calendar days after receipt in writing from the Contracting Officer and the U.S. Fish and Wildlife Service Area Office and the Missouri Department of Conservation of approval of the preliminary draft report and comments thereon. The Contracting Officer, the U.S. Fish and Wildlife Service and the Missouri Department of Conservation will make a thorough examination of the final report, and if it is found to comply with the requirements of the contract, it shall be accepted and the Contractor so notified.

g. In the event these schedules are exceeded due to causes beyond the control and without the fault or negligence of the Contractor, the contract will be modified in writing and the contract completion date will be extended one calendar day for each calendar day of delay.

h. During the duration of the study, the principal investigator shall submit an activity report monthly to the permittee, U.S. Fish and Wildlife Service, Kansas City Area Office, as required by the Endangered Species Act of 1973 (Public Law 93-205, Section 10).

i. The Contractor shall not release any material for publicity or publication before completion of the study without the prior written approval of the Contracting Officer, the U.S. Fish and Wildlife Service and the Missouri Department of Conservation. At the completion of the project, this study shall be available to the investigator for publication.

5. *Format of the Reports.* The Contractor shall have the final report manuscript typed on a good grade of bond paper, size 8 x 10 1/2". The typing shall be double-spaced on one side of each sheet only. The margins shall be 1 1/4" top to bottom, 1" right hand and 1 1/2" left hand. All pages shall be numbered. The final manuscript shall include: (1) an abstract; (2) Table of Contents, including a list of tables and a list of figures; (3) description of the study area; (4) description of methods and techniques; (5) the body of the report; (6) literature cited; and (7) a summary. The Contractor shall submit the final manuscript to the Contracting Officer in triplicate.

All caves visited during this study shall be located on a U.S.G.S. quadrangle map (7.5 minute series if available; 15 minute otherwise). The caves shall be referred to by a coded numbering system that follows Werner (1974). All references to caves in the text of this report shall be in the same numbering system; no other names or numbers shall be used. The map and a key to the coding system shall be given to the Contracting Officer, the U.S. Fish and Wildlife Service and the Missouri Department of Conservation with the draft report, but they shall not be attached to the report. The key shall list code number, Missouri Speleological Survey number (if available) and common name.

In keeping with the spirit of the Endangered Species Act of 1973, this Notice is being published to allow public comments on the request for amendment. Interested persons may comment on the

amendment by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received by January 15, 1976 will be considered.

Dated: December 11, 1975.

C. R. BAVIN,  
Chief, Division of Law Enforcement,  
U.S. Fish and Wildlife Service.

[FR Doc. 75-33812 Filed 12-15-75; 8:45 am]

Office of the Secretary

[INT DES 75-62]

COLORADO

Notice of Availability of Draft Environmental Statement

The draft environmental statement for the proposed construction and operation of an oil shale plant complex and related facilities in southwestern Colorado will be available to the public during the month of December.

The Bureau of Land Management invites your written comments within 60 days of this notice.

A limited number of copies are available upon request to Dale Andrus, State Director, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202.

Public reading copies will be available for review at the following locations:

BUREAU OF LAND MANAGEMENT OFFICES

- Public Affairs Office, Bureau of Land Management, 18th and C Streets, NW., Washington, D.C. 20240  
 Colorado State Office, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202  
 Moab District Office, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532  
 Grand Junction District Office, Bureau of Land Management, 223 Federal Office Building, Grand Junction, Colorado 81501  
 Utah State Office, Bureau of Land Management, Federal Building, 125 S. State Street, Salt Lake City, Utah 84111.

COUNTY COURTHOUSES

- Grand County, Box 727, Moab, Utah 84532  
 Pitkin County, 506 E. Main, Aspen, Colorado 81611  
 Mesa County, 6th and Rood, Grand Junction, Colorado 81501  
 Garfield County, Glenwood Springs, Colorado 81601  
 San Juan County, Blanding, Utah 84511  
 Eagle County, P.O. Box 789, Eagle, Colorado 81631  
 Rio Blanco County, Meeker, Colorado 81641

PUBLIC LIBRARIES

- Pitkin County Library, 110 E. Main, Aspen, Colorado 81611  
 Gordon Cooper Public Library, 443 Main, Carbondale, Colorado 81623  
 Delta City Public Library, 563 Palmer, Delta, Colorado 81416  
 Glenwood Springs Public Library, 806 Cooper Avenue, Glenwood Springs, Colorado 81601  
 Mesa College Library, Grand Junction, Colorado 81501

- Mesa County Library, 530 Grand Avenue, Grand Junction, Colorado 81501  
 Meeker Public Library, 200 Main, Meeker, Colorado 81641  
 Garfield County Public Library, 402 W. Main, New Castle, Colorado 81647  
 Rangely Public Library, 109 E. Main, Rangely, Colorado 81648  
 Rifle City Library, P.O. Box 609, Rifle, Colorado 81650  
 Grand Juan Public Library, Monticello, Utah 84535  
 Ms. Kay Collins, Conservation Library, Denver Public Library, 1357 Broadway, Denver, Colorado 80203

Notice is also given that public hearings on the draft environmental statement will be held at the following locations:

Location	Date and time
City Council Chambers City and County Bldg., 1st and Center St., Moab, Utah.	Jan. 27, 1976, 1 to 5 p.m., 7 to 9 p.m.
Federal Court Room— Room 323, Federal Bldg., 4th and Rood, Grand Junction, Colo.	Jan. 28, 1976, 1 to 5 p.m., 7 to 9 p.m.
Public Meeting Room, Denver Public Li- brary, 1357 Broad- way, Denver, Colo.	Jan. 29, 1976, 1 to 5 p.m., 6:30 to 8:30 p.m.

Written comments or statements should be submitted to the State Director, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202.

Dated: December 12, 1975.

STANLEY D. DOREMUS,  
Deputy Assistant  
Secretary of the Interior.

[FR Doc. 75-33919 Filed 12-15-75; 8:45 am]

Office of the Secretary  
DEPARTMENTAL SEAL  
Criteria for Use

This notice is issued in accordance with the provisions of 5 U.S.C. 552(a) (1) (E). The Department of the Interior directive related to seals and emblems, which was published in the FEDERAL REGISTER on October 17, 1969 (34 FR 16632), was recently revised by Departmental Manual Release Number 1809 dated November 13, 1975. The principal revision pertains to criteria for the use of the Departmental Seal published in subparagraph 1A(3), Chapter 4, Part 310 of the Department of the Interior Manual. The directive is published in its entirety below. The numbering system shown is that of the Departmental Manual.

Further information regarding this Notice may be obtained from the Director of Management Operations, Office of the Secretary, U.S. Department of the Interior, Washington, D.C. 20240, telephone 202-343-6716.

Date: December 8, 1975.

RICHARD R. HITE,  
Deputy Assistant  
Secretary of the Interior.

DEPARTMENTAL MANUAL

1 Seals.

A. *Departmental Seal.* The use of a seal by the Department of the Interior is authorized and required by the Act of August 24, 1912 (37 Stat. 498; 43 USC 1460 et seq.). The seal consists of a male buffalo with the head and body in a left position, standing on a prairie, with mountains and a rising sun in the background, enclosed within two concentric circles, having the words "U.S. Department of the Interior" and the date "March 3, 1849" inscribed in the top and bottom arcs within these circles. A reproduction of the seal appears as Appendix 1.

(1) *Policy.* The seal stands as the visible symbol of the Department, and it may not be used in connection with any commercial or other unofficial enterprise without the written approval of the custodian of the seal.

(2) *Custody.* The Director of Management Operations is the custodian of the Departmental seal.

(3) *Use.* In accordance with the Act of August 24, 1912 (37 Stat. 498; 43 USC 1460 et seq.) the official seal shall be impressed on all Departmental official papers and documents which require certification or authentication except for those Bureaus and Offices which have an official seal authorized by statute for authentication and certification purposes. See 310 DM 4.1B and 310 DM 10.

a. All official documents and publications (314 DM 3) and all letterheads (314 DM 5) printed for official use shall bear the printed seal of the Department. The use of the seal on the Departmental flag and other flags is outlined in 310 DM 5.

b. Requests for permission to use the seal for other purposes should be addressed to the Director of Management Operations. Each request should contain exact and explicit information as to the intended use of the seal, with full details as to the product, method of reproduction, and any other data which would be helpful in appraising such a request.

B. *Bureau and Office Seals.* Bureaus and offices having seals authorized by statute will issue directives governing the policy, custody and use of such seals.

2 *Emblems.* The use of emblems or insignia, which are not authorized by statute, to symbolize a bureau or office mission must be approved by the appropriate program Assistant Secretary and the Assistant Secretary-Management. Appropriate design, relationship of symbolism to mission, suitability of intended use, and the need for further clearance that may be required by legislation or Executive Order will be considered before approval is granted.



[FR Doc. 75-33762 Filed 12-15-75; 8:45 am]

## Office of the Secretary

E. F. TIMME

## Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months.

- (1) No Change.
- (2) No Change.
- (3) No Change.
- (4) No Change.

This statement is made as of October 3, 1975.

Dated: October 3, 1975.

E. F. TIMME

[FR Doc.75-33832 Filed 12-15-75;8:45 am]

## DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

## RAISIN ADVISORY BOARD

## Public Meeting

Under the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770), notice is given of a meeting of the Raisin Advisory Board at 1:30 p.m., January 8, 1976, in the Forum of the Sheraton Inn, Freeway 99 and Clinton Avenue, Fresno, California.

The purpose of the meeting is to: Review production estimates for the 1975-76 crop year for natural Thompson Seedless and Dipped Seedless raisins; consider recommendations for final 1975-76 free and reserve percentages for those raisins; receive reports on amendments, operations, and weight conversion factors; and consider the need for amendment of the marketing order. The meeting will be open to the public.

The Raisin Advisory Board is established under the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 898), regulating the handling of raisins produced from grapes grown in California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

The names of Board members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Clyde E. Nef, Manager, Raisin Administrative Committee, 732 North Van Ness Street, Fresno, California 93720; telephone 209-268-5666.

Dated: December 10, 1975.

DONALD E. WILKINSON,  
Administrator.

[FR Doc.75-33848 Filed 12-15-75;8:45 am]

## Rural Electrification Administration

ARIZONA ELECTRIC POWER  
COOPERATIVE, INC.

## Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with

applicable agency policies and procedures as set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of \$261,520,000 to Arizona Electric Power Cooperative, Inc., of Benson, Arizona. These loan funds will be used to finance a project consisting of two 175 MW coal-fired generating units, 56 miles of 230 kV transmission line, 25 miles of 345 kV transmission line, and 24 percent undivided ownership interest in Tucson Gas & Electric 345 kV transmission facilities.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. Dexter M. Smith, Manager, Arizona Electric Power Cooperative, Inc., P.O. Box 670, Benson, Arizona 85602.

In order to be considered, proposals must be submitted (on or before January 15, 1976) to Mr. Smith. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Arizona Electric and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 10th day of December, 1975.

RICHARD F. RICHTER,  
Acting Administrator,

Rural Electrification Administration.

[FR Doc.75-33250 Filed 12-15-75;8:45 am]

## DEPARTMENT OF COMMERCE

Domestic and International Business  
Administration

## LOUISIANA STATE UNIV.

Notice of Decision on Application for  
Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00066-33-46040.  
Applicant: Louisiana State University Medical Center, School of Medicine in

Shreveport, 1501 Kings Highway, P.O. Box 3932, Shreveport, Louisiana 71130. Article: Electron Microscope, Model JEM 100B with accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the studies of normal and pathological (diseased) cells and tissues obtained in the course of diagnosis and/or treatment of patients and in the course of research using animals, and cell or tissue cultures (including normal and cancerous cells, nerve tissues from chick embryos and from control and drug-treated suckling rodents, normal and diseased arteries and blood vessels, and control and experimental cells and tissues in cultures). The experiments to be conducted include: (1) Quantitative analysis of myelin formation and nerve maturation; (2) Examination of surgical biopsies and post-mortem specimens for research and diagnostic purposes; (3) Studies of experimentally induced vascular lesions; and (4) Examination of tissues and fluids from patients and from animals by transmission and scanning electron microscopy. In addition, the article will be used by faculty, qualified graduate students, post-doctoral research fellows in the Department of Pathology, and resident staff from associated teaching hospitals. Graduate courses in Cellular Pathology, Cancer Diagnosis, and Renal and Hepatic Ultrastructure will include laboratory sessions.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capability for both transmission and scanning micrographs. The Department of Health, Education, and Welfare (HEW), in its memorandum dated November 11, 1975, advises that the capabilities described above are pertinent to the applicant's research studies. The most closely comparable domestic instrument is the Model EMU-4C electron microscope produced by Adam David Company. HEW further advises that the EMU-4C does not provide the pertinent combined transmission and scanning electron micrographs. We, therefore, find the EMU-4C is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Director,

Special Import Programs Division.

[FR Doc.75-33798 Filed 12-15-75;8:45 am]

**PUBLIC HEALTH SERVICE HOSPITAL,  
STATEN ISLAND**

**Notice of Decision on Application for  
Duty-Free Entry of Scientific Article**

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00052-33-46040.  
Applicant: U.S. Public Health Service Hospital, Bay Street & Vanderbilt Avenue, Staten Island, New York 10304. Article: Electron Microscope, Model EM 10A. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for the examination of all structure and membrane features using the preparative techniques of sectioning and freeze fracture. Tissue will be derived from experiments in which physiological parameters of the toad urinary bladder and rat kidney have been measured. Also pathological specimens from human renal biopsies and other tissues will be examined with the article. Experiments will be conducted to describe the relationship between structure and function in epithelia. In particular the effect of vasopressin on membrane structure and the effect of extracellular volume expansion on the structure of renal epithelial tight junctions will be investigated.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (June 27, 1975). Reasons: The foreign article provides a guaranteed resolution of 3.5 Angstroms point to point (Å pt.) and a high resolution goniometer stage which guarantees 5 Å pt. resolution, tilt up to  $\pm 45$  degrees, and rotation through 360 degrees. The most closely comparable domestic instrument available at the time the foreign article was ordered was the Model EMU-4C supplied by Adam David Company (Adam David). The Model EMU-4C provides a guaranteed resolution of 5 Å pt. and a tilt stage which has  $\pm 3$  degrees tilt and a guaranteed resolution of 8 Å pt. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated November 11, 1975 that the best resolution and a goniometer stage are pertinent to the applicant's intended purposes. In addition, HEW advises that the Model EMU-4C did not provide equivalent resolution or goniometer stage at the time the article was ordered. We, therefore, find that the Model EMU-

4C was not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Director,  
Special Import Programs Division.

[FR Doc.76-33799 Filed 12-15-75;8:45 am]

**TEMPLE UNIVERSITY HOSPITAL**

**Notice of Decision on Application for  
Duty-Free Entry of Scientific Article**

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00068-35-54500.  
Applicant: Temple University Hospital, Dept. of Ophthalmology, 3400 North Broad Street, Philadelphia, Pa. 19140. Article: Ophthalmometer, Tonometer and Slitlamp 900 (Cataract Detector). Manufacturer: Haag-Streit Co., Switzerland. Intended use of article: The article is intended to be used to correlate data in studies of pre and post operative results in cataract patients. This data will improve visual performance and rehabilitate patients after cataract or corneal surgery. The article will also be used to teach resident doctors and students how to examine patients before and after corneal and cataract surgery.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capability for stereoscopic vision, as well as, precision of control. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated November 11, 1975 that the combination described above for the article is pertinent to the applicant's intended purposes. HEW also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended uses.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign

article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Director,  
Special Import Programs Division.

[FR Doc.76-33800 Filed 12-15-75;8:45 am]

**UNIVERSITY OF CALIFORNIA—  
LOS ANGELES**

**Notice of Decision on Application for  
Duty-Free Entry of Scientific Article**

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00070-65-90000.  
Applicant: University of California, Department of Chemistry, Los Angeles, California 90024. Article: Rotating Anode X-ray generator GX-20. Manufacturer: Elliott Automation Radar Systems Ltd., United Kingdom. Intended use of article: The article is intended to be used for single crystals in a long range program aimed at understanding enzymatic structure and regulation.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a focused spot of minimal size (0.1 x 0.1 mm) and a rotating target for maximum x-ray beam intensity. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated November 11, 1975 that the capabilities described above are pertinent to the purposes for which the article is intended to be used. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Director,  
Special Import Programs Division.

[FR Doc.76-33801 Filed 12-15-75;8:45 am]

## UNIVERSITY OF FLORIDA

## Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00053-33-46040. Applicant: University of Florida, Dept. of Entomology, Institute of Food and Agricultural Sciences, 345 Archer Rd. Lab., Gainesville, Florida 32611. Article: Electron Microscope, Model HS-9. Manufacturer: Hitachi Ltd., Japan. Intended use of Article: The article is intended to be used for research in the following areas: (1) the ultrastructure, site of infection, and multiplication of a new complex microsporidia associated with the imported fire ant and (2) the structure, multiplication, and translocation of insect viruses in various economic insect pests. The article will also be used in a number of graduate courses in entomology.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (March 19, 1975). Reasons: The foreign article is a relatively simple, easy to operate, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. The article provides 6Å point to point resolution, an accelerating voltage of 75 kilovolts, and low distortion magnification from 500X through 100,000X plus 200X for scanning which permits an overlap of light and electron microscopy.

The most closely comparable domestic instrument available at the time the article was ordered was the Model EMU-4C supplied by the Adam David Company. The Model EMU-4C is a relatively complex instrument designed for use of an experienced operator which provides magnifications of 1400X to 240,000X with its standard pole piece and low distortion magnifications of 500X to 70,000X through the use of a low magnification pole piece. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated November 11, 1975 that the full magnification range of the article without a pole piece change and relative simplicity of operation are pertinent to the applicant's intended purposes. HEW also advises that the Model EMU-4C does not have an equivalent magnification range without

a pole piece change and is more complex than the work requires. In addition, HEW advises that the Model PA-1 supplied by the Adam David Company was in development at the time the article was ordered. In this regard, we note that a prototype of the PA-1 was first shown by Adam David in November, 1974. The record shows that neither the Department nor its consultants have been able to determine or verify the capabilities of the PA-1 as of the date of this decision. Thus the Department does not have a sufficient basis for ruling that the Adam David Company was able to supply the PA-1 at the time the foreign article was ordered, or that it is the scientific equivalent of the foreign article.

We, therefore, find that the Model EMU-4C was not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,

Director,

Special Import Programs Division.

[FR Doc. 75-33802 Filed 12-15-75; 8:45 am]

## UNIVERSITY OF GEORGIA

## Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00055-33-46040. Applicant: University of Georgia, Dept. of Botany, Athens, Georgia 30602. Article: Electron Microscope, Model EM 10A. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in carrying out a variety of research projects which will include: (1) Studies of the development and reproduction of lower fungi, namely phycocyanetes; (2) Elucidation of characteristics of higher plants which contribute to their capacity to both gain and lose carbon dioxide; (3) Studies of the changes in subcellular organization during encystment germination, growth and differentiation of the phycocyanete *Blastochladiella emersonii*; (4) Investigation of the transport of organic compounds in plants, particularly with re-

gard to the structural features of the cells involved in such transport; (5) Further studies of ascocarp development (Sporangia), conidium ontogeny (*Aspergillus*, *Cunninghamella*, *Phoma*, *Pestalotia*), and ascosporeogenesis (*Byssosclerolamys*, *Eleutherascus*); (6) Research centered on the developmental biology of *Volvox*; (7) Determination of the complete life cycles of pyrenomycetous Ascomycetes, including developmental morphology of conidial and ascigerous states and substrate relationships of mycelium, particularly the host cell-fungus interactions of the biotrophic parasites; and (8) Studies concerning the various aspects of the biology of the Labyrinthulales and Thraustochytriales including their distribution, morphology, taxonomy and phylogenetic position.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (June 25, 1975). Reasons: The foreign article provides distortion free micrographs over a magnification range 100 to 200,000 X without a pole-piece change and a guaranteed resolution of 3.5 Angstroms point to point (Å pt.). The most closely comparable domestic instrument available at the time the foreign article was ordered was the Model EMU-4C electron microscope currently supplied by the Adam David Company (Adam David). The Model EMU-4C with its standard pole-piece, had a specified range from 1,400 to 240,000 magnifications. For survey and scanning, the lower end of this range could be reduced to 200 magnifications or less. But the continued reduction of magnification induced an increasingly greater distortion. The domestic manufacturer suggests in its literature on the Model EMU-4C that for highest quality, low magnification electron micrographs, an optional low magnification pole-piece providing 500-70,000 X should be used. It is noted that changing the pole-piece on the Model EMU-4C requires a break in the vacuum of the column that induces the danger of contamination which would very likely lead to the failure of the experiments. The EMU-4C provided a guaranteed resolution of 5Åpt. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated November 11, 1975 that distortion free micrographs at low magnifications (100 X) immediately followed by high magnification examinations at 200,000 X without a pole piece change and the additional resolution of the article are pertinent to the applicant's intended purposes. HEW also advises that the magnification range without pole piece change and the guaranteed resolution of the domestic Model EMU-4C was not scientifically equivalent to that of the foreign article for the applicant's intended use at the time the article was ordered.

We, therefore, find that the Model EMU-4C was not of equivalent scien-

tific value to the foreign article, for such purposes as this article is intended to be used at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,  
Director, Special Import  
Programs Divisions.

[FR Doc.75-33803 Filed 12-15-75; 8:45 am]

#### UNIVERSITY OF WISCONSIN

##### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 8(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00065-33-46040.  
Applicant: University of Wisconsin, Department of Ophthalmology, School of Medicine, Madison, Wisconsin 53706. Article: Electron Microscope, Model Corinth 275 with Accessories. Manufacturer: AEI Scientific Apparatus Ltd., United Kingdom. Intended use of article: The article is intended to be used primarily for the investigation of the retina and the retinal vascular system in diabetic dog and human eyes in an effort to further clarify the pathogenesis of diabetic microvascular disease which often destroys vision and has become one of the leading causes of blindness.

The article will also be used by graduates and post-graduates as an integral part of their research work. The training of technicians will also play an important role in the teaching phase of the instrument use.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (June 26, 1975). Reasons: The foreign article provides both an open screen viewing which is available for direct measurement or tracing. The most closely comparable domestic instrument available at the time the article was ordered was the Model EMU-4C manufactured by the Adam David Com-

pany. The Model EMU-4C did not provide an open viewing screen for measurement and/or tracing.

The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated November 11, 1975 that the open viewing screen of the foreign article is pertinent to the applicant's intended purposes. HEW also advises that the Model EMU-4C does not provide the pertinent open viewing screen.

We, therefore, find that the Model EMU-4C was not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,  
Director,  
Special Import Programs Division.

[FR Doc.75-33804 Filed 12-15-75; 8:45 am]

#### Domestic and International Business Administration

##### MANAGEMENT-LABOR TEXTILE ADVISORY COMMITTEE

###### Public Meeting

The Management-Labor Textile Advisory Committee will meet at 2:00 p.m. on January 21, 1976, in Room 6802, Department of Commerce, 14th & Constitution Avenue, NW., Washington, D.C. 20230.

The Committee, which is comprised of 39 members, was established by the Secretary of Commerce on April 23, 1962 to advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

The agenda for the meeting will be as follows:

1. Review of import trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

A limited number of seats will be available to the public. The public will be permitted to file written statements with the Committee before or after each meeting. To the extent time is available at the end of the meetings, the presentation of oral statements will be allowed.

Copies of the minutes of the meetings will be made available on written request addressed to the DIBA Freedom of Information Officer, Freedom of Information Control Desk, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, U.S.

Department of Commerce, Washington, D.C. 20230, telephone 202-967-5078.

Dated: December 11, 1975.

ALAN POLANSKY,  
Deputy Assistant Secretary for  
Resources and Trade Assistance.

[FR Doc.75-33831 Filed 12-15-75; 8:45 am]

#### Maritime Administration

[Docket No. S-457, Sub. 1]

##### COVE TANKERS CORP.

###### Amended Notice of Application

Notice of Application for the above company, identified as Docket No. S-457, was published in the FEDERAL REGISTER on July 29, 1975 (40 FR 31823), indicating that Cove Tankers Corporation had filed an application with the Maritime Subsidy Board pursuant to Title VI (U.S.C. 1171-1183) of the Merchant Marine Act, 1936, as amended (Act), for an operating-differential subsidy agreement to expire December 31, 1975 (unless extended only for a subsidized voyage in progress on that date), to operate two tanker vessels, the SS Mount Explorer and the SS Mount Navigator, in the carriage of export bulk raw and processed agricultural commodities in the foreign commerce of the United States (U.S.) from ports in the U.S. to ports in the Union of Soviet Socialist Republics (U.S.S.R.). Liquid and dry bulk cargoes may be carried from U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk raw and processed agricultural commodities to the U.S.S.R.

The application was approved on October 6, 1975. Such Notice is now being republished to delete the passage "(unless extended only for a subsidized voyage in progress on that date)" and substituting the phrase "(unless otherwise extended)". It is anticipated that this contract will be extended to December 31, 1976.

Full details concerning the U.S.-U.S.S.R. export bulk raw and processed agricultural commodities subsidy program, including terms, conditions and restrictions upon both the subsidized operators and vessels, appear in Title 46 of the Code of Federal Regulations, Part 294.

For purposes of section 605(c) of the Act, it should be assumed that, should the Board grant an extension to Cove's existing contract, the two vessels named above will continue to engage in the described trades, on a full-time basis, during the indicated time period. Under such approval each voyage must be approved for subsidy assistance prior to its commencement and the Board will act on such request(s) as an administrative matter for which there is no requirement for further section 605(c) Notice(s).

Any person having an interest in the extension of the contract, must on or before December 29, 1975, notify the board's Secretary, in writing, of his in-

terest and of his position, and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act and, with as much specificity as possible, the facts that the intervenor would undertake to prove at such hearing.

In the event a hearing under section 605(c) of the Act is ordered to be held with respect to the subject application, the purpose of such hearing will be to receive evidence relevant to (1) whether the effect of the extension of the contract would be to give undue advantage or be unduly prejudicial, as between citizens of the United States, in the operation of vessels in such essential service, and (2) whether in the accomplishment of the purposes and policy of the Act this contract should be extended to December 31, 1976.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such action as may be deemed appropriate.

Date: December 11, 1975.

JAMES S. DAWSON, Jr.,  
Secretary.

[FR Doc.75-33857 Filed 12-15-75; 8:45 am]

National Oceanic and Atmospheric  
Administration

MARINE FISHERIES ADVISORY  
COMMITTEE

Meeting

Pursuant to Section 10(a) (2) of the Federal Advisory Committee Act, 5 U.S.C., Appendix I, notice is hereby given of a change in date by which written statements from the public will be accepted for consideration at the meeting of the Marine Fisheries Advisory Committee (MAFAC) Ad Hoc Subcommittee on the Role of the National Oceanic and Atmospheric Administration in Implementation of *U.S. v. Washington* (Ad Hoc Subcommittee on the Boldt Decision). The meeting will be held on December 16, 1975, in the Main Auditorium of the Auditorium of the NMFS Northwest Fisheries Center. Reference FEDERAL REGISTER, Volume 40, Number 210 at 50555, October 30, 1975, and Number 228 at 54600, November 25, 1975.

The following change is to be noted by interested members of the public. The period for receipt of written statements is extended to December 26, 1975, from November 28, 1975, as previously published. The change results from recent evidence that many concerned individuals who desire to file comments have

not had the opportunity to prepare written statements by the November 28th closing date.

Dated: December 12, 1975.

ROBERT W. SCHONING,  
Director,  
National Marine Fisheries Service.

[FR Doc.75-33971 Filed 12-15-75; 8:45 am]

Office of the Secretary  
ECONOMIC ADVISORY BOARD

Notice of Meeting

A meeting of the Department of Commerce Economic Advisory Board will be held on Thursday, January 22, 1976 from 9:30 a.m. to 3:00 p.m. in Room 4832, Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C.

The Board was established by the Secretary of Commerce on October 5, 1967. The purpose of the Board is to advise the Secretary of Commerce on economic policy issues. The intended agenda for this meeting is as follows:

Discuss specific industry situations in terms of consumer spending, inventory, and capital spending.

Discuss monetary and fiscal policy and the near-term outlook for prices and interest rates.

Discuss the outlook for overall economic activity through 1976 in terms of output and employment.

A limited number of seats will be available to the public on a first-come, first-served basis. Public participation will be limited to requests for clarification of items under discussion. Additional statements or inquiries may be submitted to the chairman before or after the meeting. Persons desiring to attend the meeting should advise Mr. Dominic R. Quinn, telephone (202) 967-3884, by January 16, 1976.

Copies of the minutes will be available on request 30 days after the meeting.

Inquiries may be addressed to the Committee Control Officer, Mr. Dominic R. Quinn, Special Assistant to the Assistant Secretary for Economic Affairs, Room 4858, Department of Commerce, Washington, D.C., 20230, telephone (202) 967-3884.

JAMES L. PATE,  
Assistant Secretary  
for Economic Affairs.

[FR Doc.75-33811 Filed 12-15-75; 8:45 am]

DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health  
Administration

ADVISORY COMMITTEES

Meetings

In accordance with section 10(a) (2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory

bodies scheduled to assemble during the month of January 1976:

MENTAL HEALTH SERVICES RESEARCH  
REVIEW COMMITTEE

January 5-7; 9 a.m.  
Place d'Armes, 625 St. Ann Street, New Orleans, Louisiana

Open—January 5, 9-9:30 a.m.  
Closed—Otherwise

Contact James Cumiskey, Parklawn Building, Room 11C-17, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3765

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to mental health services research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 9:30 a.m., January 5, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b) (5) and 552(b) (6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

EPIDEMIOLOGIC STUDIES REVIEW  
COMMITTEE

January 8-9; 9 a.m.  
Kalorama Conference Room, The Washington Hilton, Connecticut Avenue at Columbia Road, N.W., Washington, D.C.

Open—January 8, 9-10:00 a.m.  
Closed—Otherwise

Contact Lavinia Walsh, Parklawn Building, Room 10C-09, 5600 Fishers Lane, Rockville, Md. 20852, 301-43-3774

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research and training activities in the field of epidemiology and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 10:00 a.m., January 8, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b) (5), and 552(b) (6), Title 5 U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

**EXPERIMENTAL PSYCHOLOGY RESEARCH  
REVIEW COMMITTEE**

January 8-10; 9 a.m.  
Cabinet Room, Shoreham-Americana  
Hotel, Connecticut Avenue at Cal-  
vert Street, N.W., Washington, D.C.  
Open—January 8, 9-9:30 a.m.  
Closed—Otherwise  
Contact Sally Connell, Parklawn  
Building, Room 10-95  
5600 Fishers Lane, Rockville, Maryland  
20852, 301-443-3936

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to experimental psychology research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 9:30 a.m., January 8, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b) (5) and 552(b) (6), Title 5 U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix D).

**NEUROPSYCHOLOGY RESEARCH REVIEW  
COMMITTEE**

January 8-10; 9 a.m.  
Parliament Room, Wellington Hotel,  
2505 Wisconsin Avenue NW., Wash-  
ington, D.C.  
Open—January 8, 9-10 a.m.  
Closed—Otherwise  
Contact Eileen Nugent, Parklawn  
Building, Room 10C-06, 5600 Fishers  
Lane, Rockville, Md. 20852, 301-443-  
3942

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to neuropsychology research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 10 a.m., January 8, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of sections 552(b) (5) and 552(b) (6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix D).

**CLINICAL PROGRAM-PROJECTS RESEARCH  
REVIEW COMMITTEE**

January 9-10; 9 a.m.  
Marriott Key Bridge Hotel, Rosslyn,  
Virginia

Open—January 9, 9-10 a.m.  
Closed—Otherwise  
Contact Evelyn Cralle, Parklawn  
Building, Room 10C-25  
5600 Fishers Lane, Rockville, Md.  
20852, 301-443-4707

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to clinical research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 10 a.m., January 9, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b) (5), and 552(b) (6), Title 5 U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix D).

**EXPERIMENTAL AND SPECIAL TRAINING  
REVIEW COMMITTEE**

January 14-16; 9 a.m.  
Conference Room "C", Parklawn  
Building, Rockville, Maryland  
Open—January 14, 9-9:30 a.m.  
Closed—Otherwise  
Contact Dr. Ralph Simon, Parklawn  
Building, Room 8C-02, 5600 Fishers  
Lane, Rockville, Md. 20852, 301-443-  
3893

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to experimental and special mental health training projects and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 9:30 a.m., January 14, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of sections 552(b) (5) and 552(b) (6), Title 5 U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix D).

**SOCIAL SCIENCES RESEARCH REVIEW  
COMMITTEE**

January 14-16; 9 a.m.  
Captain's Table Room, La Valencia  
Hotel, 1132 Prospect Street, LaJolla,  
California  
Open—January 14, 9-9:30 a.m.  
Closed—Otherwise  
Contact Marilyn Andersen, Parklawn  
Building, Room 10-95, 5600 Fishers  
Lane, Rockville, Maryland 20852,  
301-443-3936

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to social science research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 9:30 a.m., January 14, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b) (5) and 552(b) (6), Title 5 U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix D).

**METROPOLITAN MENTAL HEALTH PROBLEMS  
REVIEW COMMITTEE**

January 15-16; 9 a.m.  
Conference Room 411, Quality Inn/  
Downtown, Massachusetts Avenue  
at Thomas Circle, NW., Washington,  
D.C.

Open—January 15, 9-9:30 a.m.  
Closed—Otherwise  
Contact Phyllis Pinzow, Parklawn  
Building, Room 15-99, 5600 Fishers  
Lane, Rockville, Md. 20852, 301-443-  
3373

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health, Division of Special Mental Health Programs, Center for Studies of Metropolitan Problems. It makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 9:30 a.m., January 15, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b) (5) and 552(b) (6), Title 5 U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix D).

**MINORITY GROUP MENTAL HEALTH  
PROGRAMS REVIEW COMMITTEE**

January 15-16; 9 a.m.  
Conference Room, Royal Inn of La  
Jolla, 7830 Faye Avenue, La Jolla,  
California

Open—January 15, 9-10:00 a.m.  
Closed—Otherwise  
Contact Edna M. Hardy Hill, Park-  
lawn Building, Room 7-102, 5600  
Fishers Lane, Rockville, Md. 20852,  
301-443-3724

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to minority mental health research and

training and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 10:00 a.m., January 15, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b) (5) and 552(b) (6), Title 5 U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix D).

#### CLINICAL PROJECTS RESEARCH REVIEW COMMITTEE

January 15-17; 9 a.m.

Marriott Key Bridge Hotel, Rosslyn, Virginia

Open—January 15, 9-10:00 a.m.

Closed—Otherwise

Contact Harriet German, Parklawn Building, Room 10C-23B, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4707

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to clinical research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 10:00 a.m., January 15, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b) (5) and 552(b) (6), Title 5 U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix D).

#### MENTAL HEALTH SMALL GRANT COMMITTEE

January 15; 1 p.m.

January 16-17; 8:30 a.m.

Marshall Room and Warren Room, Sheraton Park Hotel, 2600 Woodley Road, N.W., Washington, D.C.

Open—January 15, 4-5 p.m.

Closed—Otherwise

Contact Mary E. Enyart, Parklawn Building, Room 10C-14, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4337

Purpose: The Committee is charged with the initial review of small grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to mental health research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 4 to 5 p.m., January 15, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the

Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b) (5) and 552(b) (6), Title 5 U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix D).

#### PERSONALITY AND COGNITION RESEARCH REVIEW COMMITTEE

January 16-18; 9 a.m.

Caucus Room, Shoreham Americana, Connecticut Avenue at Calvert Street, N.W., Washington, D.C.

Open—January 16, 9-10 a.m.

Closed—Otherwise

Contact Shirley Maltz, Parklawn Building, Room 10C-06, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3942

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 10 a.m., January 16, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b) (5) and 552(b) (6), Title 5 U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix D).

#### SOCIAL PROBLEMS RESEARCH REVIEW COMMITTEE

January 18-19; 9 a.m.

Aztec Room, Sea Lodge, 8110 Camino Del Oro, La Jolla California

Open—January 18, 9-9:30 a.m.

Closed—Otherwise

Contact Hulda S. McLachlen, Parklawn Building, Room 9C-14, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4843

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the Division of Extramural Research Programs, National Institute of Mental Health, relating to the field of social problems and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 9:30 a.m., January 18, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug

Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b) (5) and 552(b) (6), Title 5 U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix D).

#### CONTINUING EDUCATION TRAINING REVIEW COMMITTEE

January 21-23; 9 a.m.

Conference Room "G", Parklawn Building, Rockville, Maryland

Open—January 21, 9-9:30 a.m.

Closed—Otherwise

Contact Luella McNay, Parklawn Building, Room 8C-22, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4735

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to education activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 9:30 a.m., January 21, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b) (5) and 552(b) (6), Title 5 U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix D).

#### CRIME AND DELINQUENCY REVIEW COMMITTEE

January 21-22; 9 a.m.

Plaza Room, Dupont Plaza Hotel, 1500 New Hampshire Avenue, N.W., Washington, D.C.

Open—January 21, 9-10 a.m.

Closed—Otherwise

Contact Carol Beall, Parklawn Building, Room 18C-03, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3728

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research and training activities in crime and delinquency, law and mental health interactions, and individual violent behavior and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 10 a.m., January 21, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b) (5) and 552(b) (6), Title 5 U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix D).

**JUVENILE PROBLEMS RESEARCH REVIEW COMMITTEE**

January 21; 7 p.m.

January 22-23; 9 a.m.

Kalorama Room, Washington Hilton, Connecticut Avenue at Columbia Road, NW., Washington, D.C.

Open—January 22, 9-9:30 a.m.

Closed—Otherwise

Contact Diana Souder, Parklawn Building, Room 10-99, 5600 Fishers Lane, Rockville, Maryland, 20852, 301-443-3566

**Purpose:** The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to development from infancy to young adulthood and makes recommendations to the National Advisory Mental Health Council for final review.

**Agenda:** From 9 to 9:30 a.m., January 22, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing the initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix D).

**ALCOHOL TRAINING REVIEW COMMITTEE**

January 22-24; 9 a.m.

Conference Room "B", Parklawn Building, Rockville, Maryland

Open—January 22, 9-11 a.m.

Closed—Otherwise

Contact Dr. Melvin Davidoff, Parklawn Building, Room 16C-26, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-1056

**Purpose:** The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Alcohol Abuse and Alcoholism, ADAMHA, relating to training activities and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism for final review.

**Agenda:** From 9 to 11 a.m., January 22, the Committee will be open for reports and announcements of administrative and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix D).

Substantive information may be obtained from the contact persons listed above.

The NIAAA and NIMH Information Officers who will furnish summaries of the meetings and rosters of the Committee members are located in the Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852. The NIAAA Information Officer is Mr. Harry C. Bell, Associate Director for Public Affairs, National Institute on Alcohol Abuse and Alcoholism, Room 6C-15, Telephone No. 301-443-3306. The NIMH Information Officer is Mr. Edwin Long, Deputy Director, Division of Scientific and Technical Information, National Institute of Mental Health, Room 15-105, Telephone No. 301-443-3600.

Dated: December 10, 1975.

CAROLYN T. EVANS,  
*Committee Management Officer,  
Alcohol, Drug Abuse, and  
Mental Health Administration.*

[FR Doc.75-33771 Filed 12-15-75;8:45 am]

**National Institutes of Health**
**AGING REVIEW COMMITTEE**
**Meeting**

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Aging Review Committee, National Institute on Aging, on February 5, 1976, in Building 31C, Conference Room 8, National Institutes of Health, Bethesda, Maryland.

The meeting will be open to the public from 9:00 a.m. to 10:00 a.m. on February 5 for introductory remarks by Dr. Richard Greulich, Acting Director, National Institute on Aging, and Dr. Leroy Duncan, Chief, Adult Development and Aging Branch. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on February 5 from 10:00 a.m. to adjournment for the review, discussion and evaluation of individual initial pending, supplemental and renewal grant applications. The closed portion of the meeting will involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Suzanna Porter, Committee Management Officer, NAI, Building 31, Room 4B63, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-5345, will provide a summary of the meeting and a roster of committee members. Dr. Walter Spieth, Executive Secretary of the Aging Review Committee, NIA, Landow Building, Room A-710; National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1033, will

furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.317, National Institutes of Health.)

Dated: December 9, 1975.

