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FRIDAY, JANUARY 9, 1976

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1934

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NOTE: There were no items published after October 1, 1972, that are eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

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

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federal register

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

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Action

Schedule B, § 213.3259 is amended to show that total employment in positions of Regional Director for Domestic and Anti-Poverty Operations under this authority may not exceed 4 years, 3 months.

Effective January 9, 1976, § 213.3259 (a) (2) is amended as set forth below:

§ 213.3259 ACTION.

(a) *Office of Domestic and Anti-Poverty Operations.* * * *

(2) Not to exceed ten positions of Regional Director, GS–15. Employment under this authority may not exceed 2 years: *Provided,* That the Director of ACTION may extend appointments made under this authority for up to an additional 2 years, 3 months if he deems such action essential to the accomplishment of agency goals. No one may be initially appointed under this authority after March 31, 1976.

* * * * *

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

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

[FR Doc.76–834 Filed 1–8–76;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Special Assistant to the Deputy Assistant Secretary for Legislation (Congressional Liaison) is established in lieu of one position of Assistant to the Assistant Secretary for Legislation.

Effective on January 9, 1976, § 213.3316 (f) (5) is revoked and (f) (10) is amended as set out below:

§ 213.3316 **Department of Health, Education, and Welfare.**

* * * * *

(f) *Office of the Assistant Secretary for Legislation.* * * *

(5) [Revoked.]

* * * * *

(10) Five Special Assistants to the Deputy Assistant Secretary for Congressional Liaison.

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

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

[FR Doc.76–619 Filed 1–8–76;8:45 am]

Title 7—Agriculture

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

PART 401—FEDERAL CROP INSURANCE

Regulations for the 1969 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR BARLEY CROP INSURANCE; 1977 CROP

Pursuant to the authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for barley crop insurance for the 1977 crop year.

ARIZONA

Maricopa
Pinal
Yuma

CALIFORNIA

Fresno
Kern
Kings
Madera
Merced
Modoc
Stanislaus
Tulare
San Joaquin

COLORADO

Boulder
Larimer
Morgan
Weld

IDAHO

Ada
Bannock
Benewah
Bingham
Bonneville
Camas
Canyon
Caribou
Cassia
Franklin
Fremont
Gooding
Idaho
Jefferson
Jerome
Kootenai
Latah
Lewis
Lincoln
Madison
Minidoka
Nez Perce
Oneida
Owyhee
Power
Teton
Twin Falls

MARYLAND

Caroline
Kent
Queen Annes

MINNESOTA

Becker
Big Stone
Chippewa
Clay
Douglas
Grant
Kittson
Mahnomen
Marshall
Norman
Otter Tail
Pennington
Polk
Pope
Red Lake
Stevens
Swift
Traverse
Wilkin

MONTANA

Big Horn
Blaine
Carbon
Cascade
Chouteau
Daniels
Dawson
Fallon
Fergus
Glacier
Golden Valley
Hill
Judith Basin
Liberty
McCone
Musselshell
Phillips
Pondera
Prairie
Richland
Roosevelt
Rosebud
Sheridan
Stillwater
Teton
Toole
Valley
Wheatland
Yellowstone

NORTH DAKOTA

Barnes
Benson
Bottineau
Burke
Burleigh
Cass
Cavalier
Dickey
Divide
Dunn
Eddy
Emmons
Foster
Golden Valley
Grand Forks
Grant
Griggs
Hettinger
Kidder
La Moure
Logan
McHenry
McKenzie
McLean
Mercer
Mountrail
Nelson
Oliver
Pembina
Pierce
Ramsey
Ransom
Renville
Richland
Rolette
Sargent
Sheridan
Stark
Steele
Stutsman
Towner
Traill
Walsh
Ward
Wells
Williams

OREGON

Gilliam
Jefferson
Klamath
Linn
Malheur
Morrow
Sherman
Umatilla
Union
Wallowa
Wasco
Wheeler

PENNSYLVANIA

Adams
Chester
Cumberland
Dauphin
Franklin
Lebanon
York

SOUTH DAKOTA

Beadle
Brookings
Brown
Clark
Codington
Day
Deuel
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Faulk
Grant
Hamlin
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UTAH

Cache
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WASHINGTON

Adams
Asotin
Columbia
Franklin
Garfield
Grant
Klickitat
Lincoln
Spokane
Walla Walla
Whitman

WYOMING

Big Horn	Park
Goshen	Washakie

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

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

[FR Doc.76-741 Filed 1-8-76;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Regulations for the 1969 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR SUGAR BEET CROP INSURANCE; 1977 CROP

Pursuant to the authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for sugar beet crop insurance for the 1977 crop year.

CALIFORNIA

Fresno	Merced
Imperial	Stanislaus
Kern	Tulare
Kings	San Joaquin
Madera	

COLORADO

Adams	Morgan
Boulder	Phillips
Kit Carson	Sedgewick
Larimer	Weld
Logan	Yuma

IDAHO

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

KANSAS

Finney	Sherman
Grant	Stanton
Kearny	Wallace

MICHIGAN

Bay	Saginaw
Huron	Tuscola

MINNESOTA

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

MONTANA

Carbon	Rosebud
Custer	Stillwater
Dawson	Treasure
Prairie	Yellowstone
Richland	

NEBRASKA

Box Butte	Scots Bluff
Morrill	

NORTH DAKOTA

Cass	Richland
Grand Forks	Traill
McKenzie	Walsh
Pembina	Williams

OHIO

Hancock	Putnam
Henry	Sandusky
Lucas	Wood
Ottowa	

OREGON

Malheur

UTAH

Box Elder	Salt Lake
Cache	Utah
Davis	Weber

WASHINGTON

Adams	Grant
Benton	Yakima
Franklin	

WYOMING

Big Horn	Park
Goshen	Washakie

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

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

[FR Doc.76-743 Filed 1-8-76;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Regulations for the 1969 and Succeeding Crop Years

APPENDIX — COUNTIES DESIGNATED FOR SUGARCANE CROP INSURANCE; 1977 CROP

Pursuant to the authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for sugarcane crop insurance for the 1977 crop year.

LOUISIANA

Ascension	St. James
Assumption	St. John the Baptist
Iberia	St. Martin
Iberville	St. Mary
Lafayette	Terrebonne
Lafourche	West Baton Rouge
Pointe Coupee	

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

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

[FR Doc.76-742 Filed 1-8-76;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Regulations for the 1969 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR WHEAT CROP INSURANCE; 1977 CROP

Pursuant to the authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for wheat crop insurance for the 1977 crop year.

ARIZONA

Maricopa	Yuma
Pinal	

ARKANSAS

Chicot	Desha
Clay	Greene
Craighead	Mississippi
Crittenden	Poinsett
Cross	St. Francis

CALIFORNIA

Fresno	Merced
Imperial	Modoc
Kern	Stanislaus
Kings	Tulare
Madera	San Joaquin

COLORADO

Adams	Logan
Arapahoe	Morgan
Cheyenne	Phillips
Elbert	Sedgewick
Kit Carson	Washington
Larimer	Weld
Lincoln	Yuma

GEORGIA

Houston

IDAHO

Ada	Jefferson
Bannock	Jerome
Benewah	Kootenai
Bingham	Latah
Bonneville	Lewis
Camas	Lincoln
Canyon	Madison
Caribou	Minidoka
Cassia	Nez Perce
Franklin	Oneida
Fremont	Power
Gooding	Teton
Idaho	Twin Falls

ILLINOIS

Adams	Logan
Bond	McDonough
Brown	McClean
Cass	Macon
Champagne	Macoupin
Christian	Madison
Clark	Marion
Clay	Mason
Clinton	Menard
Coles	Monroe
Crawford	Montgomery
Cumberland	Morgan
Dewitt	Moultrie
Douglas	Piatt
Edgar	Pike
Effingham	Randolph
Fayette	Richland
Fulton	St. Clair
Greene	Sangamon
Hancock	Schuyler
Iroquois	Scott
Jasper	Shelby
Jefferson	Tazewell
Jersey	Vermilion
Kankakee	Washington
Lawrence	Wayne

INDIANA

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

INDIANA—Continued

Sullivan
Tippecanoe
Tipton
Union
Vermillion
Vigo
Wabash
Warren
Wayne
Wells
White
Whitley

KANSAS

Allen
Anderson
Atchison
Barber
Barton
Bourbon
Brown
Butler
Chase
Chautaugua
Cherokee
Cheyenne
Clark
Clay
Cloud
Coffey
Comanche
Cowley
Crawford
Decatur
Dickinson
Doniphan
Douglas
Edwards
Elk
Ellis
Ellsworth
Finney
Ford
Franklin
Geary
Gove
Graham
Grant
Gray
Greeley
Greenwood
Hamilton
Harper
Harvey
Haskell
Hodgeman
Jackson
Jefferson
Jewell
Johnson
Kearney
Kingham
Kiowa
Labette
Lane
Lincoln
Linn
Logan
Lyon
McPherson
Marion
Marshall
Meade
Miami
Mitchell
Montgomery
Morris
Nemaha
Neosho
Ness
Norton
Osage
Osborne
Ottawa
Pawnee
Phillips
Pottawatomie
Pratt
Rawlins
Reno
Republic
Rice
Riley
Rooks
Rush
Russell
Saline
Scott
Sedgewick
Seward
Shawnee
Sheridan
Sherman
Smith
Stafford
Stanton
Stevens
Sumner
Thomas
Trego
Wabaunsee
Wallace
Washington
Wichita
Wilson
Woodson

KENTUCKY

Christian

MARYLAND

Caroline
Kent
Queen Annes

MICHIGAN

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

MINNESOTA

Becker
Big Stone
Blue Earth
Chippewa
Clay
Dakota
Douglas
Faribault
Freeborn
Grant
Kandiyohi
Kittson

MINNESOTA—Continued

Lac qui Parle
LeSueur
Lincoln
Mahnomen
Marshall
Meeker
Norman
Otter Tail
Pennington
Polk
Pope
Red Lake
Redwood
Renville
Roseau
Stevens
Swift
Traverse
Waseca
Wilkin
Yellow Medicine

MISSISSIPPI

Bolivar
Coahoma
Humphreys
Quitman
Sharkey
Sunflower
Tallahatchie
Tunica
Washington

MISSOURI

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

MONTANA

Big Horn
Blaine
Carbon
Cascade
Chouteau
Custer
Daniels
Dawson
Fallon
Fergus
Glacier
Golden Valley
Hill
Judith Basin
Liberty
McCone
Musselshell
Petroleum
Phillips
Pondera
Prairie
Richland
Roosevelt
Rosebud
Sheridan
Stillwater
Teton
Toole
Treasure
Valley
Wheatland
Wibaux
Yellowstone

NEBRASKA

Adams
Banner
Box Butte
Butler
Cass
Chase
Cheyenne
Clay
Dawes
Dueul
Dodge
Fillmore
Franklin
Frontier
Furnas
Gage
Garden
Gosper
Hall
Hamilton
Harlan
Hayes
Hitchcock
Jefferson
Johnson
Kearney
Keith
Kimball
Lancaster
Lincoln
Merrick
Morrill

NEBRASKA—Continued

Nance
Nemaha
Nuckolls
Otoe
Pawnee
Perkins
Phelps
Polk
Red Willow
Richardson
Saline
Saunders
Scotts Bluff
Seward
Sheridan
Thayer
Washington
Webster
York

NEW MEXICO

Curry

NORTH DAKOTA

Adams
Barnes
Benson
Bottineau
Bowman
Burke
Burleigh
Cass
Cavalier
Dickey
Divide
Dunn
Eddy
Emmons
Foster
Golden Valley
Grand Forks
Grant
Griggs
Hettinger
Kidder
La Moure
Logan
McHenry
McIntosh
McKenzie
McLean
Mercer
Morton
Mountrail
Nelson
Oliver
Pembina
Pierce
Ramsey
Renville
Richland
Rolette
Sargent
Sheridan
Sioux
Slope
Stark
Steele
Stutsman
Towner
Traill
Walsh
Ward
Wells
Williams

OHIO

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

OKLAHOMA

Alfalfa
Beaver
Beckham
Blaine
Caddo
Canadian
Comanche
Cotton
Craig
Custer
Delaware
Dewey
Ellis
Garfield
Grady
Grant
Greer
Harmon
Harper
Jackson
Kay
Kingfisher
Kiowa
Logan
Major
Mayes
Noble
Nowata
Osage
Ottawa
Pawnee
Payne
Texas
Tillman
Williams

OKLAHOMA—Continued

Washita	Woodward
Woods	

OREGON

Gilliam	Sherman
Jefferson	Umatilla
Klamath	Union
Linn	Wallowa
Malheur	Wasco
Morrow	Wheeler

PENNSYLVANIA

Adams	Lancaster
Chester	Lebanon
Cumberland	Perry
Dauphin	York
Franklin	

SOUTH DAKOTA

Aurora	Hughes
Beadle	Hutchinson
Bennett	Hyde
Bon Homme	Jones
Brown	Kingsbury
Campbell	Lyman
Clark	McPherson
Codington	Marshall
Corson	Mellette
Day	Miner
Deuel	Perkins
Dewey	Potter
Douglas	Roberts
Edmunds	Spink
Faulk	Stanley
Grant	Sully
Haakon	Tripp
Hamlin	Walworth
Hand	

TENNESSEE

Dyer	Obion
Lake	Robertson
Lauderdale	

TEXAS

Baylor	Hansford
Carson	Hartley
Castro	Hutchinson
Collin	Jones
Cooke	Knox
Dallam	Lipscomb
Deaf Smith	Moore
Denton	Ochiltree
Fannin	Oldham
Floyd	Parmer
Foard	Randall
Gray	Sherman
Grayson	Swisher
Hale	Wilbarger

UTAH

Box Elder	Salt Lake
Cache	Utah
Davis	Weber

WASHINGTON

Adams	Klickitat
Asotin	Lincoln
Benton	Okanogan
Columbia	Spokane
Douglas	Walla Walla
Franklin	Whitman
Garfield	Yakima
Grant	

WYOMING

Goshen	Platte
Laramie	

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

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

[FR Doc.76-740 Filed 1-8-76;8:45 am]

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1976 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas

NATIONAL MARKETING QUOTA REFERENDUM RESULT

Section 722.564 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This section announces the result of the national marketing quota referendum with respect to the 1976 crop of extra long staple cotton held during the period December 8 to 12, 1975, each inclusive.

Since the only purpose of § 722.564 is to announce the referendum result, it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is unnecessary. Accordingly, § 722.564 shall be effective on January 6, 1976. The material previously appearing in this section as "Subpart—1975 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas" remains in full force and effect as to the crop to which it was applicable.

The title to the subpart is amended to read as set forth above and § 722.564 is amended to read as follows:

§ 722.564 Result of the national marketing quota referendum for the 1976 crop of extra long staple cotton.

(a) *Referendum period.* The national marketing quota referendum for the 1976 crop of extra long staple cotton was held by mail ballot during the period December 8 to 12, 1975, each inclusive, in accordance with § 722.561 (40 FR 48685) and Part 717 of this chapter.

(b) *Farmers voting.* A total of 1,070 farmers engaged in the production of the 1975 crop of extra long staple cotton voted in the referendum. Of those voting, 966 farmers, or 90.3 percent, favored the 1976 national marketing quota, and 104 farmers, or 9.7 percent, opposed the 1976 national marketing quota.

(c) *1976 national marketing quota continues in effect.* The national marketing quota for the 1976 crop of extra long staple cotton of 82,481 bales proclaimed in § 722.558 (40 FR 48685) shall continue in effect since two-thirds or more of the extra long staple cotton farmers voting in the referendum favored the quota.

(Sec. 343, 63 Stat. 670, as amended (7 U.S.C. 1343))

Effective date. These amendments become effective on January 6, 1976.

Signed at Washington, D.C., on January 6, 1976.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.76-584 Filed 1-6-76;10:31 am]

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

[Lemon Reg. 21]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period January 11–17, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.3210 Lemon Regulation 21.

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

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

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is good this week on all sizes and grades. Average f.o.b. price was $5.52 per carton this week ended January 3, 1976, compared to $5.82 per carton the previous week. Track and rolling supplies at 115 cars were down 65 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication

hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available an dthe time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any spcial preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 6, 1976.

(b) *Order* (1) The quantity of lemons grown in California and Arizona which may be handled during the period January 11, 1976, through January 17, 1976, is hereby fixed at 210,000 cartons.

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

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

Dated: January 8, 1976.

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

[FR Doc.76–943 Filed 1–8–76;11:31 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75–28–NW–AD; Amdt. 39–2487]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 737 Series Airplanes

It has come to the attention of the FAA that the floor beam attaching angle tieing the floor beam to the frame on the left hand side at fuselage station 907 may not have been installed at time of manufacture. Omission of the angle may result in noncompliance with the 9G minor crash landing conditions of FAR 25, depending on seating configuration. Since this condition is likely to exist in other airplanes of the same type design, an airworthiness directive is being issued to require installation of the angle by December 31, 1976.

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

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

BOEING: Applies to all Boeing Model 737 series airplanes certificated in all categories. Compliance required as indicated.

To assure that passenger seats situated over left hand body station 907 will be restrained if subjected to a minor crash landing as required by FAR 25.561, unless already accomplished, by December 31, 1976, install the floor beam attaching angle in accordance with Boeing Service Bulletin No. 737–53–1044, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

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

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

This amendment becomes effective January 23, 1976.

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

Issued in Seattle, Wash., December 30, 1975.

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

NOTE: The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.76–657 Filed 1–8–76;8:45 am]

[Docket No. 75–GL–26, Amdt. 39–2485]

PART 39—AIRWORTHINESS DIRECTIVES

Grumman American Model AA–5B

There have been failures of the upper engine cowl hinge assemblies on Grumman American Model AA–5B airplanes that could result in the loss of the engine cowl. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require periodic inspections and subsequent modification of the upper engine cowl hinge assembly of Grumman American Model AA–5B airplanes.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697) and (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

GRUMMAN AMERICAN. Applies to Grumman American Model AA–5B airplanes, serial numbers AA5B–0001 through AA5B–0169, AA5B–0171, and AA5B–180 through AA5B–0183, certificated in all categories.

Compliance required as indicated, unless already accomplished.

To prevent failure of the upper engine cowl, accomplish the following:

(a) Visually check the upper engine cowl hinge assembly adjacent to the forward and aft attach brackets for cracks,

(1) Within the next 15 hours' time in service after the effective date of this airworthiness directive, or within 50 hours' total time in service, whichever occurs last, and

(2) Thereafter at intervals not to exceed 15 hours' time in service from the last inspection until modified in accordance with paragraph (b) below.

(b) Replace the upper engine cowl hinge assembly with Grumman American Part Number 5101030–901 hinge assembly in accordance with Grumman American Service Bulletin No. 152 dated December 24, 1975 or later FAA approved revision thereto.

(1) Before further flight if cracks are found, but

(2) No later than 100 hours' time in service from the effective date of this airworthiness directive.

Equivalent modification may be approved by the Chief, Engineering and Manufacturing Inspection Branch, FAA Great Lakes Region.

The checks for cracks required by this AD constitute preventive maintenance and may be performed by persons authorized to perform preventive maintenance under Federal Aviation Regulations, Part 43.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Grumman American Aviation Corporation, 318 Bishop Road, Cleveland, Ohio 44143. These documents may also be examined at FAA Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018 and at FAA headquarters, 800 Independence Avenue, SW., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the Great Lakes Region.

This amendment becomes effective January 12, 1976.

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

Issued in Des Plaines, Ill., on December 29, 1975.

RYAN N. WHITTEN,
Acting Director,
Great Lakes Region.

NOTE: The incorporation by reference provisions in this document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.76-656 Filed 1-8-76;8:45 am]

[Airspace Docket No. 75-SO-158]

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

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Jacksonville, N.C., control zone and transition area.

The Jacksonville control zone is described in § 71.171 (41 FR 355) and the Jacksonville transition area is described in § 71.181 (41 FR 440). In each description, an extension is predicated on the 051° bearing from New River RBN. The NDB RWY 23 Instrument Approach Procedure for which these extensions were designated has been cancelled. It is necessary to alter the descriptions by revoking the extensions. Since these amendments are less restrictive in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 25, 1976, as hereinafter set forth.

In § 71.171 (41 FR 355), the Jacksonville, N.C., control zone is amended as follows: "* * * within 2 miles each side, expanding to 3 miles each side of the 051° bearing from New River RBN, extending from the 5-mile radius zone to 8.5 miles northeast of the RBN; * * *" is deleted.

In § 71.181 (41 FR 440), the Jacksonville, N.C., transition area is amended as follows: "* * * within 3 miles each side of the 051° bearing from New River RBN, extending from the 8.5-mile radius area to 8.5 miles northeast of the RBN; * * *" is deleted.

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

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

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-658 Filed 1-8-76;8:45 am]

[Airspace Docket No. 75-SW-72]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at Sonora, Tex.

On November 7, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 52053) stating the Federal Aviation Administration proposed to designate a 700-foot transition area at Sonora, Tex.

Interested persons were afforded an opportunity to participate in the rulemaking through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 25, 1976, as hereinafter set forth.

In § 17.181 (41 FR 440), the following transition area is added:

SONORA, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Sonora Municipal Airport (latitude 30°35'00" N., longitude 100°39'00" W.) and within 3 miles each side of the 358° bearing from the Sonora, Tex., NDB (latitude 30°34'-54" N., longitude 100°38'48" W.) extending 8.5 miles northwest of the Sonora, Tex., NDB.

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

Issued in Fort Worth, Tex., on December 15, 1975.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.76-663 Filed 1-8-76;8:45 am]

[Airspace Docket No. 75-SW-73]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the La Pryor, Tex. (La Paloma Ranch Airport), transition area.

On November 7, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 52052) stating the Federal Aviation Administration proposed to alter the La Pryor, Tex. (La-Paloma Ranch Airport), transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 25, 1976, as hereinafter set forth.

In § 71.181 (41 FR 440), the La Pryor, Tex. (La Paloma Ranch Airport), transition area is amended to read:

LA PRYOR, TEX. (LA PALOMA RANCH AIRPORT)

That airspace extending upward from 700 feet above the surface within a 5-mile radius of La Paloma Ranch Airport (latitude 28°53'30" N., longitude 99°51'09" W.) and within 3.5 miles each side of the 002° bearing from the La Pryor, Tex., NDB (latitude 28°55'47" N., longitude 99°51'16" W.) extending from the 5-mile-radius area to 11.5 miles northwest of the La Pryor, Tex., NDB.

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

Issued in Fort Worth, Tex., on December 15, 1975.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.76-662 Filed 1-8-76;8:45 am]

[Airspace Docket No. 75-SW-74]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a transition area at Canadian, Tex.

On November 7, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 52052) stating the Federal Aviation Administration proposed to designate a transition area at Canadian, Tex.

Interested persons were afforded an opportunity to participate in the rulemaking through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 25, 1976, as hereinafter set forth.

In § 71.181 (41 FR 440), the following transition area is added:

CANADIAN, TEX.

That airspace extending upward from 700 feet above the surface within a 5.5-statute-mile radius of Hemphill County Airport, Canadian, Tex. (latitude 35°53'45" N., longitude 100°24'06" W.), including an extension from the 5.5-statute-mile-radius area to 8.5 statute miles southwest of the NDB and 3 statute miles either side of the 054° bearing to the NDB.