SUZANNE L. FREMEAU,  
*Committee Management Officer,  
National Institutes of Health.*

[FR Doc.75-33820 Filed 12-15-75;8:45 am]

**ALLERGY AND IMMUNOLOGY RESEARCH COMMITTEE**
**Meeting**

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Allergy and Immunology Research Committee, National Institute of Allergy and Infectious Diseases on January 26-27, 1976, at the National Institutes of Health, Building 31C, Conference Room 7, Bethesda, Maryland. This meeting will be open to the public from 9:00 a.m. to 10:00 a.m. on January 26 for the discussion of general policy matters and administrative reports. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting of the committee will be closed to the public from 10:00 a.m. on January 26 to adjournment on January 27 for the review, discussion, and evaluation of individual initial, pending, and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, NIAID, National Institutes of Health, Building 31, Room 7A32, Bethesda, Maryland 20014, (301) 496-5717, will furnish rosters of committee members, summaries of the meetings, and other information pertaining to the meetings.

(Catalog of Federal Domestic Assistance Program No. 13.855, National Institutes of Health.)

Dated: December 8, 1975.

SUZANNE L. FREMEAU,  
*Committee Management Officer,  
National Institutes of Health.*

[FR Doc.75-33823 Filed 12-15-75;8:45 am]

**ANIMAL RESOURCES ADVISORY COMMITTEE**
**Meeting**

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Animal Resources Advisory Committee, Di-

vision of Research Resources, February 3-4, 1976, National Institutes of Health, Building 31, Conference Room 7, Bethesda, Maryland 20014. This meeting will be open to the public on February 3 from 8:00 a.m. to 10:00 a.m., during which time there will be a brief staff presentation on the current status of the Animal Resources Program. The Committee will select future meeting dates. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 10:00 a.m. to 5:00 p.m. on February 3 and from 8:00 a.m. to adjournment on February 4 for the review, discussion, and evaluation of initial pending and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of Committee members on individual grant applications containing detailed research protocols, designs and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. James Augustine, Chief, Office of Science and Health Reports, Division of Research Resources, Building 31, Room 5B39, Bethesda, Maryland 20014, 301/496-5545, will provide summaries of the meeting and rosters of Committee members. Dr. John E. Holman, Executive Secretary, Animal Resources Advisory Committee, Building 31, Room 5B35, Bethesda, Maryland 20014, 301/496-5507, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13-306, National Institutes of Health)

Dated: December 8, 1975.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc.75-33825 Filed 12-15-75; 8:45 am]

#### ARTERIOSCLEROSIS AND HYPERTENSION ADVISORY COMMITTEE

##### Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Arteriosclerosis and Hypertension Advisory Committee, National Heart and Lung Institute, January 30-31, 1976, in Building 31, Conference Room 4, NIH Reservation, Bethesda, Maryland.

The entire meeting will be open to the public from 9:00 a.m. to 6:00 p.m. on Friday, January 30 and from 9:00 a.m. to 3:00 p.m. on Saturday, January 31, to evaluate program support in Arteriosclerosis and Hypertension. Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLI, Room

5A21, Building 31, National Institutes of Health, Bethesda, Maryland 20014, Phone (301) 496-4236, will provide summaries of the meeting and rosters of committee members.

Dr. Gardner C. McMillan, Associate Director for Entiology of Arteriosclerosis and Hypertension Program, NHLI, Room C803, Landow Building, National Institutes of Health, Bethesda, Maryland 20014, Phone (301) 496-1613, will furnish substantive program information.

Dated: December 1, 1975.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc.75-33830 Filed 12-15-75; 8:45 am]

#### AUTOMATION IN THE MEDICAL LABORATORY SCIENCES REVIEW COMMITTEE

##### Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Automation in the Medical Laboratory Sciences Review Committee, January 27-28, 1976, 9 a.m., National Institutes of Health, Building 31C, Conference Room 8. This meeting will be open to the public on January 27 from 9 a.m. to 5 p.m. for opening remarks and general discussion. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on January 28 from 9 a.m. to 5 p.m., for the review, discussion, evaluation, and ranking of individual contract proposals. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals.

Mr. Paul Deming, Research Reports Officer, NIGMS, Westwood Building, Room 909, Bethesda, Maryland 20014, Telephone: 301-496-7301, will provide a summary of the meeting and a roster of committee members.

Dr. Robert S. Melville, Executive Secretary, Automation in the Medical Laboratory Sciences Review Committee, Westwood Building, Room 954, Bethesda, Maryland 20014, Telephone: 301-496-7081, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13-860, National Institute of General Medical Sciences, National Institutes of Health)

Dated: December 8, 1975.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc.75-33827 Filed 12-15-75; 8:45 am]

#### BIOMEDICAL LIBRARY REVIEW COMMITTEE

##### Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Biomedical Library Review Committee, National Library of Medicine, on February 4-5, 1976, from 8:30 a.m. to 5:00 p.m. on February 4, and from 8:30 a.m. to adjournment on February 5, in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland.

The meeting will be open to the public from 8:30 to 11:00 a.m. on February 4 for the discussion of administrative reports and program developments. Attendance by the public will be limited to space available. In accordance with provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on February 4 from 11:00 a.m. to 5:00 p.m. and from 8:30 a.m. to adjournment on February 5, for the review, discussion, and evaluation of individual initial pending grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Dr. Roger W. Dahlen, Executive Secretary of the Committee, and Chief, Division of Biomedical Information Support, Extramural Programs, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20014, Telephone Number: 301-496-4191, will furnish summaries of the meeting, rosters of committee members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program Nos. 13-348, 13-351, 13-353—National Institutes of Health.)

Dated: December 9, 1975.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc.75-33818 Filed 12-15-75; 8:45 am]

#### GENERAL CLINICAL RESEARCH CENTERS COMMITTEE

##### Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the General Clinical Research Centers Committee on February 9 and 10, 1976, from 9:00 a.m. to 5:00 p.m. in The La Playa Hotel, Camino Real at 8, Carmel-by-the-Sea, California. This meeting will be open to the public from 9 a.m. to 10 a.m. on February 9, 1976, to discuss administrative reports. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting of the Committee will be closed to the public on February 9, 1976, from 10:00 a.m. to 5:00 p.m. and on February 10, 1976, from 9:00 a.m. to 5:00 p.m. for the review, discussion and evaluation of pending individual initial, renewal, and supplemental grant applications. The closed portions of the meeting involve solely the internal expression of views and judgments of Committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and professional qualifications of individuals associated with the applications.

Mr. James Augustine, Chief, Office of Science and Health Reports, Division of Research Resources, National Institutes of Health, Building 31, Room 5B39, Bethesda, Maryland 20014, (301) 496-5545, will furnish rosters of Committee members, summaries of the meetings, and other information pertaining to the meetings.

(Catalog of Federal Domestic Assistance Program No. 13.333, National Institutes of Health)

Dated: December 8, 1975.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc.75-33824 Filed 12-15-75; 8:45 am]

#### NATIONAL CANCER INSTITUTE ADVISORY COMMITTEES

##### Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Some of these meetings will be closed as indicated below in accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6) of Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, for the review, discussion and evaluation of individual initial pending, supplemental, and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meetings and rosters of committee members upon request. Other information

pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings are at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014, unless otherwise stated.

Name of committee: Clinical Cancer Education Committee.

Dates: January 15-16, 1976, 8:30 a.m.  
Place: Building 31C Room: Conference Room 10 National Institutes of Health.

Times: Open—January 15, 8:30 a.m.—9:30 a.m. Closed—January 15, 9:30 a.m.—5:00 p.m. Closed—January 16, 8:30 a.m.—adjournment.

Closure reason: To Review Research Grant Executive Secretary: Dr. Margaret Edwards, Address: Westwood Building Room: 10A18, National Institutes of Health. Phone 301/496-7762.

Catalog of Federal Domestic Assistance number, 13.314.

Name of committee: Cancer Clinical Investigation Review Committee.

Dates: January 19-21, 1976, 8:30 a.m.  
Place: Building 31C Room: Conference Room 8, National Institutes of Health.

Times: Open—January 19, 8:30 a.m.—10:30 a.m. Closed—January 19, 10:30 a.m.—5:00 p.m. Closed—January 20, 8:30 a.m.—5:00 p.m. Closed—January 21, 8:30 a.m.—adjournment.

Closure reason: To Review Research Grant Applications.

Executive secretary: Mr. Clare W. White, Address: Westwood Building, Room 822, National Institutes of Health. Phone 301/496-7058.

Catalog of Federal Domestic Assistance number, 13.314.

Dated: December 4, 1975.

SUZANNE L. FREMEAUX,  
Committee Management Officer, NIH.

[FR Doc.75-33828 Filed 12-15-75; 8:45 am]

#### NATIONAL CANCER INSTITUTES ADVISORY COMMITTEES

##### Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Some of these meetings will be closed as indicated below in accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6) of Title 5, U.S. Code and section 10(d) of Pub. L. 92-463 for the review, discussion and evaluation of individual research contract proposals as indicated. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meetings and rosters of committee members upon request. Other information

pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings are at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014.

Name of Committee: Committee on Cytology Automation.

Dates: January 7-9, 1976, 8:30 a.m.  
Place: Building 31C Room: Conference Room 5, National Institutes of Health.

Times: Open—January 7, 8:30 a.m.—5:00 p.m. Open—January 8, 8:30 a.m.—12:00 noon. Closed—January 8, 1:00 p.m.—5:00 p.m. Closed—January 9, 9:00 a.m.—adjournment.

Agenda/Open Portion: Presentation of current progress by contractors.

Closure reason: To Review Research Contract Proposals.

Executive Secretary: Dr. Bill Bunnag, Address: Building 10, Room 1A21, National Institutes of Health, Phone 301/496-5282.

Catalog of Federal domestic assistance number, 13.825.

Name of committee: Breast Cancer Diagnosis Committee.

Dates: January 8, 1976, 9:00 a.m.  
Place: Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Md., Versailles Room 1.

Times: Open—January 9, 11:00 a.m. to adjournment. Closed—January 8, 9:00 a.m. to 11:00 a.m.

Agenda/open portion: Discussion of Project Areas of Fiscal Year 1977 Program.

Closure reason: To Review Research Contract Proposals.

Executive secretary: Dr. Bernice T. Radovich, Address: Landow Building, Room B404, National Institutes of Health. Phone 301/496-6774.

Catalog of Federal domestic assistance number, 13.825.

Name of committee: Breast Cancer Epidemiology Committee.

Dates: January 8, 1976, 9:00 a.m.  
Place: Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Maryland, Versailles Room 2.

Times: Open—January 8, 10:00 a.m.—adjournment. Closed—January 8, 9:00 a.m.—10:00 a.m.

Agenda/open portion: Discussion of broad areas for future research.

Closure reason: To Review Research Contract Proposals.

Executive secretary: Dr. Elizabeth P. Anderson, Address: Landow Building, Room A406, National Institutes of Health. Phone 301/496-6718.

CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER, 13.825.

Name of committee: Breast Cancer Experimental Biology Committee.

Dates: January 8, 1976, 8:30 a.m.  
Place: Building 31C ROOM: Conference Room 6, National Institutes of Health.

Times: Open—January 8, 8:30 a.m.—9:30 a.m. Closed—January 8, 9:30 a.m.—adjournment.

Closure reason: To review research contract proposals.

Executive secretary: Dr. D. Jane Taylor, Address: Landow Building Room A422, National Institutes of Health. Phone 301/496-6718.

Catalog of Federal domestic assistance number, 13.825.

Name of committee: Breast Cancer Treatment Committee.

Dates: January 8, 1976, 8:30 a.m.  
Place: Landow Building Room: C418, 7910

Woodmont Avenue, Bethesda, Maryland 20014.

Times: Open—January 8, 8:30 a.m.—10:00 a.m. Closed—January 8, 10:00 a.m.—adjournment.

Closure reason: To review research contract proposals.

Executive secretary: Dr. Mary E. Sears. Address: Landow Building Room A404, National Institutes of Health. Phone: 301/496-6773.

Catalog of Federal domestic assistance number, 13.825.

Name of committee: Drug Development Committee.

Dates: January 9, 1976, 9:00 a.m.

Place: Blair Building, Room: 414, 8300 Colesville Road, Silver Spring, Maryland 20910.

Times: Open—January 9, 9:00 a.m.—9:15 a.m. Closed—January 9, 9:15 a.m.—adjournment.

Closure reason: To review research contract proposals.

Executive secretary: Mrs. Naomi FitzGibbon. Address: Blair Building Room 5A03, National Institutes of Health. Phone 301/427-7337.

Catalog of Federal domestic assistance number, 13.825.

Name of committee: Temporary Committee for the Review of Data on Carcinogenicity of Cyclamate.

Dates: January 13, 1976, 9:00 a.m.

Place: Building 31C Room: Conference Room 10, National Institutes of Health.

Times: Open for the Entire Meeting.

Agenda: To review the preparation and progress of the Committee's report.

Executive secretary: Dr. James M. Sontag. Address: Landow Building Room: A-306, National Institutes of Health. Phone 301/496-5471.

Name of committee: Diet, Nutrition and Cancer Program Advisory Committee.

Dates: January 13-14, 1976, 9:00 a.m.

Place: Building 31C Room: Conference Room 6, National Institutes of Health.

Times: Open for the Entire Meeting.

Agenda: To review developments in the Diet, Nutrition and Cancer Program.

Executive Secretary: Dr. Gio B. Gori. Address: Building 31 Room: 11A03, National Institutes of Health. Phone 301/496-6616.

Name of committee: Virus Cancer Program Scientific Review Committee A.

Dates: January 19-20, 1976, 9:00 a.m.

Place: Building 37 Room: 1B-04, National Institutes of Health.

Times: Open—January 19, 9:00 a.m.—9:30 a.m. Closed—January 19, 9:30 a.m.—5:00 p.m. Closed—January 20, 9:00 a.m.—adjournment.

Closure reason: To review research contract proposals.

Executive secretary: Dr. Elke Jordan. Address: Building 37 Room 1A-01, National Institutes of Health. Phone 301/496-6927.

Catalog of Federal domestic assistance number, 13.825.

Name of committee: Biometry and Epidemiology Contract Review Committee.

Dates: January 20-21, 1976, 7:30 p.m.

Place: Landow Building Room: C418, 7910 Woodmont Avenue, Bethesda, Maryland 20014.

Times: Open—January 20, 7:30 p.m. to 11:00 p.m. Closed—January 21, 8:30 a.m. to Adjournment.

Closure reason: To review research contract proposals.

Executive secretary: Mr. Harvey Geller. Address: Landow Building Room: C519, National Institutes of Health. Phone 301/496-6014.

Catalog of Federal domestic assistance number, 13.825.

Name of committee: Committee on Cancer Immunotherapy.

Dates: January 22, 1976, 1:00 p.m.

Place: Building 10 Room: 4B14, National Institutes of Health.

Times: Open—January 22, 1:00 p.m.—1:30 p.m. Closed—January 22, 1:30 p.m.—Adjournment.

Closure reason: To review research contract proposals.

Executive secretary: Harriet Gordon. Address: Building 10 Room 4B17, National Institutes of Health. Phone 301/496-1791.

Catalog of Federal domestic assistance number, 13.825.

Name of committee: Cancer Control Intervention Programs Review Committee.

Dates: January 22, 1976, 8:30 a.m.

Place: Landow Building, Room C418, 7910 Woodmont Avenue, Bethesda, Maryland 20014.

Times: Open—January 22, 8:30 a.m.—9:00 a.m. Closed—January 22, 9:00 a.m.—adjournment.

Closure reason: To review research contract proposals.

Executive secretary: Dr. Robert Bowser. Address: Blair Building Room 7A07, National Institutes of Health. Phone: 301/427-7943.

Catalog of Federal domestic assistance number, 13.825.

Name of committee: Drug Development Committee.

Dates: January 22-23, 1976, 9:00 a.m.

Place: Southern Research Institute, 2000 Ninth Avenue South, Birmingham, Alabama 35205.

Times: Open—January 23, 9:00 a.m.—9:15 a.m. Closed—January 22, 9:00 a.m.—5:00 p.m. Closed—January 23, 9:15 a.m.—adjournment.

Closure reason: To review research contract proposals.

Executive secretary: Mrs. Naomi FitzGibbon. Address: Blair Building, Room 5A03, National Institutes of Health. Phone: 301/427-7337.

Catalog of Federal domestic assistance number, 13.825.

Name of committee: Cancer Control Supportive Review Committee.

Dates: January 27, 1976, 8:30 a.m.

Place: Building 31C Room: Conference Room 10, National Institutes of Health.

Times: Open—January 27, 8:30 a.m.—9:00 a.m. Closed—January 27, 9:00 a.m.—adjournment.

Closure reason: To review research contract proposals.

Executive secretary: Dr. Carlos Caban. Address: Blair Building, Room 7A07, National Institutes of Health. Phone: 301/427-7943.

Catalog of Federal domestic assistance number, 13.825.

Dated: December 4, 1975.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.  
[FR Doc. 75-33829 Filed 12-15-75; 8:45 am]

#### POPULATION RESEARCH COMMITTEE Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Population Research Committee, National Institute of Child Health and Human Development, on January 15-16, 1976, in the Landow Building, Room C-418, 7910 Woodmont Avenue, Bethesda, Maryland.

The meeting will be open to the public from 9:00 a.m. to 10:30 a.m. on January 15 to discuss the program status, new developments and projections for population research center and program project applications. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5),

and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on January 15 from 10:30 a.m. to adjournment on January 16 for the review, discussion and evaluation of individual initial pending and supplemental grant applications. The closed portion of the meeting will involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Building 31, Room 2A-04, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1848, will provide a summary of the meeting and a roster of committee members. Dr. William A. Sadler, Executive Secretary of the Population Research Committee, NICHD, Room C-733, Landow Building, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-6515, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.317, National Institutes of Health.)

Dated: December 9, 1975.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc. 75-33819 Filed 12-15-75; 8:45 am]

#### TEMPORARY COMMITTEE FOR A STATISTICAL ANALYSIS AND QUALITY CONTROL CENTER

##### Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Temporary Committee for a Statistical Analysis and Quality Control Center (SAQC), National Cancer Institute, on January 26-27, 1976, Building 31, Conference Room 9, C Wing, National Institutes of Health, Bethesda, Maryland 20014.

This meeting will be open to the public on January 26, 1976 from 9:00 a.m. to 9:30 a.m. to discuss administrative details relating to the committee. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on January 26, 1976 from 9:30 a.m. to 5:00 p.m. and on January 27, 1976 from 9:00 a.m. to adjournment for the review discussion and evaluation of research contract proposals. The proposals contain information of a proprietary or confidential nature, including designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meeting and rosters of committee members upon request.

Dr. Peter H. Graepel, Executive Secretary, Building 12A, Room 3039, National Institutes of Health, Bethesda, Maryland 20014 (301/496-6117) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

Dated: December 8, 1975.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc. 75-33826 Filed 12-15-75; 8:45 am]

#### NATIONAL ADVISORY EYE COUNCIL, VISION RESEARCH PROGRAM PLANNING SUBCOMMITTEE

##### Meeting

Pursuant to Pub. L. 92-463 notice is hereby given of the meeting of the Vision Research Program Planning Subcommittee of the National Advisory Eye Council, National Eye Institute, on January 15, 1976, National Institutes of Health, Building 31, Room 6A-21, Bethesda, Maryland.

The entire meeting will be open, from 9:00 a.m. until adjournment. The meeting will be devoted to a discussion of the role of Subcommittee Panels to study research needs and opportunities in various vision disorders, a tentative schedule of Panel activities for the current planning cycle, and publication of an interim report updating information on vision research support and the impact of eye disease in the United States. Attendance by the public will be limited to space available.

Substantive information may be obtained from Mr. Julian Morris, Head, Office of Scientific Reports and Program Planning Coordination, National Eye Institute, National Institutes of Health, Bethesda, Maryland 20014, Building 31, Room 6A-27, telephone (301) 496-5248.

(Catalog of Federal Domestic Assistance Program No. 13.331, National Institutes of Health.)

Dated: December 8, 1975.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc. 75-33822 Filed 12-15-75; 8:45 am]

#### PRESIDENT'S CANCER PANEL

##### Amended Notice of Meeting

Notice is hereby given of an addition to the agenda in the meeting January 21, 1976, 9:30 a.m. to adjournment, National Institutes of Health, Building 31, Conference Room 7 of the President's

Cancer Panel, National Cancer Institute, which was published in the FEDERAL REGISTER on November 25, 1975, vol. 40, No. 228, page 5406.

A full-scale presentation of NCI activities in the area of environmental carcinogenesis will be presented during the open session of the meeting from 9:30 a.m. to 12:00 noon.

Dated: December 9, 1975.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc. 75-33821 Filed 12-15-75; 8:45 am]

#### VISION RESEARCH PROGRAM COMMITTEE

##### Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Vision Research Program Committee, National Eye Institute on January 16, 1976, at the Holiday Inn of Bethesda, Gallery, 8120 Wisconsin Avenue, Bethesda, Maryland 20014, convening at 8:30 a.m.

This meeting will be open to the public from 3:00 p.m. until adjournment for discussion of guidelines for the Academic Investigator Award and Research Center grant programs, workshops, and program planning (training). Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 9:00 a.m. until 3:00 p.m. for the review, discussion, and evaluation of individual grant applications. The applications contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. Julian Morris, Head, Scientific Reports and Program Planning Coordination, National Eye Institute, National Institutes of Health, Bethesda, Maryland 20014, Building 31, Room 6A-27, telephone (301) 496-5248, will furnish summaries of the meeting and rosters of committee members.

Substantive program information may also be obtained from Dr. Wilford L. Nusser, Chief, Scientific Programs Branch, Extramural and Collaborative Programs, National Eye Institute, National Institutes of Health, Bethesda, Maryland 20014, Building 31, Room 6A-52, telephone (301) 496-5301.

(Catalog of Federal Domestic Assistance Program No. 13.331, National Institutes of Health.)

Dated: December 10, 1975.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc. 75-33817 Filed 12-15-75; 8:45 am]

#### Office of Education

#### RIGHT TO READ READING ACADEMY PROGRAM

##### Notice of Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in the National Reading Improvement Program, Section 723 of Title VII Public Law 93-380 (20 U.S.C. 1963) applications are being accepted for new grants under the Right to Read Reading Academy Program. Applications must be received by the U.S. Office of Education Application Control Center on or before February 6, 1976.

##### A. APPLICATIONS SENT BY MAIL

An application sent by mail should be addressed as follows: U.S. Office of Education, Grant and Procurement Management Division, Application Control Center, 400 Maryland Avenue S.W., Washington, D.C. 20202, Attention: 13.533E. An application sent by mail will be considered to be received on time by the Application Control Center if:

- (1) The application was sent by registered or certified mail not later than February 2, 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 or 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 U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. 20202. 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. AUTHORITY

The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Parts 100, 100a). Regulations governing the Reading Academy Program were published as a notice of proposed rule-making in the FEDERAL REGISTER on December 4, 1975 (General Provisions, 45 CFR Part 162, Subpart A and Reading Academy Program, 45 CFR 162, Subpart E) and will govern the operation of this program when adopted in final and made effective.

**D. PROGRAM INFORMATION AND FORMS**

Information and application forms may be obtained from the Right to Read Program, U.S. Office of Education, Room 2108, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(20 U.S.C. 1963)

(Catalog of Federal Domestic Assistance Number 13.533, Right to Read Elimination of Illiteracy)

Dated: December 10, 1975.

T. H. BELL,

*U.S. Commissioner of Education.*

[FR Doc. 75-33806 Filed 12-15-75; 8:45 am]

**RIGHT TO READ SPECIAL EMPHASIS PROGRAM****Notice of Closing Date for Receipt of Applications**

Notice is hereby given that pursuant to the authority contained in the National Reading Improvement Program, Section 721 of Title VII, Public Law 93-380, 20 U.S.C. 1961, applications are being accepted for contracts under the Right to Read Special Emphasis Program. Applications must be received by the U.S. Office of Education Application Control Center on or before February 27, 1976.

**A. APPLICATIONS SENT BY MAIL**

An application sent by mail should be addressed as follows: U.S. Office of Education, Grant Procurement Management Division, Application Control Center, 400 Maryland Avenue, S.W., Washington, D.C. 20202, Attention: 13.533H. An application sent by mail will be considered to be received on time by the Application Control Center if:

- (1) The application was sent by registered or certified mail not later than February 23, 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 U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. 20202. 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. AUTHORITY**

The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Parts 100, 100a). Regulations governing the Special Emphasis Projects were published as a notice of proposed rule-making in the FEDERAL REGISTER on December 4, 1975 (General Provisions, 45 CFR Part 162, Subpart A and Special Emphasis Projects, 45 CFR Part 162, Subpart D) and will govern the operation of this program when adopted in final and made effective.

**D. PROGRAM INFORMATION AND FORMS**

Information and application forms may be obtained from the Right to Read Program, U.S. Office of Education, Room 2134, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(20 U.S.C. 1961)

(Catalog of Federal Domestic Assistance Number 13.533, Right to Read—Elimination of Illiteracy)

Dated: December 10, 1975.

T. H. BELL,

*U.S. Commissioner of Education.*

[FR Doc. 75-33807 Filed 12-15-75; 8:45 am]

**RIGHT TO READ READING IMPROVEMENT PROJECTS****Notice of Closing Date for Receipt of Applications**

Notice is hereby given that pursuant to the authority contained in the National Reading Improvement Program, Section 705 of Title VII, Public Law 93-380, 20 U.S.C. 1921, applications are being accepted for new grants under the Right to Read Reading Improvement Projects.

Applications must be received by the U.S. Office of Education Application Control Center on or before March 16, 1976.

**A. APPLICATIONS SENT BY MAIL**

An application sent by mail should be addressed as follows: U.S. Office of Education, Grant Procurement Management Division, Application Control Center, 400 Maryland Avenue S.W., Washington, D.C. 20202, Attention: 13.533G. An application sent by mail will be considered to be received on time by the Application Control Center if:

- (1) The application was sent by registered or certified mail not later than March 11, 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 U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. 20202. 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. AUTHORITY**

The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Parts 100, 100a). Regulations governing the Reading Improvement Projects were published as a notice of proposed rule-making in the FEDERAL REGISTER on December 4, 1975 (General Provisions, 45 CFR Part 162, Subpart A and Reading Improvement Projects, 45 CFR Part 162, Subpart B) and will govern the operation of this program when adopted in final and made effective.

**D. PROGRAM INFORMATION AND FORMS**

Information and application forms may be obtained from the Right to Read Program, U.S. Office of Education, Room 2130, 400 Maryland Avenue, S.W., Washington, D.C. 20202 or phone 202-245-7950.

(20 U.S.C. 1921)

(Catalog of Federal Domestic Assistance Number 13.533, Right to Read Elimination of Illiteracy)

Dated: December 10, 1975.

T. H. BELL,

*U.S. Commissioner of Education.*

[FR Doc. 75-33808 Filed 12-15-75; 8:45 am]

**Office of the Assistant Secretary****EXCLUSIVE LICENSE****Notice of Proposed Issuance**

Pursuant to § 6.3, 45 CFR, Part 6, notice is hereby given of intent to issue a limited-term, revocable, exclusive patent license in and to an invention of William H. Mason entitled "Method and Apparatus for Continuous Mixing of Blood Plasma and Additives."

Any objection thereto together with request for opportunity to be heard, if desired, should be directed to the Assistant Secretary for Health, Department of Health, Education, and Welfare, 330 Independence Avenue, SW., Washington, D.C. 20201, on or before January 15, 1976.

Interested parties may obtain a copy of the patent directed to this invention upon request in writing to the party hereinabove named.

(45 CFR 6.3)

Dated: December 9, 1975.

THEODORE COOPER,

*Assistant Secretary for Health.*

[FR Doc. 75-33840 Filed 12-15-75; 8:45 am]

**CIVIL AERONAUTICS BOARD**

[Docket No. 26943]

**AEROAMERICA, INC., GAC CORP., AND  
MODERN AIR TRANSPORT, INC.****Acquisition Agreement; Notice of Oral  
Argument**

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on January 14, 1976, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., December 10, 1975.

[SEAL] **ROBERT L. PARK,**  
*Assistant Secretary for Health.*

[FR Doc.75-33844 Filed 12-15-75;8:45 am]

[Docket No. 26530]

**FRONTIER AIRLINES, INC. DELETION OF  
COLUMBUS, NEBRASKA****Deletion of Columbus, Nebr.; Notice of  
Oral Argument**

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on January 23, 1976, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., December 10, 1975.

[SEAL] **ROBERT L. PARK,**  
*Chief Administrative Law Judge.*

[FR Doc.75-33845 Filed 12-15-75;8:45 am]

[Docket 26907]

**LONG-HAUL MOTOR/RAILROAD CARRIER  
AIR FREIGHT FORWARDER AUTHORITY  
CASE****Notice of Oral Argument**

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on January 21, 1976, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C.

Dated at Washington, D.C., December 10, 1975.

**ROBERT L. PARK,**  
*Chief Administrative Law Judge.*

[FR Doc.75-33843 Filed 12-15-75;8:45 am]

**CITIZENS' ADVISORY COMMITTEE  
ON ENVIRONMENTAL QUALITY  
MEETING**

The Citizens' Advisory Committee on Environmental Quality will meet on January 16, 1976, at 10 a.m. in Room 500, 1700 Pennsylvania Avenue, NW., Washington, D.C.

The Committee advises the President and the Council on Environmental Qual-

ity on matters pertaining to environmental quality. The purpose of the meeting is to review pending Committee business and to consider Committee activities for the coming year. Subjects discussed will include the Committee's 1975 Report to the President and the Council on Environmental Quality and other publications, land use, conservation and recycling of paper, energy, the use of abandoned railroad rights of way and utility rights of way for recreation trails, and other current environmental issues.

The meeting will be open to the public. Persons planning to attend the meeting are requested to notify in writing or by telephone no later than January 13, 1976, Lawrence N. Stevens, Executive Director, Citizens' Advisory Committee on Environmental Quality, 1700 Pennsylvania Avenue, NW., Washington, D.C. 20006, telephone (202) 223-3040. Members of the public may file written statements with the Committee before or after the meeting. Persons wishing to speak at the meeting are requested to consult with the Executive Director no later than January 9, 1976.

Requests for information should be submitted to the Executive Director (address given above).

**LAWRENCE N. STEVENS,**  
*Executive Director, Citizens' Advisory Committee on Environmental Quality.*

[FR Doc.75-33814 Filed 12-15-75;8:45 am]

**CONSUMER PRODUCT SAFETY  
COMMISSION****NATIONAL ADVISORY COMMITTEE FOR  
THE FLAMMABLE FABRICS ACT****Notice of Meeting**

Notice is given that a meeting of the National Advisory Committee for the Flammable Fabrics Act will be held on Tuesday, January 27, 1976 and Wednesday, January 28, 1976 in the 6th Floor Conference Room, Consumer Product Safety Commission, 1750 K Street, N.W., Washington, D.C.

The National Advisory Committee provides advice and recommendations on the Commission's proposals and plans for reducing the frequency and severity of burn injuries involving flammable fabrics.

Persons wishing to make oral or written presentations to the National Advisory Committee should notify the Secretary at least five (5) days in advance of the meeting.

The meeting is open to the public, however, space is limited. Further information concerning this meeting and specific agenda topics may be obtained from the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, phone (202) 634-7700.

Dated: December 10, 1975.

**SHELDON D. BUTTS,**  
*Acting Secretary.*

[FR Doc.75-33800 Filed 12-15-75;8:45 am]

**ENVIRONMENTAL PROTECTION  
AGENCY**

[FRL 468-7]

**BENDIX CORP.****Ambient Air Monitoring Reference and  
Equivalent Methods**

Notice is hereby given that on November 3, 1975, the Environmental Protection Agency received an application from The Bendix Corporation, Process Instruments Division, Lewisburg, West Virginia, to determine if its Model 8501-5C and 8501-5CA carbon monoxide analyzers should be designated by the Administrator of the EPA as reference or equivalent methods under 40 CFR Part 53, promulgated February 18, 1975 (40 FR 7044). If, after appropriate technical study, the Administrator determines that either of these methods should be so designated, notice thereof will be given in a subsequent issue of the FEDERAL REGISTER.

**WILSON K. TALLEY,**  
*Assistant Administrator for  
Research and Development.*

DECEMBER 5, 1975.

[FR Doc.75-33870 Filed 12-15-75;8:45 am]

[FRL 468-1]

**ENVIRONMENTAL IMPACT STATEMENTS  
AND OTHER ACTIONS IMPACTING THE  
ENVIRONMENT****Availability of 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 November 16, 1975 and November 30, 1975.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix IV 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.

Appendix V 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.

Appendix VI contains a listing of the names and addresses of the sources of

EPA reviews and comments listed in Appendices I, III, IV, and V.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall SW., Washington, D.C. 20460, telephone 202/755-2808. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: December 8, 1975.

PETER F. SMITH,  
Acting Director,  
Office of Federal Activities.

APPENDIX I.—Draft environmental impact statements for which comments were issued between Nov. 16, and 30, 1975

Identifying No.	Title	General nature of comments	Source of copies of comments
<b>Department of Agriculture:</b>			
D-AFS-J65630-MT	O'Brien-Seventeenmile-Cross Mountain multiple use plan, Kootenai National Forest, Lincoln County, Mont.	LO-2	I
D-AFS-K36029-AZ	Swift Trail Forest Highway 34, AZ-34, Coronado National Forest, Graham County, Ariz.	ER-2	J
D-AFS-L61015-ID	Wild and scenic rivers, St. Joe River, St. Joe National Forest, St. Maries, Idaho.	LO-1	K
D-AFS-L61012-WA	East Deer Creek planning unit and land use plan, Colville National Forest, Wash.	ER-1	K
D-SCS-C36918-NY	Filnt Creek watershed, Ontario, Steuben, and Yates Counties, N. Y.	ER-2	C
D-SCS-E36930-MS	Deer Creek watershed, Bolivar and Washington Counties, Miss.	LO-2	E
D-SCS-F36930-IN	Lost River watershed, Dubois, Lawrence, Martin, Orange, and Washington Counties, Ind.	ER-2	F
D-SCS-K31002-AZ	Buckhorn-Mesa watershed, Maricopa and Pinal Counties, Ariz.	ER-2	J
<b>Corps of Engineers:</b>			
D-COE-E36914-SC	Maintenance dredging of Atlantic Intracoastal Waterway, Little River to Port Royal Sound, S.C.	LO-2	E
D-COE-E36915-06	Maintenance dredging of the Gulf Intracoastal Waterway, Pearl River to Apalachee Bay (La., Miss., and Fla.)	ER-2	E
D-COE-K33005-CA	Fisherman's wharf area, San Francisco Harbor, Calif.	ER-2	J
D-COE-K36914-CA	Flood control project, Santa Ana River, Main Stem and Santiago Creek, Orange, Riverside, and San Bernardino Counties, Calif.	3	K
DS-COE-L05004-00	2d powerhouse, Bonneville lock and dam, Columbia River (Oreg. and Wash.)	ER-2	K
<b>Department of Defense:</b>			
D-USA-D81004-VA	Fort Belvoir family housing project, Fort Belvoir, Va.	ER-2	D
D-USA-J20003-UT	Disposal of toxic residue, west granite disposal area, Dugway Proving Ground, Utah.	LO-2	I
D-USN-K11007-CA	Proposed restrictive use easement acquisition, Alcaz Naval Air Station, Miramar, San Diego, San Diego County, Calif.	3	J
<b>Department of Housing and Urban Development:</b>			
D-HUD-B89005-MA	2d waterfront urban renewal project, Essex County, Gloucester, Mass.	ER-2	B
D-HUD-E24001-GA	Sanitary sewer trunk line, Douglas, Coffee County, Ga.	ER-2	E
D-HUD-E28004-AL	Pulaski Pike water system, Huntsville, Ala.	LO-2	E
D-HUD-E28005-TN	Phase II, waterline extension (CDBG), Marshall County, Tenn.	LO-1	E
DS-HUD-G85003-TX	Williamson Creek sewer trunk, Temple, Tex.	LO-1	G
<b>Interstate Commerce Commission:</b>			
D-ICC-J53000-00	Chicago & Northwestern R.R. abandonment, Wren, Iowa to Iroquois, S. Dak.	LO-2	I
<b>Department of the Interior:</b>			
D-BLM-J07001-UT	Kalparowits power project, Kalparowits Plateau, Utah.	ER-2	I
D-BOR-D61002-WV	New River Gorge, national wild and scenic river, W. Va.	LO-1	D
D-BOR-H38000-MO	Gasconade wild and scenic river study, Missouri.	LO-2	H
RD-DOI-A01031-00	43 CFR pts. 23 and 8011, proposed surface management of federally owned coal resources, and 30 CFR pt. 211, coal mining operations.	EU-2	A
<b>Department of Transportation:</b>			
DS-FHW-A51023-MD	Relocated U.S. 140, Northwest Expressway, Baltimore County, Md.	LO-2	D
DS-FHW-D40027-MD	MD-153, air quality analysis, Prince Georges County, Md.	LO-2	D
D-FHW-E40005-GA	South Canton Bypass, Cherokee County, Ga.	LO-2	E
D-FHW-F40038-IL	I-295, St. Louis, Columbia to Collinsville, Monroe, St. Clair, Madison Counties, Ill.	LO-2	F
D-FHW-F40039-WI	U.S. 61 and U.S. 151, WI-35, Mississippi River, Dickeyville Rd., Grant County, Wis.	LO-2	F

Identifying No.	Title	General nature of comments	Source for copies of comments
D-FHW-H40033-00.....	MO-36, St. Joseph and Missouri River, Buchanan County, Missouri and Doniphan Counties, Kans.		3 H
D-FHW-H40034-NB.....	NB-133, 90th St., Omaha North Freeway, Douglas County, Nebr.	ER-2	H
D-FHW-H40035-KE.....	KS-177 and KS-18 at Manhattan, Ripley County, Kans.		LO-2 H
D-FHW-H40036-NB.....	U.S. 136, Brownville Bridge West, Nemaha County, Neb.		ER-2 H
D-FHW-K40025-HI.....	Hilo Bayfront Highway, Walloa River to Silva and Kalaniansole St., Hilo, Hawaii.		ER-2 J
Energy Research and Development Administration:			
D-ERD-A0013-00.....	Light water breeder reactor (LWBR) program.....		LO-2 A

## APPENDIX II

## Adequacy of the Impact Statement

## DEFINITIONS OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

## Category 1—Adequate

## Environmental Impact of the Action

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.

## 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.

## Category 2—Insufficient Information

## 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.

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.

## 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).

## 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 Nov. 16 and 30, 1975

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
F-SCS-F36018-MI...	Rouge River watershed, Newaygo, Kent, Montcalm, Muskegon and Otsego counties, Mich.	EPA generally had no objections to the project as proposed.	F
F-SCS-E36007-CA...	Lower Pine Creek watershed project, Contra Costa County, Calif.	do.....	
Corps of Engineers:			
F-COE-A30048-GU...	Agana small boat harbor, Agana, Guam.	do.....	J
F-COE-A32430-FL...	St. Joseph Bay, maintenance dredging, Gulf County, Fla.	EPA generally had no objections to the project as proposed. However, EPA feels supplemental information should be provided on the elimination and relocation of the specific beach disposal sites.	E K
F-COE-A30083-GA...	Buford Dam and Lake Sidney Lanier, Chattahoochee River, Ga.	EPA generally had no objections to the project as proposed.	F
F-COE-A34103-MS...	Water projects, Okatibbee Dam and Lake, Okatibbee Creek, Miss.	EPA generally had no objections to the project as proposed. However, EPA requested an opportunity to review future information relating to air quality.	E
F-COE-A35120-CA...	Maintenance dredging Santa Cruz Harbor, Santa Cruz County, Calif.	EPA generally had no objections to the project as proposed.	J
F-COE-A35133-CA...	Maintenance dredging of Moss landing harbor, Monterey County, Calif.	do.....	J
F-COE-E35003-GA...	Maintenance dredging, Brunswick Harbor, Ga.	do.....	F
F-COE-F35002-WI...	Kewaunee Harbor, maintenance dredging and contained dredge disposal, Wisconsin.	do.....	F

Identifying No.	Title	General nature of comments	Source for copies of comments
F-COE-F35003-IL.....	Waukegan Harbor, maintenance dredging and disposal area, Lake County, Ill.	EPA generally had no objections to the project as proposed. However, EPA feels additional consideration should be given to the potential erosion impacts and the project should incorporate a mitigation and contingency plan to prevent and monitor adverse drifts effects downshore.	F
F-COE-K36006-HL.....	Iao Stream flood control project, Maui, Hawaii.	EPA generally had no objections to the project as proposed.	J
General Services Administration: F-GSA-D81003-VA.....	Proposed Federal building and parking facility, Norfolk, Va.	do.....	D
Department of Housing and Urban Development: F-HUD-C36017-NY.....	Naurauschaun Brook improvement project, Rockland County, N.Y.	EPA's review of the final EIS indicated the statement to be unresponsive to EPA's comments on the draft EIS. Therefore, EPA is unable to access the environmental impact of the proposed project as the result of the inadequately prepared final EIS.	C
Department of the Interior: F-IGS-J01001-WY.....	Belle Ayr south mine, Amax Coal Co., Campbell County, Wyo.	EPA generally had no objections to the project as proposed. However, EPA has requested a meeting with the U.S. Geological Survey prior to final approval of the mining plan by the area supervisor.	I
F-NPS-K61007-HI.....	Master plan, city of Refuge, National Historical Park, Hawaii.	EPA generally had no objections to the project as proposed.	J
Department of Transportation: F-FHW-A41845-MN.....	I-90, Faribault County, Minn.	EPA generally had no objections to the project as proposed. However, EPA is still concerned about the project's wetland impacts. The proposed mitigation measures should minimize long-term wetland impacts provided management practices do improve wetland habitat and productivity, and a water quality management plan for the proposed impoundment are effectively implemented.	F
F-FHW-A41904-TN.....	TN-6, North of Columbia, Maury County, Tenn.	EPA generally had no objections to the project as proposed.	E
F-FHW-A42336-ML.....	U.S. 31, Mason Oceana county line to U.S. 10/31, Mason County, Mich.	EPA generally had no objections to the project as proposed. However, EPA feels additional consideration should be given to the effects of the project upon water quality, wetlands, and woodlands.	F
F-FHW-A43406-VA.....	I-95 and I-205, Richmond circumferential, I-64 to VA-5, Henrico, Chesterfield, and Hanover Counties, Va.	EPA generally had no objections to the project as proposed.	D
FS-UMT-A54014-GA.....	Metropolitan Atlanta rapid transit system, station changes, Vine City, Techwood, Tucker-North De Kalb corridor, Candler Park and East Lake stations, Ga.	do.....	E

APPENDIX IV.—Final environmental impact statements which were reviewed and not commented on between Nov. 16 and 30, 1975

Identifying No.	Title	Source of review
Department of Agriculture: F-AFS-L61031-ID.....	Black Pine planning unit, land use plan, Idaho.....	K
F-AFS-L61037-ID.....	Proposed land use plan, Squaw Creek planning unit, Boise National Forest, Idaho.....	K
F-AFS-L61040-ID.....	Proposed land use plan, Middle Fork, Boise River, planning unit, Boise National Forest, Idaho.....	K
F-SCS-B36004-CT.....	Yantic River watershed, New London and Tolland Counties, Conn.....	B
F-SCS-E36023-SC.....	Upper New River watershed, Jasper and Beaufort Counties, S.C.....	E
F-SCS-H36005-NB.....	Blackwood Creek watershed, Hayes Hitchcock, and Red Willow Counties, Nebr.....	H
Corps of Engineers: F-COE-G32012-TX.....	Maintenance dredging, Freeport Harbor, Brazoria County, Tex.....	G
F-COE-G34005-TX.....	Cedar Bayou Channel, Chamber and Harris Counties, Tex.....	G
F-COE-L36001-OR.....	Hammond small boat basin, Clatsop County, Oreg.....	K
General Services Administration: F-GSA-G81001-TX.....	Lease facility for Drug Enforcement Administration, Dallas County, Tex.....	G
Department of Transportation: F-DOT-A41423-IA.....	IA-1, Johnson County, Iowa.....	H
F-FHW-A42275-MO.....	MO-50, Cole County, Mo.....	H
F-FHW-G40015-OK.....	U.S. 77, Shields Blvd., Oklahoma County, Okla.....	H
Veterans Administration: F-VAD-H81000-IA.....	Parking facility, Veterans' Administration Hospital, Iowa City, Iowa.....	G
F-VAD-L81002-ID.....	New clinical support facility and seismic corrections for various buildings, Veterans' Administration Hospital, Boise, Idaho.....	K

APPENDIX V.—Regulations, legislation, and other Federal agency actions for which comments were issued between Nov. 16 and 30, 1975

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of the Interior: A-DOI-A39118-00...	Water resources use and management policy statement.	EPA restated environmental reservations concerning the lack of specificity of the proposed administrative policy statement.	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, 26 Federal Plaza, New York, New York 10007
- D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, 8th 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, 1880 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. 75-33611 Filed 12-15-75; 8:45 am]

[FRL 464-5]

**EDWARDS UNDERGROUND RESERVOIR**  
**Notice of Determination**

Notice is hereby given that pursuant to section 1424(e) of the Safe Drinking Water Act (Pub. L. 93-523) the Administrator of the Environmental Protection Agency has determined that the Edwards Underground Reservoir is the principal source of drinking water for an area in or near San Antonio, Texas, supplying water to wells tapping the reservoir in Kinney, Uvalde, Medina, Atascosa, Bexar, Comal, Guadalupe, and Hays Counties and that, if the reservoir were contaminated, it would create a significant hazard to public health.

## BACKGROUND

The Safe Drinking Water Act was enacted on December 16, 1974. Section 1424 (e) of the Act states: (e) If the Administrator determines, on his own initiative or upon petition, that an area has an aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a

significant hazard to public health, he shall publish notice of that determination in the FEDERAL REGISTER. After the publication of any such notice, no commitment for Federal financial assistance (through a grant, contract, loan guarantee, or otherwise) may be entered into for any project which the Administrator determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health, but a commitment for Federal financial assistance may, if authorized under another provision of law, be entered into to plan or design the project to assure that it will not so contaminate the aquifer.

On January 3, 1975, several groups in the San Antonio area, the Sierra Club, League of Women Voters, and the Citizens for a Better Environment petitioned the Administrator "to declare the Edwards Aquifer to be such an aquifer as the statute had in mind." A Notice of Receipt of this petition, together with a request for comments, was published in the FEDERAL REGISTER on March 6, 1975. In response to the notice and request for comments, written comments were received from both the public and private sectors. On June 4, 1975, the EPA held a public hearing in San Antonio, Texas, to hear the views of interested persons on the Edwards Underground Reservoir issue.

On the basis of the substantial amount of information which is available to this Agency and that presented by the public, the Administrator has made the following findings, which are the basis for the determination noted above:

1. The Edwards Underground Reservoir is the principal source of high quality water for about 1 million people, including seventeen (17) cities and towns, five (5) military installations, and a large number of farms and ranches. Current water supply treatment practice is limited to minimal disinfection for drinking purposes and there is no alternative source of drinking water supply which could economically replace the Edwards Underground Reservoir.

2. The Reservoir is vulnerable to contamination through its recharge zone, particularly from streams crossing the zone. Since contamination of a ground water aquifer can be difficult or impossible to reverse, contamination of the Edwards Underground Reservoir would pose a significant hazard to those people dependent on the reservoir for drinking purposes.

The Agency has carefully reviewed both the available data pertaining to the Edwards Underground Reservoir and comments that were subsequently sub-

mitted in writing. Most speakers at the hearing expressed the view that the reservoir provided the sole source of drinking water for a large area in and around San Antonio and that there would be a danger to public health if it were contaminated.

Among the determinations which the Administrator must make in connection with the designation of an area under section 1424(e) is that the area's sole or principal source aquifer, "if contaminated, would create a significant hazard to public health . . ." EPA does not construe this provision to require a determination that projects planned or likely to be constructed will in fact create such a hazard; it is sufficient to demonstrate that approximately one million people depend on the Edwards Underground Reservoir as their principal source of drinking water, and that the Reservoir is vulnerable to contamination through its recharge zone. Obviously, threats to the quality of the drinking water supply for such a large population could create a significant hazard to public health.

In public comments, the view was often expressed that EPA should refrain from designating the Edwards Underground Reservoir because a system of local controls to prevent contamination already existed. While the existence and effectiveness of local controls are clearly relevant to the question of reviewing future federally assisted projects, section 1424(e) does not make designation contingent on the absence of State or local regulations. Therefore, these factors do not properly bear on the decision whether or not to designate the reservoir.

This notice is concerned with that section of the Edwards Aquifer which is referred to as the Edwards Underground Reservoir; this reservoir is a distinct hydrological unit within the Edwards Aquifer and it is the principal source of drinking water for the San Antonio Area.

The Edwards Underground Reservoir is that portion of a belt of permeable waterbearing rock formation that includes the Comanche Peak, Edwards and Georgetown limestones. It extends from near Brackettville in Kinney County eastward through Uvalde, Medina and Bexar counties and northeastward through Comal and to near Kyle in Hays county. The reservoir also underlies a small section of Atascosa, and Guadalupe and Kendall counties.

Section 1424(e) of the Act requires that after publication of the Administrator's decision, "no commitment for Federal financial assistance (through a grant, contract, loan guarantee, or otherwise) may be entered into for any project which the Administrator determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health. . . ." The recharge zone is that area through which water enters into the reservoir. This recharge zone in the case of the Edwards Underground Reservoir is located where the reservoir

outcrops in Kinney, Uvalde, Medina, Bexar, Comal and Hays counties, together with that area within the 100 year floodplain of Cibolo Creek, beginning at Herff Falls in Kendall county and continuing downstream to the main outcrop area of the reservoir.

There is an upstream headwaters area draining into the recharge zone and contributing over 90% of the recharge flow to the reservoir. This is the streamflow source zone. Since such a high percentage of the recharge flow to the reservoir originates in this area it could have a significant impact on the quality of the water in the reservoir. This streamflow source zone includes the headwaters of the Nueces, San Antonio, and Guadalupe River basins above the recharge zone. The area includes much of Edwards, Real, Bandera, Kerr, and Kendall counties and parts of Kinney, Uvalde, Medina, Bexar, Comal, Hays, Gillespie and Blanco counties within the watershed boundaries of the three basins.

The data upon which these findings are based are available to the public and may be inspected during normal business hours at the Office of the Environmental Protection Agency, Region VI, 1600 Patterson Street, Dallas, Texas 75201. It includes:

(1) A map outlining the Edwards Underground Reservoir, the recharge zone and the streamflow source zone;

(2) A copy of the transcript of the public hearing and copies of public comments;

(3) A technical support document for designation of the Edwards Underground Reservoir under 1424(e) of the Safe Drinking Water Act.

A copy of the above documentation is also available at the U.S. Environmental Protection Agency, Office of Public Affairs, 401 M Street, SW., Washington, D.C. 20460.

The EPA is issuing interim guidelines for the selective review of major federally financed programs or actions which may contaminate the Edwards Underground Reservoir through the recharge zone so as to create a significant hazard to public health.

EPA, Region VI, is working with the Federal agencies which may in the near future fund projects in the area of concern to EPA, to develop interagency procedures whereby EPA will be notified of proposed commitments for projects which could contaminate the San Antonio area's principal source aquifer. Although the project review process cannot be delegated, the Regional Administrator in Region VI will reply to the maximum extent possible upon any existing or future State and local control mechanisms in protecting the ground water quality of the Edwards Underground Reservoir.

Dated: December 10, 1975.

RUSSELL E. TRAIN,  
Administrator.

[FR Doc.75-33871 Filed 12-15-75; 8:45 am]

[FRL 409-6; PF 24]

## PESTICIDE AND FOOD ADDITIVE PETITIONS

### Notice of Filing

Pursuant to the provisions of Sections 408(d)(1) and 409(b)(5) of the Federal Food, Drug, and Cosmetic Act, the Environmental Protection Agency gives notice that the following petitions have been submitted to the Agency for consideration. The petitions and proposals are:

PP 6F1656. Atlantic & Pacific Research, Inc., PO Box 14386, N. Palm Beach FL 33403. Proposes amending 40 CFR 180 by establishing an exemption from the requirement of a tolerance for residues of the insecticide isobutylenebutene copolymers resulting from the use of the pesticide on growing crops. (Raw agricultural commodities not specified in petition.) Proposed analytical method for determining residues is a gravimetric procedure. PM11

PP 6F1702. Chemagro Agricultural Div., Mobay Chemical Corp., PO Box 4913, Kansas City MO 64120. Proposes amending 40 CFR 180.234 by establishing a tolerance for residues of the insecticide 0,0-diethyl 0-[4-(methylsulfonyl)phenyl] phosphorothioate in or on the raw agricultural commodities beans, except lima beans (green and dry) at 0.05 part per million (ppm) and bean forage and hay at 0.8 ppm. Proposed analytical method for determining residues is a thermionic emission gas chromatographic procedure. PM11

FAP 6H5110. CIBA-GEIGY Corp., Agricultural Div., PO Box 11422, Greensboro NC 27409. Proposes amending 21 CFR 123 and 561 by establishing regulations permitting the use of the insecticide 0,0-diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate in spot and/or crack and crevice treatments in food handling establishments including food service, manufacturing, and processing establishments, such as restaurants, cafeterias, supermarkets, bakeries, breweries, dairies, meat slaughtering and packing plants and canneries, and in animal feed handling establishments, including feed manufacturing and processing establishments, such as stores, supermarkets, dairies, meat slaughtering and packing plants and canneries. PM15

Interested persons are invited to submit written comments on any petitions referred to in this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments should be submitted as soon as possible and should bear a notation indicating the number of the petition to which the comments pertain. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: December 10, 1975.

JOHN B. RITCH, Jr.,  
Director,  
Registration Division.

[FR Doc.75-33872 Filed 12-15-75; 8:45 am]

## FEDERAL ENERGY ADMINISTRATION

### TRANSPORTATION ADVISORY COMMITTEE

#### Notice of Charter Amendment

Following consultation with the Office of Management and Budget, notice is hereby given to advise of a revision in the Charter of the Transportation Advisory Committee. The Charter was published in the September 2, 1975, issue of the FEDERAL REGISTER (40 FR 40202).

This amendment will revise the Charter to provide for the establishment of a subcommittee to the Committee; specifically, the Charter published September 2, 1975, is hereby amended by adding a new section B(9), to read as follows:

9. Subcommittees—The Transportation Advisory Committee shall have one subcommittee as follows:

a. The Executive Subcommittee. The objectives of this Subcommittee is to make recommendations to the parent Committee with respect to general transportation aspects of interests and problems related to the policy and implementation of programs to meet the continuing energy crisis.

The Subcommittee shall be comprised of such members of the parent Committee as may be determined by the Chairman of the parent Committee.

All actions of the Subcommittee shall be consistent with the provisions of B-1 through B-8.

The above amendment is effective immediately.

Issued at Washington, D.C. on December 11, 1975.

FRANK G. ZARB,  
Administrator.

[FR Doc.75-33873 Filed 12-12-75; 9:31 am]

## FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1266]

### AIR MARITIME CORP.

#### Order of Revocation

By letter dated November 10, 1975, Air Maritime Corporation, P.O. Box 66346, O'Hare AMF, Chicago, Illinois 60666 was advised by the Federal Maritime Commission that independent Ocean Freight Forwarder License No. 1266 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before December 8, 1975.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Air Maritime Corporation has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commis-

slon Order No. 201.1 (Revised) § 5.01(c) (dated June 30, 1975);

*It is ordered*, That Independent Ocean Freight Forwarder License No. 1266, issued to Air Maritime Corporation, be returned to the Commission for cancellation.

*It is further ordered*, That Independent Ocean Freight Forwarder License No. 1266 be and is hereby revoked effective December 8, 1975.

*It is further ordered*, That a copy of this Order be published in the FEDERAL REGISTER and served upon Air Maritime Corporation.

LEROY F. FULLER,  
Director, Bureau of  
Certification and Licensing.

[FR Doc.75-33855 Filed 12-15-75;8:45 am]

[Independent Ocean Freight Forwarder  
License No. 1565]

**JAMES L. NEGRON**  
**Order of Revocation**

By letter dated October 23, 1975, James L. Negron, 750 Parkview Circle, Elk Grove Village, Illinois 60007 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1565 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before November 30, 1975.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

James L. Negron has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) § 5.01(c) (dated June 30, 1975);

*It is ordered*, That Independent Ocean Freight Forwarder License No. 1565, issued to James L. Negron, be returned to the Commission for cancellation.

*It is further ordered*, That Independent Ocean Freight Forwarder License No. 1565 be and is hereby revoked effective November 30, 1975.

*It is further ordered*, That a copy of this Order be published in the FEDERAL REGISTER and served upon James L. Negron.

LEROY F. FULLER,  
Director,  
Bureau of Certification and Licensing.

[FR Doc.75-33853 Filed 12-15-75;8:45 am]

[Independent Ocean Freight Forwarder  
License No. 1286-R]

**ROS FORWARDING, INC.**  
**Order of Revocation**

By letter dated October 14, 1975, Ros Forwarding, Inc., 8420 N.W. 58th Street,

Miami, Florida 33166 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1286-R would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before November 13, 1975.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Ros Forwarding, Inc. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) § 5.01(c) dated June 30, 1975);

*It is ordered*, That Independent Ocean Freight Forwarder License No. 1286-R, issued to Ros Forwarding, Inc., be returned to the Commission for cancellation.

*It is further ordered*, That Independent Ocean Freight Forwarder License No. 1286-R be and is hereby revoked effective November 13, 1975.

*It is further ordered*, That a copy of this Order be published in the FEDERAL REGISTER and served upon Ros Forwarding, Inc.

LEROY F. FULLER,  
Director,  
Bureau of Certification and Licensing.

[FR Doc.75-33854 Filed 12-15-75;8:45 am]

**SEA-LAND SERVICE, INC. AND PUERTO  
RICO PORTS AUTHORITY**  
**Notice of Agreement Filed**

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before January 5, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circum-

stances 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:

Gary R. Edwards, Esquire, Ragan and Mason,  
900 Seventeenth Street, N.W., Washington,  
D.C. 20006.

Agreement No. T-3199, between Puerto Rico Ports Authority (Authority) and Sea-Land Service, Inc., (Sea-Land), provides for the lease by Authority to Sea-Land of Parcels A-1 and A-2 and the granting of berthing privileges at Berth E located at the Puerto Rico Port Development. The use of the premises shall be restricted to shoreside operations pertaining to Sea-Land's oceanborne common carrier service. As compensation, Sea-Land shall pay \$94,724 per year as ground rental and \$5,000 per year for the preferential use of Berth E. Rentals are subject to reestablishment by Authority after the expiration of the initial term, January 31, 1978. Sea-Land shall also pay wharfage charges normally assessed by Authority guaranteeing a minimum of \$125,000 annually for all uses of the berth plus all other charges normally assessed. Wharfage payable to the Authority on cargo moving through the berth on vessels not operated by Sea-Land will be credited to Sea-Land's annual minimum wharfage guarantee.

By Order of the Federal Maritime Commission.

Dated: December 11, 1975.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.75-33851 Filed 12-15-75;8:45 am]

**SEA-LAND SERVICE, INC., ET AL.**  
**Notice of Agreement Filed**

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before January 5, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged,

the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

E. J. Sheppard, Esquire, Morgan, Lewis and Bockius, 1800 M Street, N.W., Washington, D.C. 20036.

Agreement No. T-3191, between Sea-Land Service, Inc., (Sea-Land), Puerto Rico Maritime Shipping Authority (PRMSA), and Puerto Rico Ports Authority (Authority), provides for the irrevocable option of Sea-Land to substitute itself for PRMSA on the same terms and conditions as set forth in an agreement between PRMSA and Authority (Agreement No. T-3210). Agreement No. T-3210 is an agreement whereby PRMSA has preferential rights at Berth F and is lessee of certain parcels located at Puerto Nuevo, San Juan, Puerto Rico. As compensation under Agreement No. T-3191, Sea-Land shall pay as rental that percentage of the total ground rental which would otherwise be payable by PRMSA as lessee plus fees which would be payable by PRMSA for the preferential use of Berth F and wharfage charges.

By Order of the Federal Maritime Commission.

Dated: December 11, 1975.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.75-33852 Filed 12-15-75; 8:45 am]

XANADU CRUISES, INC.

Indemnification of Passengers for Nonperformance of Transportation; Revocation of Certificate

Whereas, Xanadu Cruises, Inc., 7777 Perimeter Road S., Boeing Field, Seattle, Washington 98108, has cancelled its proposed cruise program of the XANADU between ports in California and Mexico, and

Whereas, Xanadu Cruises, Inc. has requested that Certificate (Performance) No. P-154 be cancelled.

It is ordered, That Certificate (Performance) No. P-154 issued to Xanadu Cruises, Inc., A. Joel Eisenberg and June Eisenberg covering the XANADU be and is hereby revoked effective December 8, 1975.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served on the certificateants.

By the Commission December 8, 1975.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.75-33856 Filed 12-15-75; 8:45 am]

FEDERAL POWER COMMISSION

[Docket G-3113, et al.]

EXXON CORP. ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates<sup>1</sup>

DECEMBER 8, 1975.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 2, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests 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

<sup>1</sup> This notice does not provide for consolidation for hearing of the several matters covered herein.

action to be taken but will not serve to make the protestants parties to the proceeding. 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's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per thousand cubic feet in cents	Pressure base
G-3113..... C 10-10-75	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	El Paso Natural Gas Co., Cooper Jal Field, Lea County, N. Mex.	\$ 50.82	14.73
G-4151..... (G-4500) C 11-12-75	Gulf Oil Corp. (successor to Cities Service Oil Co.), P.O. Box 1589, Tulsa, Okla. 74102.	Texas Gas Transmission Corp., Carthage Field, Panola County, Tex.	\$ 18.9000	14.65
G-7270..... D 11-17-75	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	Arkansas Louisiana Gas Co., Greenwood Area, Caldo Parish, La.	(*)	-----
G-8087..... D 10-16-75	Texaco, Inc., P.O. Box 2420, Tulsa, Okla. 74102.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp.	(*)	-----
G-10739..... D 11-7-75	Atlantic Richfield Co. (Operator) et al., P.O. Box 2819, Dallas, Tex. 75221.	Texas Eastern Transmission Corp., Loma Alta Field, McMullen County, Tex.	(*)	-----
G-12303..... (NPC) C 11-13-75	Amoco Production Co., Security Life Bldg., Denver, Colo. 80202.	Northwest Pipeline Co., Badin Dakota Field, Rio Arriba County, N. Mex.	\$ 60.830	15.025
C165-606..... C 10-8-75	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Northern Natural Gas Co., Gomez Field,ecos County, Tex.	\$ 54.07	14.65
C168-621..... C 8-12-75 10-24-75	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Slick C-14 Well Borosa Field et al., Starr County, Tex.	\$ 20.0 \$ 54.1582 \$ 55.2335	14.65 ----- -----
C175-220..... C 11-4-75	Anadarko Production Co., P.O. Box 1330, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Panama Council Grove Field, Morton County, Kans.	\$ 50.7230	14.65
C176-124..... (G-5145) F 11-6-75	RAM Exploration Co. (successor to Exxon Corp.), 1308 West Robinson Dr., No. 16, Stockton, Calif. 95207.	El Paso Natural Gas Co., Sprayberry Trend, Reagan County, Tex.	19.335	14.65
C176-253..... F 10-31-75	CIU Exploration, Inc. (successor to Colorado Oil & Gas Corp.), 5 Greenway Plaza East, Houston, Tex. 77046.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Madden Deep Field, Fremont County, Wyo.	\$ 33.8950	14.65
C176-255..... B 11-14-75	Jake L. Hamon, Republic National Bank Tower, P.O. Box 663, Dallas, Tex. 75221.	United Gas Pipe Line Co., Gibson Field, Terrebonne Parish, La.	Depleted	-----
C176-256..... F 11-5-75	Continental Oil Co. (successor to Skelly Oil Co.), P.O. Box 2197, Houston, Tex. 77001.	Cities Service Gas Co., Guymon-Hugoton Field, Texas County, Okla.	\$ 13.0	14.65
C176-257..... A 11-4-75	Arka Exploration Co., P.O. Box 1734, Shreveport, La. 71151.	Arkansas Louisiana Gas Co., Calhoun Field, Ouachita Parish, La.	\$ 59.02	15.025

Filing code: A—Initial service.  
B—Abandonment.  
C—Amendment to add acreage.  
D—Amendment to delete acreage.  
E—Succession.  
F—Partial succession.

See footnotes at end of table.

[Docket No. E-9092]

Docket No. and date filed	Applicant	Purchaser and location	Price per thousand cubic feet in cents	Pressure base
CI76-258 A 11-4-75	Columbia Gas Development Corp., P.O. Box 1350, Houston, Tex. 77001.	Columbia Gas Transmission Corp., Block 271, Ship Shoal Area, South Addition, offshore Louisiana.	<sup>1</sup> \$1.63	15.025
CI76-259 A 11-4-75	Arkla Exploration Co., P.O. Box 1734, Shreveport, La. 71151.	Arkansas Louisiana Gas Co., Northwest Reams Field, Pittsburg County, Okla.	<sup>1</sup> 54.5964	14.65
CI76-260 A 11-6-75	Cabot Corp. (SW), P.O. Box 1101, Pampa, Tex. 79065.	Texas Eastern Transmission Corp., Block 522, Block 543 Field, West Cameron Area, South addition, offshore Louisiana.	<sup>12</sup> \$1.5336	15.025
CI76-261 C 871-140 F 11-6-75	Texaco, Inc. (successor to Skelly Oil Co.), P.O. Box 2429, Tulsa, Okla. 74102.	Northern Natural Gas Co., Gooch Field, Stevens County, Kans.	<sup>4</sup> 18.02	14.65
CI76-262 C 164-425 F 11-6-75	Texaco, Inc. (successor to Cities Service Oil Co.), P.O. Box 2429, Tulsa, Okla. 74102.	do	<sup>4</sup> 18	14.65
CI76-263 B 11-7-75	West Texas Oil Reports, P.O. Box 953, Midland, Tex. 79701.	El Paso Natural Gas Co., North Branch, Sutton County, Tex.	( <sup>20</sup> )	-----
CI76-264 C 872-162 A 10-8-75	Gulf Oil Corp. (successor to Nalco Oil & Gas, Inc.), P.O. Box 1589, Tulsa, Okla. 74102.	Natural Gas Pipeline Co. of America, Carthage Field, Panola County, Tex.	17.6000	14.65
CI76-265 A 11-10-75	Felmont Oil Corp., 6 East 43d St., New York, N.Y. 10017.	Texas Eastern Transmission Corp., Block 522 in West Cameron Block 543 Field, offshore Louisiana.	<sup>11</sup> \$1.5336	15.025
CI76-266 A 11-10-75	Case-Pomeroy Oil Corp., P.O. Box 1511, Midland, Tex. 79701.	do	<sup>11</sup> \$1.5336	15.025
CI76-267 A 11-6-75	Ladd Petroleum Corp., 830 Denver Club Bldg., Denver, Colo. 80202.	Michigan Wisconsin Pipe Line Co., West Vici Field, Ellis and Woodward Counties, Okla.	<sup>17</sup> 62.0704	14.65
CI76-271 A 11-12-75	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Columbia Gas Transmission Corp., West Delta Block 73 Field, offshore Louisiana.	<sup>11</sup> 75.0	15.025
CI76-272 B 11-11-75	Enscher Exploration, Inc. (formerly Lone Star Producing Co.), 301 South Harwood St., Dallas, Tex. 75201.	Florida Gas Transmission Co., Flour Bluff Area, Nueces County, Tex.	Depleted	-----
CI76-273 A 11-13-75	Mesa Petroleum Co., P.O. Box 2009, Amarillo, Tex. 79105.	Truckline Gas Co., East Cameron Blocks 322 and 323, offshore Louisiana. <sup>11</sup>	<sup>11</sup> \$1.44	15.025
CI76-274 A 11-13-75	Kerr-McGee Corp., P.O. Box 25861, Oklahoma City, Okla. 73125.	Montana-Dakota Utilities Co., Boxcar Buttes Field, McKenzie County, N. Dak.	<sup>12</sup> 767685	15.025
CI76-275 A 11-17-75	Chevron Oil Co., Western Division, P.O. Box 599, Denver, Colo. 80201.	El Paso Natural Gas Co., Penrose Area, Lea County, N. Mex.	<sup>2</sup> 68.3225	14.73
CI76-276 A 11-17-75	Petroleum, Inc., 300 West Douglas, Wichita, Kans. 67202.	Northern Natural Gas Co., Mullinville Southeast Field, Kiowa County, Kans.	<sup>12</sup> 51	14.65
CI76-277 B 11-17-75	Caroline Hunt Schoellkopf and Loyd B. Sands, 1401 Elm, Dallas, Tex. 75202.	Northern Natural Gas Co., Ozona, Southwest (Wolfcamp) Field, Crockett County, Tex.	Depleted	-----
CI76-280 F 11-5-75	Continental Oil Co., successor to Skelly Oil Co., P.O. Box 2197, Houston, Tex. 77001.	Panhandle Eastern Pipeline Co., Guymon-Hugoton Field, Texas County, Okla.	<sup>18</sup> 20.32254	14.65

- <sup>1</sup> Subject to upward and downward British thermal unit adjustment.  
<sup>2</sup> Base price subject to adjustment to include applicable taxes and British thermal unit adjustment.  
<sup>3</sup> Includes 0.1910 cent downward British thermal unit adjustment.  
<sup>4</sup> Includes 5.530 cents upward British thermal unit adjustment and 4.309 cents tax reimbursement.  
<sup>5</sup> Includes 2.25 cents/M ft<sup>3</sup> downward British thermal unit adjustment and 1.49 cents for gathering.  
<sup>6</sup> Subject to downward British thermal unit adjustment.  
<sup>7</sup> For sales from July 14, 1974 through August 11, 1975. Includes 4.032 cents tax reimbursement and 0.3978 cent for gathering. Subject to upward and downward British thermal unit adjustment.  
<sup>8</sup> For sales from August 12, 1975. Includes 4.1127 cents tax reimbursement and 0.3978 cent for gathering. Subject to upward and downward British thermal unit adjustment.  
<sup>9</sup> Being renounced to show prices set forth in amendment of Oct. 24, 1975.  
<sup>10</sup> Includes 2.1774 cents/M ft<sup>3</sup> tax reimbursement.  
<sup>11</sup> For sales heretofore made under Skelly Oil Co. FPC Gas Rate Schedule No. 171.  
<sup>12</sup> Applicant is willing to accept a certificate in accordance with section 2.56a of the Commission's general policy and Interpretations.  
<sup>13</sup> Includes 9.36 cents upward British thermal unit adjustment.  
<sup>14</sup> Includes downward British thermal unit adjustment and an upward British thermal unit adjustment of 9.3600 cents/M ft<sup>3</sup>.  
<sup>15</sup> Applicant is willing to accept national adjusted price if required by certificate.  
<sup>16</sup> Includes upward adjustment of 9.360 cents per Mcf.  
<sup>17</sup> Includes 8.0795 cents upward British thermal unit adjustment and 3.8679 cents tax reimbursement.  
<sup>18</sup> Includes 0.53 cent upward British thermal unit adjustment.  
<sup>19</sup> Applicant states that certain leases in both blocks are committed to the contract, but only as to gas attributable to applicant's interest that may be produced from any wells on applicant's Platform "A" or any replacement platform in Block 322.  
<sup>20</sup> Includes 6.98 cents upward British thermal unit adjustment.  
<sup>21</sup> Includes 11.5291 cents upward British thermal unit adjustment.  
<sup>22</sup> Applicant states that sales of gas were made for 2 years under the certificate issued in Docket No. CI73-766 and that sales terminated Oct. 26, 1975.  
<sup>23</sup> For sales heretofore made under Skelly Oil Co. FPC Gas Rate Schedule No. 188.  
<sup>24</sup> Producing properties assigned or deleted.  
<sup>25</sup> Non-productive.  
<sup>26</sup> Well productive.  
<sup>27</sup> For sales from July 14, 1974 through Aug. 11, 1975. Includes 4.0320 cents tax reimbursement and 0.3978 cent for gathering. Subject to upward and downward British thermal unit adjustment.  
<sup>28</sup> For sales from Aug. 12, 1975. Includes 4.1127 cents tax reimbursement and 0.3978 cent for gathering. Subject to upward and downward British thermal unit adjustment.  
<sup>29</sup> Being renounced to show prices set forth in amendment of Oct. 24, 1975.

[FR Doc. 75-33644 Filed 12-15-75; 8:45 am]

[Docket No. E-9092]

**ARKANSAS-MISSOURI POWER CO.**  
**Order Approving Settlement Agreements**  
**Upon Conditions**

DECEMBER 9, 1975.

On August 28, 1975, Arkansas-Missouri Power Company (Ark-Mo) filed a motion in which it requested that the Commission approve two settlement agreements in the above referenced docket. Notice of Ark-Mo's filing was issued on September 9, 1975 with comments or protests due on or before September 17, 1975. The Commission Staff (Staff) has filed comments which support the settlement agreements.

This proceeding began on October 31, 1974 when Ark-Mo filed a general rate increase for sales to certain customers<sup>1</sup> and an increase in wheeling rates to certain other customers.<sup>2</sup> By orders issued November 29, 1974, January 23, 1975, and January 29, 1975 the Commission accepted for filing and suspended the rate increase to Missouri Utilities and Mississippi County Electric Cooperative. The Commission rejected the increase to Thayer and accepted the increases to the other customers effective on the date of the expiration of their respective contracts with Ark-Mo.

The general rate increase would have provided increased revenues of \$86,380 based on a test year ending May 31, 1974. The settlement agreement concerning the wholesale sales customers reduces this amount to \$78,173. The wheeling rate increase would have provided increased revenues of \$58,320 to the Arkansas Cooperative and \$34,125 to Mississippi County Cooperative based upon a test year ending May 31, 1974. The settlement agreement concerning wheeling rates reduces these amounts to \$30,821 and \$24,218, respectively. The settlement cost of service, capitalization, and rate of return are shown in Appendix A.

In addition to the rate reductions, the major elements of the settlement agreements are as follows:

**WHOLESALE SALES**

(1) Ark-Mo will retain the same form of rate schedule as originally filed except that Ark-Mo will file a fuel adjustment clause which conforms to Section 35.14 of Commission's Regulations as amended by Order No. 517.

(2) The rate increase shall become effective as to Gideon Anderson Lumber Company on August 1, 1975 and to Campbell on September 9, 1975.

(3) Refunds shall be made of amounts collected in excess of the settlement

<sup>1</sup> Missouri Utilities Company, Gideon Anderson Lumber Company, and Cambell, Missouri.

<sup>2</sup> Thayer, Missouri, Arkansas Cooperative Corporation, Mississippi County Electric Cooperative, Inc.

rates together with interest calculated at 9% per annum.

(4) The parties do not purport to settle any issues not expressly resolved by the settlement.

#### WHEELING CUSTOMERS

(1) Ark-Mo will charge uniform rates to the Arkansas Cooperative and the Mississippi County Cooperative.

(2) The form of the rate schedule as filed will be retained except that there will be a facilities charge for facilities installed to provide service to a particular customer.

(3) The rate increase to the Arkansas Cooperative shall become effective June 30, 1977.

(4) The Mississippi Cooperative will be credited with an amount equal to one-half of the increase between January 1, 1975 and June 30, 1977.

(5) Ark-Mo will refund any revenues collected in excess of the settlement rates together with interest calculated at 9% per annum.

(6) The parties do not intend to settle any matter not expressly resolved by the settlement agreement.

We note that Ark-Mo has, with respect to Gideon Anderson Lumber Company and Campbell, already filed superseding service agreements, which served as notices of termination of contractual service as required by Section 35.15 of the Commission's Rules and Regulations.

Our review of the settlement agreements show them to be just and reasonable and in the public interest. Accordingly, we shall approve them as conditioned below.

*The Commission finds:* The settlement agreements filed in this case are just and reasonable, in the public interest, and should be approved as conditioned below.

*The Commission orders:* (A) The settlement agreements filed in this proceeding are accepted and approved subject to the following conditions:

(1) Ark-Mo shall file within thirty days, revised rate schedules reflecting the settlement agreements including the

limited credit to Mississippi County Cooperative.

(2) The settlement rates shall become effective to Arkansas Electric Cooperative on June 30, 1977 provided that Ark-Mo file a superseding service agreement capable of serving as a notice of termination of contractual service as required by Section 35.15 of the Commission's rules and regulations.

(3) Ark-Mo shall file within thirty days a report of refunds of revenues collected in excess of the settlement rates together with interest calculated at the rate of 9% per annum.

(B) This order is without prejudice to any findings or orders which have been made or will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, Ark-Mo, or any party or person affected by this order, in any proceeding now pending or hereinafter instituted by or against Ark-Mo or any other person or party.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission, Commissioner Watt not participating.

[SEAL] KENNETH F. PLUMB,  
Secretary.

#### APPENDIX A.—Arkansas-Missouri Power Co., docket No. E-9092, settlement cost of service, test period, 12 mo ending May 31, 1974

	Wholesale	Wheeling
Rate base.....	\$484,665	\$1,009,715
Operating expenses before taxes.....	395,953	105,497
Income taxes:		
Federal.....	6,888	8,319
State.....	343	238
Return (at 8.58 percent).....	41,584	86,633
Total revenue requirement.....	444,767	200,687
Present revenues.....	366,594	145,649
Increase.....	78,173	55,038
Percent increase.....	21.32	37.78

#### Settlement capital structure and rate of return, Dec. 31, 1974

	Amount	Ratio	Cost of capital	Weighted return
	Thousands	Percent	Percent	Percent
Long-term debt.....	\$23,671	52.10	6.36	3.31
Common equity.....	20,843	47.90	11.09	5.27
Total.....	43,514			8.38

[FR Doc.75-33776 Filed 12-15-75;8:45 am]

[Docket No. RP75-27]

#### CITIES SERVICE GAS CO.

##### Further Extension of Procedural Dates

DECEMBER 9, 1975.

On November 26, 1975, The Midwest Gas Users Association filed a motion to extend the procedural dates fixed by order issued November 22, 1974, as most recently modified by notice issued November 7, 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 Intervenor Testimony, January 5, 1976.

Service of Company Rebuttal, February 23, 1976.

Hearing, March 2, 1976 (10 a.m., e.s.t.).

By direction of the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-33777 Filed 12-15-75;8:45 am]

[Docket No. CP75-129]

#### COLUMBIA GAS TRANSMISSION CORP.

##### Petition To Amend

DECEMBER 9, 1975.

Take notice that on November 6, 1975, Columbia Gas Transmission Corporation (Petitioner), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia, 25314, filed in Docket No. CP75-129 a petition to amend the order of the Commission of March 25, 1975 (53 FPC \_\_\_\_), as amended, issuing a certificate of public convenience and necessity and permitting and approving abandonment pursuant to section 7(c) and (b) of the Natural Gas Act to include authorization to construct and operate alternative facilities to those heretofore authorized, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner alleges that by the order of March 25, 1975, it is authorized to construct and operate approximately 1.9 miles of 4-inch transmission pipeline and appurtenant regulating facilities and to abandon approximately 15.6 miles of multiple 8-inch and single 8-inch pipeline in Lancaster County, Pennsylvania. It is further alleged that in preparation for the construction, Petitioner contacted the private property owners along the authorized 4-inch pipeline route, for the purpose of obtaining the necessary rights-of-way and that Petitioner received eight definite refusals, one acceptance and two indefinite responses.

Petitioner states that it has determined that it would be more expedient to utilize an alternative pipeline route which would require the construction of approximately 2.3 miles of 4-inch pipeline and appurtenant regulating facilities. The alternative routing is also said to require the retention in service of a 3.9 miles segment of 8-inch pipeline for which permission and approval to abandon were granted. The segment to be retained is said to have been constructed in 1956 and to be suitable for continued operation.

The proposed construction would consist of approximately 2.0 miles of 4-inch pipeline and appurtenant facilities connecting the western terminus of the retained 3.9 mile segment of 8-inch pipeline with Petitioner's 20-inch pipeline. Petitioner states that 0.3 mile of 4-inch pipeline would be constructed from the eastern terminus of the retained 3.9 mile segment of 8-inch pipeline to the existing Lititz point of delivery. The proposed construction would permit Petitioner to abandon 11.7 miles of deteriorated multiple 8-inch pipeline, it is stated.

The total cost of the proposed facilities is estimated by Petitioner to be \$160,000 to be financed with funds generated from internal sources.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 29, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8

or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-33778 Filed 12-15-75;8:45 am]

[Docket No. ER76-306]

#### HOLYOKE WATER POWER CO.

##### Termination of Rate Schedule

DECEMBER 9, 1975.