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

Issued in Fort Worth, Tex., on December 15, 1975.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.76-661 Filed 1-8-76;8:45 am]

[Airspace Docket No 75-SW-75]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a transition area at Gruver, Tex.

On November 7, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 52052) stating the Federal Aviation Administration proposed to designate a transition area at Gruver, Tex.

Interested persons were afforded an opportunity to participate in the rulemaking through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 25, 1976, as hereinafter set forth.

§ 71.181 (41 FR 440), the following transition area is added:

GRUVER, TEX.

That airspace extending upward from 700 feet above the surface within a 6-statute-mile radius of the Cluck Ranch Airport (latitude 36°10'45" N., longitude 101°41'40" W.).

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

Issued in Fort Worth, Tex., on December 15, 1975.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.76-660 Filed 1-8-76;8:45 am]

[Airspace Docket No. 75-WE-23]

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

Designation of Transition Area; Correction

On December 9, 1975 FR Doc. 75-33005 was published in the FEDERAL REGISTER (40 FR 57354) which amended Part 71 of the Federal Aviation Regulations by adding a new transition area for Page Airport, Page, Arizona. Subsequent to the document publication information was received that the Page Airport coordinates were in error. Action is taken herein to correct this error.

Since this change is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In view of the foregoing, FR Doc. 75-33005 (40 FR 57354) is amended by changing the location of the Page Airport reference as follows:

In the text change "latitude 36°55'35" N., longitude 111°26'53" W." to read "latitude 36°55'29" N., longitude 111°-26'54" W."

The effective date of the amendment as originally established is being changed to coincide with the 56-day charting cycle. The new effective date is established as "0901 G.m.t., March 25, 1976."

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

Issued in Los Angeles, Calif. on December 24, 1975.

LYNN L. HINK,
Acting Director,
Western Region.

[FR Doc.76-659 Filed 1-8-76;8:45 am]

[Airspace Docket No. 75-SO-159]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to change the using agency for Restricted Area R-2903B Stevens Lake, Fla.

The change will correct the identity of the military organization for whom the restricted area is designated.

Since designation of a different using agency is a minor amendment upon which the public should have no particular reason to comment, notice and public procedure thereon are unnecessary. However, as it is essential that the correct using agency of the restricted area be identified, good cause exists for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 29, 1976, as hereinafter set forth.

In § 73.29 (41 FR 664) the using agency for R-2903B Stevens Lake, Fla., is amended to read as follows:

Using agency. Department of Army Affairs, State of Fla., St. Augustine, Fla.

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

Issued in Washington, D.C., on January 5, 1976.

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

[FR Doc.76-664 Filed 1-8-76;8:45 am]

Title 15—Commerce and Foreign Trade

SUBTITLE A—OFFICE OF THE SECRETARY OF COMMERCE

PART 3—RULES OF PROCEDURE FOR HANDLING CONTRACT APPEALS

On October 10, 1975, a document was published in the FEDERAL REGISTER (40 FR 47797) proposing to adopt revised rules based upon those recommended by the National Conference of Boards of Contract Appeals Members. Minor revisions have been made as a result of the comments received. The following rules are adopted effective January 15, 1976.

HUGH J. DOLAN,
Chairman, Appeals Board.

PREFACE

1. *Jurisdiction for considering appeals.* The Appeals Board for the Department of Commerce—constituted under Department Organization Order 20-11 (40 FR 17771, April 22, 1975) (referred to herein as "the Board") is authorized to consider and determine appeals from decisions of contracting officers arising under contracts which contain provisions requiring the determination of appeals by the Secretary of Commerce or his duly authorized representative or board. In addition, the Board has jurisdiction over other matters assigned to it by appropriate authority. Decisions by the Appeals Board are final within the Department of Commerce.

2. *Organization and location of the Board.* (a) The Board is located in Washington, D.C., and its mailing address is U.S. Department of Commerce, Appeals Board, Room 3518, Washington, D.C. 20230.

(b) The Appeals Board consists of a full-time Chairman and fifteen (15) to twenty (20) departmental officials specially qualified to serve as members and designated as such by the Secretary. The Chairman is the administrative head of the Board and is authorized to assign each matter on appeal to a panel of three (3) Board members. The Chairman may serve as a member of each panel, but in the event of his absence or unavailability for any other reason he may designate another Board member to serve in that capacity. In general, the appeals are assigned to a panel of three members of the Board. The decision of a majority of the panel constitutes the decision of the Board.

3. *Decisions on questions of law.* When an appeal is taken pursuant to a Disputes clause in a contract which limits appeals to disputes concerning questions of fact, the Board may, in its discretion, hear, consider, and decide all questions of law necessary for the complete adjudication of the issue. In the consideration of an appeal, should it appear that a claim is involved which is not cognizable under the terms of the contract, the Board may make findings of fact with respect to such a claim without expressing an opinion on the question of liability.

4. *Appeals Board procedure.*—(a) *Rules.* Appeals referred to the Board are handled in accordance with the rules of the Board. Though these rules are particularly applicable to contract appeals they will be generally utilized in other appeals to the Board except to the extent that other specific rules apply.

(b) *Administration and interpretation of rules.* Emphasis is placed upon the sound administration of these rules in specific cases, because it is impracticable to articulate a rule to fit every possible circumstance which may be encountered. These rules will be interpreted so as to secure a just and inexpensive determination of appeals without unnecessary delay. In any situation for which these rules make no provision, the Board may, in its discretion, conform the proceedings to the Federal Rules of Civil Procedure.

(c) *Preliminary procedures.* Preliminary procedures are available to encourage full disclosure of relevant and material facts, and to discourage unwarranted surprise.

(d) *Time, computation, and extensions.* (1) All time limitations specified for various procedural actions are computed as maximums, and are not to be fully exhausted if the action described can be accomplished in a lesser period. These time limitations are similarly eligible for extension in appropriate circumstances, on good cause shown.

(2) Except as otherwise provided by law, in computing any period of time prescribed by these rules or by order of the Board, the day of the event from which the designated period of time begins to run shall not be included, but the last day of the period shall be included unless it is a Saturday, Sunday, or a legal holiday, in which event the period shall run to the end of the next business day.

(3) Requests for extensions of time from either party shall be made in writing, stating good cause therefor.

5. *Authority.* Department of Commerce Organizational Order 20–11, March 28, 1975, is reprinted here for the convenience of the public.

APPEALS BOARD

Section 1. Purpose. This order prescribes the authority and functions of the Appeals Board for the Department of Commerce.

Section 2. General. The Appeals Board for the Department of Commerce, initially established on August 18, 1953, by Department Order 106 of that date, and which serves as an impartial body to consider certain appeals from the public, is continued within the Office of the Assistant Secretary for Administration. It shall be composed of a chairman and other members as may be designated by the Assistant Secretary for Administration and approved by the Secretary.

Section 3. Authority and Functions. .01 The Appeals Board is authorized to consider and decide appeals by contractors from decisions made by contracting officers under contracts which provide for such an appeal to the Secretary.

.02 The Appeals Board is also authorized to consider and decide appeals by persons affected by:

a. Any order, regulation or administrative action issued pursuant to the authority delegated to the Secretary of Commerce under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), and the authority of the Secretary of Commerce under Section 402 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 512);

b. Any denial or probation order, civil penalty or other administrative sanction of the Domestic and International Business Administration's Bureau of East-West Trade in connection with its authority for the administration of export controls under the Export Administration Act of 1969, as amended (50 U.S.C. App. 2401 et seq.); and

c. Other administrative actions taken pursuant to law and referred to the Board by appropriate authority.

.03 Decisions by the Appeals Board on appeals arising under paragraphs .01 and .02 of this section shall be final within the Department.

.04 No member may act for the Appeals Board or participate in a decision on appeal if he has otherwise been directly involved in the administration of matter of the appeal.

.05 The Chairman of the Appeals Board is authorized to issue rules governing the handling of appeals.

Section 4. Effect on other orders. .01 This order supersedes Department Organization Order 20–11 (formerly Department Order 106) dated July 7, 1967.

.02 All outstanding delegations, regulations, orders and other actions issued by or relating to the Appeals Board shall remain in effect until amended or revoked by proper authority.

In consideration of the foregoing 15 CFR Part 2 is revised to read as follows:

PRELIMINARY PROCEDURES

Sec.

3.1 Appeals, how taken.
3.2 Notice of appeal, contents of.
3.3 Forwarding of appeals.
3.4 Preparation, contents, organization, forwarding, and status of appeal file.
3.5 Dismissal for lack of jurisdiction.
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3.13 Settling the record.
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3.17 Where and when held.
3.18 Notice of hearings.
3.19 Unexcused absence of a party.
3.20 Nature of hearings.
3.21 Examination of witnesses.
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3.26 The appellant.
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DECISIONS

3.28 Decisions.

MOTION FOR RECONSIDERATION

3.29 Motion for reconsideration.

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3.30 Dismissal without prejudice.
3.31 Dismissal for failure to prosecute.

EX PARTE COMMUNICATIONS

3.32 Ex parte communications.

SANCTIONS

3.33 Sanctions.

EFFECTIVE DATE AND APPLICABILITY

3.34 Effective date and applicability.

AUTHORITY: R.S. 161; 5 U.S.C. 301, Department Organization Order 20–11 (40 FR 17771, April 22, 1975).

PRELIMINARY PROCEDURES

§ 3.1 Appeals, how taken.

Notice of an appeal must be in writing, and the original, together with two copies may be filed with the contracting officer from whose decision the appeal is taken. The notice of appeal must be mailed or otherwise filed within the time specified therefor in the contract or allowed by applicable provision of directive or law.

§ 3.2 Notice of appeal, contents of.

A notice of appeal should indicate that an appeal is thereby intended, and should identify the contract by number, the department and agency or bureau cognizant of the dispute, and the decision from which the appeal is taken. The notice of appeal should be signed personally by the contractor making the appeal, or by an officer of the appellant corporation or member of the appellant firm, or by the contractor's attorney. The complaint referred to in Rule 3.6 may be filed with the notice of appeal, or the appellant may designate the notice of appeal as a complaint, if it otherwise fulfills the requirements of a complaint.

§ 3.3 Forwarding of appeals.

When a notice of appeal in any form has been received by the contracting officer, he shall endorse thereon the date of mailing, or date of receipt, if otherwise conveyed, and within 10 days shall forward said notice of appeal to the Board. Following receipt by the Board of the original notice of an appeal, whether through the contracting officer or otherwise, the contractor, the contracting officer and government counsel will be promptly advised of its receipt. The contractor will be furnished a copy of these rules and notices of appearance will be requested.

§ 3.4 Preparation, contents, organization, forwarding, and status of appeal file.

(a) *Duties of Contracting Officer.* Within 30 days of receipt of an appeal, or advice that an appeal has been filed, the contracting officer shall assemble and transmit to the Board, an appeal file consisting of all documents pertinent to the appeal, including:

(1) The decision and findings of fact from which appeal is taken;

(2) The contract including specifications and pertinent amendments, plans and drawings;

(3) All correspondence between the parties pertinent to the appeal, including the letter or letters of claim in response to which decision was issued;

(4) Transcripts of any testimony taken during the course of proceedings, and affidavits or statements of any witnesses on the matter in dispute made prior to the filing of the notice of appeal with the Board; and

(5) Any additional information considered pertinent.

Within the same time above specified, the contracting officer shall furnish the appellant a copy of each document he transmits to the Board, except those

stated in paragraph (a) (2) and (3) of this section as to which a list furnished appellant indicating documents transmitted will suffice, and those stated in paragraph (d) of this section.

(b) *Duties of the Appellant.* Within 30 days after receipt of a copy of the appeal file assembled by the contracting officer, the appellant shall supplement the same by transmitting to the Board any documents not contained therein which he considers pertinent to the appeal, and furnishing two copies of such documents to the Government counsel.

(c) *Organization of Appeal File.* Documents in the appeal file may be originals or legible facsimile or authenticated copies thereof, and shall be arranged in chronological order where practicable, numbered sequentially, tabbed, and indexed to identify the contents of the file.

(d) *Lengthy Documents.* The Board may waive the requirement of furnishing to the other party copies of bulky, lengthy, or out-of-size documents in the appeal file when a party has shown that doing so would impose an undue burden. At the time a party files with the Board a document as to which such a waiver has been granted, he shall notify the other party that the same or a copy is available for inspection at the offices of the Board or of the party filing same.

(e) *Status of Documents in Appeal File.* Documents contained in the appeal file are considered, without further action by the parties, as part of the record upon which the Board will render its decision, unless a party objects to the consideration of a particular document in advance of hearing or of settling the record in the event there is no hearing on the appeal. If objection to a document is made, the Board will rule upon its admissibility into the record as evidence in accordance with §§ 3.13 and 3.20.

§ 3.5 Dismissal for lack of jurisdiction.

Any motion addressed to the jurisdiction of the Board shall be promptly filed. Hearing on the motion shall be afforded on application of either party, unless the Board determines that its decision on the motion will be deferred pending hearing on both the merits and the motion. The Board shall have the right at any time and on its own motion to raise the issue of its jurisdiction to proceed with a particular case, and shall do so by an appropriate order, affording the parties an opportunity to be heard thereon.

§ 3.6 Pleadings.

(a) *Appellant.* Within 30 days after receipt of notice of docketing of the appeal, the appellant shall file with the Board an original and two copies of a complaint setting forth simple, concise and direct statements of each of his claims, alleging the basis, with appropriate reference to contract provisions, for each claim, and the dollar amount claimed. This pleading shall fulfill the generally recognized requirements of a complaint, although no particular form or formality is required. Upon receipt thereof, the Board shall serve a copy upon the respondent. Should the complaint not be received within 30 days, appellant's claim and appeal may, if in the opinion of the Board the issues before the Board are sufficiently defined, be deemed to set forth his complaint and the respondent shall be so notified.

(b) *Respondent.* Within 30 days from receipt of said complaint, or the afore said notice from the Board, respondent shall prepare and file with the Board an original and two copies of an answer thereto, setting forth simple, concise, and direct statements of respondents defenses to each claim asserted by appellant. This pleading shall fulfill the generally recognized requirements of an answer, and shall set forth any affirmative defenses or counter-claims as appropriate. Upon receipt thereof, the Board shall serve a copy upon appellant. Should the answer not be received within 30 days, the Board may, in its discretion, enter a general denial on behalf of the Government, and the appellant shall be so notified.

§ 3.7 Amendments of pleadings or record.

The Board upon its own initiative or upon application by a party may, in its discretion, order a party to make a more definite statement of the complaint or answer, or to reply to an answer. The Board may, in its discretion, and within the proper scope of the appeal, permit either party to amend his pleading upon conditions just to both parties. When issues within the proper scope of the appeal, but not raised by the pleadings or the documentation described in § 3.4, are tried by express or implied consent of the parties, or by permission of the Board, they shall be treated in all respects as if they had been raised therein. In such instances, motions to amend the pleadings to conform to the proof may be entered, but are not required. If evidence is objected to at a hearing on the ground that it is not within the issues raised by the pleadings or the § 3.4 documentation (which shall be deemed part of the pleadings for this purpose), it may be admitted within the proper scope of the appeal: *Provided, however,* That the objecting party may be granted a continuance if necessary to enable him to meet such evidence.

§ 3.8 Hearing election.

Upon receipt of respondent's answer or the notice referred to in the last sentence of § 3.6(b), above, appellant shall advise whether he desires a hearing as prescribed in §§ 3.17 through 3.25 or whether, in the alternative, he elects to submit his case on the record without a hearing, as prescribed in § 3.11. In appropriate cases, the appellant shall also elect whether he desires the optional accelerated procedure prescribed in § 3.12.

§ 3.9 Prehearing briefs.

Based on an examination of the documentation described in § 3.4, the pleadings, and a determination of whether the arguments and authorities addressed to the issues are adequately set forth therein, the Board may, in its discretion, require the parties to submit prehearing briefs in any case in which a hearing has been elected pursuant to § 3.8. In the absence of a Board requirement therefor, either party may, in its discretion and upon appropriate and sufficient notice to the other party, furnish a prehearing brief to the Board. In any case where a prehearing brief is submitted, it shall be furnished so as to be received by the Board at least 15 days prior to the date set for hearing, and a copy shall simultaneously be furnished to the other party as previously arranged.

§ 3.10 Prehearing or presubmission conference.

Whether the case is to be submitted pursuant to § 3.11, or heard pursuant to §§ 3.17 through 3.25, the Board may upon its own initiative or upon the application of either party, call upon the parties to appear before a member of the Board for a conference to consider:

(a) The simplification or clarification of the issues;

(b) The possibility of obtaining stipulations, admissions, agreements on documents, understandings on matters already of record, or similar agreements which will avoid unnecessary proof;

(c) The limitation of the number of expert witnesses, or avoidance of similar cumulative evidence, if the case is to be heard;

(d) The possibility of agreement disposing of all or any of the issues in dispute; and

(e) Such other matters as may aid in the disposition of the appeal.

The results of the conference, except as otherwise recorded, shall be reduced to writing by the Administrative Judge or examiner and this writing shall thereafter constitute part of the record.

§ 3.11 Submission without a hearing.

Either party may elect to waive a hearing and to submit his case upon the record before the Board, as settled pursuant to § 3.13. Submission of a case without hearing does not relieve the parties from the necessity of proving the facts supporting their allegations or defenses. Affidavits, depositions, admissions, answers to interrogatories, and stipulations may be employed to supplement other documentary evidence in the Board record. The Board may permit such submission to be supplemented by oral argument (transcribed if requested), and by briefs arranged in accordance with § 3.23.

§ 3.12 Optional accelerated procedure.

(a) In appeals involving $25,000 or less, either party may elect, in his notice of appeal, complaint, answer, or by separate correspondence or statement prior to commencement of hearing or settlement of the record, to have the appeal processed under a shortened and accelerated procedure. For application of this rule the amount in controversy will be determined by the sum of the amounts claimed by either party against the other in the appeal proceeding. If no specific amount

of claim is stated, a case will be considered to fall within this rule if the sum of the amounts which each party represents in writing that it could recover as a result of a Board decision favorable to it does not exceed $25,000. Upon such election, a case shall then be processed under this rule unless the other party objects and shows good cause why the substantive nature of the dispute requires processing under the Board's regular procedures and the Board sustains such objection. In cases proceeding under this section, parties are encouraged, to the extent possible consistent with adequate presentation of their factual and legal positions, to waive pleadings, discovery, and briefs.

(b) Written decision by the Board in cases proceeding under this rule normally will be short and contain summary findings of fact and conclusions only. The Board will endeavor to render such decisions within 30 days after the appeal is ready for decision. Such decisions will be rendered for the Board by a single member with the concurrence of the Chairman or a designated member; except that in cases involving $5,000 or less where there has been a hearing, the single member presiding at the hearing may, in his discretion, at the conclusion of the hearing and after entertaining such oral arguments as he deems appropriate, render on the record oral summary findings of fact, conclusions and decision of the appeal. In the later instance, the Board will subsequently furnish the parties a typed copy of such oral decision for record and payment purposes and to establish the date from which the period for filing a motion for reconsideration under § 3.29 commences.

(c) Except as herein modified, these rules otherwise apply in all respects.

§ 3.13 Settling the record.

(a) The record upon which the Board's decision will be rendered consists of the appeal file described in § 3.4 and, to the extent the following items have been filed, pleadings, prehearing conference memoranda or orders, prehearing briefs, depositions or interrogatories received in evidence, admissions, stipulations, transcripts of conferences and hearings, hearing exhibits, posthearing briefs, and documents which the Board has specifically designated be made a part of the record. The record will at all reasonable times be available for inspection by the parties at the office of the Board.

(b) Except as the Board may otherwise order in its discretion, no proof shall be received in evidence after completion of an oral hearing or, in cases submitted on the record, after notification by the Board that the case is ready for decision.

(c) The weight to be attached to any evidence of record will rest within the sound discretion of the Board. The Board may in any case require either party, with appropriate notice to the other party, to submit additional evidence on any matter relevant to the appeal.

§ 3.14 Discovery—depositions.

(a) *General policy and protective orders.* The parties are encouraged to engage in voluntary discovery procedures. In connection with any deposition or other discovery procedure, the Board may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, and those orders may include limitations on the scope, method, time and place for discovery, and provisions for protecting the secrecy of confidential information or documents.

(b) *When depositions permitted.* After an appeal has been docketed and complaint filed, the parties may mutually agree to, or the Board may, upon application of either party and for good cause shown, order the taking of testimony of any person by deposition upon oral examination or written interrogatories before any officer authorized to administer oaths at the place of examination, for use as evidence or for purpose of discovery. The application for order shall specify whether the purpose of the deposition is discovery or for use as evidence.

(c) *Orders on depositions.* The time, place, and manner of taking depositions shall be as mutually agreed by the parties, or failing such agreement, governed by order of the Board.

(d) *Use as evidence.* No testimony taken by depositions shall be considered as part of the evidence in the hearing of an appeal unless and until such testimony is offered and received in evidence at such hearing. It will not ordinarily be received in evidence if the deponent is present and can testify personally at the hearing. In such instances, however, the deposition may be used to contradict or impeach the testimony of the witness given at the hearing. In cases submitted on the record, the Board may, in its discretion, receive depositions as evidence in supplementation of that record.

(e) *Expenses.* Each party shall bear its own expenses associated with the taking of any deposition.

§ 3.15 Interrogatories to parties, admission of facts, and production and inspection of documents.

(a) *Interrogatories to parties.* After an appeal has been filed with the Board, a party may serve on the other party written interrogatories to be answered separately in writing, signed under oath and returned within 30 days. Upon timely objection by the party, the Board will determine the extent to which the interrogatories will be permitted.

(b) *Admission of facts.* After an appeal has been filed with the Board, a party may serve upon the other party a request for the admission of specified facts. Within 30 days after service, the party served shall answer each requested fact or file objections thereto. The factual propositions set out in the request shall be deemed admitted upon the failure of a party to respond to the request for admission.

(c) *Production and inspection of documents.* Upon motion of any party showing good cause therefor, and upon notice, the Board may order the other party to produce and permit the inspection and copying or photographing of any designated documents or objects, not privileged, specifically identified, and their relevance and materiality to the cause or causes in issue explained, which are reasonably calculated to lead to the discovery of admissible evidence. If the parties cannot themselves agree thereon, the Board shall specify just terms and conditions in making the inspection and taking the copies and photographs.

§ 3.16 Service of papers.

Papers shall be served personally or by mailing the same, addressed to the party upon whom service is to be made. Copies of complaints, answers and simultaneous briefs shall be filed directly with the Board. The party filing any other paper with the Board shall send a copy thereof to the opposing party, noting on the paper filed with the Board, or on the letter transmitting the same, that a copy has been so furnished.

HEARINGS

§ 3.17 Where and when held.

Hearings will ordinarily be held in the Washington, D.C. area, except that upon request seasonably made and upon good cause shown, the Board may set the hearing at another location. Hearings will be scheduled at the discretion of the Board with due consideration to the regular order of appeals and other pertinent factors. On request or motion by either party and upon good cause shown, the Board may, in its discretion, advance a hearing.