Take notice that on November 28, 1975, Holyoke Water Power Company (Holyoke) tendered for filing notice of termination of its Rate Schedule FPC No. 7, effective July 15, 1966. Holyoke states that this Rate Schedule was terminated April 30, 1968, in accordance with its terms.

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 19, 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.75-33779 Filed 12-15-75;8:45 am]

[Docket No. E-9161]

#### MONONGAHELA POWER CO. ET AL.

##### Further Extension of Procedural Dates

DECEMBER 9, 1975.

On November 28, 1975, The Monongahela Power Company, The Potomac Edison Company, and The West Penn Power Company filed a motion to extend the procedural dates fixed by order issued March 10, 1975, as most recently modified by notice issued September 8, 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 Company  
Testimony, January 29, 1976.  
Service of Staff  
Testimony, February 23, 1976.  
Service of Intervenor  
Testimony, March 8, 1976.

Service of Company  
Rebuttal, March 22, 1976.  
Hearing, April 8, 1976 (10 a.m., e.s.t.).

By direction of the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-33780 Filed 12-15-75;8:45 am]

[Docket No. ER76-290]

#### PUBLIC SERVICE COMPANY OF OKLAHOMA

##### Rate Schedule Change

DECEMBER 9, 1975.

Take notice that on November 24, 1975, the Public Service Company of Oklahoma (PSO) tendered for filing a letter agreement dated October 27, 1975 between PSO and Southwestern Electric Power Company (SWEPCO) amending Schedule RE, a supplement to the Interconnection Agreement between PSO and SWEPCO which is on file with the Commission as Supplement No. 19 to Rate Schedule FPC No. PSO 118. Schedule RE provides for replacement energy transactions between the systems of the two companies. Also filed with the Commission was a Certificate of Concurrence dated October 31, 1975, by SWEPCO.

PSO states that the change being made in the proposed amendatory letter agreement is the add-on portion of the rate when energy being supplied by the seller is purchased from another supplier and passes through the seller's system to the buyer. According to PSO, the rate for each kilowatt hour is the same rate previously accepted for filing under Schedule ES of the same Interconnection Agreement.

The effective date for the proposed change is January 1, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 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 19, 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.75-33781 Filed 12-15-75;8:45 am]

[Docket No. ER76-207]

#### SOUTHWESTERN ELECTRIC POWER CO.

##### Revisions to Previously Filed Rate Schedule Changes

DECEMBER 9, 1975.

Take notice that on November 24, 1975, Southwestern Electric Power Company

(SWEPCO) tendered for filing certain revised sheets which are to replace those pages of the same title and page number filed in the above captioned docket on October 31, 1975. The earlier filing was noticed by the Commission on November 7, 1975.

SWEPCO states that the changes in the revised sheets are minor and do not affect the results contained in the original sheets.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, 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 19, 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.75-33782 Filed 12-15-75;8:45 am]

[Docket No. ER76-210]

#### SOUTHWESTERN ELECTRIC POWER CO.

##### Revisions to Previously Filed Rate Schedule Changes

DECEMBER 9, 1975.

Take notice that on November 24, 1975, Southwestern Electric Power Company (SWEPCO) tendered for filing certain revised sheets which are to replace those pages of the same title and page number filed in the above captioned docket on October 31, 1975. The earlier filing was noticed by the Commission on November 11, 1975.

SWEPCO states that the changes in the revised sheets are minor and do not affect the results contained in the original sheets.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, 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 19, 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.75-33783 Filed 12-15-75;8:45 am]

[Docket No. CP62-288, CP65-270, and CP70-204]

**TEXAS GAS UTILITIES DIVISION**

**Petition To Amend**

DECEMBER 9, 1975.

Take notice that on October 29, 1975, Texas Gas Utilities Division (Petitioner), Five Greenway Plaza East, Houston, Texas, filed in Docket Nos. CP65-270 and CP70-204 a petition to amend the orders of the Commission issued in said dockets pursuant to Section 3 of the Natural Gas Act for authorization to continue the exportation of natural gas authorized to be exported by its predecessor and in Docket No. CP62-288 to amend the permit issued pursuant to Executive Order No. 1085, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that its predecessor in interest, Texas Gas Utilities Company (TGUC), was authorized to export natural gas by orders of the Commission of May 3, 1966 (35 FPC 684), and March 25, 1970 (43 FPC 475), and that as successor, Petitioner has continued such operations. Petitioner states that TGUC was merged into Lo-Vaca Gathering Company and has been operating as a division thereof effective August 31, 1972. Petitioner does not propose any change in service or facilities from those that were authorized by the Commission.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 19, 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). 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. 75-33784 Filed 12-15-75; 8:45 am]

[Docket No. ER76-299]

**CONNECTICUT LIGHT AND POWER CO.  
AND HARTFORD ELECTRIC LIGHT CO.**

**Notice of Termination**

DECEMBER 9, 1975.

Take notice that on November 26, 1975, The Connecticut Light and Power Company (CL&P) and The Hartford Electric Light Company (HELCO) filed with the Commission a notice that the following rate schedules, effective November 1, 1974, were terminated in accordance with their terms on October 31, 1975:

Rate Schedule FPC No. CL&P 102; and Rate Schedule FPC No. HELCO 83.

CL&P and HELCO state that notice of the proposed termination has been served upon the Central Maine Power Company.

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. All such petitions or protests should be filed on or before December 19, 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. 75-33785 Filed 12-15-75; 8:45 am]

[Docket No. ER76-300]

**CONNECTICUT LIGHT AND POWER CO.  
ET AL.**

**Notice of Termination**

DECEMBER 9, 1975.

Take notice that on November 26, 1975, The Connecticut Light and Power Company (CL&P), The Hartford Electric Light Company (HELCO) and Western Massachusetts Electric Company (WMECO) filed with the Commission a notice that the following rate schedules, effective May 1, 1974, were terminated in accordance with their terms on October 31, 1974:

Rate Schedule FPC No. CL&P 91; Rate Schedule FPC No. HELCO 74; and Rate Schedule FPC No. WMECO 90.

CL&P, HELCO and WMECO state that notice of the proposed termination has been served upon New Bedford Gas and Edison Light Company.

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. All such petitions or protests should be filed on or before December 19, 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. 75-33786 Filed 12-15-75; 8:45 am]

[Docket No. E-9200]

**UPPER PENINSULA POWER CO.**

**Order Approving Settlement Agreement**

DECEMBER 9, 1975.

On December 30, 1974, Upper Peninsula Power Company (Uppco) tendered for filing proposed changes in its FPC Rate Schedule Nos. 2, 3, 6, 7, 11, 13, 14 and 15, for service to the Alger-Delta Cooperative Electric Association, the Ontagon County Rural Electrification Association, the Village of Baraga, the City of Gladstone, the Village of L'Anse, the City of Neagunee, all in Michigan, and to the Wisconsin-Michigan Power Company. The proposed changes would increase revenues from these jurisdictional customers by approximately \$287,079, based on the 12-month period ended July 31, 1974.

By order issued January 30, 1975, the Commission accepted the proposed tariff changes for filing, suspended the rate increase for 30 days, to become effective March 2, 1975, subject to refund and set the matter for hearing. An untimely petition to intervene in this proceeding was filed on October 8, 1975, by the City of Gladstone.

In addition, the Commission, in the order of January 30, 1975, found that Uppco's proposed fuel cost adjustment clause did not fully comply with Order No. 517. On March 31, 1975, Uppco submitted a revised fuel cost adjustment clause which the Commission accepted for filing and approved by letter order dated April 24, 1975, and permitted to become effective as of March 2, 1975.

As a result of settlement conferences, Uppco, on September 12, 1975, filed a Settlement Agreement and a Motion for Approval of the Settlement Agreement.

The proposed agreement reduces Uppco's rate increase to its jurisdictional customers from \$287,079, or a 21.2% increase reflected in Uppco's original filing to \$200,020, or a 14.8% increase. The settlement increase will provide Uppco with a return on equity of 12.75% and an overall rate of return of 8.65%, based upon its capital structure of March 31, 1975.<sup>1</sup>

Notice of the proposed settlement agreement was issued on September 18, 1975, with comments due on or before October 14, 1975. Staff filed comments in support of the proposed settlement on October 14, 1975.

On October 8, 1975, the City of Gladstone, Michigan (Gladstone) filed a Petition To Intervene And Motion For Comprehensive Interchange Agreement. Therein, Gladstone requests that the Commission not terminate the docket in this proceeding even though it should approve the proposed settlement agreement, which Gladstone does not oppose. Rather, Gladstone petitions to intervene in this proceeding and requests that the

<sup>1</sup> The settlement cost of service and capitalization are set forth in Attachment A to this order.

docket remain open to consider its entitlement to purchase power pursuant to a comprehensive interchange agreement which it is currently attempting to negotiate with Uppco.

On October 22, 1975, Uppco filed its response to Gladstone's pleading wherein Uppco opposes Gladstone's petition to intervene in this proceeding and its request that the Commission order Uppco to enter into a comprehensive interchange agreement with Gladstone. Uppco contends Gladstone is seeking to enlarge the scope of the proceeding, in which the only issue heretofore has been the justness and reasonableness of Uppco's W-1 rate for firm wholesale sales. Moreover, Uppco states that Gladstone's requests should be denied in that it did not file a timely petition to intervene or attempt to participate in the settlement discussions and because Gladstone does not oppose the Commission's approving the proposed settlement agreement. Uppco further opposes Gladstone's request that the Commission should permit the docket in this proceeding to remain open to consider an interchange arrangement. Uppco asserts that should the docket be closed, Gladstone would not be prejudiced in negotiating an interchange arrangement with Uppco which the latter is willing to consider in good faith.

Our review of the proposed settlement, Staff's comments and the related record indicates that it is a reasonable and appropriate resolution of the issues in this proceeding in the public interest and that, accordingly, it should be adopted, as hereinafter ordered. Gladstone's October 8, 1975, petition to intervene and request that the Commission hold open the docket in this proceeding to consider ordering an interchange arrangement between Gladstone and Uppco should be granted as to the former request and denied as to the latter. The issue presented for consideration in this filing is whether or not the proposed settlement agreement provides for just and reasonable rates under the W-1 rate schedule for firm wholesale sales. Gladstone's petition addresses that issue insofar as Gladstone supports the proposed settlement agreement. Our action herein does not preclude Gladstone and Uppco from negotiating a comprehensive interchange agreement on their own motion. Moreover, Gladstone may file pursuant to Section 202(b) of the Federal Power Act for such relief as it may deem appropriate.

*The Commission finds:* (1) The proposed settlement of this proceeding as filed by Uppco with the Commission on September 12, 1975, is reasonable and proper and in the public interest in carrying out the provisions of the Federal Power Act and should be approved, as hereinafter ordered.

(2) Good cause exists to deny Gladstone's October 8, 1975, motion requesting the Commission to order Uppco to provide Gladstone a comprehensive interchange agreement.

(3) Gladstone's untimely petition to intervene in this proceeding should be granted.

*The Commission orders:* (A) The proposed settlement filed by Uppco on September 12, 1975, is incorporated herein by reference and made a part hereof, is approved, and adopted to be effective as of March 2, 1975.

(B) Within thirty days of the issuance of this order, Uppco shall file with the Commission a report of the payment of all refunds including 9% interest per annum thereon.

(C) Uppco shall file, within 30 days of the date of issuance of this order, rate schedules revised in accordance with the terms of the settlement agreement.

(D) Gladstone's October 8, 1975, motion requesting the Commission to order Uppco to provide Gladstone a comprehensive interchange agreement is hereby denied.

(E) Gladstone's untimely petition to intervene is granted 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 they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(F) This order is without prejudice to any findings or orders which have been

made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, Uppco, or by any other party or person affected by this order in any proceeding now pending or hereinafter instituted by or against Uppco or any other person or party.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

ATTACHMENT A

UPPER PENINSULA POWER COMPANY  
DOCKET NO. E-9200

Test Period—12 Months Ended July 31, 1974

Settlement Cost of Service

Rate base.....	\$3,463,782
Operating expenses before taxes .....	\$1,121,814
Income taxes	
Federal .....	113,597
State .....	16,870
Return (at 8.05%) .....	300,136
Total revenue requirement .....	\$1,552,417
Present revenues .....	\$1,352,397
Increase .....	200,020
Percent increase .....	14.8%

Capital structure, Mar. 31, 1977

	Amount	Ratio (percent)	Cost of capital (percent)	Weighted return (percent)
Long-term debt.....	\$23,719,504	54.08	6.42	3.47
Preferred stock.....	5,005,300	11.41	6.54	.78
Common equity.....	15,120,622	34.48	12.75	4.40
Accumulated deferred Federal income tax .....	13,581	.03		
Total.....	\$43,859,077	100.00		8.45

[FR Doc.75-33787 Filed 12-15-75;9:45 am]

NATIONAL GAS SURVEY TRANSMISSION, DISTRIBUTION & STORAGE-TECHNICAL ADVISORY COMMITTEE

Order Designating Members

DECEMBER 9, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Transmission, Distribution & Storage-Technical Advisory Committee of the National Gas Survey.

1. Membership. A new member to the Transmission, Distribution & Storage-Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Edward F. Hubbard, Philadelphia Gas Works, Philadelphia, Pennsylvania.

Mr. Hubbard replaces Mr. Harry Connelly as a representative of Philadelphia Gas Works.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-33788 Filed 12-15-75;9:45 am]

NATIONAL GAS SURVEY TRANSMISSION, DISTRIBUTION & STORAGE-TECHNICAL ADVISORY TASK FORCE-IMPACT OF GAS SHORTAGE ON TRANSMISSION, DISTRIBUTION AND STORAGE OF GAS

Order Removing Members

DECEMBER 9, 1975.

The Federal Power Commission by Order issued September 15, 1975, announced a new National Gas Survey program, and established the Transmission, Distribution & Storage-Technical Advisory Task Force-Impact of Gas Shortage on Transmission, Distribution and Storage of Gas.

1. Membership. Resignations from National Gas Survey Advisory Committees and Task Forces have been received and accepted from several persons who had been selected and approved for participation as members. The following member, with Commission approval, is hereby removed from membership on the Transmission, Distribution & Storage-Technical Advisory Task Force-Impact of Gas

**Shortage on Transmission, Distribution and Storage of Gas as indicated:**

E. F. Hubbard, Philadelphia Gas Works, Philadelphia, Pennsylvania.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-33789 Filed 12-15-75;8:45 am]

**NATIONAL GAS SURVEY RESEARCH AND DEVELOPMENT-TECHNICAL ADVISORY COMMITTEE**

**Order Designating Members**

DECEMBER 9, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Research and Development-Technical Advisory Committee of the National Gas Survey.

1. Membership. A new member to the Research and Development-Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Charles B. Colton, Hittman Associates, Inc., Columbia, Maryland.

Mr. Colton replaces Mr. Howard Hagler as a representative of Hittman Associates, Inc.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-33790 Filed 12-15-75;8:45 am]

**NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-REGULATORY ASPECTS OF SUBSTITUTE GAS**

**Order Designating Members**

DECEMBER 9, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Supply-Technical Advisory Task Force-Regulatory Aspects of Substitute Gas of the National Gas Survey.

1. Membership. A new member to the Supply-Technical Advisory Task Force-Regulatory Aspects of Substitute Gas as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

David C. Masselli, Common Cause, Washington, D.C.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-33791 Filed 12-15-75;8:45 am]

**THE NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE—NONCONVENTIONAL NATURAL GAS RESOURCES**

DECEMBER 9, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Supply-Technical Advisory Task Force—Nonconventional Natural Gas Resources of the National Gas Survey.

1. Membership. A new member to the Supply-Technical Advisory Task Force—Nonconventional Natural Gas Resources as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

John M. Dennison, Department of Geology, University of North Carolina, Chapel Hill, North Carolina.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-33792 Filed 12-15-75;8:45 am]

**NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY COMMITTEE**

**Order Designating Members**

DECEMBER 9, 1975.

The Federal Power Commission by Order issued September 15, 1975, announced a new program for the National Gas Survey Supply-Technical Advisory Committee and initial membership for this Committee.

1. Membership. A new member to the Supply-Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Paul L. Hathaway, Consolidated Edison Company, of New York, Inc., New York, New York.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-33793 Filed 12-15-75;8:45 am]

**THE NATIONAL GAS SURVEY FINANCE-TECHNICAL ADVISORY COMMITTEE**

**Order Designating Members**

DECEMBER 9, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Finance-Technical Advisory Committee of the National Gas Survey.

1. Membership. A new member to the Finance-Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

J. E. Bixby, Texas Eastern Transmission Corporation, Houston, Texas.

Mr. Bixby replaces Mr. Donald T. Quinn as a representative of Texas Eastern Transmission Corporation.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-33794 Filed 12-15-75;8:45 am]

**THE NATIONAL GAS SURVEY CONSERVATION-TECHNICAL ADVISORY TASK FORCE-EFFICIENCY IN USE OF GAS**

**Order Designating Members**

DECEMBER 9, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Conservation-Technical Ad-

visory Task Force-Efficiency in Use of Gas of the National Gas Survey.

1. Membership. New members to the Conservation-Technical Advisory Task Force-Efficiency in Use of Gas as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Robert A. Filip, Southern California Gas Company, Los Angeles, California.

Harvey M. Bernstein, Hittman Associates, Inc., Columbia, Maryland.

John B. Edwards, Ford Motor Company, Dearborn, Michigan.

Mr. Bernstein replaces Mr. Howard Hagler as a representative of Hittman Associates, Inc.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-33795 Filed 12-15-75;8:45 am]

**THE NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-SYNTHESIZED GASEOUS HYDROCARBON FUELS**

**Order Designating Members**

DECEMBER 9, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Supply-Technical Advisory Task Force-Synthesized Gaseous Hydrocarbon Fuels of the National Gas Survey.

1. Membership. New members to the Supply-Technical Advisory Task Force-Synthesized Gaseous Hydrocarbon Fuels as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

David C. Masselli, Common Cause, Washington, D.C.

John A. Whitcombe, The Oil Shale Corporation, Los Angeles, California.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-33796 Filed 12-15-75;8:45 am]

**THE NATIONAL GAS SURVEY TRANSMISSION, DISTRIBUTION & STORAGE-TECHNICAL ADVISORY TASK FORCE-RATE DESIGN**

**Order Designating Members**

DECEMBER 9, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Transmission, Distribution & Storage-Technical Advisory Task Force-Rate Design of the National Gas Survey.

1. Membership. A new member to the Transmission, Distribution & Storage-Technical Advisory Task Force-Rate Design as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Harry Connelly, Philadelphia Gas Works, Philadelphia, Pennsylvania.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.75-33797 Filed 12-15-75;8:45 am]

**GENERAL ACCOUNTING OFFICE  
REGULATORY REPORTS REVIEW  
Receipt of Report Proposals**

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on December 8, 1975. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed CAB forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before January 5, 1976, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Staff, 202-376-5425.

**CIVIL AERONAUTICS BOARD**

The Civil Aeronautics Board (CAB) has requested an extension no change clearance of Part 372a of the Board's Special Regulations dealing with travel group charters. The request includes Form 372a entitled CAB Travel Group Charter Passenger Name List, a reporting requirement entitled Post-flight Accounting Report, and a records retention requirement. Respondents number approximately 100 travel group charter organizations who complete an average of 10 forms and 10 post-flight reports annually. CAB estimates that each form 372a requires on hour to complete and each post-flight accounting report requires 15 minutes to complete.

**NORMAN F. HEYL,**  
*Regulatory Reports Review Officer.*

[FR Doc.75-33863 Filed 12-15-75;8:45 am]

**GENERAL SERVICES  
ADMINISTRATION  
COMMISSION ON GOVERNMENT  
PROCUREMENT  
Executive Branch Position**

Notice is given of the executive branch position with respect to Commission on Government Procurement Recommendations A-29 and A-46.

**Recommendation A-29:** "Establish procedures for a single final overhead settlement binding on all Federal contracts at a given contractor location." The executive branch has accepted this recommendation as its policy, which will be implemented by a Federal Management Circular.

**Recommendation A-46:** "Revise current debarment policies to provide for uniform treatment for comparable violations of the various social and economic requirements and to establish a broader range of sanctions for such violations." The executive branch has accepted this recommendation with a modification to include all statutory and administrative debarments and suspensions. The use of fines was ruled out, and a provision for contractor reinstatement upon demonstrated compliance is included in the executive branch position, which now reads as follows:

"Revise current debarment procedures to provide for uniform treatment for comparable violations and provide for reinstatement of a contractor's eligibility after he has demonstrated compliance."

An interagency task force is being established to recommend areas of implementation of this recommendation.

This notice is being published by direction of the Administrator for Federal Procurement Policy, Office of Management and Budget.

Dated at Washington, D.C. on December 3, 1975.

**WILLIAM W. THYBONY,**  
*Acting Associate Administrator.*

[FR Doc.75-33833 Filed 12-15-75;8:45 am]

**NATIONAL COMMISSION ON  
WATER QUALITY  
PUBLIC HEARINGS**

Notice is hereby given that the National Commission on Water Quality will hold a series of public hearings to review its draft report of the impacts of the Federal Water Pollution Control Act of 1972. This report, as required by Section 315 of the Act, assesses the total economic, social, and environmental effects of achieving or not achieving the effluent limitations and goals set forth (in the Act) for 1983.

The hearings will be held on the following dates and at the following locations beginning at 9:30 a.m.

Chicago, Ill. ....	Jan. 10, 1976	Ceremonial Court- room, Dirksen Bldg.
San Francisco, Calif. ....	do.....	Hyatt-Regency Hotel.
Fort Worth, Tex. ....	Jan. 12, 1976	Ramada Inn Central.
Boston, Mass. ....	do.....	Statler Hilton.
Washington, D.C. ....	Jan. 19, 1976	New Executive Office Bldg.

Persons wishing to testify should register at least three days before the hearings by writing or calling Robert Hutchings, Office of Public Affairs, National Commission on Water Quality, Post Office Box 19266, Washington, D.C. 20036 (202-254-7806). Copies of the report may be obtained by writing or telephoning the above. Copies have also been placed in principal libraries in the United States.

Time limitations on oral testimony at the hearings may be established at the discretion of the Commission member chairing the hearings. Two copies of written testimony should be supplied to the Commission at the hearings. The hearing record will be held open until the close of business on February 6, 1976.

The Commission requests that persons who are unable to participate in public hearings and who wish to do so, furnish comments directly to the Commission, attention Office of Public Affairs.

**F. J. CLARKE,**  
*Executive Director.*

[FR Doc.75-33861 Filed 12-16-75;8:45 am]

**NATIONAL FOUNDATION ON THE  
ARTS AND THE HUMANITIES**

**National Endowment for the Humanities  
ADVISORY COMMITTEE FELLOWSHIPS  
PANEL**

**Meeting**

DECEMBER 2, 1975.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463) notice is hereby given that a meeting of the Fellowships Panel will be held in Washington, D.C., on January 5, 8, and 9, 1976, from 9:00 a.m. to 5:30 p.m.

The purpose of the meeting is to review Fellowships in Residence for College Teachers applications submitted to the National Endowment for the Humanities for 1976-1977 fellowship grants.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information get in touch with the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202-382-2031.

**JOHN W. JORDAN,**  
*Advisory Committee  
Management Officer.*

[FR Doc.75-33769 Filed 12-15-75;8:45 am]

**ADVISORY COMMITTEE FELLOWSHIPS  
PANEL**

**Meeting**

DECEMBER 3, 1975.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Fellowships Panel will be held at Washington, D.C. on January 5, 7, 9, 10, and 16, 1976.

The purpose of the meeting is to review Summer Stipend applications submitted to the National Endowment for the Humanities for 1976 summer grants.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pur-

suant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, N.W., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,  
Advisory Committee  
Management Officer.

[FR Doc. 75-33770 Filed 12-15-75; 8:45 am]

## INTERSTATE COMMERCE COMMISSION

[Notice No. 931]

### ASSIGNMENT OF HEARINGS

DECEMBER 11, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

AB-1 Sub 32, Chicago and North Western Transportation Company Abandonment Between Watertown and Doland, in Condlington, Clark and Spink Counties, South Dakota, now being assigned February 18, 1976 (3 days) at Watertown, South Dakota; in a hearing room to be designated later.

MC 114457 Sub 232, Dart Transit Company, now being assigned February 23, 1976 (2 days) at Omaha, Nebraska; in a hearing room to be designated later.

MC 123211 Sub 259, Hilt Truck Line, Inc., now being assigned February 25, 1976 (3 days) at Omaha, Nebraska; in a hearing room to be designated later.

MC-C-8423, Dunlap Bus Lines, Inc.—Revocation of Certificate, now assigned January 22, 1976 at Nashville, Tennessee, is canceled.

MC 110619 Sub 75, Distributors Service Co., now being assigned February 18, 1976 (3 days) at Milwaukee, Wisconsin; in a hearing room to be designated later.

MC-F-12388, South Bend Freight Line, Inc.—Purchase—Della Cartage Co., Inc. and MC 31533 Sub 13, South Bend Freight Line, Inc., now being assigned February 23, 1976 (1 week) at Chicago, Illinois; in a hearing room to be designated later.

MC 138313 Sub 9, Builders Transport, Inc., now assigned January 20, 1976, at Portland, Oreg., will be held in Room 103, Pioneer Courthouse, 555 Yamhill Street.

MC 107743 Sub 28, System Transport, Inc., now assigned January 22, 1976, at Portland, Oreg., will be held in Room 103, Pioneer Courthouse, 555 Yamhill Street.

MC 127539 Sub 43, Parker Refrigerated Service, Inc., now assigned January 26, 1976, at Portland, Oreg., will be held in Room 103, Pioneer Courthouse, 555 S.W. Yamhill Street.

MC 128086 Sub 6, A & M Hauling, Inc., now assigned February 2, 1976, at Billings, Mont., will be held in Room 5000 Federal Building, 316 North 26th.

MC 136376 Sub 7, Mont R. Lynch, dba Lynch Trucking, now assigned February 4, 1976, at Billings, Mont., will be held in Room 5000 Federal Building, 316 North 26th.

No. 36223, Continental Grain Company V. Chicago And North Western Transportation Company, Et Al., now being assigned March 8, 1976 (1 Week) at Milwaukee, Wisconsin, in a hearing room to be designated later.

No. 36213, Precision Wood Products, Incorporated V. The Akron, Canton & Youngstown Railroad Company, Et Al., now being assigned March 1, 1976, (1 Week) at Seattle, Washington, in a hearing room to be designated later.

I & S M-28783, General Increase, October 1975, C. & S. M. F. T. A. now assigned January 6, 1976, at Washington, D.C., is Canceled.

No. MC 115524 Sub 27, Bursch Trucking, Inc., dba Roadrunner Trucking, Inc., now assigned January 27, 1976, at Phoenix, Ariz., is canceled and application dismissed.

MC 129631 Sub 47, Pack Transport, Inc., application dismissed.

MC 33446 Sub 3, The Redifer Bus Company, now being assigned February 18, 1976 (3 days) at Cleveland, Ohio; in a hearing room to be designated later.

MC 110525 Sub 1124, Chemical Leaman Tank Lines, Inc., now being assigned February 23, 1976 (2 days) at Columbus, Ohio; in a hearing room to be designated later.

MC 134029 Sub 4, Sigel's Hauling, Inc., now being assigned February 25, 1976 (3 days) at Columbus, Ohio; in a hearing room to be designated later.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 75-33859 Filed 12-15-75; 8:45 am]

[Notice No. 142]

### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 11, 1975.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of au-

thority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 58549 (Sub-No. 22 TA), filed December 2, 1975. Applicant: CLINE MUNDY, doing business as, GENERAL MOTOR LINES, 1534 Granby St. 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 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), between Warm Springs, Va., and Monterey, Va., over U.S. Highway 220, serving all intermediate points. Applicant intends to tack authority sought with that presently held in MC-58549 Sub 11, at Warm Springs, Va., and interline with other carriers at Roanoke and Martinsville, Va., for 180 days. Supporting shipper: Mauzy's, Monterey, Va. 24465. Send protests to: Danny R. Beeler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Ave SW., Roanoke, Va. 24011.

No. MC 87511 (Sub-No. 18TA), filed November 25, 1975. Applicant: SAIA MOTOR FREIGHT LINE, INC., P.O. Box 10157, Station One, Houma, La. 70360. Applicant's representative: A. Rex Joyner, P.O. Box 10338, Jefferson, La. 70181. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities, serving the Superior Oil Plant Site near Junction of Louisiana Highway 14 and Louisiana 3056, as an off route point in connection with carrier's existing regular route authority. Applicant intends to tack its existing authority with MC 87511 and subs thereunder, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Superior Oil Company, P.O. Box 1521, Houston, Tex. 77001. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 9038 Federal Bldg., 701 Loyola Ave., New Orleans, La. 70113.

No. MC 88161 (Sub-No. 90 TA), filed December 3, 1975. Applicant: INLAND TRANSPORTATION CO., INC., 6737 Corson Ave., South, Seattle, Wash. 98108. Applicant's representative: Stephen A. Cole (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid resins*, in bulk, and *catalysts, polyurethane foam and glass fibre roving* in packages or containers, on the same vehicle, in combination for the same shipper, from Tacoma, Wash., to Caldwell and Wallace, Idaho, and Portland, Oreg., for 180 days. Supporting shipper: Reichhold Chemicals, Inc., P.O. Box 1482, Tacoma, Wash. 98401. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 102478 (Sub-No. 5 TA), filed December 1, 1975. Applicant: BRIGHT BELT MOTOR LINES, INC., P.O. Box 237, Grifton, N.C. 28530. Applicant's representative: Jesse H. Wade (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and building materials, industrial asphalt*, from points in Carteret County, N.C. and the plantsite of Trumbull Asphalt Company, of Morehead City, N.C., to points in Pennsylvania, South Carolina, Virginia, and North Carolina, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Trumbull Asphalt Company, Morehead City, N.C. 28557. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 107295 (Sub-No. 791 TA), filed December 2, 1975. Applicant: PRE-FAB TRANSIT CO., 100 South Main St., Farmer City, Ill. 61842. Applicant's representative: Duane Zehr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors, door frames, windows, window frames, and millwork*, from Peru, Ill., to points in Connecticut, Delaware, the District of Columbia, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Virginia, West Virginia and Wisconsin, for 180 days. Supporting shipper: W. C. Wahlstrom, Secretary-Treasurer, Illinois Millwork Corporation, 1315 Water St., Peru, Ill. 61354. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 108380 (Sub-No. 88 TA), filed November 26, 1975. Applicant: JOHNSTON'S FUEL LINERS, INC., P.O. Box 100, Newcastle, Wyo. 82701. Applicant's representative: Stockton and Lewis, The 1650 Grant St. Bldg., Denver, Colo.

80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Creosote oil*, from Ironton, Utah, to Whitewood, S. Dak., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Reilly Tar & Chemical Corporation, Box 1186, Provo, Utah 84601. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Room 1006 Federal Bldg. & Post Office, 100 East B St., Casper, Wyo. 82601.

No. MC 108449 (Sub-No. 388 TA), filed November 25, 1975. Applicant: INDIAN-HEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylenbeck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer compounds*, in bulk, in tank vehicles, from Chemolite, Minn., to Prairie du Chien, Wis., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Minnesota Mining & Manufacturing Company, 3M Center, St. Paul, Minn. 55101. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg. & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 110563 (Sub-No. 162 TA), filed December 3, 1975. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Ohio Bldg., Sidney, Ohio 45365. Applicant's representative: John L. Maurer (same address as applicant). 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 and commodities in bulk), from Booker, Tex., to points in California, for 180 days. Masters Dressed Beef, d/b/a Booker Custom Packing Co., Box 290, Booker, Tex. 79005. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Bldg., 234 Summit St., Toledo, Ohio 43604.

No. MC 111611 (Sub-No. 25 TA), filed November 28, 1975. Applicant: NOERR MOTOR FREIGHT, INC., 205 Washington Ave., Lewistown, Pa. 17044. Applicant's representative: William D. Taylor, 100 Pine St., Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass reinforced products*, from the plantsite of Fiber-Dyne, Inc., Sun Valley, Calif., to Denver, Colo., Rocky Flats, Colo., and Cleveland, Ohio, for 180 days. Supporting shipper: Fiber-Dyne, Inc., 8530 San Fernando Road, Sun Valley, Calif. 91352. Send protests to: Robert P. Amerine, District Supervisor, Interstate

Commerce Commission, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 113528 (Sub-No. 27 TA), filed November 28, 1975. Applicant: MERCURY FREIGHT LINES, INC., P.O. Box 1247, Mobile, Ala. 36601. Applicant's representative: Joy Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and building materials*, from the plantsite of Bird & Son, Inc. Charleston, S.C., to points in Alabama and points in Florida west of the Apalachicola River, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Bird & Son, Inc., Washington St., East Walpole, Mass. 02032. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 119160 (Sub-No. 8 TA), filed November 26, 1975. Applicant: H. E. SPANN AND COMPANY, INC., P.O. Box 1111, Mt. Pleasant, Tex. Applicant's representative: Paul D. Angenend, P.O. Box 2207, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Aggregate*, in bulk, in dump vehicles, from Little Rock, Ark., to Sulphur Springs, Tex., for 180 days. Supporting shipper: A. P. Green Refractories Company, P.O. Box 277, Sulphur Springs, Tex. 75482. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75202.

No. MC 119774 (Sub-No. 87 TA), filed November 24, 1975. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials, composition shingles, rolled roofing, roofing compounds and accessories*, from the plantsite and storage facilities of Elk Corporation, at or near Stephens, Ark., and Camden, Ark., to points in Alabama, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Elk Corporation, P.O. Box 37, Stephens, Ark. 71764. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75202.

No. MC 123255 (Sub-No. 56 TA), filed December 1, 1975. Applicant: B & I MOTOR FREIGHT, INC., 140 Everett Ave., Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers and lids*, from

Rochester, Mich., to Matteson and Chicago, Ill.; Baltimore and Beltsville, Md.; Chaska, Minn.; Cleveland, Medina, Perrysburg, and Toledo, Ohio; Philadelphia, Pa. and New York, N.Y., and the commercial zone thereof, for 180 days. Supporting shipper: Leticia Corporation, 1600 West Hamlin Road, Rochester, Mich. 48063. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg., & U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215.

No. MC 126421 (Sub-No. 5 TA), filed December 1, 1975. Applicant: GYPSUM TRANSPORT, INC., East Highway 80, P.O. Box 2679, Abilene, Tex. 79604. Applicant's representative: Jerry Prestidge, P.O. Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bags or sacks, from the port of entry on the International Boundary Line between the United States and the Republic of Mexico at El Paso, Tex., to points in Texas, restricted to traffic originating in the Republic of Mexico, for 180 days. Supporting shipper: Cementos de Chihuahua SA, Apartado Postal 2135, CD, Juarez, Chihuahua SA. Send protests to: H. C. Morrison, Sr., Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 128870 (Sub-No. 5 TA), filed December 1, 1975. Applicant: NATIONAL MATERIALS CORPORATION, P.O. Box 187, New Braunfels, Tex. 78130. Applicants' representative: Jerome E. Faust (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, in tank trucks, from the plantsite of United States Gypsum Company, at or near New Braunfels, Tex., to the United States-Mexican Boundary Line, at Brownsville, Tex., for 180 days. Supporting shipper: United States Gypsum Company, P.O. Box 773, New Braunfels, Tex. 78130. Send protests to: Richard H. Dawkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room B-400 Federal Bldg., San Antonio, Tex. 78205.

No. MC 129808 (Sub-No. 18 TA), filed November 26, 1975. Applicant: GRAND ISLAND CONTRACT CARRIER, INC., P.O. Box 2078, Grand Island, Nebr. 68801. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation pipe and fittings*, from the plantsite and facilities of Heinzman Manufacturing Co., a Division of Henzman Engineering, Inc., at or near Grand Island, Nebr., to San Ysidro, Calif., under a continuing contract with Heinzman Manufacturing Co., a Division of Heinzman Engineering, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gerald L. Richards, General Traffic Manager, Heinzman Manufacturing Co., a Division of Henzman Engineering, Inc., P.O. Box A,

Grand Island, Nebr. 68801. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg., & Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 134551 (Sub-No. 7 TA), filed November 25, 1975. Applicant: LANTER REFRIGERATED DISTRIBUTING CO., 3 Caine Drive, Madison, Ill. 62060. Applicant's representative: Ernest A. Brooks, II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products and articles distributed by meat packing-houses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from Springfield, Mo., to Madison, and East St. Louis, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Robert M. Zachar, General Manager, Meat Products Division, Missouri Farmers Association, Inc., Meat Products Division, Main P.O. Box 787, Springfield, Mo. 65801. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 135352 (Sub-No. 7 TA), filed December 1, 1975. Applicant: LITTLE DUTCH LINES, INC., 1111 North Prairie St., Pella, Iowa 50219. Applicant's representative: Thomas E. Leahy, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automotive batteries and battery acid* in containers, from Salina, Kans., to Pella, Iowa, under a continuing contract with Schiebout Tire Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Schiebout Tire Co., Inc. P.O. Box 151, Pella, Iowa 50219. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC136485 (Sub-No. 7 TA), filed November 21, 1975. Applicant: WALDORF TRANSPORTATION CO., INC., P.O. Box 353, Waldorf, Md. 20601. Applicant's representative: John G. Jameson, Jr. (same address as applicant) Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical equipment, electrical supplies and materials, supplies and equipment* used in the installation of electrical equipment and electrical supplies (except commodities which because of size and weight require the use of special equipment and except commodities in bulk), from points in Maryland, Virginia, West Virginia, Ohio, Kentucky, Pennsylvania, New York, New Jersey, Delaware, Connecticut, Massachusetts, Rhode Island and Vermont, to points in Allegany, Washington, Frederick, Carroll, Baltimore, Harford, Cecil, Howard, Montgomery,

Prince Georges, Anne Arundel, Calvert, Charles, St. Marys, Kent, Queen Annes, Talbot, Caroline, Dorchester, Wicomico, Somerset, Worcester Counties, Baltimore City, Md.; Franklin and Adams Counties, Pa.; Berkeley, Jefferson Counties, W. Va.; Frederick, Clarke, Page, Shenandoah, Rockingham, Rappahannock, Fauquier, Loudoun, Arlington, Fairfax Counties, Alexandria City, Va.; the District of Columbia. Restriction: The services authorized above are limited to a transportation service to be performed under a continuing contract or contracts with Tristate Electrical Supply Co., Inc., Hagerstown, Md., for 180 days. Supporting shipper: Tristate Electrical Supply Co., Inc., 1741 Dual Highway, Hagerstown, Md. 21740. Send protests to: Interstate Commerce Commission, 12th & Constitution Ave., N.W., Room B-317, W. C. Hersman, District Supervisor, Washington, D.C. 20423.