§ 3.18 Notice of hearings.

The parties shall be given at least 15 days notice of the time and place set for hearings. In scheduling hearings, the Board will give due regard to the desires of the parties and to the requirement for just and inexpensive determination of appeals without unnecessary delay. Notices of hearing shall be promptly acknowledged by the parties.

§ 3.19 Unexcused absence of a party.

The unexcused absence of a party at the time and place set for hearing will not be occasion for delay. In the event of such absence, the hearing will proceed and the case will be regarded as submitted by the absent party as provided in § 3.11.

§ 3.20 Nature of hearings.

Hearings shall be as informal as may be reasonable and appropriate under the circumstances. Appellant and respondent may offer at a hearing on the merits such relevant evidence as they deem appropriate and as would be admissible under the generally accepted rules of evidence applied in the courts of the United States in nonjury trials, subject, however, to the sound discretion of the presiding member in supervising the extent and manner of presentation of such evidence. In general, admissibility will hinge on relevancy and materiality. Letters or copies thereof, affidavits, or other evidence not ordinarily admissible under the generally accepted rules of evidence, may be ad-

mitted in the discretion of the presiding member. The weight to be attached to evidence presented in any particular form will be within the discretion of the Board, taking into consideration all the circumstances of the particular case. Stipulations of fact agreed upon by the parties may be regarded and used as evidence at the hearing. The parties may stipulate the testimony that would be given by a witness if the witness were present. The Board may in any case require evidence in addition to that offered by the parties.

§ 3.21 Examination of witnesses.

Witnesses before the Board will be examined orally under oath or affirmation, unless the facts are stipulated, or the Board member shall otherwise order. If the testimony of a witness is not given under oath, the Board may warn the witness that his statements may be subject to the provisions of Title 18, United States Code, sections 287 and 1001, and any other provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof.

§ 3.22 Copies of papers.

When books, records, papers, or documents have been received in evidence, a true copy thereof or of such part thereof as may be material or relevant may be substituted therefor, during the hearing or at the conclusion thereof.

§ 3.23 Posthearing briefs.

Posthearing briefs may be submitted upon such terms as may be agreed upon by the parties and the presiding member at the conclusion of the hearing. Ordinarily, they will be simultaneous briefs, exchanged within 30 days after receipt of transcript.

§ 3.24 Transcript of proceedings.

Testimony and argument at hearings shall be reported verbatim, unless the Board otherwise orders. Transcripts or copies of the proceedings shall be supplied to the parties at such rates as may be fixed by the Board.

§ 3.25 Withdrawal of exhibits.

After a decision has become final the Board may, upon request and after notice to the other party, in its discretion, permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto. The substitution of true copies of exhibits or any part thereof may be required by the Board in its discretion as a condition of granting permission for such withdrawal.

REPRESENTATION

§ 3.26 The appellant.

An individual appellant may appear before the Board in person, a corporation by an officer thereof, a partnership or joint venture by a member thereof, or any of these by an attorney at law duly licensed in any state, commonwealth, territory, or in the District of Columbia. An attorney representing an appellant shall file a written notice of appearance with the Board.

§ 3.27 The respondent.

Government counsel may, in accordance with their authority represent the interest of the Government before the Board. They shall file notices of appearance with the Board, and notice thereof will be given appellant or his attorney in the form specified by the Board from time to time. Whenever at any time it appears that appellant and the Government counsel are in agreement as to disposition of the controversy, the Board may suspend further processing of the appeal: *Provided, however,* That if the Board is advised thereafter by either party that the controversy has not been disposed of by agreement, the case shall be restored to the Board's calendar without loss of position.

DECISIONS

§ 3.28 Decisions.

Decisions of the Board will be made in writing and authenticated copies thereof will be forwarded simultaneously to both parties. The rules of the Board and all final orders and decisions shall be open for public inspection at the offices of the Board in Washington, D.C. Decisions of the Board will be made solely upon the record, as described in § 3.13.

MOTION FOR RECONSIDERATION

§ 3.29 Motion for reconsideration.

A motion for reconsideration, if filed by either party, shall set forth specifically the ground or grounds relied upon to sustain the motion, and shall be filed within 30 days from the date of the receipt of a copy of the decision of the Board by the party filing the motion.

DISMISSALS

§ 3.30 Dismissal without prejudice.

In certain cases, appeals docketed before the Board are required to be placed in a suspense status and the Board is unable to proceed with disposition thereof for reasons not within the control of the Board. In any such case where the suspension has continued, or it appears that it will continue, for an inordinate length of time, the Board may, in its discretion, dismiss such appeals from its docket without prejudice to their restoration when the cause of suspension has been removed. Unless either party or the Board acts within three years to reinstate any appeal dismissed without prejudice, the dismissal shall be deemed with prejudice.

§ 3.31 Dismissal for failure to prosecute.

Whenever a record discloses the failure of either party to file documents required by these rules, respond to notices or correspondence from the Board, comply with orders of the Board, or otherwise indicates an intention not to continue the prosecution or defense of an appeal, the Board may issue an order requiring the offending party to show cause why the appeal should not be either dismissed or granted, as appropriate. If the offending party shall fail to show such cause, the Board may take such action as it deems reasonable and proper under the circumstances.

EX PARTE COMMUNICATIONS

§ 3.32 Ex parte communications.

No member of the Board or of the Board's staff shall entertain, nor shall any person directly or indirectly involved in an appeal submit to the Board or the Board's staff, off the record, any evidence, explanation, analysis, or advice, whether written or oral, regarding any matter at issue in an appeal. This provision does not apply to consultation among Board members nor to ex parte communications concerning the Board's administrative functions or procedures.

SANCTIONS

§ 3.33 Sanctions.

If any party fails or refuses to obey an order issued by the Board, the Board may make such order in regard to the failure as it considers necessary to the just and expeditious conduct of the appeal.

EFFECTIVE DATE AND APPLICABILITY

§ 3.34 Effective date and applicability.

These rules shall take effect on January 15, 1976. Except as otherwise directed by the Board, these rules shall not apply to appeals which have been docketed prior to their effective date.

[FR Doc.76-594 Filed 1-8-76;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 76-14]

PART 159—LIQUIDATION OF DUTIES

Waiver of Countervailing Duties—Rubber Footwear from Korea

In T.D. 76-13 published concurrently with this determination, it has been determined that bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended, (19 U.S.C. 1303), are being paid or bestowed, directly or indirectly, upon the manufacture, production, or exportation of rubber footwear from Korea.

Section 303(d) of the Tariff Act of 1930, as added by the Trade Act of 1974 (Pub. L. 93-618, January 3, 1975), authorizes the Secretary of the Treasury to waive the imposition of countervailing duties during the 4-year period beginning on the date of enactment of the Trade Act of 1974 if he determines that:

(1) Adequate steps have been taken to reduce substantially or eliminate during such period the adverse effect of a bounty or grant which he has determined is being paid or bestowed with respect to any article or merchandise;

(2) There is a reasonable prospect that, under section 102 of the Trade Act of 1975, successful trade agreements will be entered into with foreign countries or instrumentalities providing for the reduction or elimination of barriers to or other distortions of international trade; and

(3) The imposition of the additional duty under this section with respect to such article or merchandise would be likely to seriously jeopardize the satisfactory completion of such negotiations.

Based upon analysis of all the relevant factors and after consultation with interested agencies, I have concluded that steps have been taken to reduce substantially the adverse effect of the bounties or grants on footwear (except footwear having uppers of which over 50 percent of the exterior surface is leather) which is over 50 percent by weight of rubber or plastics, or over 50 percent by weight of fibers and rubber or plastics with at least 10 percent by weight being rubber or plastics, classifiable in items 700.51, 700.52, 700.53, 700.55, or 700.60, Tariff Schedules of the United States. These steps are the elimination by the Korean Government of programs to reduce the corporate income tax by exempting 50% of earnings derived from exports, and the elimination of duty free exemption for imported machinery and equipment. The elimination of these programs reduced the estimated bounty or grant on rubber footwear by approximately 80 percent.

The requirement set forth in (1) above has been met and will continue to be met so long as new or existing programs are not implemented or modified so as to make more favorable to the manufacturer or exporter the interest rate, the terms of the loans, or any other condition or term employed in the program as presently constituted.

After consulting with appropriate agencies, including the Department of State, and the Office of the Special Representative for Trade Negotiations, I have further concluded (1) that there is a reasonable prospect that, under section 102 of the Trade Act of 1974, successful trade agreements will be entered into with foreign countries or instrumentalities providing for the reduction or elimination of barriers to or other distortions of international trade; and (2) that the imposition of countervailing duties on rubber footwear from Korea as defined above would be likely to seriously jeopardize the satisfactory completion of such negotiations.

Accordingly, pursuant to section 303 (d) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(d)), I hereby waive the imposition of countervailing duties in T.D. 76–13 on rubber footwear from Korea as defined above.

This determination may be revoked, in whole or in part, at any time and shall be revoked whenever the basis supporting such determination no longer exists. Unless sooner revoked or made subject to a resolution of disapproval adopted by either House of the Congress of the United States pursuant to section 303(e) of the Tariff Act of 1930, as amended, (19 U.S.C. 1303(e)), this waiver of countervailing duties will, in any event, by statute cease to have force and effect on January 4, 1979.

On or after the date of publication in the FEDERAL REGISTER of a notice revoking this determination in whole or in part, the day after the date of adoption by either House of Congress of a resolution disapproving this "Waiver of Countervailing Duties," or January 4, 1979, whichever occurs first, countervailing duties will be assessable on rubber footwear imported directly or indirectly from Korea in accordance with T.D. 76–13 published concurrently with this determination.

The table in § 159.47(f) of the Customs Regulations (19 CFR 159.47(f)) is amended by inserting after the last entry for Korea under the commodity heading "Rubber Footwear" the number of this Treasury Decision in the column heading "Treasury Decision", and the words "Imposition of countervailing duties waived" in the column headed "Action".

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

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

DECEMBER 30, 1975.

[FR Doc.76–638 Filed 1–8–76;8:45 am]

[T.D. 76–13]

PART 159—LIQUIDATION OF DUTIES

Countervailing Duties—Footwear From the Republic of Korea

On July 3, 1975, a "Notice of Preliminary Countervailing Duty Determination" was published in the FEDERAL REGISTER (40 FR 28105). This preliminary determination consolidated two separate investigations, the first of which was commenced on June 20, 1972 (37 FR 12163); the second on January 15, 1975 (40 FR 2718). The first covered footwear (except footwear having uppers of which is over 50 percent of the exterior surface is leather) which is over 50 percent by weight of rubber or plastics, or over 50 percent by weight of fibers and rubber or plastics with at least 10 percent by weight being rubber or plastics, classifiable in items 700.51, 700.52, 700.53, 700.55, or 700.60, Tariff Schedules of the United States. The second covered non-rubber footwear.

The "Notice of Preliminary Countervailing Duty Determination" stated that it had been determined preliminarily that a benefit in the form of preferential financing has been received by Korean manufacturers/exporters of footwear which constitutes a bounty or grant within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (hereinafter referred to as "the Act"). The notice provided interested parties 30 days from the date of publication to submit relevant data, views, or arguments in writing with respect to the preliminary determination. The time period was later extended to September 3, 1975 (40 FR 34423).

In addition to the benefits mentioned above, subsequent investigation also revealed that some facilities receive tax benefits in the form of accelerated depreciation for fixed assets directly used in the exportation of merchandise, income tax deferrals arising from the treatment of expenditures in overseas investments as losses, and special tax benefits provided to an enterprise located in the Masan Free Trade Zone. All of the incentives constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of the Act, as amended.

Accordingly, notice is hereby given that footwear imported directly or indirectly from the Republic of Korea, if entered, or withdrawn from warehouse, for consumption on or after January 9, 1976, will be subject to payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed.