No. MC 134387 (Sub-No. 26 TA), filed December 2, 1975. Applicant: BLACKBURN TRUCK LINES, INC., 4993 Branyon Ave., South Gate, Calif. 90280. Applicant's representative: David P. Christianson, 606 S. Olive, Suite 825, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass containers*, from points in Los Angeles County, Calif., to points in Coconino County, Ariz., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Nackard Pepsi Cola Bottling Company, 4980 Railroad Ave., Coconino, Ariz. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 139893 (Sub-No. 3 TA), filed November 28, 1975. Applicant: THAMES VALLEY BRICK & BUILDING PRODUCTS LIMITED, P.O. Box 314, Chatham, Ontario, Canada. Applicant's representative: Robert D. Gunderman, Suite 710 Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick* (except refractory and vitrified clay products), and *stone* when moving in mixed loads with brick, from ports of entry on the International Boundary Line between the United States and Canada at the Niagara, Detroit and St. Clair Rivers, to Albany, Amsterdam, Auburn, Batavia, Binghamton, Buffalo, Caledonia, Cambria, Canton, Central Square, Cheektowaga, Cicero, Clarence, Corgland, East Aurora, Elmira, Fredonia, Geneva, Honeoye Falls, Ithaca, Jamestown, Lancaster Lockport, Malone, Massena, Medina, Middletown, Newark, Niagara Falls, Olean, Ogdensburg, Oneonta, Orchard Park, Oswego, Pittsfield, Plattsburg, Ransomville, Rochester, Rome, Sanborn, Solway, Syracuse, Utica, Watertown, West Seneca and White Plains, N.Y.; Mt. Clemens and Kawawlin, Mich.; Erie, Pa., and Toledo, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating au-

thority. Supporting shippers: Angelstone Limited, Christopher G. Jones, Secretary-Treasurer, Cambridge, Ontario, Canada. Toronto Brick Company, James Marshall, Sales Manager, 1425 Bayview Ave., Toronto, Ontario, Canada. Diamond Clay Products Limited, Daniel Kurucz, Traffic Superintendent, Highway #5, Burlington, Ontario, Canada. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 141520 (Sub-No. 1 TA), filed November 26, 1975. Applicant: INTERCITY EXPRESS, INC., 1746 E. Adams St., Jacksonville, Fla. 32206. Applicant's representative: Norman J. Bollinger, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in containers, and *empty containers*, between points in the Jacksonville, Fla., commercial zone, including Jacksonville, Fla. (except Yulee and Fernandina Beach, Fla.), restricted to shipments having a prior or subsequent movement by water, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Sea-Land Service, Inc., P.O. Box 3281, Jacksonville, Fla. 32206. Norton, Lilly & Company, Inc., 1829 Westcott St., Jacksonville, Fla. 32205. Southern Shipping Company, P.O. Box 4668, Jacksonville, Fla. 32201. Harrington & Co., Inc., 305 Union St., Jacksonville, Fla. 32202. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 141535 (Sub-No. 1 TA), filed November 24, 1975. Applicant: LEONARD POHREN, 741 East 2nd St., Washington, Iowa 52353. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal*, from Cedar Rapids and Washington, Iowa to points in Illinois and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cargill, Incorporated, 411 6th St. NE, Cedar Rapids, Iowa 52406. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 141558 TA, filed December 1, 1975. Applicant: VINCENT J. CORRADO, doing business as, V & E TRUCKING, 2061 Monongahela Ave., Pittsburgh, Pa. 15218. Applicant's representative: John A. Pillar, 1122 Frick Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Swinging meat, meat products and meat by-products*, in temperature-controlled vehicles, from the facilities of

Herr's Island Packing Company in Pittsburgh, Pa., to Stamford, Conn.; the District of Columbia; Chicago, Ill.; Baltimore and Landover, Md.; Boston, Mass.; Elizabeth, Hawthorne, Jersey City, Newark, Passaic, Westfield and Woodbridge, N.J.; Mt. Kisco, New York City, Schenectady and Waterford, N.Y., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Herr's Island Packing Company, d/b/a Western Packers, Herr's Island, Pittsburgh, Pa. 15222. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 141559 TA, filed December 1, 1975. Applicant: LAWRENCE W. TOMASINI AND DONALD L. BURDETTE, a partnership, doing business as, OREGON PACIFIC TRANSPORT, 11739 S. E. Ash St., Portland, Ore. 97216. Applicant's representative: Lawrence W. Tomasini (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Heat exchangers, associated equipment and supplies*, between the plantsite of Allied Air Products at Newberg, Ore., and points in the United States, under a continuing contract with Allied Air Products Co., Inc., for 180 days. Supporting shipper: Allied Air Products Co., Inc., 315 E. Franklin St., Newberg, Ore. 97132. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 113 Pioneer Courthouse, 555 S. W. Yamhill St., Portland, Ore. 97204.

No. MC 141560 TA, filed December 2, 1975. Applicant: JAMES E. HARRELSON'S USED CARS, Route 2, Box 408-A, Johns Island, S.C. 29455. Applicant's representative: Gene W. Dukes, Box 368, St. George, S.C. 29477. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stolen or repossessed automobiles and trucks*, between points in South Carolina, on the one hand, and, on the other, points in the United States, for 180 days. Supporting shippers: The South Carolina National Bank, P.O. Box 700, Charleston, S.C. 29402. Bankers Trust of South Carolina, P.O. Box 610, Charleston, S.C. 29401. Jim Bilton Ford, Inc., 315 Parler Ave., St. George, S.C. 29477. Chrysler Credit Corp., P.O. Box 10525, Charleston, S.C. 29411. General Motors Acceptance Corp., P.O. Box 3335, Charleston, S.C. 29407. Renken-Loan-And Discount Co., Inc., 204 Helm Ave., Charleston Heights, S.C. 29405. Ford Motor Credit Company, P.O. Box 3546, Charleston, S.C. 29407. Transouth Financial Corp., P.O. Box 7386, Charleston Heights, S.C. 29405. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 141563 TA, filed December 3, 1975. Applicant: LYNCH TRUCKING, INC., P.O. Box 712, Billings, Mont. 59103.

Applicant's representative: J. F. Meglen, P.O. Box 1581, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting and floor covering and installation materials and accessories*, from points in Georgia to points in North Dakota and Sioux Falls, S. Dak., for 180 days. Supporting shipper: Wilfred Mastel, Executive Secretary, Northwest Buying Group, Box 467, Dickinson, N. Dak. 58601. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 141564 TA, filed December 1, 1975. Applicant: JAMES MOTOR SERVICE, INC., 5131 W. Wilfe Drive, Oak Lawn, Ill. 60453. Applicant's representative: Conrad W. Cherry (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (1) between the commercial zone of Chicago, Ill., and the commercial zone of Louisville, Ky., and (2) from the commercial zone of Chicago, Ill., to points in Indiana, Wisconsin and Michigan, under a continuing contract with K. F. C. Management Company, and Colgate Palmolive Company, for 180 days. Supporting shippers: K. F. C. Management Company, Jerry Ebertshouser, Customer Service Manager, 7715 S. 78th Ave., Bridgeview, Ill. 60455. Colgate Palmolive Company, H. R. Schroeder, Traffic Manager, 1251 S. 4th St., Louisville, Ky. 40201. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

#### PASSENGER APPLICATION

No. MC 102676 (Sub-No. 11 TA), filed November 28, 1975. Applicant: WORCESTER BUS CO., INC., 287 Grove St., Worcester, Mass. 01605. Applicant's representative: James F. Martin, 3003 Windsor Ridge Road, Westboro, Mass. 01581. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations originating at Worcester, Oxford and Webster, Mass., to the site of Plainfield Greyhound Park, Plainfield, Conn., and return, restricted to the racing season, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 37 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: James D. Perry, Jr., District Supervisor, 338 Federal Bldg., & U.S. Courthouse, 436 Dwight St., Springfield, Mass. 01103.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-33860 Filed 12-15-75; 8:45 am]

[EX PARTE No. MC-43]

**LEASE AND INTERCHANGE OF VEHICLES  
BY MOTOR CARRIERS**

DECEMBER 11, 1975.

At a Session of the Interstate Commerce Commission, Motor Carrier Leasing Board, held at its office in Washington, D.C., on the 4th day of December, 1975.

It appearing, That a petition has been filed by Imperial Van Lines, Inc., (MC-65665 and MC-65665 Sub-No. 14G) and Martin Van Lines, Inc., (MC-112263), under temporary common control for waiver of paragraph (c) of section 1057.4 and paragraph (d) of section 1057.5 of the Lease and Interchange of Vehicles

Regulations (49 CFR 1057), concerning equipment leased and interchanged between petitioners;

It further appearing, That petitioners have a jointly administered program applying the same standards of inspection and maintenance to equipment in accordance with the motor carrier safety regulations of the U.S. Department of Transportation;

It further appearing, That the U.S. Department of Transportation offers no objection to a grant of the relief sought based on an examination of petitioners' record;

It is ordered, That waiver of paragraph (c) of §1057.4, be, and, it is hereby granted provided that the equipment is

inspected on the day it is to be leased or interchanged and found to meet the requirement of the motor carrier safety regulations of the U.S. Department of Transportation and that petitioners remain in satisfactory compliance with those regulations and under common control.

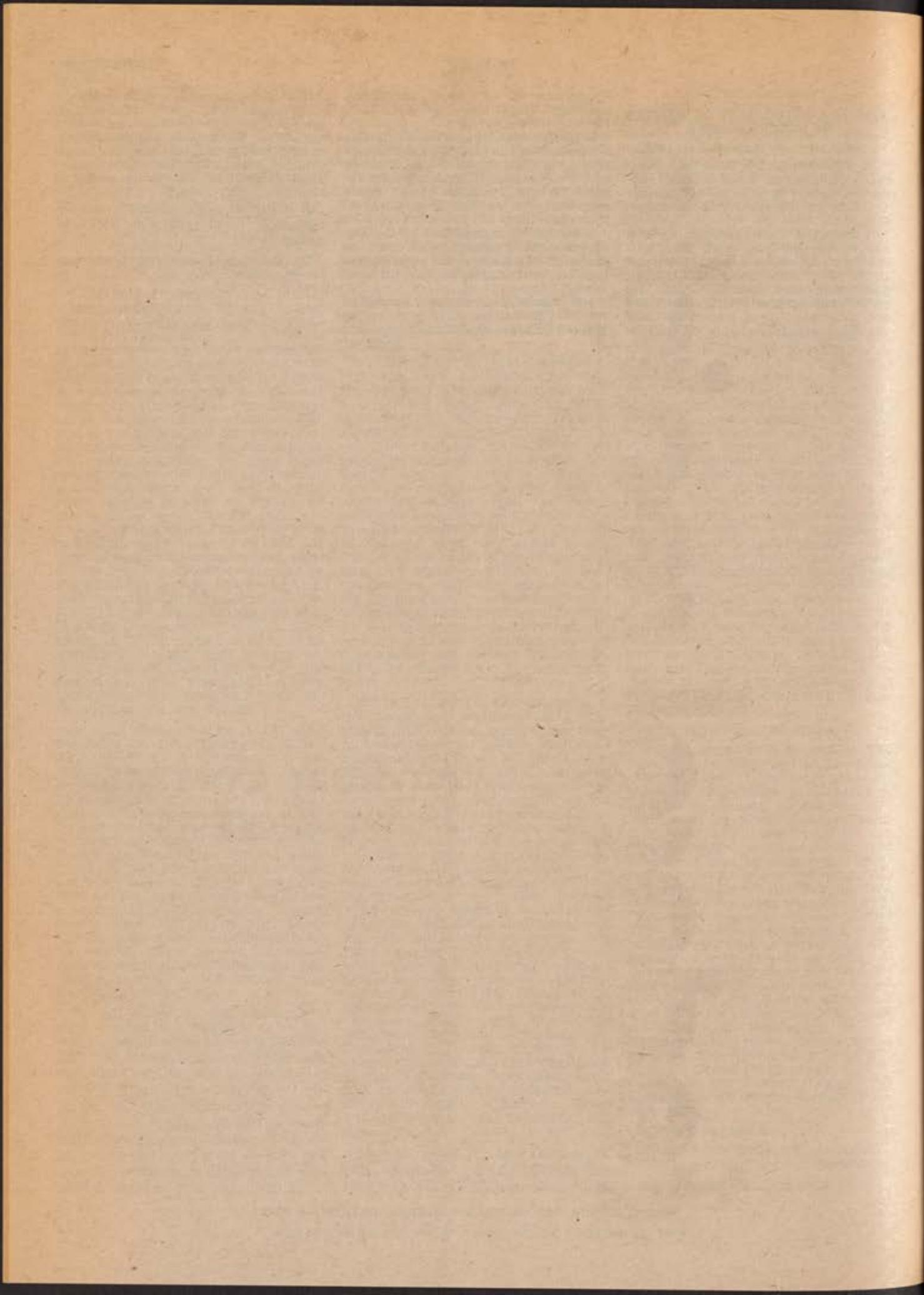
It is further ordered, That waiver of paragraph (d) of §1057.5 be, and, it is hereby denied.

By the Commission, Motor Carrier Leasing Board.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc.75-33858 Filed 12-15-75;8:45 am]



# **federal register**

TUESDAY, DECEMBER 16, 1975



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PART II:

## **FEDERAL ELECTION COMMISSION**

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**ADVISORY OPINIONS  
AND REQUESTS**

## FEDERAL ELECTION COMMISSION

[Notice 1975-90]

## ADVISORY OPINIONS

The Federal Election Commission announces the publication today of Advisory Opinions 1975-50, 1975-53, 1975-65, 1975-85 and 1975-93. The Commission's opinions are in response to questions raised by individuals holding Federal office, candidates for Federal office and political committees, with respect to whether any specific transaction or activity by such individual, candidate, or political committee would constitute a violation of the Federal Election Campaign Act of 1971, as amended, of Chapter 95 or 96 of Title 26, United States Code, or of Sections 608, 610, 611, 613, 614, 615, 616 or 617 of Title 18, United States Code.

The Commission points out that these advisory opinions should be regarded as interim rulings which are subject to modification by future Commission regulations of general applicability. In the event that a holding in either opinion is altered by the Commission's regulations, the persons to whom the opinions were issued will be notified.

## ADVISORY OPINION 1975-50

## APPLICABILITY OF 1974 AMENDMENTS; SCOPE OF CORPORATE CONTRIBUTION PROSCRIPTION IN SECTION 610

This advisory opinion is rendered under 2 U.S.C. § 437f in response to a request by the campaign committee of Jeff LaCaze, a former candidate for Federal office. The request was published as AOR 1975-50 in the September 3, 1975 FEDERAL REGISTER (40 FR 40678). No comments were received.

The request states that Mr. LaCaze was a candidate for the House of Representatives from the Sixth District of Louisiana. The results of the general election of November 5, 1974, were disputed and after litigation the State courts ordered a new election for January 7, 1975. Prior to the new election, the LaCaze Committee wrote to the Clerk of the House of Representatives, seeking, in essence, an opinion as to whether the 1974 campaign law amendments were applicable to the election and, in particular, to contributions and expenditures received between January 1-7, 1975. The response, contained in a telegram, quoted from a note to 2 U.S.C. § 437c, as amended in 1974, which stated in substance that until the qualification of all the members of the Federal Election Commission and its General Counsel and until the transfer provided for in the subsection, the Clerk of the House of Representatives shall continue to carry out his responsibilities under Title I and Title III of the Federal Election Campaign Act of 1971, as such Titles existed on the day before the enactment of the Act.

The LaCaze Committee asks whether the Advisory Opinion of the Commission as to the applicability of the 1974 Amendments to post-December 31, 1974

expenditures (AO 1975-6 in 40 FR 31316) applies in his particular situation. The Committee also seeks opinions as to the following unrelated issues: (a) whether accrued interest payments on 1974 promissory notes executed in connection with Mr. LaCaze's Congressional campaign, if paid in 1975, are subject to the contribution and expenditure limits of the 1974 Amendments to the Federal election campaign law; (b) whether 18 U.S.C. § 610 prohibits a corporation from forgiving or settling prior debts owed by a candidate to the corporation and, if not, whether such debts can be written off as bad debts.

The first question involves an apparently unique, individual situation and as such qualifies as an isolated exception to Advisory Opinion 1975-6. The telegram from the Clerk of the House of Representatives—although not specifically stating so—was clearly subject to an interpretation that the contribution and expenditure limitations set forth in Title I of the 1974 law were inapplicable to Mr. LaCaze. As such, given Mr. LaCaze's apparent good faith reliance on the telegram, it is the conclusion of the Commission that he cannot be held to be subject to the contravening Advisory Opinion of the Commission, which was published some seven months after his campaign was concluded. However, although Mr. LaCaze's debts will be treated as if they were subject to the 1971 Federal Election Campaign Act, all contributions made to retire them are subject to the restrictions set forth in Advisory Opinion 1975-82, approved by the Commission on December 2, 1975, (40 FR 57757).

With regard to the second question, a promissory note is in essence a "loan" or "advance" and hence comes within the meaning of the definition of "contribution", as it is set forth in 18 U.S.C. § 591(e)(1). Since the Commission has already concluded in AO 1975-6 (*supra*) that the contribution and expenditure limitations set forth in 18 U.S.C. § 608 are, with the exception of a candidate's use of personal funds, inapplicable to an election campaign which occurred prior to January 1, 1975, it is clear that this conclusion also applies to promissory notes. Moreover, if the maker of a promissory note signed a commitment to make future interest payments then these payments may be dated back to the date the note was signed. If this date in Mr. LaCaze's case is prior to January 7, 1975, then it is the Commission's conclusion that the interest payments would not be covered by the 1974 Amendments to the Federal Election Campaign Act, even if the payments were made after January 7, 1975. However, this conclusion does not apply to interest payments made by the candidate himself. These would have to be counted toward the limitation set forth in 18 U.S.C. § 608(a)(1)(C). (See AO 1975-6, *supra*, as modified by AO 1975-82, *supra*.)

The final question concerns the application of 18 U.S.C. § 610 to the settlement or forgiveness of debts owed by a candidate or political committee to cor-

porations. In general, a corporation may not forgive prior debts or settle these debts for less than the amount owed by the candidate or committee, because settlement or forgiveness of a corporate debt is a contribution under § 610. However, in certain extenuating circumstances (which shall be subject to Commission scrutiny on a case by case basis), settlement or forgiveness of such a corporate debt may not be considered a contribution under § 610 if a showing is made to the Commission that the corporate creditor has treated the outstanding debt of a candidate or political committee in a commercially reasonable manner.

Such a showing must include at least the following:

(1) That the initial extension of credit to the candidate or political committee was made in a manner and on terms similar to extensions of credit to a non-political debtor or in accordance with regulations prescribed by a regulatory Board or Commission pursuant to 2 U.S.C. § 451;

(2) That the candidate or political committee has undertaken an exhaustive effort to satisfy the outstanding debt; and

(3) The corporate creditor has pursued its remedies in a manner similar in intensity to that employed in pursuit of a non-political debtor.

The question of whether an uncollected debt owed by a candidate or political committee to a corporation may be written off by the corporation as a bad debt for income tax purposes does not involve issues falling within the statutory authority of the Commission.

The Commission notes that the limits in 18 U.S.C. § 608(a) applied to Mr. LaCaze's campaign even though he was not subject to the other limits in § 608 as added by the 1974 Amendments. This opinion does not address the question of whether Mr. LaCaze would be in violation of 18 U.S.C. § 608(a) if, having already expended up to the § 608(a) limit, he pays any State court judgments rendered against him personally for a campaign debt.

This advisory opinion is issued on an interim basis only pending promulgation by the Commission of rules and regulations or policy statements of general applicability.

## ADVISORY OPINION 1975-53

## APPLICATION OF LIMITATIONS ON CONTRIBUTIONS AND EXPENDITURES TO NOMINATION BY A PETITION EFFORT

This advisory opinion is rendered under 2 U.S.C. § 437f, in response to a request, published on September 3, 1975 (40 FR 40678), concerning the applicability of the limitations on contributions and expenditures, contained in 18 U.S.C. § 608, to the process by which a candidate is nominated for a ballot position in a general election via a petition effort. Written comments were invited but none were received.

The request raises three separate questions. First the request asks whether the

limitation on expenditures contained in 18 U.S.C. § 608(c)(1)(C) applies to an independent candidate for the Senate who seeks to qualify for a ballot position in a general election through the gathering of petition signatures instead of seeking nomination in the party primary. The Commission is of the opinion that the limitations contained in such section do apply to a petition effort for nomination in the same manner in which they apply to candidates seeking nomination through a primary or other party selection route. 18 U.S.C. § 608(c)(1)(C) applies "in the case of any campaign for nomination for election by a candidate for the office of Senator" and is not limited by its terms to a primary election. Rather, the word campaign, as used in section 608(c)(1)(C) refers to the process by which the candidate seeks to qualify for a ballot position in a general election. Because the Commission sees a need to delineate the time when such a process ends and the general election campaign begins, it adopts the following guideline. With respect to individuals seeking a ballot position in a general election for Federal office without nomination by a party, a primary election shall be deemed to have occurred on the day prescribed by applicable State law as the last day to qualify for a position on the general election ballot or the date of the last major party primary election whichever is later. (See Proposed Disclosure Regulations, § 100.6(b)(2) adopted by the Commission on November 25, 1975). If a candidate makes expenditures during the "primary" period which are directed toward the general election, (such as buying television time to be used prior to the general election but after the close of the "primary" period) such expenditures will be charged against the candidate's general election expenditure limitation. Similarly, if a candidate incurs expenditures after the "primary" period which are directly related to his or her petition effort, these expenditures would be considered "primary" expenditures.

Second, the request asks whether, assuming an independent candidate is considered for purposes of the spending limitations in the same manner as a candidate for nomination in a primary, there are any restrictions on the funds used to qualify by petition other than those imposed by the Federal Election Campaign Act of 1971, as amended. It is the Commission's opinion that any expenditures made for the purpose of qualifying a candidate for election to Federal office through a petition effort may be made in the same amounts and in the same manner as funds expended to qualify for nomination by running in a primary election. The Commission is currently in the process of drafting regulations which will provide direction as to how to allocate the cost of materials to the primary and general election efforts, respectively.

Third, the Commission is requested to rule on the extent to which surplus funds not expended in a petition effort may be

carried over into the general election campaign subsequent to the qualification for the general election ballot by the candidate.

The Commission is of the opinion that surplus funds remaining from a primary or petition campaign may be carried over and used in the general election so long as the general election limits on spending established by 18 U.S.C. § 608 are not exceeded. However, contributions ostensibly earmarked for the primary election or "primary" period in the instant case, which are received by the candidate after the primary election (period) will be treated as contributions for the general election unless at the time the contribution is received the amount of debts from the primary campaign exceeds the balance on hand in the primary election account. Only those post-primary contributions needed to retire the primary debt will be treated as made with respect to the primary election.

This advisory opinion is issued on an interim basis only pending promulgation by the Commission of rules and regulations or policy statements of general applicability.

#### ADVISORY OPINION 1975-65

##### CONTRIBUTION FROM IMMEDIATE FAMILY FOR SENATE CAMPAIGN

This advisory opinion is rendered under 2 U.S.C. § 437f, in response to a request for an advisory opinion from Congressman Alphonzo Bell which was published as AOR 1975-65 in the FEDERAL REGISTER, September 18, 1975 (40 FR 43162). Interested parties were given an opportunity to submit written comments regarding the request, but none were received.

Representative Bell presents two issues for determination by the Commission: (1) whether the spouses of his children and his wife's brother, sister and parents are members of his "immediate family" for the purpose of limits on contributions from family funds; (2) whether a member of a candidate's immediate family may contribute up to \$1,000 (18 U.S.C. § 608(b)(1)) once the candidate has reached the ceiling on permissible expenditures from his or her family's personal funds.

##### I. MEMBERS OF IMMEDIATE FAMILY

18 U.S.C. § 608(a)(1) provides in pertinent part that:

No candidate may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaigns during any calendar year for nomination for election, or for election to Federal office in excess of, in the aggregate—

(A) \$50,000, in the case of a candidate for the office of President or Vice President of the United States;

(B) \$35,000, in the case of a candidate for the office of Senator \* \* \* or

(C) \$25,000, in the case of a candidate for the office of Representative \* \* \*.

For the purposes of these limitations on contributions/expenditures from personal funds, the term "immediate family" has been unambiguously defined. According to the explicit language of § 608(a)(2),

"immediate family" means a candidate's spouse, and any child, parent, grandparent, brother or sister of the candidate, and the spouses of such persons.

Therefore, the brother, sister and parents of Representative Bell's wife are not regarded as members of his "immediate family," whereas the spouses of his children come within the purview of § 608(a)(2).

##### II. CONFLICT OF 18 U.S.C. §§ 608(a)(1) AND 608(b)(1)

Regarding the second issue raised, it is the opinion of the Commission that an immediate family member may contribute more than \$1,000 to the related Federal candidate, provided the member does not exceed the \$25,000 aggregate limit on contributions by an individual [18 U.S.C. § 608(b)(3)] and that the candidate does not surpass the ceiling on contributions and/or expenditures from personal or family funds [18 U.S.C. § 608(a)(1)].

On its face, the language of § 608(a)(1) clearly supports the view of the Commission. A candidate is permitted to make campaign expenditures no greater than the amount designated for the office sought "from his personal funds, or the personal funds of his immediate family \* \* \*". The Appellate Court in *Buckley v. Valeo*, 519 F.2d 821, at 854 (D.C. Cir., 1975), upheld § 608(a) against constitutional challenge, interpreting it as serving "to relax the \$1,000 per candidate contribution limit for a candidate and his immediate family."

§ 608(a) does not relax the \$25,000 ceiling on all contributions in a calendar year, however. Each donation of a family member to the campaign of a related candidate must be credited against the § 608(b)(3) limit. A family member who has already made contributions aggregating \$25,000 may not, therefore, contribute further to the related candidate.

A candidate, however, is not restricted by the § 608(b)(3) ceiling in drawing monies from personal funds in connection with his/her own campaigns. The language of § 608(a) on its face clearly overrides the application of the \$25,000 aggregate contribution limits of § 608(b)(3) as to candidates for the offices of President, Vice President, Senator, or Representative from a state which is entitled to only one Representative [18 U.S.C. § 608(a)(1)(A)-(B)].

After a candidate reaches the appropriate § 608(a) aggregate limit, further contributions by any immediate family member are prohibited. If any family member wishes to further contribute to the candidate or to the candidate's campaign committee, the candidate or another family member who has previously given should request a refund in the same amount from the principal campaign committee in order not to violate § 608(a).

This advisory opinion is issued on an interim basis pending promulgation by the Commission of rules and regulations or policy statements of general applicability.

## ADVISORY OPINION 1975-85

APPLICATION OF HONORARIUM LIMITATIONS  
TO THE ACCEPTANCE OF AN AWARD

This advisory opinion is rendered under 2 U.S.C. § 437f in response to a request for an advisory opinion which was submitted by Senator Hubert H. Humphrey, which was published as AOR 1975-85 in the November 4, 1975, FEDERAL REGISTER (40 FR 51355). Interested parties were given an opportunity to submit written comments relating to the request. No comments were received.

The request generally asks whether a monetary award given to a United States Senator in recognition of public service or special achievement, is to be treated as an honorarium, and thus limited by the provisions of 18 U.S.C. § 616. Specifically, the facts of the request are that Senator Hubert H. Humphrey has been selected as a 1975 recipient of the "Joseph Prize for Human Rights" which is given through the Anti-defamation League of B'nai B'rith. The prize includes a medal and a \$5,000 monetary award. According to Mr. Gartner, Senator Humphrey is not required to make an appearance, speech or prepare an article for the Anti-defamation League in order to receive the prize. In addition, if Senator Humphrey is allowed to accept the award, he intends to donate the full amount for a charitable purpose.

It is provided in 18 U.S.C. § 616 that:

Whoever, while an elected or appointed officer or employee of any branch of the Federal Government—

(1) accepts any honorarium of more than \$1,000 \* \* \* for any appearance, speech or article; or

(2) accepts honorariums \* \* \* aggregating more than \$15,000 in any calendar year; shall be fined not less than \$1,000 nor more than \$5,000.

This provision clearly limits honoraria accepted for any appearance, speech, or article. The question then arises as to whether, for purposes of this section, money received as an award in recognition of public service or special achievement is to be treated as an honorarium. In this case the Commission concludes that the word "honorarium" should be read narrowly to reflect only the obvious intent of the statute, and should not be interpreted as including "an award." This view accords with the legislative history of 18 U.S.C. § 616 (120 CONG. REC. S. 18526 (daily ed. Oct. 8, 1974)) which shows a Congressional intent to limit only honoraria accepted in exchange for some action by a Federal official or employee, and shows no intent to provide a broad regulatory scheme which would govern all awards made to Federal officers and employees. It also may be helpful to note that an award is distinguished from an honorarium under the Internal Revenue Code, where an honorarium is treated as taxable income, but an award is excluded from gross income. 26 U.S.C. § 74; T.D. 6137, 1952-2 C.B. 27.

Thus it is the conclusion of the Commission that an award will not generally

be treated as an honorarium for purposes of 18 U.S.C. § 616, if the award is made to an officer or employee of the Federal Government:

(1) Primarily in recognition of religious, charitable, scientific, educational, artistic, literary, or civic achievement;

(2) Based on a selection process with established criteria, and which process does not require the Federal officer or employee to apply for or compete for the award;

(3) Gratuitously under circumstances which make clear that the Federal officer or employee is not required to make an appearance or speech, or write an article as a condition for receiving the award; and

(4) Under circumstances where there is no significant evidence indicating that the award is made in lieu of an honorarium or a contribution.

The foregoing are not necessarily exhaustive of the criteria for distinguishing an award from an honorarium, but do provide pertinent guidance applicable to Senator Humphrey's particular situation.

In order to determine whether the "Joseph Prize for Human Rights" is an award, it is necessary for the Commission to examine the nature of this prize. The Commission has been informed that the Joseph Prize is an established international award which is presented annually, or as the occasion warrants, to those persons whose life's work has been the improvement of human relations and the preservation or growth of human rights. The Joseph Prize for Human Rights was established to promote the development of democratic institutions and practices which may enrich the human spirit. The Prize is intended to celebrate the efforts of current leaders who seek the establishment of human rights.

In light of the nature of the Joseph Prize and the Commission's policy distinction between an award and an honorarium, it is the opinion of the Commission that the Joseph Prize is a monetary award which does not constitute an honorarium. Thus it may be accepted by Senator Humphrey for his personal use, or donated by the Senator to a charity, without regard to the limitations on honoraria provided in 18 U.S.C. § 616.

This advisory opinion is issued only on an interim basis pending the promulgation by the Commission of rules and regulations, or policy statements, of general applicability.

ADVISORY OPINION 1975-93  
DATE WHEN HONORARIUM RECEIVED

This advisory opinion is issued pursuant to 2 U.S.C. § 437f. The request was published on November 4, 1975 in the FEDERAL REGISTER, 40 FR 51357. Interested persons were invited to submit written comments. No comments were received.

This request was submitted by Congresswoman Bella S. Abzug. She states that in 1974 she contracted to speak at Chatham College for an honorarium of \$2,000; that she fulfilled this engage-

ment in November 1974 but was not paid until 1975. She asks two questions. First, whether she may accept the full \$2,000 without violating 18 U.S.C. § 616. Second, whether the honorarium will count against the \$15,000 aggregate limit in 1975 and, if so, what amount will be charged against that limit.

The Commission answers the first question in the affirmative and the second in the negative. Ms. Abzug's engagement in 1974 was made prior to the effective date of the Federal Election Campaign Act Amendments of 1974 and had she been paid in 1974 it would not have come within the restrictions of § 616. Therefore, the Commission will not consider Ms. Abzug's receipt of her agreed honorarium in 1975 as applicable to the \$1,000 or \$15,000 limits under 18 U.S.C. § 616.

This advisory opinion is rendered on an interim basis pending promulgation of final rules and regulations or policy statements of general applicability.

Dated: December 5, 1975.

VERNON W. THOMSON,  
Commissioner,  
Federal Election Commission.

[FR Doc.75-33569 Filed 12-15-75; 8:45 am]

[Notice 1975-92, AOR 1975-112—  
AOR 1975-118]

## ADVISORY OPINION REQUESTS

In accordance with the procedures set forth in the Commission's Notice 1975-4, published on June 24, 1975 (40 FR 26660), Advisory Opinion Requests 1975-112 through 1975-118 are published today.

Interested persons wishing to comment on the subject matter of any Advisory Opinion Request may submit written views with respect to such requests on or before December 26, 1975. Such submission should be sent to the Federal Election Commission, Office of General Counsel, Advisory Opinion Section, 1325 K Street, NW., Washington, D.C. 20463. Persons requiring additional time in which to respond to any Advisory Opinion Request will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered by the Commission before it issues an advisory opinion. The Commission recommends that comments on pending Advisory Opinion Requests refer to specific AOR number of the Request commented upon, and that statutory references be to the United States Code citations, rather than to the Public Law Citations.

AOR 1975-112: Payment by Bank of Travel Expenses of Members of Congress in Connection with a Bank-Sponsored Forum; Use of Political Action Committee Funds; Payment of Costs of Forum; Determination of Member's Candidacy (Request Edited by the Commission).

DEAR MR. CHAIRMAN: We would like to request an advisory opinion on the

legality of our paying the travel expenses of Members of Congress appearing at Congressional Forums sponsored by [Security Pacific National Bank] as part of its Active Citizenship Today (ACT) program.

\*\*\* ACT has recently registered a political action committee with the Commission which will be available for employees wishing to make financial contributions to candidates for local, state and Federal office.

As part of our ACT educational effort, we have held a series of Congressional Forums for our branch managers in congressional districts where we have a significant number of offices. Managers of all branches located in a given Congressional District are invited to a dinner, paid for by the Bank, where they have the opportunity to meet the Congressman from that district and chat informally with him. Following dinner the Congressman makes brief remarks and then responds to questions from the audience for thirty to forty minutes. We emphasize that these Forums are private and off-the-record with no members of the press present and no media releases prepared either by us or the Congressman.

In the past, the Bank has paid or reimbursed the Member of Congress for travel expenses associated with appearances at these Congressional Forums. No honorarium is given. Commission Advisory Opinions 1975-8 and 1975-13 appear to raise questions about paying such travel expenses from corporate funds. We are particularly concerned about the language of AO 1975-8 relating to appearances before "substantial numbers of people, comprising a part of the electorate with respect to which the individual is a Federal candidate."

The following facts relate to the Congressional Forum program:

1. The dinner is by invitation only. Only Security Pacific employees are present. Remarks are off-the-record and no publicity release is made.

2. Only managers of branches within the physical confines of a given Congressional District are invited. The number attending is typically between 35 and 50.

3. Due to the commuting pattern in the Los Angeles area, many of the managers attending do not reside in the same Congressional District in which they work and therefore are not constituents of the Congressman appearing at the meeting. The number of non-constituents attending varies in each case depending on location and work arrangements.

4. At these meetings, the majority of time is spent in the question and answer session with the discussion focusing on legislative and governmental policy issues of interest to the attendees in their capacity as branch bank managers. Questions are not submitted for advance screening by the Congressman.

Given the foregoing facts, we would like to have answers to the following questions:

1. May the Bank pay or reimburse the travel expenses of the Congressman appearing at the Forum?

2. What constitutes a "substantial number of people" in the context of AO 1975-8?

3. If the answer to Question 1 is affirmative, must the Bank determine who among the invited managers actually reside in the District, and therefore are constituents, to determine whether or not such a payment from corporate funds may be legally made?

4. If the answer to Question 1 is negative, may such expenses be paid by the ACT employee contribution fund with such payments being reported as political contributions?

5. Is it legal for the Bank to pay from corporate funds the cost of the meeting room, meals and refreshments consumed at the meeting?

6. When should the determination as to the Congressman's declaration of candidacy be made? When our invitation is extended? When the Congressman appears and addresses the Forum? When payment for transportation and expenses are made?

7. Assuming that the Congressman is not a candidate, does the fact that while traveling to or from our Forum he addresses a political gathering or accepts a political contribution change the legality of the payment?

RICHARD F. McADOO.

Source: Richard F. McAdoo, Vice President, Security Pacific National Bank, Suite 712, 1730 Rhode Island Avenue, NW., Washington, D.C. 20036 (November 19, 1975.)

AOR 1975-113: Political Committee's Reimbursement For Personal Services (In-Kind Contributions). (Request Edited by the Commission).

DEAR CHAIRMAN CURTIS: [I request an advisory opinion on] \*\*\* certain procedures which have been instituted by The President Ford Committee ("PFC") to assure that all personal services provided the PFC by (a) individuals, generally, and (b) by corporate, national bank, or labor organization employees, officials, or officers, specifically, are furnished in such a manner as to conform with the Federal election campaign law.

[In our view, the Commission has previously indicated that] . . . under certain circumstances, an individual may engage in voluntary campaign activity during working hours on a compensatory time arrangement or basis without such personal services being considered an "in-kind" contribution. Absent a showing that such personal services were provided during the individual's personal time or that the organization will be reimbursed on a compensatory time basis, it would appear that the personal services would constitute an "in-kind" contribution to the political committee.

\*\*\* Before an individual is permitted to perform any personal services for the PFC, we will conduct review of the individual's employment status and, in particular, the nature and method of the individual's form of compensation. We intend to exclude from such compensation any indirect and normal fringe benefits paid by the individual's employer (e.g. medical, dental, disability, life and other forms of insurance, pension and stock option or savings plans), since such benefits are difficult to compute and any requirement that would mandate the exclusion of these benefits would unduly and unfairly penalize the individual for participating in the political arena. The wage or salary data will then be analyzed to determine the dollar value which may reasonably be considered an "in-kind" contribution and if that time spent on PFC business would not be made up within a reasonable period, a periodic reimbursement program will be established. In other words, if the individual is not volunteering on his own time or he does not plan to make up this time within a reasonable period, the PFC will reimburse the individual's employer for any salary or other direct compensation paid by that corporation, bank or labor organization. In effect, the individual will become an "independent contractor" for such purposes during the time the PFC reimburses his or her employer.

In order to illustrate the procedures which have been instituted, the following examples are hereby submitted.

First, Dean Burch, Esquire, a member of the Washington, D.C. law firm of Pierson, Ball and Dowd, provides personal services to the PFC on a volunteer basis. Mr. Burch, in his capacity as the Chairman of the PFC Advisory Board, spends approximately ten hours per week on PFC related matters. A portion of the services are provided during his normal work day. Therefore, pursuant to the proposed Title 2 regulations, Mr. Burch has agreed to make up such firm time within a reasonable period in order that it not be considered an "in-kind" contribution by Messrs. Pierson, Ball and Dowd. To actuate this program, Mr. Burch plans to supplement his normal working hours with extra, firm-related, work accomplished during his normal lunch hours, before and after normal working hours or weekends. Any identifiable administrative support provided (e.g. photocopying and telephone tolls), other than incidental support of a *de minimis* nature, will be reimbursed to his law firm by the PFC.

Second, the PFC has recently retained Mr. David Owen of Overland Park, Kansas, as its Great Plains Regional Coordinator. Mr. Owen, in addition to being a partner in a number of limited partnerships and an officer in a corporation, is the President and Chairman of the Board of the First National Bank of Shawnee Mission in Kansas. In return for his personal services, the bank compensates Mr. Owen with a yearly salary, insurance commissions, a car allowance

and normal medical/health fringe benefits.

Following the aforementioned reimbursement program, the PFC will reimburse the Shawnee Mission Bank an appropriate *pro rata* share of Mr. Owen's salary for the time he spends as our field coordinator. In addition to his salary, Mr. Owen receives a car allowance and a medical benefits program from the Shawnee Mission bank. However, as stated above, it is our position that this car allowance and the other fringe benefits should not be deemed an "in-kind" contribution and, therefore, need not be reimbursed by the PFC.

As previously noted, Mr. Owen has other business interests, specifically in the areas of real estate and cattle raising. He has informed us that he presently spends only 10 hours per week in connection with such other interests and that he plans to continue spending 10 hours per week of his spare time on these interests. Thus, no "in-kind" contribution will be deemed to have been made to the PFC by Mr. Owen's other businesses.

In conclusion, based on the aforementioned facts, \* \* \* it is the position of the PFC that no "in-kind" contribution will be rendered by either the Shawnee Mission bank or Messrs. Pierson, Ball and Dowd, or any other individual, corporation, national bank or labor organization which compensates an employee such as Mr. Owen or Mr. Burch while such an individual provides personal services to the PFC.

\* \* \* [T]he PFC hereby requests the Commission to render an Advisory Opinion with respect to whether the aforementioned specific transactions and activities, including the proposed PFC procedures and reimbursement program, are in accordance with the Federal election campaign laws.

ROBERT P. VISSER,  
General Counsel

T. TIMOTHY RYAN,  
Assistant General Counsel

Source: Robert P. Visser, General Counsel, T. Timothy Ryan, Assistant General Counsel, President Ford Committee, 1828 L Street, NW., Suite 250, Washington, D.C. 20036. (November 26, 1975.)

AOR 1975-144: Application of Contribution and Spending Limits to Unauthorized Effort to Draft Presidential Candidate (Request edited by Commission).

This letter concerns an area in which clarification is needed from your Commission on the Federal Election Laws, as they were modified by the 1974 amendments.

Section 608(e) reads: *Expenditures relative to clearly identified candidate.* No person may make any expenditure (other than an expenditure made by or on behalf of a candidate within the meaning of subsection (c)(2)(B)) relative to a clearly identified candidate during a calendar year which, when added to

all other expenditures made by such person during the year advocating the election or defeat of such candidate, exceeds \$1,000.

Some of us are considering promoting the candidacy of United States Senator Hubert Humphrey, forming a Draft Humphrey for President Committee. . . . Senator Humphrey has declared that he is not a candidate and does not intend to become a candidate, though he would become a candidate if selected by the Democratic convention.

Polls show that among Democratic voters he now is the first choice. Yet if Section 608(e) would be applied to a committee formed to try to draft him, since he will not approve any expenditure or effort on his behalf on our part, in effect our voice would be muted. That clearly is not the intent of the law.