In accordance with section 303, the net amount of the bounties or grants has been ascertained and determined, or estimated, to be .7 percent of the value of the merchandise. To the extent that it has been or can be established to the satisfaction of the Commissioner of Customs that imports of footwear from the Republic of Korea are subject to a bounty or grant in an amount other than that applicable under the above declaration, the amount so established shall be assessed and collected on imports of such footwear.

Effective on January 9, 1976, and until further notice, upon the entry for consumption or withdrawal from warehouse for consumption of such dutiable footwear imported directly from the Republic of Korea, which benefit from these bounties or grants, there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amount ascertained in accordance with the above declaration.

To the extent it can be established to the satisfaction of the Commission of Customs that imports of such footwear manufactured by a particular firm are the recipients of a bounty or grant smaller than the amount which would otherwise be applicable under the above declaration, the smaller amount so established shall be assessed and collected on imports of such footwear.

Notwithstanding the above, a notice of "Waiver of Countervailing Duties" is being published concurrently with this order which covers footwear (except footwear having uppers of which over 50 percent of the exterior surface is leather) which is over 50 percent by weight of rubber or plastics, or over 50 percent by weight of fibers and rubber or plastics with at least 10 percent by weight being rubber or plastics, classifiable in items 700.51, 700.52, 700.53, 700.55,

or 700.60, Tariff Schedules of the United States, in accordance with section 303(d) of the Tariff Act of 1930 (19 U.S.C. 1303 (d)). At such time as the waiver ceases to be effective, in whole or in part, a notice will be published setting forth the deposit of estimated countervailing duties which will be required at the time of entry, or withdrawal from warehouse, for consumption of each product then subject to the payment of countervailing duties.

The table in § 159.47(f) of the Customs Regulations (19 CFR 159.47(f)) is amended by inserting in the column headed "Country", the name Republic of Korea. The column headed "commodity" is amended by inserting the word "footwear". The column headed "Treasury Decision" is amended by inserting the number of this Treasury Decision, and the words "Bounty Declared—Rate" in the column headed "Action".

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

ROLAND RAYMOND,
Acting Commissioner of Customs.

Approved: December 30, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-639 Filed 1-8-76;8:45 am]

Title 21—Food and Drugs

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

[FAP5H5087/R19; FRL 476-8]

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

Propylene Oxide

On June 18, 1975, the Environmental Protection Agency (EPA) announced (40 FR 25713) that Stein-Hall Specialty Chemicals, 605 3rd Avenue, New York, NY 10016, had filed a petition (FAP 5H5087) which proposed that 21 CFR 123.380 be amended by establishing a food additive regulation permitting the use of propylene oxide for the fumigation of gum Arabic and gum tragacanth for a period not to exceed 24 hours. 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. Section 123.380 now permits gums (in general) to be fumigated with propylene oxide for a period not to exceed 4 hours and at a temperature not to exceed 125° F. Residues of propylene oxide per se (resulting from fumigation of gums under the prescribed conditions) are permitted up to 300 parts per million (ppm) by paragraph (c) of the regulation. The purpose of the fumigation is to sterilize the exposed surfaces of gums in bulk. Section 123.380 further provides in paragraph (a) that bulk foods subjected to propylene oxide fumigations are to be further processed into a final food form. The Agency has concluded that the public health will be protected if the regulation is amended in the manner proposed. However, the Agency has further concluded that the public interest would be better served if the proposed change in the permissible period of fumigant exposure were extended to apply to propylene oxide fumigation of edible gums in general. Data indicate that residues in or on gums (in general) would be below the limitation of 300 ppm. The regulation established by amending 21 CFR 123.380 will protect the public health. Subparagraph (d) of § 123.380 is also revised editorially at this time to ensure consistency with other sections of Part 123.

Any person adversely affected by this regulation may, on or before February 9, 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.

Effective January 9, 1976, Part 123, Subpart A, § 123.380, is amended as set forth below.

(Sec. 409(b)(1), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(b)(1)))

Dated: January 6, 1976.

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

Section 123.380 is amended by revising paragraphs (b) and (d) as follows:

§ 123.380 Propylene oxide.

* * * * *

(b) Except in the fumigation of packaged dried prunes and glacé fruits, it is applied in fumigation chambers not more than one time at a temperature not in excess of 125°F. The maximum period of fumigation shall not exceed 4 hours for cocoa, processed nutmeats (except peanuts), processed spices, and starch. For edible gums, the maximum duration shall be 24 hours.

* * * * *

(d) To assure safe use of the additive, the label and labeling of the pesticide formulation containing the food additive shall conform to the label and labeling registered by the U.S. Environmental Protection Agency.

[FR Doc.76-735 Filed 1-8-76;8:45 am]

[FAP5H5070/R15; FRL 477-1]

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Methoprene

On August 29, 1975, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (40 FR 39896) a notice of proposed rulemaking to amend 21 CFR 561.282 which provides for the safe use of the insect growth regulator methoprene (isopropyl (E,E)-11-methoxy - 3,7,11 - trimethyl - 2,4 - dodecadienoate) in processed feed supplements for cattle. This notice proposed that the prescribed conditions of use as a feed additive in the feed for cattle at the rate of 0.375 to 0.750 milligram per 100 pounds of body weight per month be amended to increase the rate to 22.7 to 45.4 milligrams per 100 pounds of body weight per month.

Interested persons have been afforded an opportunity to participate in the rulemaking process. Due consideration has been given to a comment received by the Agency in response to the notice, insofar as it related to matters within the scope of the notice. The comment received by the Agency states: (1) Methoprene is a "potent fly teratogen" and (2) as a feed additive in the feed for cattle the pesticide chemical is being used "merely for the convenience of using the bovine as a pesticide dispenser."

(This comment is available for public inspection in the office of the Federal Register Section, Office of Pesticide Programs, East Tower, Room 401, 401 M St. SW, Washington, D.C. 20460.)

Methoprene is not known to be a teratogen in any species, including the fly. This juvenile hormone analog produces its pesticidal action by arresting larval development which results in the death of the larva. A teratogen is any agent that induces developmental anomalies, deformities or malformations in the somatic or visceral architecture in the offspring of female creatures which have been exposed to it at any time during the prenatal period. Methoprene produces its effect directly on the larvae and is thus a larvacide, not a teratogen. Moreover, a teratogen is defined in terms of its mammalian effects as demonstrated in suitable laboratory tests accepted by the Agency. The fly in any case would not be an acceptable test species.

The bovine would not technically be a "dispenser" although this is, of course, the end result. More properly, the animal should be considered a "mixing tank" since the purpose of feeding methoprene is to thoroughly mix the larvacide in the manure which is the breeding ground of the fly larvae. For this reason, mixing methoprene in animal feed is not merely a convenience; rather, it permits thorough mixing of the insecticide which is an absolute necessity if the target organisms (the flies) are to be controlled effectively.

It has been concluded, however, that the proposed amendment to the regulation should be adopted with appropriate revisions to include prescribed conditions of use to further protect the public health. Any person adversely affected by this regulation may, on or before February 9, 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 should 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 January 9, 1976, Part 561, § 561.282, is amended as follows:

Dated: January 6, 1976.

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

Section 561.282 is amended by revising paragraph (a)(1) as set forth below.

§ 561.282 Methoprene.

(a) * * *

(1) It is used as a feed additive in the form of mineral and/or protein blocks or other feed supplements in the feed of cattle at the rate of 22.7 to 45.4 milligrams per 100 pounds of body weight per month and is withdrawn from beef cattle 14 days prior to slaughter.

* * * * *

[FR Doc.76-736 Filed 1-8-76;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PART 60—NATIONAL REGISTER OF HISTORIC PLACES

Nominations by States and Federal Agencies

On August 29, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 39875) to amend Chapter I of Title 36 of the Code of Federal Regulations by adding a new Part 60 concerning the National Register of Historic Places program administered by the National Park Service, Department of the Interior.

At that time, it was explained that the purpose of the proposed rulemaking was to draw together procedures that have been developed to implement the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470 et seq. (1970 ed.). Specifically, this rulemaking articulates the actions taken and proposed by this Department to meet its responsibilities to "expand and maintain a national register of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture" as prescribed by section 101(a)(1) of the 1966 Act.

With several exceptions, the materials contained herein represent the basic administrative approach adopted by the National Park Service after passage of the National Historic Preservation Act of 1966.

As stated in the prefatory remarks to the prior notice of proposed rulemaking, the administration of the program has evolved in the following manner. Initially, in January 1967, in order to obtain the expeditious participation of the States in the National Register program, the Secretary of the Interior sent letters to the Governors of all jurisdictions eligible to participate asking for their cooperation in the National Register program. The letter reiterated the spirit of the 1966 Act that it is the role of the Federal Government to encourage and assist the several States in expanding and accelerating their efforts to preserve examples of our historic and cultural foundations. The letter also requested each Governor to designate a representative responsible for preparing surveys, receiving grants, and working with the Department of the Interior in developing the new program.

The criteria used to evaluate properties for possible inclusion in the National Register were developed with the suggestions and recommendations of Federal and State officials and leading preservationists. They are worded in a flexible manner to provide for the diversity of resources within the Nation and are concerned with the quality of significance in American history, architecture, archeology, and culture in districts, sites, buildings, structures, and objects.

By July 1967 the first guidelines to the National Register criteria for evaluation and grants-in-aid applications, based on task force guidelines submitted in February, were formally issued by the Office of Archeology and Historic Preservation and sent to Governor-appointed State Liaison Officers (later changed to State Historic Preservation Officers) and representatives of Federal agencies. The guidelines detailed the role of the State in the National Register program, clearly stating that before any application for assistance could be considered, a State must designate in writing the State Liaison Officer who would act for the State in matters affecting this program. The guidelines further stated that no application for an acquisition or development project would be considered until the applicant had submitted and the Director had approved a statewide historic preservation plan. Statewide surveys and plans took top priority in the proposed allocation of grant funds because it was felt that surveys were essential to the expansion of the National Register and to sound statewide planning.

The concept developed during 1967 in consultation with the States contemplated the principal expansion of the National Register taking place as a direct result of statewide historical surveys conducted by the States with Federal financial aid. The main concern in these surveys was with places of State and local significance. The findings of Federal programs dealing with properties of less than national significance were made available to the States in the form of an advisory list published by the National Park Service in 1969.

In preparing the guidelines, the National Park Service coordinated closely with other Federal agencies having historic preservation responsibilities, most notably the Departments of Transportation and Housing and Urban Development, as well as with the National Trust for Historic Preservation and knowledgeable public and private authorities throughout the Nation.

The role of the State and the duties of the State Liaison Officer were first published in the FEDERAL REGISTER on February 25, 1969, 34 FR 2595 (1969), as official notice of the opportunities and restrictions and of the administrative procedures as appearing in the publication "Grants for Historic Preservation: a Guide for State Participation," which had been formally issued in July 1967. These guidelines were further amplified and refined in later written communications to the States and in such publications as "How to Complete National Register Forms" (September 1972) and "Historic Preservation Grants-in-Aid: Policies and Procedures" (June 1973). In these guidelines and procedures, the role of State and local governments in carrying out surveys and acquiring and restoring worthy properties was explained in further detail; nomination procedures, notification policy, professional staff and review board qualifications were also discussed at length. FEDERAL REGISTER notice, and incorporation by reference, of these materials has been provided each year since 1969. See, 35 FR 2495 (February 3, 1970); 36 FR 3337 (February 20, 1971); 37 FR 5467 (March 15, 1972); 38 FR 5439 (February 28, 1973); 39 FR 6476 (February 19, 1974); and, 40 FR 5333 (February 4, 1975). As indicated above, the rulemaking contained herein is based upon, and in most cases does not change, the policies and procedures that have been developed over the years as reflected in the above manuals, booklets, and publications.