If such a limitation would apply to such committee activities, citizens will be effectively denied their right to express their choice for a possible nominee. Only announced or acknowledged candidates would be allowed to receive any organized support.

We could proceed on the assumption that Section 608(e) does not apply in our case since he is not a "clearly identified candidate" and I assume we would be living up to the letter of the law, though not its spirit.

From a technical standpoint that may be the correct answer, since he does not fall under the definition of candidate in Section 591(b):

A "candidate" means an individual who seeks nomination for election, or election, to a Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, to Federal office if he has—

(1) Taken the action necessary under the law of a State to qualify himself for nomination for election, or election; or  
(2) Received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office; . . .

If your Commission should rule that Section 608(e) is not applicable in our circumstance, we would comply with the spirit of the law and file detailed financial data with you.

I am not arguing that "draft" movements should be allowed to operate lavishly while an unannounced candidate waits silently in the wings, benefitting from the fiction that he or she is not a contestant for Federal office. However, on occasion, strong sentiment for an individual does build up, outside the normal channels of the political process. An overly restrictive interpretation of the campaign expenditure provisions of the 1974 amendments would negate efforts to demonstrate to a potential candidate and his potential backers) that a certain level of support does exist. . . .

It seems to me your Commission must recognize both the intent of the law and its letter.

The intent of the law is to bring into the open our political processes, limit the amounts which can be spent, and under certain circumstances to make candidates eligible for matching funds.

A reasonable interpretation would appear to be a ruling by your Commission that

1. Committees which attempt to draft candidates for federal office are subject to the same reporting and accounting procedures as federal candidates.

2. The restriction to a \$1,000 expenditure does not apply to a committee attempting to draft a candidate.

3. The "draft" mechanism cannot be used as a means to evade limitations on expenditures in behalf of a candidate.

4. Any money received by a "draft committee" cannot be considered for matching federal funding.

PAUL SIMON,  
U.S. Congressman.

Source: Paul Simon, U.S. Congressman, Congress of the United States, House of Representatives, Washington, D.C. 20515. (December 2, 1975.)

AOR 1975-115: Waiver of Reporting Requirements for a Local Political Committee (Request Edited by the Commission).

GENTLEMEN:

I represent the DuPage County Republican Central Committee, whose headquarters are at 224 South Washington Street, Wheaton, Illinois 60187. The Committee was granted a waiver of the requirement that it file periodic disclosure reports, by both the Clerk of the House of Representatives and the Secretary of the Senate. I request an advisory opinion on whether those waivers still hold.

The waivers were based on that section of the law exempting those committees whose activities, contributions and expenditures are substantially local in nature—in this case, primarily support of county and state officials and candidates.

However, the committee also supports two candidates for the U.S. House of Representatives, and a candidate for the U.S. Senate, within the county, as well as a presidential candidate, when he runs.

Federal law prohibits the making of contributions by corporations to candidates for Federal office. However, Illinois law does not prohibit corporate contributions to committees or candidates for county or state office.

The question, then, which arises \* \* \* is this:

May the committee accept contributions from corporations, based on the waivers from the law granted to the committee, even though a portion of those contributions may, in fact, be ultimately spent on behalf of, or even be given to, candidates for Federal office?

THOMAS C. KELLEGHAN,  
General Counsel.

Source: Thomas C. Kelleghan, General Counsel, DuPage County Republican

Central Committee, 224 S. Washington Street, Wheaton, Illinois 60187. (November 24, 1975.)

AOR 1975-116: Registration and Reporting Requirements of County Committees (Request Edited by the Commission).

GENTLEMEN: The undersigned is Treasurer of the Oklahoma Republican State Committee ("State Committee"). \* \* \* We are \* \* \* requesting an advisory opinion concerning \* \* \* procedures on reporting and disclosure of campaign funds (by) Federal non-registered Oklahoma county committees \* \* \*.

A non-registered county committee accept[s] contributions during a calendar year exceeding \$1,000.00. Such contributions are made in the name of the county as well as the Oklahoma Republican Party but are not earmarked in any way, such as operating fund or candidate reserve fund. The county committee in turn transfers such contributions to the State Committee which in time transfers part of the state funds to a Federal candidate.

Does this procedure make a non-registered county committee a political committee as defined by the Federal Campaign Act and subject to FEC registration and reporting?

HORACE K. CALVERT

Source: Oklahoma Republican State Committee, Horace K. Calvert, Treasurer, 3380 Liberty Tower, Oklahoma City, Oklahoma 73102. (November 21, 1975.)

AOR 1975-117: Application of Contribution and Expenditure Limitations to Political Committee's Mailing Project (Request Edited by the Commission).

DEAR CHAIRMAN CURTIS: \* \* \* Young America's Campaign Committee is a political committee which is registered and has filed reports.

No member of the Board of Directors is engaged in any capacity in support of any person who is a candidate for nomination or election to the office of President or Vice-President of the United States.

Young America's Campaign Committee does not support any person for nomination or election to the office of President of the United States. The Committee does not seek contributions from anyone for the purpose of supporting a person for nomination or election to the office of President or Vice-President of the United States.

In October, the committee approved a project known as "Citizens Against Kennedy." In the early part of this month, the Committee made a mailing in the nature of the fund-raising appeal to approximately 61,000 addresses throughout the country. \* \* \*

The Committee has neither sought nor obtained the consent nor approval with respect to the project known as "Citizens

Against Kennedy" from any person seeking nomination or election to the office of President or Vice-President of the United States.

On the basis of all available evidence to the Committee, Senator Kennedy is not a candidate for nomination or election to the office of President of the United States.

In view of these circumstances and the facts which have been presented to you, the Committee asks for an advisory opinion with respect to whether \* \* \* it is bound by any limitation on the receipt of contributions and the making of expenditures with respect to the Committee's project, known as "Citizens Against Kennedy."

RONALD ROBINSON.

Source: Young America's Campaign Committee, Ronald Robinson, Chairman, 1919-18th Street, N.W., Suite 800, Washington, D.C. 20006. (November 25, 1975.)

AOR 1975-118: Establishment and Administration of Separate Segregated Fund by a Corporation (Request Edited by the Commission).

DEAR SIR: This is a request for an advisory opinion pursuant to Section 437f of Title 2 of the U.S. Code.

Metropolitan Life Insurance Company ("Metropolitan") is a Federal contractor and intends to establish a separate segregated fund for political purposes as permitted under Sections 610 and 611 of Title 18 of the U.S. Code, as amended. It is contemplated that the fund will make contributions to candidates for Federal and local election, to committees supporting such candidates and for other political purposes. Prior to any solicitation or acceptance of contributions, the fund will register with the Commission. It will maintain all records and file all reports required under applicable Federal law and regulations.

Initially, all monthly paid employees of Metropolitan, the present minimum annual salaries in this group being \$17,000, will be encouraged to become members of the fund, membership being automatic on their contributing thereto. Participation by other employees may later be solicited. Members will be permitted to designate the recipients of their contributions but they would be offered the option to permit the fund's officers—who are also the members of its Steering Committee—to designate the recipients of any funds which are not earmarked for specific candidates or purposes.

It is contemplated that a general solicitation will be made and payroll deductions will be permitted. Naturally, the decision to contribute or not will be purely voluntary and it will be stressed that no coercion may be brought to bear on any person to contribute.

I enclose proposed by-laws for the fund, together with membership and payroll deduction forms.

We would appreciate your opinion as to whether the fund, if operated along the lines described above and in the

enclosures, accords with the requirements of applicable Federal law.

JOHN J. CREEDON

Source: John J. Creedon, Senior Vice President and General Counsel, Metropolitan Life, One Madison Avenue, New York, New York 10010. (October 28, 1975.)

Dated: December 9, 1975.

THOMAS B. CURTIS,  
Chairman for the  
Federal Election Commission.

[FR Doc.75-33601 Filed 12-15-75;8:45 am]

## FEDERAL ELECTION COMMISSION

[Notice 1975-94]

### ADVISORY OPINIONS

The Federal Election Commission announces the publication today of Advisory Opinions 1975-63 and 1975-75. The Commission's opinions are in response to questions raised by individuals holding Federal office, candidates for Federal office and political committees, with respect to whether any specific transaction or activity by such individual, candidate, or political committee would constitute a violation of the Federal Election Campaign Act of 1971, as amended, of Chapter 95 or Chapter 96 of Title 26, United States Code, or of Sections 608, 610, 611, 613, 614, 615, 616, or 617 of Title 18, United States Code.

The Commission points out that these advisory opinions should be regarded as interim rulings which are subject to modification by future Commission regulations of general applicability. In the event that a holding in either opinion is altered by the Commission's regulations, the persons to whom the opinions were issued will be notified.

### ADVISORY OPINION 1975-63

#### HONORARIUMS TO FEDERAL OFFICEHOLDERS APPEARING AT NON-CAMPAIGN FUNDRAISER

This advisory opinion is rendered under 2 U.S.C. § 437f in response to a request for an advisory opinion which was submitted by "Womenfor," a registered political committee and published as AOR 1975-63 in the FEDERAL REGISTER for September 18, 1975. Interested parties were given an opportunity to submit written comments relating to the request. No comments were received.

The request poses the question of whether an honorarium paid to a Member of Congress for speaking at a fund-raising luncheon sponsored by a registered political committee, must be treated as a political contribution. The request asks the same question with respect to the reimbursement of travel expenses to the speaker and to the speaker's spouse.

The Commission has been informed that the speaker was Representative Bella Abzug who appeared before a luncheon audience in California that was not comprised of her constituents. At the time of the luncheon (October 13,

1975) Representative Abzug had become a candidate in New York for election to the U.S. Senate and re-election to the House of Representatives under the definition in 2 U.S.C. § 431(b) and 18 U.S.C. § 591(b).

A contribution is defined in 2 U.S.C. § 431(e) and 18 U.S.C. § 591(e) as a gift, subscription, loan, advance, deposit of money, or anything of value made for the purpose of "influencing the nomination for election or election of any person to Federal Office." Thus, in certain circumstances, an honorarium and accompanying travel expenses can also be a contribution. The Commission has expressly characterized an honorarium paid by a political committee as a contribution in those circumstances where: (1) the individual is a candidate for Federal office; and (2) the audience for the speech or appearance is comprised in substantial part of individuals from the electorate with respect to which the individual is a Federal candidate. See AO 1975-20, Part 7, 40 FR 45292 (October 1, 1975).

As the Commission's information on Womenfor's fundraising luncheon clearly shows that the speaker's audience was not a part of the electorate with respect to which she is a Federal candidate; neither the honorarium nor the reimbursement for actual travel expenses for the speaker and the speaker's spouse constitutes a contribution as defined in 2 U.S.C. § 431(e) and 18 U.S.C. § 591(e). Thus, the honorarium is subject only to the limitations of 18 U.S.C. § 616. Womenfor is a reporting political committee under the Act and is required to disclose the honorarium and travel expenses in the appropriate report to the Commission, even though these disbursements are not considered by the Commission as a "contribution" or "expenditure."

The Commission emphasizes that all situations where a political committee pays an honorarium and/or actual travel expenses to or on behalf of a Federal candidate are subject to examination or audit for any implications that the "honorarium" is in fact paid and treated by the recipient as made for the purpose of "influencing" the recipient's nomination or election to Federal office, 2 U.S.C. § 431(e), (f) and 18 U.S.C. § 591(e), (f). At a future date the Commission intends to establish additional criteria as to when an honorarium paid by a political committee will be treated as a "contribution" or "expenditure."

This advisory opinion is issued only on an interim basis pending the promulgation by the Commission of rules and regulations or policy statements of general applicability.

#### ADVISORY OPINION 1975-75

##### CONTRIBUTIONS FROM NONPROFIT INCORPORATED ORGANIZATIONS OF PROFESSIONALS

The Federal Election Commission issues this advisory opinion under 2 U.S.C. § 437f in response to a request submitted by the American Dental Political Action Committee (ADPAC). The request was published by the Commission in the FEDERAL REGISTER on October 1, 1975 (40 FR 45294). Interested persons were given an opportunity to submit comments relating to the request. No comments were received.

ADPAC is an unincorporated political committee which supports candidates for Federal office and which has registered as a political committee with the Commission. ADPAC inquires whether the Legislative Interest Committee of Illinois Dentists (LICID) is prohibited from making contributions by 18 U.S.C. § 610, and whether it may accept contributions from LICID. LICID is a non-profit organization, incorporated for liability purposes only, whose only function in the past was to support candidates for the Illinois legislature. LICID now anticipates making contributions to and independent expenditures on behalf of Federal candidates.

The Commission previously issued an advisory opinion, AO 1975-16, which stated in part, that "If a non-profit organization is created expressly and exclusively to engage in political activities, however, and has incorporated for liability purposes only, the general prohibitions in Section 610 will not apply." Thus, the mere fact of LICID's incorporation does not prohibit it from making contributions and expenditures to or on behalf of Federal candidates.

However, in order to contribute to Federal candidates or political committees [as defined in 2 U.S.C. § 431(d) and 18 U.S.C. § 591(d)] LICID must comply with either of the following alternative courses of action. Compliance with one of the alternatives is necessary since some of LICID's funds are apparently paid or donated by corporations. The alternatives are:

(1) If LICID intends to make contributions to non-Federal and Federal candidates from one general fund, it must:

(a) File a Statement of Organization with the Commission under 2 U.S.C. § 433;

(b) Disclose the sources of all monies in its general fund in its first report required under 2 U.S.C. § 434;

(c) Return all monies, whether dues or contributions, which were paid or contributed in violation of relevant

Federal law including 18 U.S.C. §§ 608, 610, 611, 613, 614, and 615, and thereafter refuse to accept such monies at any time;

(d) Report all receipts and disbursements, Federal or non-Federal, pursuant to 2 U.S.C. § 434 and the Commission's future regulations on disclosure.

(2) LICID may otherwise establish a separate Federal campaign committee for the purpose of making contributions or expenditures in connection with Federal elections, and ADPAC may receive contributions from this committee subject to the following:

(a) The separate committee may not receive contributions other than contributions designated by the donor for such committee or where the solicitation expressly states that such contribution will be used for Federal elections;

(b) All contributions to the committee will be subject to the limitations of 18 U.S.C. § 608(b) and the prohibitions of 18 U.S.C. §§ 610, 611, 613, 614 and 615;

(c) The committee may receive other contributions, in the form of transfers, only from another Federal campaign committee or political committee (2 U.S.C. § 431(d) and 18 U.S.C. § 591(d));

(d) LICID shall file a Statement of Organization with the Commission and shall file reports of contributions received by and expenditures made from the Federal committee pursuant to 2 U.S.C. §§ 433, 434 and the Commission's future regulations on disclosure.

(e) LICID must pay the expenses of establishing, administering and soliciting contributions to the separate Federal campaign committee only from monies properly in this committee.

It should be noted, however, that although an incorporated non-profit political committee is not subject to the prohibitions of § 610, the treasurer and the chairman of such a political committee nevertheless remain personally responsible for carrying out their respective duties as contemplated by the Federal Election Campaign Act of 1971, as amended. The fact of incorporation does not absolve those officers of any liability imposed upon them under the Act, implementing regulations, and pertinent provisions of Title 18, United States Code.

This advisory opinion is issued on an interim basis pending promulgation by the Commission of rules and regulations or policy statements of general applicability.

Dated: December 10, 1975.

THOMAS B. CURTIS,  
Chairman for the  
Federal Election Commission.

[FR Doc. 75-33895 Filed 12-15-75; 8:45 am]

# federad register

TUESDAY, DECEMBER 16, 1975



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PART III:

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education



UPWARD BOUND PROGRAM

SPECIAL SERVICES FOR  
DISADVANTAGED STUDENTS  
PROGRAM

TALENT SEARCH PROGRAM

Proposed Rules

**DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE**

Office of Education  
[ 45 CFR Part 155 ]

**UPWARD BOUND**

**Notice of Proposed Rulemaking**

In accordance with section 503 of the Education Amendments of 1972 (Pub. L. 92-318) and pursuant to the authority contained in Title IV-A-4 of the Higher Education Act of 1965, as amended, (20 U.S.C. 1070d-1070d-1), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to revise Part 155 of Title 45 of the Code of Federal Regulations, which governs the administration of the Upward Bound Program, to read as set forth below.

1. *Program purpose.* The Upward Bound Program, authorized by Section 417B of the Higher Education Act, is designed to generate skills and motivation necessary for success in education beyond high school for low-income students with inadequate secondary school preparation. Upward Bound projects provide a summer residential program during which participants receive (1) intensive instruction in basic communication skills, such as reading, public speaking and writing, mathematics and science, and (2) guidance and counseling with regard to educational and career opportunities. Such projects also provide, during the school year, tutoring and counseling services.

The goal of the program and projects funded under this part is to increase the academic performance and motivational levels of eligible enrollees so that such persons may complete secondary school and successfully pursue postsecondary educational programs.

2. *Section 503 procedures and effect.* Section 503 of the Education Amendments of 1972 requires the Commissioner to study all rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary after June 3, 1965, in connection with, or affecting, the administration of Office of Education programs; to report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives concerning such study; and to publish in the FEDERAL REGISTER such rules, regulations, guidelines, interpretations, and orders, with an opportunity for public hearing on the matters so published. The regulations proposed below reflect the results of this study as it pertains to the Upward Bound Program. Upon publication of the revised Part 155 in final form, after comments and hearing, all preceding rules, regulations, guidelines, and other published interpretations and orders issued in connection with or affecting the Upward Bound Program will be superseded,

effective 30 days after such publication.

3. *Effect of Office of Education general provisions regulations.* The proposed regulations do not include provisions relating to general fiscal and administrative matters which are covered in the overall Office of Education general provisions regulation, (45 CFR 100a).

4. *Citations of legal authority.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232 (a)) and section 503 of the Education Amendments of 1972, 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 is to all that appears in that section between the citation and the next preceding citation. When the citation appears only at the end of the section, it applies to the entire section.

5. *Opportunity for public hearing.* Pursuant to Section 503(c) of the Education Amendments of 1972, the Commissioner will provide interested parties an opportunity for a public hearing on these regulations. Hearings will be held in the following places on the dates below and will commence at 10:00 a.m. on each of the days specified.

a. Washington, D.C.

Auditorium—Regional Office Building Three,  
7th and D Streets, S.W., Washington, D.C.  
20202

Public hearing will be held on January 12, 1976.

b. Dallas Texas.

Room 1130-1132, 1200 Main Tower Building,  
Dallas, Texas 75202

Public hearing will be held on January 12, 1976.

c. San Francisco, California.

Room 15018, Federal Office Building, 450  
Golden Gate Avenue, San Francisco, California 94102.

Public hearing will be held on January 12, 1976.

The purpose of the hearing is to receive comments and suggestions on the published materials. Parties interested in attending the hearing should notify the Office of Education, 400 Maryland Avenue, S.W., Room 2085, FOB 6, Washington, D.C. 20202, Attention: Chairman, Office of Education Task Force on Section 503, and are urged to submit a written copy of their comments with such notification. Each party planning to make oral comments at the hearing is urged to limit his or her presentation to a maximum of fifteen minutes.

Written comments and recommendations may also be sent to the above address. All relevant material received on or before December 29, 1975, will be considered. Comments and suggestions submitted in writing will be available for review in the above office between the

hours of 9:00 a.m. and 4:30 p.m., Monday through Friday of each week.

(Catalog of Federal Domestic Assistance Program Number 13.492, Upward Bound)

Dated: October 10, 1975.

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

Approved: December 5, 1975.

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

Part 155 of Title 45 of the Code of Federal Regulations is revised to read as follows:

**PART 155—UPWARD BOUND PROGRAM**

Sec.	
155.1	Scope and purpose—general provisions.
155.2	Definitions.
155.3	Project size and selection of students.
155.4	Eligible project participants.
155.5	Summer residential and academic year components.
155.6	Eligible applicants.
155.7	Applications.
155.8	Funding criteria.
155.9	Program requirements.
155.10	Veteran's projects.
155.11	National demonstration projects.
155.12	Allowable costs—stipends.
155.13	Salary and wage rates.
155.14	Student records.
155.15	Travel.
155.16	Functional relationship and unification among Talent Search, Upward Bound, Special Services for Disadvantaged Students, and Educational Opportunity Centers projects.

AUTHORITY: Sec. 417A-417B, Title IV of the Higher Education Act of 1965 as amended by sec. 131(b), Title I, Pub. L. 92-318, 86 Stat. 259-259 (20 U.S.C. 1070d-1070d-1), unless otherwise noted.

**§ 155.1 Scope and purpose—general provisions.**

(a) The regulations in this part govern the administration of the Upward Bound Program. This program is designed to generate skills and motivation necessary for success in education beyond high school for enrollees from low-income backgrounds who have inadequate secondary school preparation. Upward Bound projects provide a summer residential program during which participants receive (1) intensive instruction in basic communication skills, such as reading, public speaking and writing, mathematics and science, and (2) guidance and counseling with regard to educational and career opportunities. Such projects also provide, during the school year, tutoring and counseling services. The goal of the program and projects funded under this part is to increase the academic performance and motivational levels of eligible enrollees so that such persons may complete secondary school and successfully pursue postsecondary educational programs.

(b) Assistance provided under this part is subject to applicable provisions

contained in subchapter A of this chapter relating to fiscal, administrative, and other matters (General Provisions for Office of Education Programs—45 CFR 100a).

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

### § 155.2 Definitions.

For the purpose of this part:

(a) "Act" means the Higher Education Act of 1965, as amended.

(20 U.S.C. 1001 *et seq.*)

(b) "Academic potential" means a capacity for success in post-secondary education which is documented either by traditional measurements, including standardized achievement tests, or other verifiable indicators.

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

(c) "Combination of institutions of higher education" means (1) a group of institutions of higher education that have entered into a cooperative arrangement for the purpose (although not necessarily for the exclusive purpose) of carrying out a project or (2) a public or private agency, organization, or institution designed or created by a group of institutions of higher education for the purpose (although not necessarily for the exclusive purpose) of carrying out a project on their behalf.

(20 U.S.C. 1141(j))

(d) "Institution of higher education" means an educational institution in any State which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (2) is legally authorized within such State to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a 2-year program which is acceptable for full credit toward such a degree, (4) is a public or other nonprofit institution, and (5) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, (i) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (ii) is an institution whose credits are accepted on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited. Such term also includes any school which provides not less than a 1-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provision of paragraphs (d) (1), (2), (4), and (5) of this section, unless the school is a public institution, in which case it may also be accredited by the

State agency in that State which has been listed by the Commissioner as a reliable authority as to the quality of public postsecondary vocational education in that State, and any proprietary institution of higher education, as defined in paragraph (e) of this section, which has an agreement with the Commissioner containing such terms and conditions as the Commissioner determines to be necessary to insure that the availability of assistance to students at the school under this part has not resulted, and will not result, in an increase in the tuition, fees, or other charges to such students.

(20 U.S.C. 1141(a), 20 U.S.C. 1088(b) (3))

(e) "Proprietary institution of higher education" means a school which (1) provides not less than a 6-month program of training to prepare students for gainful employment in a recognized occupation, (2) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (3) is legally authorized by the State in which it is located to provide a program of education beyond secondary education, (4) is accredited by a nationally recognized accrediting agency or association approved by the Commissioner for this purpose, (5) is not a public or other nonprofit institution, and (6) has been in existence for at least two years.

(20 U.S.C. 1088(b) (3))

(f) "State" means, in addition to 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.

(20 U.S.C. 1141(b); 1088(a))

(g) "Target school" means a secondary school which has a large number and/or high percentage of students from families whose annual adjusted family income is less than the low-income level prescribed annually by the Commissioner, has a large number and/or high percentage of dropouts and has a low number and/or percentage of students entering postsecondary educational institutions.

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

(h) "Veteran" means a person who served in the active military, naval or air service of the United States, and who was discharged or released therefrom under conditions other than dishonorable.

(38 U.S.C. 101(2))

(i) "Youth" means (i) a veteran or (ii) a person between the ages of 15 to 22.

(20 U.S.C. 1070d-1070d-1, unless otherwise noted)

### § 155.3 Project size and selection of students.

(a) Each project funded under this part shall serve between fifty and one hundred fifty participants. Participants may include students enrolled in target

schools situated not more than 50 miles from the institution administering the project, and secondary school dropouts and veterans residing within such fifty mile radius. Upward Bound projects serving veterans shall be composed exclusively of veterans.

(b) [Reserved]

(c) The Commissioner may authorize exceptions to any limitations set forth in paragraph (a) of this section if it can be shown that such exceptions will not hinder the effectiveness of the project nor prevent the Upward Bound program from achieving its stated goals and objectives.

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

### § 155.4 Eligible project participants.

A youth is eligible to participate in a project funded under this part if such youth:

(a) Is a citizen or national of the United States, or is in the United States for other than a temporary purpose and is, or intends to become, a permanent resident thereof, or is a permanent resident of the Trust Territory of the Pacific Islands;

(b) Comes from a family whose annual adjusted family income is not more than the low-income level prescribed annually by the Commissioner;

(c) Has academic potential but is unlikely to apply for admission to, or be accepted for enrollment in, an institution of postsecondary education because of a lack of preparation, or underachievement, or both, in secondary school; and

(d) Has completed the 10th grade.

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

### § 155.5 Summer residential and academic year components.

(a) Except as provided in paragraph (d) of this section, each project funded under this part shall consist of a summer residential component and an academic year component.

(b) Summer residential components shall be of at least six weeks in duration and shall:

(1) Provide residential facilities, including room and board, on a postsecondary institution's campus;

(2) Provide for participants who have not completed secondary school basic skills development on an intensive basis in those academic subjects required for secondary school graduation and postsecondary school admission;

(3) Provide intensive postsecondary orientation and preparatory instruction for participants who have graduated from secondary school and have been accepted for enrollment at a postsecondary institution;

(4) Provide motivational activities through (i) individualized guidance and counseling, and (ii) such activities as field trips to museums, educational institutions, theaters, and movies that have as their purpose the intellectual and cultural development of such students;

(5) Provide a staff composed of (i) teachers from the target schools the participants are attending, (ii) postsecondary instructors from the host institution

above the graduate assistant level, and (iii) other individuals with areas of specialization that will enhance the learning potential of participants;

(6) Provide tutor-counselors, that is, postsecondary school students with backgrounds similar to those of the participants, who have demonstrated success in postsecondary education and can serve as peer models for participants; and

(7) Provide such other services that have as their purpose the educational preparation of participants for postsecondary admissions, including assisting participants in the preparation of admissions and financial aid forms and ensuring that participants take national standardized tests required for postsecondary admission.

(c) Academic year components shall:

(1) Provide on a weekly basis one or more of the following activities and services to participants: (i) Individualized guidance, counseling and orientation in career opportunities and requirements for postsecondary education including preparation of admission and financial aid applications and preparation for national standardized tests required for postsecondary admission, (ii) academic instruction and tutoring within the context of courses being studied by the student at the secondary school, and (iii) activities such as field trips to museums, educational institutions, theaters, and movies that have as their purpose the intellectual and cultural development of such students;

(2) Provide an on-going evaluation of each participant's progress toward achieving adequate academic skills and motivation necessary for success in postsecondary education, including an assessment of each participant's realistic postsecondary educational opportunities;

(3) Provide such other activities that have as their purpose the educational preparation of participants for postsecondary admissions which have the specific approval of the Commissioner; and

(4) Provide for a staff that is adequate to perform such activities.

(d) A summer residential component may not be provided for projects for veterans and need not be provided if residential facilities are not available in the area to be served and the project can provide equivalent services and activities to participants that such students would receive from a summer residential component. Veteran's projects and projects which the Commissioner has determined need not provide residential facilities shall carry out those activities enumerated in subparagraphs (b) (2) through (b) (7) of this section.

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

#### § 155.6 Eligible applicants.

(a) The Commissioner is authorized to make grants to and contracts with institutions of higher education or combinations of such institutions and, in exceptional cases, secondary schools and secondary vocational schools.

(b) A combination of institutions receiving a grant or contract under this part shall vest responsibility for the administration of that grant or contract in one of its participating institutions or in a public or private agency established by the combination for that purpose.

(c) A secondary school or secondary vocational school may receive funds under this part in the event no other institution capable of providing such facilities is available in the geographic area to be served by the project and provided that the school has facilities for providing a residential summer component.

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

#### § 155.7 Applications.

(a) Applicants for grants or contracts under this part shall file an application with the Commissioner before the closing date for such applications established annually by the Commissioner. Such applications shall contain the following information and such other information as the Commissioner may from time to time prescribe:

(1) A documented description of the target schools in terms of the number of students from families whose annual adjusted family income is not more than the low-income level prescribed annually by the Commissioner, the number and percentage of their students who subsequently enroll in postsecondary education, the quality of the school's counseling program, the dropout rate for each school, and the number of students from low-income families with inadequate academic preparation but with academic potential for postsecondary education;

(2) The ethnic/racial composition of low-income youths enrolled in the target school and residing in the geographic area to be served;

(3) The number of participants to be selected and the grade levels to be served;

(4) A description of the applicant's plan for (i) the identification and selection of eligible participants from academic and non-academic sources, (ii) the assessment of participants in terms of their academic potential for postsecondary education and their academic and motivational needs at the time of entry into the project, (iii) the provision of career and academic counseling and guidance, (iv) the provision of academic, cultural and recreational services and activities, and (v) the evaluation of each participant's progress toward achieving the academic skills and motivation needed for success in postsecondary education;

(5) A description of the summer residential and academic year components; for applicant not proposing a summer residential component, the reasons for not conducting such a component and an explanation of how equivalent services will be provided;

(6) A description of (i) the project's staffing pattern including the professional requirements for each position and the duties to be performed by each staff member, and (ii) the plan for staff selection and in-service training;

(7) A description of the applicant's plan to (i) orient the target schools and postsecondary schools in the geographic area to be served to the goals of the Upward Bound project and (ii) utilize community and other resources to supplement authorized activities;

(8) A description of the applicant's plan for evaluating the effectiveness of the project;

(9) If the applicant has carried out a project that was not funded under the Upward Bound Program, the applicant shall provide a description of that project, including (i) the number of students served, (ii) the method used to select participants, (iii) the services offered, (iv) the number of such participants attaining a minimum of one year's growth in reading, communication skills, and mathematics, (v) the number of participants who gained admission to postsecondary institutions, and (vi) any evaluation reports made on that project; and

(10) A detailed budget.

(b) Where the applicant is a combination of institutions of higher education, the applicant shall describe the role and function that each member of the combination will play in the operation of the project, and shall include written commitments from each institution that it will perform the activities ascribed to it.

(c) Applications for veterans projects shall, in addition to the requirements set forth in paragraphs (a) and (b) of this section, provide a description of the educational services and activities already available for veterans residing in the target area who do not possess a high school equivalency certificate.

(d) Applications for national demonstration projects shall, in addition to the requirements set forth in paragraphs (a) and (b) of this section, detail the innovative and experimental approaches to be taken in the provision of project services and shall otherwise provide the information needed to determine whether the project satisfies the requirements of § 155.11.

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

#### § 155.8 Funding criteria.

(a) Continuation awards. Priority will be given to a request for funds for the continuation of a project that (1) was begun in a prior fiscal year and (2) was approved for a multi-year work period that has not expired. (continuation award)

(b) Conditions for approval. Requests for contribution awards will be approved only if,

(1) The need continues to exist for the services provided by the project;

(2) Satisfactory progress has been made in implementing the approved work plan and in achieving the project's goals and objectives, as indicated by site visits, progress, and other relevant data;

(3) The project continues to offer promise of success in enabling youths to enter postsecondary education with an adequate academic background;

(4) All required reports, including data collection reports, quarterly fiscal reports, and semi-annual and annual

narrative reports, have been received and accepted by the Commissioner; and

(5) Funds are available to continue the project.

(c) *New awards.* Except as provided in paragraphs (a) and (b) of this section, the Commissioner will select applicants to be funded for new awards, including veterans awards, under this part on the basis of the criteria set forth in 45 CFR 100a.26(b), as well as the following additional criteria:

(1) The number of persons who would qualify to participate under this part who will be enrolled in the target schools or reside in the area to be served during the project period and who were enrolled in such schools or resided in such area for the three years preceding the year for which the application is submitted;

(2) The extent to which the applicant has successfully carried out a project that is comparable or identical to those authorized under this part;

(3) The extent to which the project will (i) generate academic skills and motivation that will enable the participants to gain admission to postsecondary educational institutions other than the institution administering the project and (ii) assist participants to attain a minimum of one year's growth, as measured by nationally standardized testing instruments stipulated in the application, in those academic subjects such as reading communication skills and writing which are essential for postsecondary education and in which participants are deficient;

(4) The comprehensiveness of the applicant's plan for (i) identifying and selecting eligible participants, (ii) assessing and documenting their educational needs and potential for postsecondary education through the use of nationally standardized tests and such other evaluative methods the applicant may choose to use, (iii) providing career and academic guidance and counseling, (iv) preparing and motivating project participants for admission to postsecondary institutions, and (v) assisting participants in applying for admission to postsecondary institutions which are appropriate for such participants' abilities and ambitions;

(5) The reasonableness of the allocation of resources among project activities;

(6) The extent to which the applicant has provided for the orientation of target school and applicant staff to the goals and objectives of the Upward Bound Program and has provided for the utilization of community and other resources to supplement authorized activities;

(7) The quality of the applicant's plan to evaluate project services in terms of increasing participants' performance levels, motivating participants to enroll in postsecondary educational programs and assisting them to obtain adequate financial aid; and

(8) The extent to which the proposed budget reflects the activities to be undertaken.

(d) Preference will be given to those applicants for new awards that propose to carry out a summer residential component.

(e) *National demonstration awards.* The Commissioner will select a limited number of applications to be funded as Upward Bound national demonstration projects on the basis of the criteria set forth in paragraph (c) and the following additional criteria:

(1) Whether the proposed project is national or inter-regional in scope and does not duplicate nor compete with existing regional or national programs nor consolidate existing regional or inter-regional educational activities under the aegis of a single agency or institution;

(2) Whether the proposal presents a clearly new or experimental technique or design for the provision of Upward Bound services for eligible participants;

(3) Whether the proposed activities and results can be readily replicated and utilized by other educational programs concerned with the provision of services for similar youths;

(4) Whether the proposed project will provide services not readily available on a local or regional basis for such youths; and

(5) Whether the proposed project will provide disadvantaged students a variety of educational opportunities and options for postsecondary education.

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

#### § 155.9 Program requirements.

(a) Each project funded under this part shall:

(1) Develop and utilize objective procedures to identify participants from a variety of sources and select eligible participants on the basis of a comprehensive needs assessment including standardized and other instruments which will diagnose specific areas of academic strengths and weaknesses;

(2) Set specific objectives, stated in quantifiable terms, that each participant shall attain in order to be able to secure admissions on a regular basis at an institution appropriate for the abilities and career ambitions of each student;

(3) Engage a project director with sufficient professional qualifications, administrative skills and a clear commitment to the goals of the program to serve in a full-time capacity for the summer residential component and in a full or part-time capacity for the academic year component;

(4) provide the project director with sufficient authority to conduct the project effectively and expend project funds as required;

(5) design and implement an evaluation mechanism to test the effectiveness of (i) project progress in meeting approved goals and objectives, (ii) project efforts in remedying academic deficiencies diagnosed when students initially entered the project, and (iii) project activities designed to effect other changes in the academic and personal skills or project participants which are neces-

sary for success in postsecondary education;

(6) assure that all the facilities of the host institution, both academic and non-academic, will be made available to all project participants;

(7) utilize institutional and community resources to provide diagnostic health services to identify physical impediments to learning and to remedy those impediments;

(8) implement a plan for following participants through their postsecondary educational program; and

(9) make every effort (i) with regard to successful graduates from the project, to secure admissions, with adequate financial aid, to an institution of postsecondary education which is appropriate to such students' abilities and ambitions, or, (ii) in the event such graduates are unable to secure regular admissions at a postsecondary institution, to secure special review from the admissions and financial aid personnel of the host institution.

(b) [Reserved]

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

#### § 155.10 Veterans projects.

(a) The Commissioner may fund Upward Bound projects for veterans. Such projects shall:

(1) Provide basic skills development on an intensive basis to individual participants in those academic subjects required for the successful completion of a high school equivalency certification program;

(2) Provide supportive activities through (i) individualized guidance and counseling, (ii) liaison with personnel of the Veterans Administration and State veterans agencies with regard to educational benefits for participants, and (iii) assistance in gaining admission to postsecondary educational programs and in obtaining financial aid where necessary; and

(3) Engage (i) a full-time project director with sufficient administrative skills and professional qualifications to conduct a special educational program for veterans who will be provided sufficient latitude to conduct the project effectively and to expand project funds as required, and (ii) a staff, including tutoring personnel, that has adequate professional qualifications to teach equivalency programs and to carry out proposed activities and services.

(b) Veterans projects may not conduct a summer residential component nor may they pay stipends.

(c) Projects funded under this subpart must secure certification for the payment of veterans education benefits by appropriate State and Federal agencies prior to the beginning of educational activities.

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

#### § 155.11 National demonstration projects.

(a) The Commissioner may reserve funds to conduct innovative and experimental Upward Bound projects.

(b) National demonstration projects shall:

(1) Be national or inter-regional in scope; they may not duplicate nor compete with existing regional or national programs or consolidate existing regional or inter-regional educational activities under the aegis of a single agency or institution;

(2) Present a clearly new or experimental technique or design for the provision of Upward Bound services and activities for eligible participants;

(3) Be readily replicated and utilized by other educational programs concerned with the provision of services and activities for similar youths;

(4) Provide services not readily available on a local or regional basis for such youth; and

(5) Provide disadvantaged youth a variety of educational opportunities and options for postsecondary education.

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

#### § 155.12 Allowable costs—stipends.

(a) The Commissioner will pay those costs that are reasonably related to carrying out the project. Such costs may include:

(1) In-service training of project staff;

(2) The rental of space if space is not available at the sponsoring institution and if the space rented is not owned by the sponsoring institution;

(3) Room and board expenses for Upward Bound participants computed on a weekly basis if the expenses are consistent with those rates charged regularly enrolled students at the sponsoring institution during the summer session. In the event the host institution does not have a summer school operating at the same time as the Upward Bound project, room and board fees may be no higher than those fees charged regularly enrolled students during the academic year computed on a weekly basis. Room and board fees may be provided for the residential staff of the project only if the staff members are required to live in the dormitories with students;

(4) Student activity fees;

(5) Admission fees to educational activities, theaters, movies and other cultural events which have as their purpose the intellectual and cultural development of participants; and

(6) Entertainment costs for project sponsored banquets, social activities, and ceremonies during the summer component.

(b) Costs that may not be supported by funds under this part shall include:

(1) The construction, modification, or major repairs of buildings or the purchase of land or buildings;

(2) The duplication of services specifically available to students at the institution or through such local facilities as vocational rehabilitation centers, medical clinics, and social service organizations;

(3) Research;

(4) Tuition costs or instructional costs associated with courses carrying college credit;

(5) Purchase of any equipment unless it is demonstrated that purchase is less expensive than renting;

(6) Meals for staff except as provided in subparagraph (a) (3) of this section; and

(7) Clothing.

(c) Grantees under this part will be allowed indirect costs as authorized in accordance with Item 4c, Appendix A, parts 100 thru 100d of the General Provisions for Office of Education Programs.

(d) (1) Projects shall provide stipends to all participants who are enrolled on a full-time basis in the summer component of an Upward Bound project. Such payments may not exceed a rate of \$30 per month except in exceptional cases, as determined by the Commissioner;

(2) Stipends shall be paid to students who are in attendance during the summer component on a full-time basis; and

(3) Stipends may not be paid for the academic year component.

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

#### § 155.13 Salary and wage rates.

(a) The salaries paid to project staff under this part shall be comparable to the salaries paid to persons with similar positions within the sponsoring institution.

(b) The minimum rate of compensation that may be paid to project employees, including students, shall be the minimum wage required under any applicable Federal, State, or local laws.

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

#### § 155.14 Student records.

(a) Projects shall develop and utilize a data collection system which allows for accurate student accountability.

(b) To document the progress of each student participating in the project, student files shall include, but are not limited to, the following:

(1) Procedures used to select individual participants, including records of interviews;

(2) High school transcripts and all available test scores;

(3) Documents pertaining to student eligibility as defined in § 155.4;

(4) Diagnostic analysis of the student's academic strengths and weaknesses at the time of entry into the project, and the program support developed to improve the student's skills;

(5) Documentation of counseling activity, such as records, family contacts, career explorations, college visits, and referrals;

(6) Sequential activity reports that show continuous contacts with the student, the services provided, the measurements of progress, and other reports that relate to the academic and other types of assistance provided the student;

(7) A medical consent form signed by the student's parent(s) or guardian;

(8) Student health records which show medical or dental diagnostic services provided through the efforts of the project;

(9) Project efforts in assisting students in gaining admission to and financial assistance for attendance at postsecondary institutions;

(10) Project follow-up on students with particular emphasis on postsecondary enrollment and status;

(11) The recommendations made to the student upon the student's completion of the project regarding his educational and career potentials; and

(12) The reasons for a student's leaving the project if he left prior to enrollment in a postsecondary educational institution.

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

#### § 155.15 Travel.

In accordance with the cost principals set forth in Appendix C to parts 100 through 100d of this title, the following travel is authorized:

(a) Field trips for educational purposes which are in reasonable proximity to the project's regular location;

(b) Student travel to and from regularly schedule project activities;

(c) Staff travel to professional and educational conferences specifically related to project development and to Office of Education-sponsored meetings when approved in writing by the Commissioner;

(d) Transportation costs for formal visits to the campus of the sponsoring institution for parents, foster parents, or legal guardians of Upward Bound students, and overnight accommodation costs for such persons when necessary because of distance;

(e) Other travel specifically approved by the Commissioner in writing and in advance of such travel.

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

#### § 155.16 Functional relationships and unification among Talent Search, Upward Bound, Special Services for Disadvantaged Students, and Educational Opportunity Centers.

In addition to the requirements set forth in 45 CFR 100a.275, if an applicant under this part also requests funds to carry out one or more of the following programs, Talent Search, Special Services for Disadvantaged Students, or Educational Opportunity Centers, the application must reflect the following:

(a) Provision for a single, unified administrative program operation;

(b) Provision for separate program identities, activities and budget;

(c) Consolidation of personnel and program functions to the fullest extent possible while still maintaining separate program identities; and

(d) Coordination and liaison with other Talent Search, Upward Bound, Special Services and Educational Opportunity Centers projects operating in close geographic proximity, including, where feasible, the sharing of facilities, staff, services and activities.

(20 U.S.C. 1070d-1; 1232c(b) (1))

[FR Doc. 75-33700 Filed 12-15-75; 8:45 am]

[ 45 CFR Part 157 ]  
**SPECIAL SERVICES FOR  
 DISADVANTAGED STUDENTS**  
 Notice of Proposed Rulemaking

In accordance with section 503 of the Education Amendments of 1972 (Pub. L. 92-318) and pursuant to the authority contained in Title IV-A-4 of the Higher Education Act of 1965, as amended (20 U.S.C. 1070d-1070d-1), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Chapter I of Title 45 of the Code of Federal Regulations by adding Part 157, which governs the administration of the Special Services for Disadvantaged Students Program, to read as set forth below.

1. *Program purposes.* The Special Services for Disadvantaged Students Program, authorized by section 417B of the Higher Education Act, is designed to assist students who, by reason of deprived educational, cultural, or economic background, or physical handicap, or limited English-speaking ability, are in need of remedial and other special services to initiate or complete their postsecondary educational program. Discretionary grants are made directly to post-secondary educational institutions to benefit students enrolled or accepted for enrollment at the beneficiary institution.

2. *Section 503 procedures and effect.* Section 503 of the Education Amendments of 1972 requires the Commissioner to study all rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary after June 30, 1965, in connection with, or affecting, the administration of Office of Education programs; to report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives concerning such study; and to publish in the FEDERAL REGISTER such rules, regulations, guidelines, interpretations, and orders, with an opportunity for public hearing on the matters so published. The regulations proposed below reflect the results of this study as it pertains to the Special Services for Disadvantaged Students Program. Upon publication of these proposed regulations in final form, after comments and a hearing, all preceding rules, regulations, guidelines, and other published interpretations and orders issued in connection with or affecting the Special Services for Disadvantaged Students Program will be superseded, effective 30 days after such publication.

3. *Effect of Office of Education general provisions regulations.* The proposed regulations do not include provisions relating to general fiscal and administrative matters which are covered in the overall Office of Education general provisions regulations (45 CFR 100a).

4. *Citations of legal authority.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232(a)) and section 503 of the Educa-

tion Amendments of 1972, 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 is to all that appears in that section between the citation and the next preceding citation. When the citation appears only at the end of the section, it applies to the entire section.

5. *Opportunity for public hearing.* Pursuant to Section 503(c) of the Education Amendments of 1972, the Commissioner will provide interested parties an opportunity for a public hearing on these regulations. Hearings will be held in the following places on the dates below and will commence at 10:00 a.m. on each of the days specified.

a. Washington, D.C.  
 Auditorium—Regional Office Building Three,  
 7th and D Streets, S.W., Washington, D.C.  
 20202

Public hearing will be held on January 12, 1976.

b. Dallas, Texas  
 Room 1130-1132, 1200 Main Tower Building,  
 Dallas, Texas 75202

Public hearing will be held on January 12, 1976.

c. San Francisco, California  
 Room 15018, Federal Office Building, 450 Golden  
 Gate Avenue, San Francisco, California  
 94102

Public hearing will be held on January 12, 1976.

The purpose of the hearing is to receive comments and suggestions on the published materials. Parties interested in attending the hearing should notify the Office of Education, 400 Maryland Avenue, S.W., Room 2085, FOB-6, Washington, D.C. 20202, Attention: Chairman, Office of Education Task Force on Section 503, and are urged to submit a written copy of their comments with such notification. Each party planning to make oral comments at the hearing is urged to limit his or her presentation to a maximum of fifteen minutes.

Written comments and recommendations may also be sent to the above address. All relevant material received on or before December 29, 1975, will be considered. Comments and suggestions submitted in writing will be available for review in the above office between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday of each week.

(Catalog of Federal Domestic Assistance Program Number 13.482, Special Services for Disadvantaged Students)

Dated: October 10, 1975.  
 T. H. BELL,  
 U.S. Commissioner of Education.

Approved: December 5, 1975.  
 DAVID MATHEWS,  
 Secretary of Health, Education,  
 and Welfare

Chapter I, Title 45 of the Code of Federal Regulations is amended by adding a new part, Part 157, to read as follows:

**PART 157—SPECIAL SERVICES FOR  
 DISADVANTAGED STUDENTS**

- Sec.  
 157.1 Scope and purpose—general provisions regulations.  
 157.2 Definitions.  
 157.3 Eligible project participants.  
 157.4 Eligible applicants.  
 157.5 Applications.  
 157.6 Funding criteria.  
 157.7 Program requirements.  
 157.8 Bilingual educational projects.  
 157.9 National demonstration projects.  
 157.10 Allowable costs.  
 157.11 Salary and wage rates.  
 157.12 Student records.  
 157.13 Travel.  
 159.14 Functional relationships and unification among Talent Search, Upward Bound, Special Services and Educational Opportunity Centers.

AUTHORITY: Sec. 417A-417B, Title IV of the Higher Education Act of 1965 as amended by sec. 131(b) of Title I, Pub. L. 92-318, 88 Stat. 258-259 and 88 Stat. 603-604 (20 U.S.C. 1070d-1070d-1), unless otherwise noted.

§ 157.1 Scope and purpose—general provisions regulations.

(a) The regulations in this part govern the administration of the Special Services for Disadvantaged Students (Special Services) Program. This program is designed to provide remedial and other special services for students with academic potential who (1) are enrolled or accepted for enrollment at an institution of higher education which is a beneficiary of a grant or contract made under this part and (2) by reason of deprived educational, cultural, or economic background, or physical handicap, or limited English-speaking ability, are in need of such services to assist them to initiate, continue, or resume their postsecondary education. The goal of the program and projects under this part shall be to increase the retention and graduation rates of such students.

(b) Assistance provided under this part is subject to applicable provisions contained in subchapter A of this chapter relating to fiscal, administrative, and other matters (General Provisions for Office of Education Programs—45 CFR 100a).

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

§ 157.2 Definitions.

For the purpose of this part:  
 (a) "Academic potential" means a capacity for success in postsecondary education which is documented either by traditional measurements, including standardized achievement tests, or other verifiable indicators.

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

(b) "Act" means the Higher Education Act of 1965, as amended.

(20 U.S.C. 1001 et seq.)

(c) "Bilingual educational teaching, guidance, and counseling" means teaching, guidance, and counseling in two languages, one of which is English.

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

(d) "Combinations of institutions of higher education" means (1) a group of institutions of higher education that have entered into a cooperative arrangement for the purpose (although not necessarily for the exclusive purpose) of carrying out a project or (2) a public or private agency, organization, or institution designed or created by a group of institutions of higher education for the purpose (although not necessarily for the exclusive purpose) of carrying out a project on their behalf.

(20 U.S.C. 1141(j))

(e) "Deprived cultural background," with regard to a student, means a student's lack of exposure to, or insufficient knowledge of, those values of society which are necessary to succeed in postsecondary education.

(f) "Deprived educational background," with regard to a student, means that a student attended a secondary school which did not adequately prepare him to participate successfully in postsecondary education.

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

(g) "Institution of higher education" means an educational institution in any State which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (2) is legally authorized within such State to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a 2-year program which is acceptable for full credit toward such a degree, (4) is a public or other nonprofit institution, and (5) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, (i) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (ii) is an institution whose credits are accepted on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited. Such term also includes any school which provides not less than a 1-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provision of subparagraphs (1), (2), (4), and (5) of this paragraph unless the school is a public institution, in which case it may also be accredited by the State agency in that State, which has been listed by the Commissioner as a reliable authority as to the quality of public postsecondary vocational education in that State, and any proprietary institution of higher educa-

tion, as defined in paragraph (j), which has an agreement with the Commissioner containing such terms and conditions as the Commissioner determines to be necessary to insure that the availability of assistance to students at the school under this title has not resulted, and will not result, in an increase in the tuition, fees, or other charges to such students.

(20 U.S.C. 1141(a); 1088(b)(3))

(h) "Limited English-speaking ability" means a command of the English language that is inadequate for success in education beyond high school.

(i) "Physically handicapped students" means those students who, because of their physical disabilities, need specifically designed instructional materials or programs, modified physical facilities, or related services to participate fully in the experience and opportunities offered by postsecondary institutions. Physical disabilities include but are not limited to:

- (1) Legal blindness,
- (2) Deafness,
- (3) Cerebral palsy,
- (4) Epilepsy,
- (5) Mobility difficulties due to use of appliances or prosthetics,
- (6) Quadriplegia, paraplegia, or hemiplegia,
- (7) Severe heart condition, and
- (8) Multiple disabilities or any combination of the above conditions.

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

(j) "Proprietary institution of higher education" means a school (1) which provides not less than a 6-month program of training to prepare students for gainful employment in a recognized occupation, (2) which admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (3) which is legally authorized by the State in which it is located to provide a program of education beyond secondary education, (4) which is accredited by a nationally recognized accrediting agency or association approved by the Commissioner for this purpose, (5) which is not a public or other nonprofit institution, and (6) which has been in existence for at least two years.

(20 U.S.C. 1088(b)(3))

(k) "State" means, in addition to 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.

(20 U.S.C. 1141(b); 1088(a))

(20 U.S.C. 1070d-1070d-1, unless otherwise noted)

#### § 157.3 Eligible project participants.

(a) A student is eligible to participate in a program or project authorized under this part if such student:

- (1) Is enrolled or accepted for enrollment at an institution which is the beneficiary of a grant or contract made under this part;

(2) Is a citizen or national of the U.S., is in the U.S. for other than a temporary purpose and is or intends to become a permanent resident thereof, or is a permanent resident of the Trust Territory of the Pacific Islands;

(3) Is an individual with academic potential who demonstrates a need for the remedial and special services authorized under this part as a result of (i) a deprived educational, cultural or economic background or (ii) physical handicap or (iii) a limited English-speaking ability; and

(4) Comes from a family whose annual adjusted family income is not more than the low-income level prescribed annually by the Commissioner unless that student is physically handicapped or is of limited English-speaking ability and is in need of bilingual education, teaching, guidance and counseling in order to successfully pursue postsecondary education.

(b) Students of limited English-speaking ability or with physical handicaps may be served under this part without regard to their families' adjusted family income.

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

#### § 157.4 Eligible applicant.

(a) The Commissioner is authorized to make grants to and contracts with institutions of higher education and combinations of such institutions.

(b) A combination of institutions receiving a grant or contract under this part shall vest responsibility for administering the project in one of the participating institutions or in an agency established by the institutions for carrying out the project on their behalf.

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

#### § 157.5 Applications.

(a) Applicants for grants or contracts under this part shall file an application with the Commissioner before the closing date for such applications established annually by the Commissioner. Such applications shall contain the following information and such other information as the Commissioner may from time to time prescribe:

(1) The number of low-income students, physically handicapped students and students of limited English-speaking ability enrolled or accepted for enrollment at the institution who are eligible for program services and a description of the ethnic/racial background of the students to be served by the project;

(2) A description of the methods by which project participants will be selected and their needs assessed;

(3) A description of the comprehensive services that will be provided to meet the students' needs;

(4) A description of the academic and cultural problems these students have at the time of entry into the institution and continue to encounter while pursuing their education at the institution;

(5) The amount and type of student financial aid available at the applicant institution that can be awarded to participants;

(6) A description of the administrative and academic policies that bear on the ability of the project participants to graduate from the institution;

(7) A description of (i) the project's staffing pattern, including the professional requirements and duties of each staff member, and (ii) its plan for staff selection and in-service training;

(8) If the applicant has carried out a project that was not funded under this part but was comparable or identical to one authorized under this part, a description of that project, including the number of students served, the methods used to select students, the services offered, the number of such students who graduated from the institution, and any evaluation reports made on that project;

(9) A description of the manner in which the applicant will orient the institutional community to the goals and objectives of the Special Services Program and a description of the community resources available to the project and the manner in which those resources will be used;

(10) A description of the applicant's plan for evaluating the effectiveness of the project; and

(11) The proposed budget.

(b) Where the applicant is a combination of institutions of higher education, the applicant shall describe the role and function that each member of the combination will play in the operation of the project, and shall include written commitments from each institution that it will perform the activities ascribed to it.

(c) Applications for bilingual educational projects shall provide the information necessary to determine whether the proposed project satisfies the requirements of § 157.8.

(d) Applications for national demonstration projects shall detail the innovative and experimental approaches to be taken in the provision of project services and shall otherwise provide the information needed to determine whether the proposed project satisfies the requirements of § 157.9.

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

#### § 157.6 Funding criteria.

(a) *Continuation awards.* Priority will be given to a request for funds for the continuation of a project that (1) was begun in a prior fiscal year and (2) was approved for a multi-year work period that has not expired. (continuation award)

(b) *Conditions for approval.* Requests for continuation awards will be approved only if (1) the need continues to exist for the services provided by the project;

(2) Satisfactory progress has been made in implementing the approved work plan and in achieving the project's goals and objectives, as indicated by site visits, progress reports, and other relevant data;

(3) The project continues to offer promise of success in enabling students to complete their postsecondary education;

(4) All required reports, including data collection reports, quarterly fiscal reports, and semi-annual and annual narrative reports have been received and accepted by the Commissioner; and

(5) Funds are available to continue the project.

(c) *New awards.* Except as provided in paragraphs (a) and (b) of this section, the Commissioner will select applicants to be funded under this part on the basis of the criteria set forth in 45 CFR 100a.26(b), as well as the following additional criteria:

(1) The number of students enrolled at the institution who are eligible, by reason of deprived economic, cultural, or academic backgrounds, or physical handicaps, or limited English-speaking ability, to participate in the project;

(2) The degree to which student financial assistance at the applicant institution will be used to meet the needs of students who will be participating in the project;

(3) The degree to which administrative and academic policies have as their purpose the maximization of a student's chances for graduating from the host institution;

(4) The comprehensiveness of the applicant's plan for (i) selecting students to be served by the project, (ii) conducting an assessment of supportive services needed by the students, and (iii) providing the services;

(5) The extent to which the applicant proposes to orient the institutional community to the goals and objectives of the Special Services Program and utilize institutional and community resources available to the project;

(6) The quality of the applicant's plan to evaluate the project in terms of the effects of project services on the progress made by students participating in the project and the extent to which project participants graduate from the institution;

(7) The reasonableness of the allocation of resources among the project activities;

(8) The extent to which the proposed budget reflects the activities to be undertaken; and

(9) The extent to which the applicant has successfully carried out a project that is comparable or identical to one authorized under this part.

(d) *National demonstration awards.* The Commissioner will select a limited number of applications to be funded as Special Services national demonstration projects on the basis of the criteria set forth in paragraph (c) of this section and the following additional criteria:

(1) Whether the proposed project is national or interregional in scope and does not duplicate or compete with existing regional or national programs or consolidate existing regional or interregional educational activities under the aegis of a single agency or institution;

(2) Whether the proposal presents a clearly new or experimental technique or design for the provision of special services for students from deprived educational, cultural, or economic back-

grounds, or for students with physical disabilities, or for students of limited English-speaking ability enrolled at the institution which is the beneficiary of the award;

(3) Whether the applicant's proposed activities and expected results can be readily replicated and utilized by other educational programs concerned with the provision of special supportive services for similar students;

(4) Whether the proposed project will provide services not readily available on a local or regional basis for participants; and

(5) Whether the proposed project will provide disadvantaged students a variety of educational opportunities and career options.

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

#### § 157.7 Program requirements.

(a) Each project funded under this part shall:

(1) Develop and utilize procedures to identify and select eligible students. Such procedures shall include a comprehensive needs assessment of the individual student to determine those academic and other educational deficiencies which need to be corrected to enable that student to graduate;

(2) Provide career and academic guidance and counseling and, within the professional and economic constraints of the project, personal counseling;

(3) Provide remedial and special classes, tutoring, and such other activities that will enable project participants to compete with sufficient academic skills at the institution, without creating a long-range dependency on the project;

(4) Develop and utilize special curricular and instructional methods which will enable students to complete required and prerequisite courses in a reasonable period of time; and

(5) Document the effects of project activities on students' performance and progress while they are participating in the project.

(b) Each institution receiving funds under this part shall:

(1) Obtain and provide adequate financial aid for students enrolled in the project to enable them to continue their academic program;

(2) Retain such students at the institution for a period of time sufficient to enable them to adjust to and participate meaningfully in the academic program at the institution (a minimum of two years for a 4-year program, one year for a 2-year program);

(3) Make all resources and facilities which are available to regular students of the institution available to project participants;

(4) Place the project within an integral department of the institution's academic structure;

(5) Locate the project in an area that is accessible to the students to be served;

(6) Engage (i) a full-time project director with sufficient administrative skills and a clear commitment to the goals of the program, who will be provided sufficient latitude to conduct the

project effectively and expend project funds, and (ii) a staff that has adequate professional qualifications and commitment to carry out the proposed activities and services;

(7) Utilize institutional facilities and, when possible, staff, to provide pre-service and in-service training for the project staff; and

(8) Develop an administrative and faculty commitment to the goals of the Special Services Program.

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

#### § 157.8 Bilingual educational projects.

(a) Projects serving students of limited English-speaking ability shall provide special instruction in the use of the English language to such students, either through the project or the institution's regular program of instruction.

(b) Projects serving only students of limited English-speaking ability, or projects with a specific component to serve such students, shall provide bilingual personal, career, and academic counseling and guidance; bilingual remedial and special classes that enable students to complete required and prerequisite courses; bilingual tutorial services; and other bilingual supportive services necessary to meet the educational needs of the participants.

(c) Projects serving only students with limited English-speaking ability or projects with a specific component serving such students shall select each student for participation in the project on the basis of the degree of difficulty that the student has in speaking and understanding instructions in the English language, if the project cannot serve all such students who are enrolled or accepted for enrollment at the institution.

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

#### § 157.9 National demonstration projects.

(a) The Commissioner may reserve funds to conduct national demonstration projects which will involve innovative and experimental approaches to the provision of remedial and other special services to project participants.

(b) National demonstration projects shall:

(1) Be national or inter-regional in scope; they may not duplicate nor compete with existing regional or national programs nor consolidate existing regional or inter-regional educational activities under the aegis of a single agency or institution;

(2) Present a clearly new or experimental technique or design for the provision of special services for students from deprived educational, cultural, or economic backgrounds, or for students with physical disabilities, or for students of limited English-speaking ability enrolled at the institution which is the beneficiary of the award;

(3) Be readily replicated and utilized by other educational programs concerned with the provision of special supportive services for similar students;

(4) Provide services not readily available on a local or regional basis for participants; and

(5) Provide disadvantaged students a variety of educational opportunities and career options.

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

#### § 157.10 Allowable costs.

(a) The Commissioner will pay for those costs that are reasonably related to the operation of a project. Such costs may include the following:

(1) Remedial and special classes if such classes are limited to project participants and the grantee institution does not provide such services as part of its program of instruction;

(2) Courses in English language instruction for students of limited English-speaking ability if the institution does not provide such instruction as part of its program of instruction and such instruction is limited to project participants; and

(3) In-service training of project staff.

(b) Costs that may not be charged against the grant include the following:

(1) The costs involved in the recruitment of students for enrollment at the grantee institution;

(2) The construction or purchase of new buildings and the extensive modification or major repair of existing buildings;

(3) The purchase of major equipment;

(4) The payment of tuition, stipends, or any other form of student financial support;

(5) Research; and

(6) Activities of a recreational or cultural nature that are not directly related to gaining proficiency in a required academic subject.

(c) Grantees under this part will be allowed indirect cost as authorized in accordance with item 4c, Appendix A, parts 100 thru 100d of the General Provisions for Office of Education Programs.

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

#### § 157.11 Salary and wage rates.

(a) The salaries paid to project staff under this part shall be comparable to the salaries paid to persons with similar positions within the grantee institution.

(b) The minimum rate of compensation that may be paid to project employees, including students, shall be the minimum wage required to be paid by the institution under applicable Federal, State, or local law.

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

#### § 157.12 Student records.

(a) Projects shall develop and utilize a data collection system which allows for accurate student accountability.

(b) To document the progress of each student participating in the project, student files shall include, but are not limited to, the following:

(1) Procedures used to select individual participants;

(2) High school transcripts and all available test scores;

(3) Documents supporting student's eligibility as defined in § 157.3;

(4) Diagnostic analysis of the student's academic strengths and weak-

nesses and the program support developed to improve the student's skills;

(5) Documentation of counseling activity, such as family contacts, career explorations, referrals;

(6) Sequential activity reports that show continuous contacts with the student, the services provided, the measurements of progress, and other reports that relate to the academic and other types of assistance provided the student;

(7) A summary at the end of each academic term of credit-hours attempted and earned, grade point average, credit hours earned toward graduation, and courses dropped and the reason for dropping them;

(8) Documentation of an exit interview which shall include, but not be limited to (i) the reason for student's leaving the project, (ii) a permanent mailing address, and (iii) the recommendations made to the student upon the student's completion of the project regarding his educational and career potentials.

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

#### § 157.13 Travel.

In accordance with the cost principals set forth in Appendix C to parts 100 through 100d of this title, the following travel is authorized:

(a) Transportation of students to and from educational activities sponsored by the project and approved in writing by the Commissioner;

(b) Project staff travel to professional and educational conferences specifically related to project development and to Office of Education sponsored meetings, when approved by the Commissioner;

(c) Other travel specifically approved by the Commissioner in writing and in advance of such travel.

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

#### § 157.14 Functional relationship and unification among Talent Search, Upward Bound, Special Services for Disadvantaged Students, and Educational Opportunity Centers.

In addition to the requirements set forth in 45 CFR 100a.275, when an applicant under this part also requests funds to carry out one or more of the following programs, Talent Search, Upward Bound, or Educational Opportunity Centers, the application must reflect the following:

(a) Provisions for a single unified administrative program operation;

(b) Provision for separate program identities, activities, and budget;

(c) Consolidation of personnel and program functions to the fullest extent possible while still maintaining separate program identities; and

(d) Coordination and liaison with other Talent Search, Upward Bound, Special Services and Educational Opportunity Centers operating in close geographic proximity, including, where feasible, the sharing of facilities, staff, services and activities.

(20 U.S.C. 1070d-1; 1232c(b)(1))

[FR Doc. 75-33701 Filed 12-15-75; 8:45 am]

[ 45 CFR Part 159 ]

TALENT SEARCH

Notice of Proposed Rulemaking

In accordance with section 503 of the Education Amendments of 1972 (Pub. L. 92-318) and pursuant to the authority contained in Title IV-A-4 of the Higher Education Act of 1965, as amended, (20 U.S.C. 1070d-1070d-1), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Chapter I of Title 45 of the Code of Federal Regulations by adding Part 159, which governs the administration of the Talent Search Program, to read as set forth below.

1. *Program purpose.* The Talent Search Program, authorized by section 417B of the Higher Education Act, is designed to identify qualified youths of financial or cultural need with an exceptional potential for postsecondary educational training and encourage them to complete secondary school and undertake postsecondary educational training, publicize existing forms of student financial aid, and encourage secondary school or college dropouts of demonstrated aptitude to reenter educational programs, including postsecondary school programs.

2. *Section 503 procedures and effect.* Section 503 of the Education Amendments of 1972 requires the Commissioner to study all rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary after June 30, 1965, in connection with, or affecting, the administration of Office of Education programs; to report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives concerning such study; and to publish in the FEDERAL REGISTER such rules, regulations, guidelines, interpretations, and orders, with an opportunity for public hearing on the matters so published. The regulations proposed below reflect the results of this study as it pertains to the Talent Search Program. Upon publication of the proposed regulations in final form, after comments and a hearing, all preceding rules, regulations, guidelines, and other published interpretations and orders issued in connection with or affecting the Talent Search Program will be superseded, effective 30 days after such publication.

3. *Effect of Office of Education general provisions regulations.* The proposed regulations do not include provisions relating to general fiscal and administrative matters which are covered in the overall Office of Education general provisions regulations (45 CFR 100a).

4. *Citations of legal authority.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232(a)) and section 503 of the Education Amendments of 1972, 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 is to all that appears in that section between the citation and the next preceding citation. When the citation appears only at the end of the section, it applies to the entire section.

5. *Opportunity for public hearing.* Pursuant to Section 503(c) of the Education Amendments of 1972, the Commissioner will provide interested parties an opportunity for a public hearing on these regulations. Hearings will be held in the following places on the dates below and will commence at 10:00 a.m. on each of the days specified.

a. Washington, D.C.

Auditorium—Regional Office Building Three, 7th and D Streets SW., Washington, D.C. 20202.

Public hearing will be held on January 12, 1976.

b. Dallas, Texas

Room 1130-1132, 1200 Main Tower Building, Dallas, Texas 75202.

Public hearing will be held on January 12, 1976.

c. San Francisco, California

Room 15018, Federal Office Building, 450 Golden Gate Avenue, San Francisco, California 94102.

Public hearing will be held on January 12, 1976.

The purpose of the hearing is to receive comments and suggestions on the published materials. Parties interested in attending the hearing should notify the Office of Education, 400 Maryland Avenue SW., Room 2085, Fob 6, Washington, D.C. 20202, Attention: Chairman, Office of Education Task Force on Section 503, and are urged to submit a written copy of their comments with such notification. Each party planning to make oral comments at the hearing is urged to limit his or her presentation to a maximum of fifteen minutes.

Written comments and recommendations may also be sent to the above address. All relevant material received prior to the thirtieth day from the date these regulations are published in the FEDERAL REGISTER will be considered. Comments and suggestions submitted in writing will be available for review in the above office between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday of each week.

(Catalog of Federal Domestic Assistance Number 13.488, Talent Search)

Dated: October 10, 1975.

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

Approved: December 5, 1975.

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

Chapter I of Title 45 of the Code of Federal Regulations is amended by adding a new part, Part 159, to read as follows:

PART 159—TALENT SEARCH PROGRAMS

- |        |   |
|--------|---|
| Sec.   |   |
| 159.1  | Scope and purpose-general provisions regulations.   |
| 159.2  | Definitions.  |
| 159.3  | Project setting-target area.  |
| 159.4  | Eligible project participants.  |
| 159.5  | Eligible applicants.  |
| 159.6  | Applications.   |
| 159.7  | Funding criteria.   |
| 159.8  | Project activities and services-project requirements.   |
| 159.9  | National demonstration projects.  |
| 159.10 | Allowable costs.  |
| 159.11 | Salary and wage rates.  |
| 159.12 | Youth records.  |
| 159.13 | Travel.   |
| 159.14 | Functional relationships and unification among Talent Search, Upward Bound, Special Services for Disadvantaged Students, and Educational Opportunity Centers. |

AUTHORITY: Sec. 417A-417B, Title IV of the Higher Education Act of 1965 as amended by sec. 131(b), Title I, Pub. L. 92-318, 86 Stat. 258-259 (20 U.S.C. 1070d-1070d-1), unless otherwise noted.

§ 159.1 Scope and purpose—general provisions regulations.

(a) The regulations in this part govern the administration of the Talent Search Program. This program is designed to (1) identify youths of financial or cultural need with an exceptional potential for postsecondary educational training and encourage them to complete secondary school and undertake postsecondary educational training, (2) publicize existing forms of student financial aid, and (3) encourage secondary school or college dropouts of demonstrated aptitude to reenter educational programs, including postsecondary school programs. The goal of the projects funded under this part shall be to increase the rate at which youths of financial or cultural need complete secondary school and enroll, with adequate financial aid, in postsecondary educational programs.

(b) Assistance provided under this part is subject to applicable provisions contained in subchapter A of this chapter relating to fiscal, administrative, and other matters (General Provisions for Office of Education Programs—45 CFR 100a).

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

§ 159.2 Definitions.

For the purpose of this part: (a) "Act" means the Higher Education Act of 1965, as amended.

(20 U.S.C. 1001 et seq.)

(b) "Combination of institutions of higher education" means (1) a group of institutions of higher education that have entered into a cooperative arrangement for the purpose (although not necessarily for the exclusive purpose) of carrying out a Talent Search project or (2) a public or private agency, organization or

institution designated or created by a group of institutions of higher education for the purpose (although not necessarily for the exclusive purpose) of carrying out a Talent Search project on their behalf. (20 U.S.C. 1141(j))

(c) "Cultural need" means with regard to a youth the lack of exposure to or insufficient knowledge of the values of society which are necessary for success in postsecondary education.

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

(d) "Demonstrated aptitude" means with regard to secondary and postsecondary dropouts a documented competence in those skills necessary to enter, reenter or complete postsecondary education.

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

(e) "Exceptional potential" means a capacity for success in postsecondary education which is documented either by traditional measurements, including standardized achievement tests, or other verifiable indicators;

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

(f) "Institution of higher education" means an educational institution in any State which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (2) is legally authorized within such State to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a 2-year program which is acceptable for full credit toward such a degree, (4) is a public or other nonprofit institution, and (5) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, (1) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (ii) is an institution whose credits are accepted on transfer, by not less than three institutions which are so accredited for credit on the same basis as if transferred from an institution so accredited. Such term also includes any school which provides not less than a 1-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provision of subparagraphs (1), (2), (4), and (5) of this paragraph, unless the school is a public institution, in which case it may also be accredited by the State agency in that State which has been listed by the Commissioner as a reliable authority as to the quality of public postsecondary vocational education in that State, and any proprietary institu-

tion of higher education as defined in paragraph (g) of this section, which has an agreement with the Commissioner containing such terms and conditions as the Commissioner determines to be necessary to insure that the availability of assistance to students at the school under this part has not resulted, and will not result, in an increase in the tuition, fees, or other charges to such students.

(20 U.S.C. 1141(a); 20 U.S.C. 1088(b)(3))

(g) "Proprietary institution of higher education" means a school which (1) provides not less than a 6-month program of training to prepare students for gainful employment in a recognized occupation, (2) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (3) is legally authorized by the State in which it is located to provide a program of education beyond secondary education, (4) is accredited by a nationally recognized accrediting agency or association approved by the Commissioner for this purpose, (5) is not a public or other nonprofit institution, and (6) has been in existence for at least two years.

(20 U.S.C. 1088(b)(3))

(h) "Secondary school" means a school which provides secondary education as determined under State law, except that it does not include any education provided beyond grade 12.

(20 U.S.C. 1141(d))

(i) "State" means, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the U.S. Virgin Islands, and the Trust Territory of the Pacific Islands.

(20 U.S.C. 1141(b); 1088(a))

(j) "Veteran" means a person who served in the active military, naval, or air service of the United States, and who was discharged or released therefrom under conditions other than dishonorable.

(38 U.S.C. 101(2))

(k) "Youth" means (i) a veteran or (ii) a person between the ages of 15 to 22.

(20 U.S.C. 1070d-1070d-1, unless otherwise noted)

#### § 159.3 Project setting-target area.

Talent Search projects, except national demonstration projects, shall provide their services to qualified youths residing or attending school in a discrete geographic area. (target area) A target area is characterized by a large number of families whose annual adjusted family income is not more than the low-income level prescribed annually by the Commissioner, a large number of youth from low-income families, a high secondary school dropout rate, and a low level of postsecondary attendance.

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

#### § 159.4 Eligible project participants.

A youth is eligible to receive services under this part if he: (a) Is a citizen or national of the United States, or is in the United States for other than a temporary purpose, and is, or intends to become a permanent resident thereof, or is a permanent resident of the Trust Territory of the Pacific Islands;

(b) Comes from a family whose annual adjusted family income is not more than the low-income level prescribed annually by the Commissioner;

(c) Has "exceptional potential" for success in postsecondary education or, in the case of secondary or postsecondary school dropouts, a "demonstrated aptitude" for reentry into secondary or postsecondary educational programs;

(d) Is of financial or cultural need; and

(e) Is in need of (i) guidance and counseling to complete secondary school, (ii) information and counseling on postsecondary educational opportunities, (iii) assistance in gaining admission or readmission to postsecondary educational institutions, or (iv) assistance in applying for financial aid to attend such institutions.

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

#### § 159.5 Eligible applicants.

(a) The Commissioner may make grants to and contracts with the following agencies, institutions, and organizations to carry out Talent Search projects: (1) Institutions of higher education, including institutions with vocational and career education programs;

(2) Combinations of institutions of higher education;

(3) Public and private agencies and organizations (including professional and scholarly organizations); and

(4) In exceptional cases, secondary schools and secondary vocational schools, if there are no institutions of higher education or public or private agencies within a reasonable geographic distance of such secondary or vocational school providing educational services similar to the services authorized under this part.

(b) A combination of institutions receiving a grant or contract under this part shall vest responsibility for the administration of that grant or contract in one of its participating institutions or in a public or private agency established by the combination for that purpose.

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

#### § 159.6 Applications.

(a) Applicants for grants or contracts under this part shall file an application with the Commissioner before the closing date established annually by the Commissioner, and shall provide the following information and such other information as the Commissioner may from time to time prescribe: (1) The geographic area to be served (target area);

(2) A documented description of the target area in terms of (i) the income

level of the area residents, the number and percentage of families in the area whose annual adjusted family income is not more than the low-income level prescribed annually by the Commissioner, (ii) the number and percentage of youths from low-income families residing or attending school in the area, (iii) the number and percentage of dropouts from secondary schools in the area for the three years preceding the year for which the application is submitted, and (iv) the number and percentage of youths who have attended school, or are residing, in the area and who have entered postsecondary institutions during the three years preceding the year for which the application is submitted;

(3) A description of the individual secondary schools in the target area including (i) for the three years preceding the year for which the application is being submitted, the dropout rate for each school, and the number and percentage of students from each school who subsequently enroll in postsecondary institutions, (ii) the number of students in the school from low-income families; and (iii) the quality of the school's counseling program;

(4) The ethnic/racial composition of youth from low-income families attending secondary school, or residing, in the target area;

(5) The number of youths of financial or cultural need who reside or attend school in the target area who have an exceptional potential or a demonstrated aptitude for postsecondary education and are in need of project services to complete secondary school and enroll in postsecondary institutions;

(6) A projection of the effect of the project in the target area on the secondary school dropout rate, the rate of postsecondary school admissions and the number of secondary and postsecondary dropouts who reenter educational programs;

(7) A description of the applicant's plan for (i) the identification and selection of eligible participants, (ii) the assessment and documentation of their potential for postsecondary education, (iii) the provision of career and academic counseling and guidance, (iv) the dissemination of information on student financial aid in the target area, and (v) the provision of assistance to project participants in gaining admission to secondary and postsecondary institutions, and in obtaining student financial aid;

(8) A description of the applicant's plan to orient the secondary and postsecondary schools in the target area to the goals of the Talent Search project and to utilize community and other resources to supplement authorized activities;

(9) A description of (i) the project's staffing pattern including the professional requirements and duties of each staff member, and (ii) the plan for staff selection and in-service training;

(10) If the applicant has carried out a project that was not funded under this part but was comparable or identical to

one authorized under this part, a description of that project including the number of youth served, the methods used to select participants, the services offered, the rate of increase of postsecondary admissions in the area served, the rate of decrease in secondary and postsecondary school dropouts, the rate of increase of secondary and postsecondary school dropouts who reenter educational programs, and any evaluation reports made on that project; and

(11) A description of the applicant's plan for evaluating the effectiveness of the project.

(b) Where the applicant is a combination of institutions of higher education, the applicant shall describe the role and function that each member of the combination will play in the operation of the project, and shall include written commitments from each institution that it will perform the activities ascribed to it.

(c) Applications for national demonstration projects shall detail the innovative and experimental approaches to be taken in the provision of project services and shall otherwise provide the information needed to determine whether the project satisfies the requirements of § 159.9.

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

#### § 159.7 Funding criteria.

(a) *Continuation awards.* Priority will be given to a request for funds for the continuation of a project that (1) was begun in a prior fiscal year and (2) was approved for a multi-year work period that has not expired.

(b) *Conditions for approval.* Requests for continuation awards will be approved only if:

(1) The need continues to exist for the services provided by the project;

(2) Satisfactory progress has been made in implementing the approved work plan and in achieving the project's goals and objectives, as indicated by site visits, progress reports, and other relevant data;

(3) The project continues to offer promise of success in enabling youths to resume, or continue their secondary education, or to enter, resume, or continue their post secondary education with adequate financial aid;

(4) All required reports, including data collection reports, quarterly fiscal reports, and annual and semi-annual narrative reports, have been received and accepted by the Commissioner; and

(5) Funds are available to continue the project.

(c) *New awards.* Except as provided in paragraphs (a) and (b) of this section, the Commissioner will select applicants to be funded under this part on the basis of the criteria set forth in 45 CFR 100a.26(b), as well as the following additional criteria:

(1) The extent to which the target area of the project is characterized by (i) a high number or percentage of secondary school dropouts, (ii) a low level of postsecondary school attendance, (iii) a high percentage of families whose

annual adjusted family income is not more than the low-income level prescribed annually by the Commissioner, and (iv) students from low-income families having low aspiration levels and special needs.

(2) The number of youths of financial or cultural need who reside or attend schools in the target area, have exceptional potential for success in postsecondary education, and are in need of project services to complete secondary school and enroll in postsecondary educational programs, obtain student financial aid to pursue postsecondary education, or return to secondary or postsecondary educational programs;

(3) The extent to which the applicant has successfully carried out a project that is comparable or identical to those authorized under this part;

(4) The extent to which the project will, in the target area, increase the rate of postsecondary admissions, decrease the rate of secondary school and postsecondary school dropouts, and increase the number of secondary and postsecondary dropouts who reenter educational programs;

(5) The comprehensiveness of the applicant's plan for (i) identifying and selecting eligible participants and assessing and documenting their potential for postsecondary education, (ii) providing career and academic guidance and counseling, (iii) disseminating information on student financial aid to the target population, and (iv) assisting youths in gaining admission to secondary and postsecondary institutions and in obtaining student financial aid;

(6) The reasonableness of the allocation of resources among the proposed project activities;

(7) The extent to which the applicant has provided for the orientation of secondary and postsecondary schools in the target area to the goals and objectives of the Talent Search Program and has provided for the utilization of community and other resources to supplement authorized activities;

(8) The quality of the applicant's plan to evaluate the effects of project services in enrolling participants in postsecondary educational programs with adequate financial aid and returning participants to secondary and post secondary educational programs; and

(9) The extent to which the proposed budget reflects the activities to be undertaken.