Since the 1966 Act, and in accord with these previous guidelines, the National Register has grown from a listing of several hundred properties that possessed national significance to a listing of about 10,000 properties of State, local, and national significance. To ensure high professional standards among the 56 jurisdictions involved in submitting statewide surveys and nominations to the National Register, the National Park Service has required that each of the States develop expertise in the three basic disciplines of architecture, history, and archeology at the survey staff and review board level. The State plan, as called for in Title I of the act, and all nominations submitted to the National Register by a State for consideration, must first be prepared under the supervision of a full-time professional survey staff, responsible to the State Historic Preservation Officer (for-

merly known as the State Liaison Officer) and approved by a professional review board, the members of which must first be approved by the National Park Service. This system was purposely initiated in order to assure the National Register of two levels of expert professional opinion, at the State level, prior to a professional review of a nomination in the National Register office. The State survey staff has the responsibility of making the first determination of what satisfies the criteria for evaluation, which have been published in the FEDERAL REGISTER and which are applied equally across the country. The nomination is then submitted to the State review board for approval; if approved it must be signed by the State Historic Preservation Officer before it may be forwarded to the National Register for further professional review at the Federal level. The signature of the State Historic Preservation Officer on the nomination form certifies that the review board has approved the nomination and that all other applicable procedures, including notification to the property owner at least once during the nomination process, have been followed. This same approach has been continued in the rulemaking contained herein.

In the National Register office in Washington, the nomination goes through three stages. It is first stamped by date received and given technical review to be certain that all of the proper information—State Historic Preservation Officer signature, acreage, and other geographical data—is correct. From there it is transmitted to the professional review unit which consists of historians, architectural historians, and archeologists. Each nomination is reviewed individually by at least three professionals. When they concur that the property nominated is eligible for inclusion in the National Register, the nomination is forwarded to the Keeper of the National Register for review. If the Keeper concurs with the staff's recommendation, the nomination is signed and dated and sent to the Director of the Office of Archeology and Historic Preservation for additional review. If the Director concurs, the nomination is again signed and thereby is officially entered in the National Register. The National Register then notifies the State Historic Preservation Officer and the property is listed in the FEDERAL REGISTER. In this rulemaking the same procedures will be followed. In addition, the notice requirement has been clarified to include a formal opportunity for comment concerning the significance of the property under the National Register criteria for evaluation, first by the States as a part of their responsibility to provide notice to property owners at least once of the State's intent to nominate the property and then through publication in the FEDERAL REGISTER of a listing of nominations under consideration. Comments received by a State concerning the significance of a property under the National Register criteria for evaluation will be forwarded with the nomination for further consideration by the National Register of Historic Places.

In now adopting these proposed regulations, it is important to emphasize that there are a variety of other responsibilities concerning cultural resources resting with this Department that are not the subject of this rulemaking. Our earlier notice of proposed rulemaking and the regulations adopted herewith are not designed to cover the Secretary of the Interior's responsibilities under Executive Order 11593—May 13, 1971. Section 2(a) of that Executive order requires that Federal agencies locate, inventory, and nominate to the Secretary of the Interior all sites, buildings, districts, and objects under their jurisdiction or control that appear to qualify for listing in the National Register of Historic Places. Further, section 3(b) of Executive Order 11593 requires that the Secretary of the Interior develop criteria and procedures to be applied by Federal agencies in the reviews and nominations required by section 2(a).

This rulemaking articulates, inter alia, the process through which Federal agencies nominate properties under their jurisdiction or control to the National Register of Historic Places as provided by section 2(a) of Executive Order 11593. It does not detail further procedures relevant to the conduct of the inventory and identification process that is also required by section 2(a) of the Executive order. Nor does it apply to the process of referring questionable actions to the Secretary of the Interior for an opinion regarding the property's eligibility for inclusion in the National Register of Historic Places as required by section 2(b). These issues will be the subject of a subsequent rulemaking.

Interested persons have been afforded the opportunity to participate in the development of these procedures by a notice of proposed rulemaking published in the FEDERAL REGISTER on August 29, 1975 (40 FR 39875). Comments were received concerning the proposed rulemaking. All comments that were submitted were given due consideration. In general, these comments were concerned with four common issues.

There were a number of comments that expressed concern that more emphasis was not placed upon the development of procedures for several collateral programs of the Department of the Interior. It was felt that procedures for the historic preservation grant program, the development of the comprehensive statewide historic preservation plan, the Executive Order 11593 program, and the National Historic Landmark program should have been further detailed. As suggested above, however, the rulemaking adopted herewith solely concerns the nomination of properties to the National Register of Historic Places by the various State Historic Preservation Officers and by Federal agencies. Further procedures to draw together the existing practices with regard to these other programs are in preparation and will be published for comment as they become available.

A second concern was that these procedures should provide more detailed instructions to the various States with regard to the public notice requirements or, alternatively, questioned altogether the need for a public notice step at the State level. Several points need to be emphasized. First, listing in the National Register of Historic Places is a Department of the Interior decision. The nomination of a property is a proposal to the National Park Service and does not constitute listing. Second, the various States play a vital partnership role through their participation in this historic preservation program. Participation requires that a State must inventory and nominate properties to the National Register of Historic Places to be eligible for historic preservation grant assistance.

The public notice requirements of this rulemaking reflect these realities. The various States are not making final decisions concerning which properties will be listed in the National Register. They are, however, a very important professional step in the nomination process. Accordingly, these procedures require that each State solicit public comments during this process concerning the historical significance of the property, but permit a certain amount of flexibility in how this will be done.

A third comment, somewhat related to the issue of public notice, was that listing in the National Register of Historic Places could in some manner constitute a taking of a private property interest. As the rulemaking points out, however, this is not the case. At the present time, the Federal Executive is under an increasingly heavy responsibility to plan its programs objectively. The National Environmental Policy Act (NEPA) is the basic building block of this planning responsibility.

It is the basis of the National Environmental Policy Act that, prior to any major Federal action, the concerned Federal agency identify the nature of the resource and evaluate the impact of its decision on it. One element of that resource is the historic or cultural patterns that exist in an area. NEPA specifically provides that one declared National Environmental Policy is that the Nation may "preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice." Section 101(b)(4).

Under NEPA all Federal agencies must identify the historic and cultural patterns that exist in an area that will be impacted by their programs. The National Register of Historic Places is a central tool that permits agencies to accomplish this identification process, based upon the highest quality professional judgments, without duplication of effort. The National Register identifies districts, sites, buildings, structures, and objects significant to our historic and cultural heritage. The identification of our environment—both cultural and

natural—does not constitute a taking of property interests.

A fourth concern, also related to the notice and taking issues, was that the role of the Advisory Council on Historic Preservation was not fully explained in the proposed procedures. Exception was taken to the fact that the proposed rulemaking clearly stated that the comments of the Advisory Council on Historic Preservation do not constitute a veto of another Federal agency's decisionmaking process. We believe these comments misinterpret the role of the Advisory Council on Historic Preservation. The role of the Council, in our view, is to provide comments on undertakings affecting properties on or eligible for the National Register of Historic Places. These comments are not a substitute for a Federal agency decision but rather information to be integrated into the decisionmaking process.

Changes have been incorporated in this final rulemaking both in response to the comments that were received and based upon National Park Service review. Consistent with the discussions above, however, no major changes have been necessary. The majority of the changes are as follows:

1. With regard to § 60.2(c), a reference has been added to the procedures of the Advisory Council on Historic Preservation. In addition, several changes have been made to reflect the fact that the Advisory Council comments should be considered in the decisionmaking process. These changes are responsive to the comments received concerning the role of the Advisory Council and to the discussion above. These changes also appear in § 60.12(a) which utilizes the same terminology.

2. Section 60.2(d)(1) has also been modified slightly to reflect that there may be portions of national historical areas administered by the National Park Service that are not of historic significance but that are included within the Park for administrative or other reasons.

3. Paragraph (c) of § 60.4 has been deleted because it primarily concerned the implementation of Executive Order 11593 and that is not the subject of this rulemaking.

4. Section 60.12 (c) and (d) have also been modified somewhat to reflect comments received concerning the various States responsibilities to notify property owners. The changes reinforce that listing in the National Register is a National Park Service decision but also reflect the important role that the States play in the nomination of properties. In our judgment, the State inventory and nomination process is vital to draw upon professional expertise throughout the country. Having the commenting process primarily at the State level is a logical extension of this premise. The requirement that the State's Attorney concur in the required procedures was considered somewhat overbearing and has been deleted.

5. Section 60.15 has been modified to reflect criticism that Federal agencies were not being given the same opportunity to comment on State nominations as the States were given on Federal nominations. It also reflects the request that the States be provided comments that are received by the Keeper of the National Register.

6. Section 60.16(b) has also been altered to add a new subparagraph (5) concerning the moving of properties in accord with the comments of the Advisory Council on Historic Preservation. Because this is now ore permissive than as published for comment, the change is not considered major.

7. A new § 60.17 was added concerning the removal of properties. This section restates ideas implicit in the proposed rulemaking. Comments were received, however, suggesting that a separate section should be actually included for purposes of clarification.

The National Park Service will carefully consider any comments received prior to the effective date of this rulemaking on §§ 60.17 and 60.16(b)(5), discussed immediately above, and any other changes.

The National Register of Historic Places concept was initially authorized by the Congress in section 2 of the Historic Sites Act of 1935, 49 Stat. 666, 16 U.S.C. section 461 et seq. (1970 ed.), and was begun through a series of surveys conducted by the National Park Service throughout the 1960s to locate sites of national significance. This aspect of the 1935 Act is now implemented through the National Historic Landmark program also maintained by the National Park Service. All national historic landmarks are listed in the National Register of Historic Places. Determinations of national significance are made by the Secretary of the Interior.

The National Historic Preservation Act of 1966 authorized the Secretary of the Interior to "expand and maintain" such a national register to include sites significant in American history, architecture, archeology, and culture. The management of the National Register of Historic Places program and the implementation of the applicable portions of the Historic Sites Act and the National Historic Preservation Act have been delegated to the Director of the National Park Service by the Secretary of the Interior. These delegations and the role of the National Park Service in this regard appear at Part 145 and Part 245 of the Department of the Interior Departmental Manual. This rulemaking is developed under the authority of section 2(k) of the Historic Sites Act of 1935, 16 U.S.C. 462(k) (1970 ed.), and section 101(a)(1) of the National Historic Preservation Act of 1966, 16 U.S.C. 470a(a)(1) (1970 ed.).

Accordingly, with minor changes and additions, and in consideration of the foregoing comments and the reasons given in the preamble to the proposed rulemaking of August 29, 1975, which is specifically incorporated hereto by reference, the proposed new Part 60 of Chapter I of Title 36 of the Code of Federal Regulations is hereby adopted, effective April 1, 1976, as follows:

Sec.
60.1 The National Historic Preservation Act of 1966.
60.2 Authorization and expansion of the National Register.
60.3 Grants for historic preservation.
60.4 Executive Order 11593, "Protection and Enhancement of the Cultural Environment," May 13, 1971 (36 FR 8921, see 16 U.S.C. 470).
60.5 Appointment and responsibilities of the State Historic Preservation Officer.
60.6 Criteria for evaluation.
60.7 The State historic preservation plan.
60.8 State professional staff.
60.9 State review board.
60.10 Nomination forms.
60.11 Concurrent State and Federal nominations.
60.12 Notification.
60.13 Publication in the FEDERAL REGISTER.
60.14 Other State and local programs.
60.15 Processing for nominations.
60.16 Changes and revisions to properties listed in the National Register.
60.17 Removing properties from the National Register.