(d) *National demonstration projects.* The Commissioner will select a limited number of applications to be funded as Talent Search national demonstration projects on the basis of the criteria set forth in paragraph (c) of this section and the following additional criteria:

(1) Whether the proposed project is national or inter-regional in scope, and does not duplicate nor compete with existing regional or national programs nor consolidate existing regional or interregional educational activities under the aegis of a single agency or institution;

(2) Whether the proposal presents a clearly new or experimental technique or design for the provision of Talent Search services for eligible participants;

(3) Whether the proposed activities and results can be readily replicated and utilized by other educational programs concerned with the provision of services for similar youths;

(4) Whether the proposed project will provide services not readily available on a local or regional basis for such youths; and

(5) Whether the proposed project will provide disadvantaged students a variety of educational opportunities and options for postsecondary education.

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

**§ 159.8 Project activities and services—project requirements.**

(a) Each project funded under this part shall provide the following services:

(1) Collection and dissemination of information regarding the variety of postsecondary educational opportunities, student financial aid, academic assistance and career options available to project participants;

(2) Counseling and guidance to each project participant with regard to the appropriate postsecondary institution for that person;

(3) Counseling with regard to career options available to project participants; and

(4) Assistance to project participants in applying for admission to postsecondary institutions and for student financial aid.

(b) Each project shall: (1) Serve a minimum of 1,000 youths;

(2) Develop and utilize a comprehensive needs assessment process, which includes traditional and nontraditional measuring techniques, to determine each participant's interests, career goals, academic potential, and financial need;

(3) Focus project activities at secondary schools that have had over the three years preceding the year for which the project application is submitted (i) less than 30 percent of their graduating classes enroll in postsecondary institutions, or a high dropout rate and (ii) an inadequate counseling program with regard to postsecondary educational opportunities;

(4) Develop and implement a strategy to identify, encourage, and return to educational institutions those secondary and postsecondary school dropouts who have a demonstrated aptitude for postsecondary education;

(5) Not duplicate services offered by an Educational Opportunity Center, another Talent Search project or other similar programs in the target area;

(6) Establish cooperative relationships with service agencies in the target

area which have resources needed by the project participants;

(7) Establish a direct relationship with educational institutions to determine admission requirements, filing and deadline dates for the submission of admission and financial aid applications, course requirements, and appropriate supportive services available for project participants; and

(8) Engage (i) a full-time project director with sufficient administrative skills and a clear commitment to the goals of the program, who will be provided sufficient latitude to conduct the project effectively and to expend project funds as required, and (ii) a staff that has adequate professional qualifications and commitment to carry out the proposed activities and services.

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

**§ 159.9 National demonstration projects.**

(a) The Commissioner may reserve funds to conduct innovative and experimental Talent Search projects.

(b) National demonstration projects shall: (1) Be national or inter-regional in scope; they may not duplicate nor compete with existing regional or national programs or consolidate existing regional or inter-regional educational activities under the aegis of a single agency or institution;

(2) Present a clearly new or experimental technique or design for the provision of Talent Search services for eligible participants;

(3) Be readily replicable and utilized by other educational programs concerned with the provision of services for similar youth;

(4) Provide services not readily available on a local or regional basis for such youth; and

(5) Provide disadvantaged youth a variety of educational opportunities and options for postsecondary education.

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

**§ 159.10 Allowable costs.**

(a) The Commissioner will pay those costs that are reasonably related to carrying out the project.

(b) Costs that may not be charged against the project include: (1) Tutoring or any instructional costs;

(2) Tuition, fees, stipends or other forms of direct financial support for youths participating in project activities;

(3) Application fees for enrollment or financial aid;

(4) Duplication of services that are otherwise provided by the institution or agency sponsoring the project or by such local agencies as vocational rehabilitation centers and social service organizations;

(5) Construction, major remodeling or major repair; and

(6) Meals and lodging.

(c) Grantees under this part will be allowed indirect costs as authorized in accordance with item 4c, Appendix A, parts 100 thru 100d of the General Provisions for Office of Education Programs, (20 U.S.C. 1070d-1)

**§ 159.11 Salary and wage rates.**

(a) The salaries paid to project staff under this part shall be comparable to the salaries paid to persons with similar positions within the sponsoring institution or agency.

(b) The minimum rate of compensation that may be paid to project employees, including students, shall be the minimum wage required under any applicable Federal, State, or local law.

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

**§ 159.12 Youth records.**

Projects shall develop and utilize a data collection system which allows the project to establish accurate participant records, including, but not limited to, the following: (a) The method used to select the participant;

(b) The participant's high school transcripts and all available aptitude and achievement test scores;

(c) Information concerning the participant's eligibility to receive services under the project;

(d) Documentation of counseling services received by the student;

(e) Documentation of visits made to postsecondary institutions;

(f) Documentation of assistance provided the participant in applying for admission to postsecondary institutions and for student financial aid;

(g) The postsecondary institutions which accepted the participant for admission and the one in which he or she enrolled;

(h) The amount and type of student financial aid received by the participant; and

(i) The participant's age, sex, race, family income, grade level and permanent address.

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

**§ 159.13 Travel.**

In accordance with the cost principals set forth in Appendix C to parts 100 through 100d of this title, the following travel is authorized: (a) Travel to enable youths (i) to visit campuses of postsecondary institutions which are in reasonable proximity to the project's target area, (ii) to participate in "College Days" or their equivalent or (iii) to develop career potential;

(b) Staff travel to professional and educational conferences specifically related to project development and

(c) Other travel specifically approved by the Commissioner in writing and in advance of such travel.

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

§ 159.14 Functional relationships and unification among Talent Search, Upward Bound, Special Services for Disadvantaged Students, and Educational Opportunity Centers.

In addition to the requirements set forth in CFR 100a.275, when an applicant under this part also requests funds to carry out one or more of the following programs, Upward Bound, Special

Services for Disadvantaged Students or Educational Opportunity Centers, the application must reflect the following:

(a) Provision for a single, unified administrative program operation;

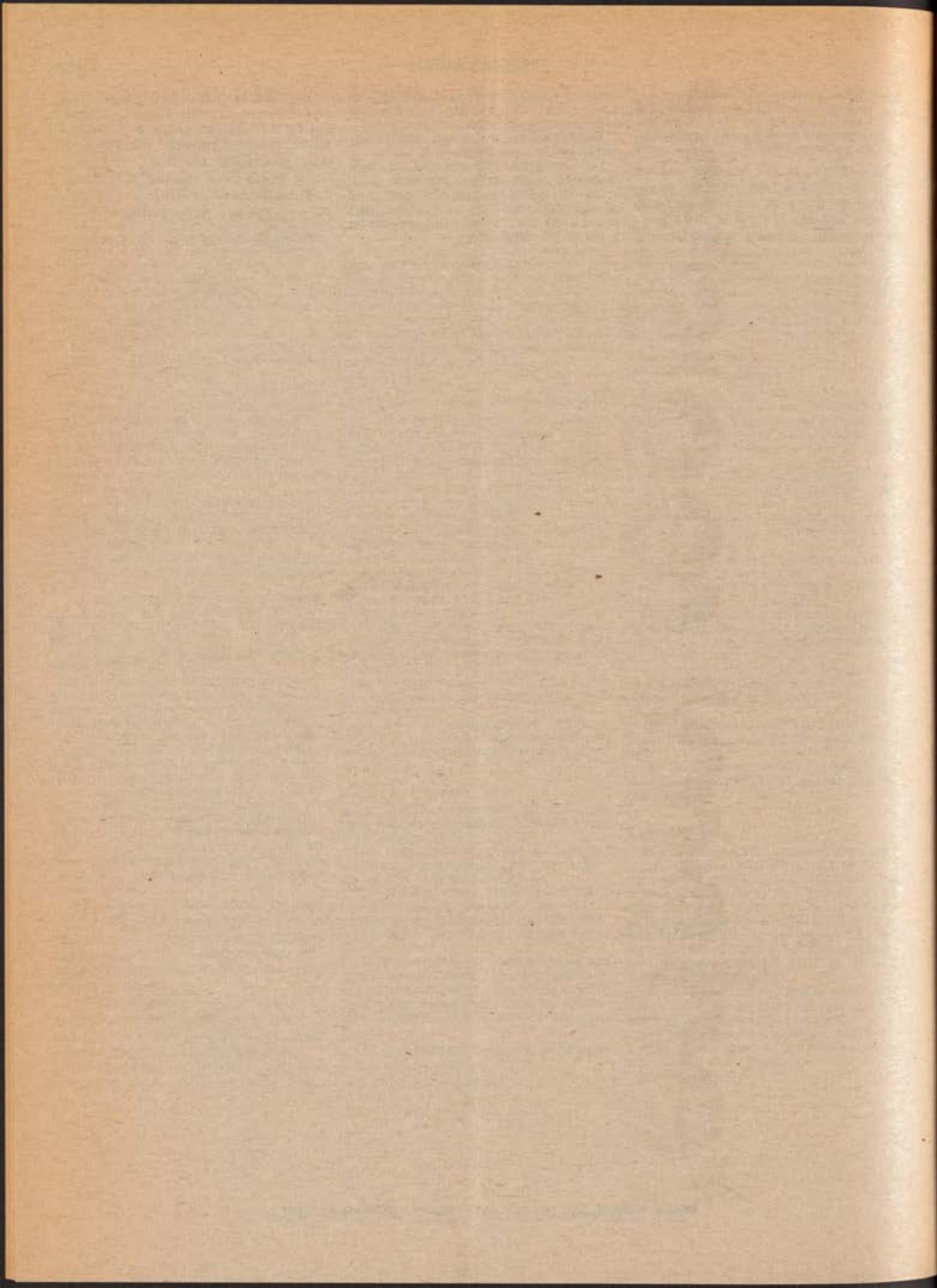
(b) Provision for separate program identities, activities, and budget;

(c) Consolidation of personnel and program functions to the fullest extent possible while still maintaining separate program identity; and

(d) Coordination and liaison with other Talent Search, Upward Bound, Special Services and Educational Opportunity Centers projects operating in close geographic proximity, including, where feasible, the sharing of facilities, staff, services and activities.

(20 U.S.C. 1070d-1; 1232c(b)(1))

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PART IV:

## **ENVIRONMENTAL PROTECTION AGENCY**



### **STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES**

**Modification, Notification and  
Reconstruction**

## Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL  
PROTECTION AGENCY

## SUBCHAPTER C—AIR PROGRAMS

[FRL 402-8]

PART 60—STANDARDS OF PERFORMANCE  
FOR NEW STATIONARY SOURCESModification, Notification, and  
Reconstruction

On October 15, 1974 (39 FR 36946), under section 111 of the Clean Air Act, as amended (42 U.S.C. 1857), the Environmental Protection Agency (EPA) proposed amendments to the general provisions of 40 CFR Part 60. These amendments included additions and revisions to clarify the definition of the term "modification" appearing in the Act, to require notification of construction or potential modification, and to clarify when standards of performance are applicable to reconstructed sources. These regulations apply to all stationary sources constructed or modified after the proposal date of an applicable standard of performance.

Interested parties participated in the rulemaking by sending comments to EPA. Fifty-three comment letters were received, 43 of which came from industry, with the remainder coming from State and Federal agencies. Copies of the comment letters received and a summary of the comments with EPA's responses are available for public inspection and copying at the EPA Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. In addition, copies of the comment summary and Agency responses may be obtained upon written request from the EPA Public Information Center (PM-215), 401 M Street SW., Washington, D.C. 20460 (specify Public Comment Summary—Modification, Notification, and Reconstruction). The comments have been carefully considered, and where determined by the Administrator to be appropriate, changes have been made to the proposed regulations and are incorporated in the regulations promulgated herein. The most significant comments and the differences between the proposed and promulgated regulations are discussed below.

## TERMINOLOGY

Understandably there has been some confusion as to the difference between the various types of "sources" and "facilities" defined in § 60.2 of these regulations. Generally speaking, "sources" are entire plants, while "facilities" are identifiable pieces of process equipment or individual components which when taken together would comprise a source. "Affected facilities" are facilities subject to standards of performance, and are specifically identified in the first section of each subpart of Part 60. An "existing facility" is generally a piece of equipment or component of the same type as an affected facility, but which differs in that it was constructed prior to the date of proposal of an applicable standard of performance. This distinction is somewhat complicated because an existing

facility which undergoes a modification within the meaning of the Act and these regulations becomes an affected facility. However, generally speaking, the distinction between "affected facilities" and "existing facilities" depends on the date of construction. The terms are intended to be the direct regulatory counterparts of the statutory definitions of "new source" and "existing source" appearing in section 111 of the Act.

"Designated facilities" form a subcategory of "existing facilities." A "designated facility" is an existing facility which emits a "designated pollutant," i.e., a pollutant which is neither a hazardous pollutant, as defined by section 112 of the Act, nor a pollutant subject to national ambient air quality standards. The term "designated facilities," however, has no special relevance to the issue of modification.

## DEFINITION OF "CAPITAL EXPENDITURE"

Several commentators argued that the proposed definition of "capital expenditure," as applicable to the exemption for increasing the production rate of an existing facility in § 60.14(e)(2), was too vague. The regulations promulgated herein correct this deficiency by incorporating by reference and by requiring the application of the procedure contained in Internal Revenue Service Publication 534, which is available from any IRS office. The procedure set forth in IRS Publication 534 is relatively straightforward. First, the total cost of increasing the production or operating rate must be determined. All expenditures necessary to increasing the facility's operating rate must be included in this total. However, for purposes of § 60.14(e)(2) this amount must not be reduced by any "excluded additions," as defined in IRS Publication 534, as would be done for tax purposes. Next, the facility's basis (usually its cost), as defined by Section 1012 of the Internal Revenue Code, must be determined. If the product of the appropriate "annual asset guideline repair allowance percentage" tabulated in Publication 534 and the facility's basis exceeds the cost of increasing the operating rate, the change will not be treated as a modification. Conversely, if the cost of making the change is more than the above product and the emissions have increased, the change will be treated as a modification.

The advantage of adopting the procedure in IRS Publication 534 is that firm and precise guidance is provided as to what constitutes a capital expenditure. The procedure involves concepts and information which are available to all owners and operators and with which they are familiar, and it is the Administrator's opinion that it adequately responds to the complaints of vagueness made in comments.

## NOTIFICATION OF CONSTRUCTION

The regulations promulgated herein contain a requirement that owners or operators notify EPA within 30 days of the commencement of construction of an affected facility. Some commentators, however, questioned the Agency's legal

authority to require such a notification and questioned the need for such information.

Section 301(a) of the Act provides the Administrator authority to issue regulations "necessary to carry out his functions under [the] Act." The Agency has learned through experience with administering the new source performance standards that knowledge of the sources which may become subject to the standards is important to the effective implementation of section 111. This notification will not be used for approval or disapproval of the planned construction; the purpose is to allow the Administrator to locate sources which will be subject to the regulations appearing in this part, and to enable the Administrator to inform the sources about applicable regulations in an effort to minimize future problems. In the case of mass produced facilities, which are purchased by the ultimate user when construction is completed, the construction notification requirement will not apply. Notification prior to startup, however will still be required.

## USE OF EMISSION FACTORS

The proposed regulations listed emission factors as one possible method to be used in determining whether a facility has increased its emissions. Emission factors have two major advantages. First, they are inexpensive to use. Second, they may be applied prospectively, i.e., they can be used in some cases to determine whether a particular change will increase a facility's emissions before the change is implemented. This is important to owners or operators since they can thereby obtain advance notice of the consequences of proposed changes they are planning prior to commitment to a particular course of action. Emission factors do not, however, provide results as precise as other methods, such as actual stack testing. Nevertheless, in many cases the emission consequences of a proposed change can be reliably predicted by the use of emission factors. In such cases, where emissions will clearly increase or will clearly not increase, the Agency will rely primarily on emission factors. Only where the resulting change in emission rate is ambiguous, or where a dispute arises as to the result obtained by the use of emission factors, will other methods be used. Section 60.14(b) has been revised to reflect this policy.

## THE "BUBBLE CONCEPT"

The phrase "bubble concept" has been used to refer to the trading off of emission increases from one facility undergoing a physical or operational change with emission reductions from another facility, in order to achieve no net increase in the amount of any air pollutant (to which a standard applies) emitted into the atmosphere by the stationary source taken as a whole.

Several commentators suggested that the "bubble concept" be extended to cover "new construction." Under the proposed regulations, the "bubble concept" could be utilized to offset emission increases

from a facility undergoing a physical or operational change (as distinguished from a "new facility") at a lower economic cost than would arise if the facility undergoing the change were to be considered by EPA as being modified within the meaning of section 111 of the Act and consequently required to meet standards of performance. Under the suggested approach a new facility could be added to an existing source without having to meet otherwise applicable standards of performance, provided the amount of any air pollutant (to which a standard applies) emitted into the atmosphere by the stationary source taken as a whole did not increase. If adopted, this suggestion could exempt most new construction at existing sources from having to comply with otherwise applicable standards of performance. Such an interpretation of the section 111 provisions of the Act would grant a significant and unfair economic advantage to owners or operators of existing sources replacing facilities with new construction as compared to someone wishing to construct an entirely new source.

If the bubble concept were extended to cover new construction, large sources of air pollution could avoid the application of new source performance standards indefinitely. Such sources could continually replace obsolete or worn out facilities with new facilities of the same type. If the same emission controls were adopted, no overall emission increase would result. In this manner, the source could continue indefinitely without ever being required to upgrade air pollution control systems to meet standards of performance for new facilities. The Administrator interprets section 111 to require that new producers of emissions be subject to the standards whether constructed at a new plant site or an existing one. Therefore, where a new facility is constructed, new source performance standards must be met. In situations involving physical or operational changes to an existing facility which increase emissions from that facility, greater flexibility is permitted to avoid the imposition of large control costs if the projected increase can be offset by controlling other plant facilities.

Several commentators argued that if the Administrator adopted the proposed interpretation of the term "modification", which would consider a modification to have occurred even if there was only a relatively minor detectable emission rate increase (thus requiring application of standards of performance), the Administrator would in effect prevent owners or operators from implementing physical or operational changes necessary to switch from gas and oil to coal in comport with the President's policy of reducing gas and oil consumption. The Administrator has concluded that if such situations exist, they will be relatively rare and, in any event, will be peculiar to the group of facilities covered by a particular standard of performance rather than to all facilities in general. Therefore, the Administrator has further concluded that it would be more appropriate to consider such circumstances

and possible avenues of relief in connection with the promulgation of or amendment to particular standards of performance rather than through the amendment of the general provisions of 40 CFR Part 60.

Where the use of the bubble concept is elected by an owner or operator, some guarantee is necessary to insure that emissions do not subsequently increase above the level present before the physical or operational change in question. For example, reducing a facility's operating rate is a permissible means of offsetting emission increases from another facility undergoing a physical or operational change. If the exemption provided by § 60.14(e)(2) as promulgated herein were subsequently used to increase the first facility's operating rate back to the prior level, the intent of the Act would be circumvented and the compliance measures previously adopted would be nullified. Therefore, in those cases where utilization of the exemptions under § 60.14(e)(2), (3), or (4) as promulgated herein would effectively negate the compliance measures originally adopted, use of those exemptions will not be permitted.

One limitation placed on utilization of the "bubble concept" by the proposed regulation was that emission reductions could be credited only if achieved at an "existing" or "affected" facility. The purpose of this requirement was to limit the "bubble concept" to those facilities which could be source tested by EPA reference methods. One commentator pointed out that some facilities other than "existing" or "affected" facilities (i.e., facilities of the type for which no standards have been promulgated) lend themselves to accurate emission measurement. Therefore, § 60.14(d) has been revised to permit emission reductions to be credited from all facilities whose emissions can be measured by reference, equivalent, or alternative methods, as defined in § 60.2 (s), (t), and (u). In addition, when a facility which cannot be tested by any of these methods is permanently closed, the regulations have been revised to permit emission rate reductions from such closures to be used to offset emission rate increases if methods such as emission factors clearly show, to the Administrator's satisfaction that the reduction offsets any increase. The regulation does not allow facilities which cannot be tested by any of these methods to reduce their production as a means of reducing emissions to offset emission rate increases because establishing allowable emissions for such facilities and monitoring compliance to insure that the allowable emissions are not exceeded would be very difficult and even impossible in many cases.

Also, under the proposed regulations applicable to the "bubble concept," actual emission testing was the only permissible method for demonstrating that there has been no increase in the total emission rate of any pollutant to which a standard applies from all facilities within the stationary source. Several commentators correctly argued that if methods such as emission factors are sufficiently accurate to determine emis-

sion rates under other sections of the regulation (i.e. § 60.14(b)), they should be adequate for the purposes of utilization of the bubble concept. Thus, the regulations have been revised to permit the use of emission factors in those cases where it can be demonstrated to the Administrator's satisfaction that they will clearly show that total emissions will or will not increase. Where the Administrator is not convinced of the reliability of emission factors in a particular case, other methods will be required.

#### OWNERSHIP CHANGE

The regulation has been amended by adding § 60.14(e)(6) which states that a change in ownership or relocating a source does not by itself bring a source under these modification regulations.

#### RECONSTRUCTION

Several commentators questioned the Agency's legal authority to propose standards of performance on reconstructed sources. Many commentators further believed that the Agency is attempting to delete the emission increase requirement from the definition of modification. The Agency's actual intent is to prevent circumvention of the law. Section 111 of the Act requires compliance with standards of performance in two cases, new construction and modification. The reconstruction provision is intended to apply where an existing facility's components are replaced to such an extent that it is technologically and economically feasible for the reconstructed facility to comply with the applicable standards of performance. In the case of an entirely new facility the proper time to apply the best adequately demonstrated control technology is when the facility is originally constructed. As explained in the preamble to the proposed regulation, the purpose of the reconstruction provision is to recognize that replacement of many of the components of a facility can be substantially equivalent to totally replacing it at the end of its useful life with a newly constructed affected facility. For existing facilities which substantially retain their character as existing facilities, application of best adequately demonstrated control technology is considered appropriate when any physical or operational change is made which causes an increase in emissions to the atmosphere (this is modification). Thus, the criteria for "reconstruction" are independent from the criteria for "modification."

Sections 60.14 and 60.15 set up the procedures and criteria to be used in making the determination to apply best adequately demonstrated control technology to existing facilities to which some changes have been made.

Under the proposed regulations, the replacement of a substantial portion of an existing facility's components constituted reconstruction. Many commentators questioned the meaning of "substantial portion." After considering the comments and the vagueness of this term, the Agency decided to revise the proposed reconstruction provisions to

better clarify to owners or operators what actions they must take and what action the Administrator will take. Section 60.15 of the regulations as revised specifies that reconstruction occurs upon replacement of components if the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility and it is technologically and economically feasible for the facility after the replacements to comply with the applicable standards of performance. The 50 percent replacement criteria is designed merely to key the notification to the Administrator; it is not an independent basis for the Administrator's determination. The term "fixed capital cost" is defined as the capital needed to provide all the depreciable components and is intended to include such things as the costs of engineering, purchase, and installation of major process equipment, contractors' fees, instrumentation, auxiliary facilities, buildings, and structures. Costs associated with the purchase and installation of air pollution control equipment (e.g., baghouses, electrostatic precipitators, scrubbers, etc.) are not considered in estimating the fixed capital cost of a comparable entirely new facility unless that control equipment is required as part of the process (e.g., product recovery).

The revised § 60.15 leaves the final determination with the Administrator as to when it is technologically and economically feasible to comply with the applicable standards of performance. Further clarification and definition is not possible because the spectrum of replacement projects that will take place in the future at existing facilities is so broad that it is not possible to be any more specific. Section 60.15 sets forth the criteria which the Administrator will use in making his determination. For example, if the estimated life of the facility after the replacements is significantly less than the estimated life of a new facility, the replacement may not be considered reconstruction. If the equipment being replaced does not emit or cause an emission of an air pollutant, it may be determined that controlling the components that do emit air pollutants is not reasonable considering cost, and standards of performance for new sources should not be applied. If there is insufficient space after the replacements at an existing facility to install the necessary air pollution control system to comply with the standards of performance, then reconstruction would not be determined to have occurred. Finally, the Administrator will consider all technical and economic limitations the facility may have in complying with the applicable standards of performance after the proposed replacements.

While § 60.15 expresses the basic Agency policy and interpretation regarding reconstruction, individual subparts may refine and delimit the concept as applied to individual categories of facilities.

#### RESPONSE TO REQUESTS FOR DETERMINATION

Section 60.5 has been revised to indicate that the Administrator will make a determination of whether an action by an owner or operator constitutes reconstruction within the meaning of § 60.15. Also, in response to a public comment, a new § 60.5(b) has been added to indicate the Administrator's intention to respond to requests for determinations within 30 days of receipt of the request.

#### STATISTICAL TEST

Appendix C of the regulation incorporates a statistical procedure for determining whether an emission increase has occurred. Several individuals commented on the procedure as proposed. After considering all these comments and conducting further study into the subject, the Administrator has determined that a statistical procedure is substantially superior to a method comparing average emissions, and that no other statistical procedure is clearly superior to the one adopted (Student's *t* test). A more detailed analysis of this issue can be found in EPA's responses to the comments mentioned previously.

**Effective date.** These regulations are effective on December 16, 1975. Since they represent a clarification of the Agency's existing enforcement policy, good cause is found for not delaying the effective date, as required by 5 U.S.C. 553(d)(3). However, the regulations will, in effect, apply retroactively to any enforcement activity now in progress since they do reflect present Agency policy.

(Sections 111, 114, and 301 of the Clean Air Act, as amended (42 U.S.C. 1857c-6, 1857c-9, and 1857g))

Dated: December 8, 1975.

RUSSELL E. TRAIN,  
Administrator.

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. The table of sections is amended by adding §§ 60.14 and 60.15 and Appendix C as follows:

#### Subpart A—General Provisions

Sec.  
60.14 Modification.  
60.15 Reconstruction.

#### Appendix C—Determination of Emission Rate Change.

2. In § 60.2, paragraphs (d) and (h) are revised and paragraphs (aa) and (bb) are added as follows:

#### § 60.2 Definitions.

(d) "Stationary source" means any building, structure, facility, or installation which emits or may emit any air pollutant and which contains any one or combination of the following:

- (1) Affected facilities.
- (2) Existing facilities.
- (3) Facilities of the type for which no standards have been promulgated in this part.

(h) "Modification" means any physical change in, or change in the method of operation of, an existing facility which increases the amount of any air pollutant (to which a standard applies) emitted into the atmosphere by that facility or which results in the emission of any air pollutant (to which a standard applies) into the atmosphere not previously emitted.

(aa) "Existing facility" means, with reference to a stationary source, any apparatus of the type for which a standard is promulgated in this part, and the construction or modification of which was commenced before the date of proposal of that standard; or any apparatus which could be altered in such a way as to be of that type.

(bb) "Capital expenditure" means an expenditure for a physical or operational change to an existing facility which exceeds the product of the applicable "annual asset guideline repair allowance percentage" specified in the latest edition of Internal Revenue Service Publication 534 and the existing facility's basis, as defined by section 1012 of the Internal Revenue Code.

3. Section 60.5 is revised to read as follows:

#### § 60.5 Determination of construction or modification.

(a) When requested to do so by an owner or operator, the Administrator will make a determination of whether action taken or intended to be taken by such owner or operator constitutes construction (including reconstruction) or modification or the commencement thereof within the meaning of this part.

(b) The Administrator will respond to any request for a determination under paragraph (a) of this section within 30 days of receipt of such request.

4. In § 60.7, paragraphs (a)(1) and (a)(2) are revised, and paragraphs (a)(3), (a)(4), and (e) are added as follows:

#### § 60.7 Notification and recordkeeping.

(a) Any owner or operator subject to the provisions of this part shall furnish the Administrator written notification as follows:

(1) A notification of the date construction (or reconstruction as defined under § 60.15) of an affected facility is commenced postmarked no later than 30 days after such date. This requirement shall not apply in the case of mass-produced facilities which are purchased in completed form.

(2) A notification of the anticipated date of initial startup of an affected facility postmarked not more than 60 days nor less than 30 days prior to such date.

(3) A notification of the actual date of initial startup of an affected facility postmarked within 15 days after such date.

(4) A notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless that change is spe-

ifically exempted under an applicable subpart or in § 60.14(e) and the exemption is not denied under § 60.14(d)(4). This notice shall be postmarked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change. The Administrator may request additional relevant information subsequent to this notice.

(e) If notification substantially similar to that in paragraph (a) of this section is required by any other State or local agency, sending the Administrator a copy of that notification will satisfy the requirements of paragraph (a) of this section.

5. Subpart A is amended by adding §§ 60.14 and 60.15 as follows:

§ 60.14 Modification.

(a) Except as provided under paragraphs (d), (e) and (f) of this section, any physical or operational change to an existing facility which results in an increase in the emission rate to the atmosphere of any pollutant to which a standard applies shall be considered a modification within the meaning of section 111 of the Act. Upon modification, an existing facility shall become an affected facility for each pollutant to which a standard applies and for which there is an increase in the emission rate to the atmosphere.

(b) Emission rate shall be expressed as kg/hr of any pollutant discharged into the atmosphere for which a standard is applicable. The Administrator shall use the following to determine emission rate:

(1) Emission factors as specified in the latest issue of "Compilation of Air Pollutant Emission Factors," EPA Publication No. AP-42, or other emission factors determined by the Administrator to be superior to AP-42 emission factors, in cases where utilization of emission factors demonstrate that the emission level resulting from the physical or operational change will either clearly increase or clearly not increase.

(2) Material balances, continuous monitor data, or manual emission tests in cases where utilization of emission factors as referenced in paragraph (b) of this section does not demonstrate to the Administrator's satisfaction whether the emission level resulting from the physical or operational change will either clearly increase or clearly not increase, or where an owner or operator demonstrates to the Administrator's satisfaction that there are reasonable grounds to dispute the result obtained by the Administrator utilizing emission factors as referenced in paragraph (b) (1) of this section. When the emission rate is based on results from manual emission tests or continuous monitoring systems, the procedures specified in Appendix C of this part shall be used to determine whether an increase in emission rate has occurred. Tests shall be conducted under

such conditions as the Administrator shall specify to the owner or operator based on representative performance of the facility. At least three valid test runs must be conducted before and at least three after the physical or operational change. All operating parameters which may affect emissions must be held constant to the maximum feasible degree for all test runs.

(c) The addition of an affected facility to a stationary source as an expansion to that source or as a replacement for an existing facility shall not by itself bring within the applicability of this part any other facility within that source.

(d) A modification shall not be deemed to occur if an existing facility undergoes a physical or operational change where the owner or operator demonstrates to the Administrator's satisfaction (by any of the procedures prescribed under paragraph (b) of this section) that the total emission rate of any pollutant has not increased from all facilities within the stationary source to which appropriate reference, equivalent, or alternative methods, as defined in § 60.2 (s), (t) and (u), can be applied. An owner or operator may completely and permanently close any facility within a stationary source to prevent an increase in the total emission rate regardless of whether such reference, equivalent or alternative method can be applied, if the decrease in emission rate from such closure can be adequately determined by any of the procedures prescribed under paragraph (b) of this section. The owner or operator of the source shall have the burden of demonstrating compliance with this section.

(1) Such demonstration shall be in writing and shall include: (i) The name and address of the owner or operator.

(ii) The location of the stationary source.

(iii) A complete description of the existing facility undergoing the physical or operational change resulting in an increase in emission rate, any applicable control system, and the physical or operational change to such facility.

(iv) The emission rates into the atmosphere from the existing facility of each pollutant to which a standard applies determined before and after the physical or operational change takes place, to the extent such information is known or can be predicted.

(v) A complete description of each facility and the control systems, if any, for those facilities within the stationary source where the emission rate of each pollutant in question will be decreased to compensate for the increase in emission rate from the existing facility undergoing the physical or operational change.

(vi) The emission rates into the atmosphere of the pollutants in question from each facility described under paragraph (d) (1) (v) of this section both before and after the improvement or installation of any applicable control system or any physical or operational

changes to such facilities to reduce emission rate.

(vii) A complete description of the procedures and methods used to determine the emission rates.

(2) Compliance with paragraph (d) of this section may be demonstrated by the methods listed in paragraph (b) of this section, where appropriate. Decreases in emissions resulting from requirements of a State implementation plan approved or promulgated under Part 52 of this chapter will not be acceptable. The required reduction in emission rate may be accomplished through the installation or improvement of a control system or through physical or operational changes to facilities including reducing the production of a facility or closing a facility.

(3) Emission rates established for the existing facility which is undergoing a physical or operational change resulting in an increase in the emission rate, and established for the facilities described under paragraph (d) (1) (v) of this section shall become the baseline for determining whether such facilities undergo a modification or are in compliance with standards.

(4) Any emission rate in excess of that rate established under paragraph (d) (3) of this section shall be a violation of these regulations except as otherwise provided in paragraph (e) of this section. However, any owner or operator electing to demonstrate compliance under this paragraph (d) must apply to the Administrator to obtain the use of any exemptions under paragraphs (e) (2), (e) (3), and (e) (4) of this section. The Administrator will grant such exemption only if, in his judgment, the compliance originally demonstrated under this paragraph will not be circumvented or nullified by the utilization of the exemption.

(5) The Administrator may require the use of continuous monitoring devices and compliance with necessary reporting procedures for each facility described in paragraph (d) (1) (iii) and (d) (1) (v) of this section.

(e) The following shall not, by themselves, be considered modifications under this part:

(1) Maintenance, repair, and replacement which the Administrator determines to be routine for a source category, subject to the provisions of paragraph (c) of this section and § 60.15.

(2) An increase in production rate of an existing facility, if that increase can be accomplished without a capital expenditure on the stationary source containing that facility.

(3) An increase in the hours of operation.

(4) Use of an alternative fuel or raw material if, prior to the date any standard under this part becomes applicable to that source type, as provided by § 60.1, the existing facility was designed to accommodate that alternative use. A facility shall be considered to be designed to accommodate an alternative fuel or raw material if that use could be accomplished under the facility's construction

specifications, as amended, prior to the change. Conversion to coal required for energy considerations, as specified in section 119(d)(5) of the Act, shall not be considered a modification.

(5) The addition or use of any system or device whose primary function is the reduction of air pollutants, except when an emission control system is removed or is replaced by a system which the Administrator determines to be less environmentally beneficial.

(6) The relocation or change in ownership of an existing facility.

(f) Special provisions set forth under an applicable subpart of this part shall supersede any conflicting provisions of this section.

(g) Within 180 days of the completion of any physical or operational change subject to the control measures specified in paragraphs (a) or (d) of this section, compliance with all applicable standards must be achieved.

#### § 60.15 Reconstruction.

(a) An existing facility, upon reconstruction, becomes an affected facility, irrespective of any change in emission rate.

(b) "Reconstruction" means the replacement of components of an existing facility to such an extent that:

(1) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility, and

(2) It is technologically and economically feasible to meet the applicable standards set forth in this part.

(c) "Fixed capital cost" means the capital needed to provide all the depreciable components.

(d) If an owner or operator of an existing facility proposes to replace components, and the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility, he shall notify the Administrator of the proposed replacements. The notice must be postmarked 60 days (or as soon as practicable) before construction of the replacements is commenced and must include the following information:

(1) Name and address of the owner or operator.

(2) The location of the existing facility.

(3) A brief description of the existing facility and the components which are to be replaced.

(4) A description of the existing air pollution control equipment and the proposed air pollution control equipment.

(5) An estimate of the fixed capital cost of the replacements and of constructing a comparable entirely new facility.

(6) The estimated life of the existing facility after the replacements.

(7) A discussion of any economic or technical limitations the facility may have in complying with the applicable standards of performance after the proposed replacements.

(e) The Administrator will determine, within 30 days of the receipt of the notice required by paragraph (d) of this section and any additional information he may reasonably require, whether the proposed replacement constitutes reconstruction.

(f) The Administrator's determination under paragraph (e) shall be based on:

(1) The fixed capital cost of the replacements in comparison to the fixed capital cost that would be required to construct a comparable entirely new facility;

(2) The estimated life of the facility after the replacements compared to the life of a comparable entirely new facility;

(3) The extent to which the components being replaced cause or contribute to the emissions from the facility; and

(4) Any economic or technical limitations on compliance with applicable standards of performance which are inherent in the proposed replacements.

(g) Individual subparts of this part may include specific provisions which refine and delimit the concept of reconstruction set forth in this section.

6. Part 60 is amended by adding Appendix C as follows:

#### APPENDIX C—DETERMINATION OF EMISSION RATE CHANGE

1. Introduction.  
1.1 The following method shall be used to determine whether a physical or operational change to an existing facility resulted in an increase in the emission rate to the atmosphere. The method used is the Student's *t* test, commonly used to make inferences from small samples.

2. Data.  
2.1 Each emission test shall consist of *n* runs (usually three) which produce *n* emission rates. Thus two sets of emission rates are generated, one before and one after the change, the two sets being of equal size.

2.2 When using manual emission tests, except as provided in § 60.8(b) of this part, the reference methods of Appendix A to this part shall be used in accordance with the procedures specified in the applicable subpart both before and after the change to obtain the data.

2.3 When using continuous monitors, the facility shall be operated as if a manual emission test were being performed. Valid data using the averaging time which would be required if a manual emission test were being conducted shall be used.

3. Procedure.  
3.1 Subscripts *a* and *b* denote prechange and post-change respectively.

3.2 Calculate the arithmetic mean emission rate,  $\bar{E}$ , for each set of data using Equation 1.

$$\bar{E} = \frac{\sum_{i=1}^n E_i}{n} = \frac{E_1 + E_2 + \dots + E_n}{n} \quad (1)$$

where:  
 $E_i$  = Emission rate for the *i*th run.  
*n* = number of runs

3.3 Calculate the sample variance,  $S^2$ , for each set of data using Equation 2.

$$S^2 = \frac{\sum_{i=1}^n (E_i - \bar{E})^2}{n-1} = \frac{\sum_{i=1}^n E_i^2 - \left(\sum_{i=1}^n E_i\right)^2 / n}{n-1} \quad (2)$$

3.4 Calculate the pooled estimate,  $S_p$ , using Equation 3.

$$S_p = \left[ \frac{(n_a - 1) S_a^2 + (n_b - 1) S_b^2}{n_a + n_b - 2} \right]^{1/2} \quad (3)$$

3.5 Calculate the test statistic, *t*, using Equation 4.

$$t = \frac{\bar{E}_b - \bar{E}_a}{S_p \left[ \frac{1}{n_a} + \frac{1}{n_b} \right]^{1/2}} \quad (4)$$

4. Results.  
4.1 If  $\bar{E}_b > \bar{E}_a$  and  $t > t'$ , where  $t'$  is the critical value of *t* obtained from Table 1, then with 95% confidence the difference between  $\bar{E}_b$  and  $\bar{E}_a$  is significant, and an increase in emission rate to the atmosphere has occurred.

TABLE 1

Degree of freedom ( $n_a + n_b - 2$ ):	$t'$ (95 percent confidence level)
2	2.920
3	2.353
4	2.132
5	2.015
6	1.943
7	1.895
8	1.860

For greater than 8 degrees of freedom, see any standard statistical handbook or text.

5.1 Assume the two performance tests produced the following set of data:

Test a:	Test b:
Run 1. 100	115
Run 2. 95	120
Run 3. 110	125

5.2 Using Equation 1—

$$\bar{E}_a = \frac{100 + 95 + 110}{3} = 102$$

$$\bar{E}_b = \frac{115 + 120 + 125}{3} = 120$$

5.3 Using Equation 2—

$$S_a^2 = \frac{(100 - 102)^2 + (95 - 102)^2 + (110 - 102)^2}{3 - 1} = 58.5$$

$$S_b^2 = \frac{(115 - 120)^2 + (120 - 120)^2 + (125 - 120)^2}{3 - 1} = 25$$

5.4 Using Equation 3—

$$S_p = \left[ \frac{(3-1)(58.5) + (3-1)(25)}{3+3-2} \right]^{1/2} = 6.46$$

5.5 Using Equation 4—

$$t = \frac{120 - 102}{6.46 \left[ \frac{1}{3} + \frac{1}{3} \right]^{1/2}} = 3.412$$

5.6 Since  $(n_1 + n_2 - 2) = 4$ ,  $t' = 2.132$  (from Table 1). Thus since  $t > t'$  the difference in the values of  $\bar{E}_a$  and  $\bar{E}_b$  is significant, and there has been an increase in emission rate to the atmosphere.

6. Continuous Monitoring Data.

6.1 Hourly averages from continuous monitoring devices, where available, should be used as data points and the above procedure followed.

(Sec. 111 and 114 of the Clean Air Act, as amended by sec. 4(a) of Pub. L. 91-604, 84 Stat 1678 (42 U.S.C. 1857c-6, 1857c-9))

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