AUTHORITY: Sec. 2(k), 49 Stat. 666 [16 U.S.C. 462(k)]; Sec. 101(a)(1), 80 Stat. 915 [16 U.S.C. 470a(a)(1) (1970 ed.)]

§ 60.1 The National Historic Preservation Act of 1966.

In the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470, the Congress found and declared:

(a) That the spirit and direction of the Nation are founded upon and reflected in its historic past.

(b) That the historic and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people.

(c) That, in the face of ever-increasing extensions of urban centers, highways, and residential, commercial, and industrial developments, the present governmental and nongovernmental historic preservation programs and activities are inadequate to insure future generations a genuine opportunity to appreciate and enjoy the rich heritage of our Nation; and

(d) That, although the major burdens of historic preservation have been borne and major effects initiated by private agencies and individuals, and both should continue to play a vital role, it is nevertheless necessary and appropriate for the Federal Government to accelerate its historic preservation programs and activities, to give maximum encouragement to agencies and individuals undertaking preservation by private means, and to assist State and local governments and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities.

§ 60.2 Authorization and expansion of the National Register.

(a) The National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470, authorizes the Secretary of the In-

terior to expand and maintain a National Register of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture. Previously, the National Register included only nationally significant properties that were historical or archeological units of the National Park System, or that had been declared eligible for designation as national historic landmarks. Because they must meet exacting criteria of national significance, such properties are few in number. The National Historic Preservation Act of 1966 provides a means for States to nominate properties of State and local significance, regardless of location within the State and whether publically or privately owned, for placement in the National Register.

(b) The National Register is an authoritative guide to be used by Federal, State, and local governments, private groups, and citizens to identify the Nation's cultural resources and to indicate what properties should be considered for protection from destruction or impairment. It is also the legal instrument to insure that registered properties affected by undertakings that are executed, licensed, or financially assisted by the Federal Government will be the subject of review and comment in accordance with section 106 of the Act. Such review and comment is the function of the Advisory Council on Historic Preservation. The Advisory Council has adopted procedures concerning, inter alia, their commenting responsibility in 36 CFR Part 800.

(c) The National Register was designed to be and is administered as a planning tool without restraint upon private property interests. Federal agencies undertaking a project having an effect on a listed property must provide the Advisory Council on Historic Preservation a reasonable opportunity to comment pursuant to 36 CFR Part 800. Having complied with this procedural requirement the Federal agency may adopt any course of action it may feel appropriate. While the Advisory Council comments must be taken into account and integrated into the decisionmaking process, the program decision rests with the agency implementing the undertaking. No requirements of any kind are imposed upon private initiative.

(d) The National Register is enlarged by:

(1) Acts of Congress and Executive orders which create areas of the National Park System administered by the National Park Service, all or portions of which may be determined to be of historic significance consistent with the intent of Congress;

(2) Properties declared by the Secretary of the Interior as eligible for designation as national historic landmarks;

(3) Nominations prepared by the States and approved by the National Park Service; and,

(4) Nominations of Federal properties prepared by Federal agencies as directed by Executive Order 11593 and approved by the National Park Service.

§ 60.3 Grants for historic preservation.

The National Historic Preservation Act also authorizes 50 percent matching grants-in-aid to the States and the National Trust for Historic Preservation. Grants to the States are authorized for comprehensive statewide historic site surveys and preservation plans and for preservation projects in accordance with approved statewide plans. With the exception of grants to the National Trust for Historic Preservation, all grants are made through the States. The State Historic Preservation Officer may then distribute the funds to other approved public and private recipients. Funds may be used for acquisition, protection, rehabilitation, restoration, and reconstruction of properties included in the National Register. For further information relating to the historic preservation grants-in-aid program, consult Chief, Division of Grants, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

§ 60.4 Federal nominations pursuant to Executive Order 11593, "Protection and Enhancement of the Cultural Environment," May 13, 1971 (36 FR 8921, sec 16 U.S.C. 470).

(a) The Executive order states that the Federal Government shall provide leadership in preserving, restoring, and maintaining the historic and cultural environment of the Nation. Federal agencies are directed to administer cultural properties under their control in a spirit of stewardship and trusteeship for future generations and to initiate measures to direct their activities in such a way that federally owned properties of historical, architectural, or archeological significance are preserved, restored, and maintained for the inspiration and benefit of the people.

(b) Section 2(a) of Executive Order 11593 provides that Federal agencies shall locate, inventory, and nominate to the Secretary of the Interior all sites, buildings, districts, and objects under their jurisdiction or control that appear to qualify for listing on the National Register of Historic Places.

(c) Additional responsibilities of Federal agencies are detailed in Executive Order 11593, the National Historic Preservation Act of 1966, the National Environmental Policy Act of 1969, the Archeology and Historic Preservation Act of 1974, procedures developed pursuant to these authorities, and other related legislation. Detailed administrative procedures for the further implementation of Executive Order 11593 are being developed to set forth inter alia criteria and procedures to be applied by Federal agencies in the review and nomination required by section 2(a).

§ 60.5 Appointment and responsibilities of the State Historic Preservation Officer.

(a) Implementation of the National Historic Preservation Act of 1966 is accomplished primarily by the State Historic Preservation Officers (formerly known as State Liaison Officers), who are responsible for administering the National Register program within their jurisdictions. These officers are appointed by the Governors of the 50 States, Guam, American Samoa, the Commonwealth of Puerto Rico, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Mayor of the District of Columbia.

(b) The State Historic Preservation Officer is responsible for the development and implementation of a comprehensive State historic preservation plan, based clearly on the State's history and established in conformance with local, State, and Federal legislation and mechanisms, and approved by the Secretary of the Interior. The State Historic Preservation Officer supervises a professional staff in conducting a statewide survey of historic resources addressed to every aspect of the State's history. From this continuing inventory of historic resources, an integral part of the State historic preservation plan, the State Historic Preservation Officer should nominate properties for inclusion in the National Register. The nominated properties which are approved by the National Park Service are entered in the National Register by the Director, Office of Archeology and Historic Preservation, National Park Service.

(c) The State Historic Preservation Officer has been requested to assume certain responsiblities for compliance under section 106 of the National Historic Preservation Act as outlined by the Advisory Council on Historic Preservation in "Procedures for the Protection of Historic and Cultural Properties" (36 CFR Part 800).

(d) The following officials have been designated by their Governors to act as State Historic Preservation Officers responsible for State activities under the National Historic Preservation Act:

STATE HISTORIC PRESERVATION OFFICERS

ALABAMA

Chairman, Alabama Historical Commission, Alabama Department of Archives and History, Archives and History Building, Montgomery, Alabama 36104.

ALASKA

Director, Department of Natural Resources, Division of Parks, 323 East Fourth Avenue, Anchorage, Alaska 99501.

ARIZONA

Director, State Parks Board, 1688 West Adams, Phoenix, Arizona 85007.

ARKANSAS

Director, Department of Natural and Cultural Heritage, The Old State House, 300 West Markham, Little Rock, Arkansas 72201.

CALIFORNIA

Director, Department of Parks and Recreation, State Resources Agency, P.O. Box 2390, Sacramento, California 95811.

COLORADO

Chairman, State Historical Society, Colorado State Museum, 200 14th Avenue, Denver, Colorado 80203.

CONNECTICUT

Director, Connecticut Historical Commission, 59 South Prospect Street, Hartford, Connecticut 06106.

DELAWARE

Director, Division of Historical and Cultural Affairs, Hall of Records, Dover, Delaware 19901.

FLORIDA

Director, Division of Archives, History and Records Management, Department of State, 401 East Gaines Street, Tallahassee, Florida 32304.

GEORGIA

Chief, Historic Preservation Section, Department of Natural Resources, 270 Washington Street SW., Room 403–C, Atlanta, Georgia 30334.

HAWAII

State Historic Preservation Officer, P.O. Box 621, Honolulu, Hawaii 96808.

IDAHO

Director, Idaho Historical Society, 610 North Julia Davis Drive, Boise, Idaho 83706.

ILLINOIS

Director, Department of Conservation, 602 State Office Building, 400 South Spring Street, Springfield, Illinois 62706.

INDIANA

Director, Department of Natural Resources, 608 State Office Building, Indianapolis, Indiana 46204.

IOWA

Director, State Historical Department, Division of Historic Preservation, B–13 MacLean Hall, Iowa City, Iowa 52242.

KANSAS

Executive Director, Kansas State Historical Society, 120 West 10th Street, Topeka, Kansas 66612.

KENTUCKY

Director, Kentucky Heritage Commission, 401 Wapping Street, Frankfort, Kentucky 40601.

LOUISIANA

Director, Department of Art, Historical and Cultural Preservation, Old State Capitol, Baton Rouge, Louisiana 70801.

MAINE

Director, Maine Historical Preservation Commission, 31 Western Avenue, Augusta, Maine 04330.

MARYLAND

Director, Maryland Historical Trust, The John Shaw House, 21 State Circle, Annapolis, Maryland 24101.

MASSACHUSETTS

Executive Director, Massachusetts Historical Commission, 294 Washington Street, Boston, Massachusetts 02108.

MICHIGAN

Director, Michigan History Division, Department of State, Lansing, Michigan 48918.

MINNESOTA

Director, Minnesota Historical Society, 690 Cedar Street, St. Paul, Minnesota 55101.

MISSISSIPPI

Director, State of Mississippi Department of Archives and History, P.D. Box 571, Jackson, Mississippi 39205.

MISSOURI

Director, Missouri Department of Natural Resources, P.O. Box 176, 1204 Jefferson Building, Jefferson City, Missouri 65101.

MONTANA

Administrator, Recreation and Parks Division, Department of Fish and Game, Helena, Montana 59601.

NEBRASKA

Director, The Nebraska State Historical Society, 1500 R Street, Lincoln, Nebraska 68508.

NEVADA

Administrator, Division of State Parks, 201 South Fall Street, Carson City, Nevada 89701.

NEW HAMPSHIRE

Commissioner, Department of Resources and Economic Development, P.O. Box 856, Concord, New Hampshire 03301.

NEW JERSEY

Commissioner, Department of Environmental Protection, P.O. Box 1420, Trenton, New Jersey 08625.

NEW MEXICO

State Planning Officer, State Capitol, 403 Capitol Building, Santa Fe, New Mexico 87501.

NEW YORK

Commissioner, Parks and Recreation, Room 303, South Swan Street Building, Albany, New York 12223.

NORTH CAROLINA

Director, Division of Archives and History, Department of Cultural Resources, 109 East Jones Street, Raleigh, North Carolina 27611.

NORTH DAKOTA

Superintendent, State Historical Society of North Dakota, Liberty Memorial Building, Bismarck, North Dakota 58501.

OHIO

Director, The Ohio Historical Society, Interstate #71 at 17th Avenue, Columbus, Ohio 43211.

OKLAHOMA

State Historic Preservation Officer, 1108 Colcord Building, Oklahoma City, Oklahoma 73102.

OREGON

State Parks Superintendent, 300 State Highway Building, Salem, Oregon 97310.

PENNSYLVANIA

Executive Director, Pennsylvania Historical and Museum Commission, Box 1026, Harrisburg, Pennsylvania 17120.

RHODE ISLAND

Director, Rhode Island Department of Community Affairs, 150 Washington Street, Providence, Rhode Island 02903.

SOUTH CAROLINA

Director, State Archives Department, 1430 Senate Street, Columbia, South Carolina 29211.

SOUTH DAKOTA

Director, Office of Cultural Preservation, Department of Education and Cultural Affairs, State Capitol, Pierre, South Dakota 57501.

TENNESSEE

Executive Director, Tennessee Historical Commission, 170 2nd Avenue North, Suite 100, Nashville, Tennessee 37219.

TEXAS

Executive Director, Texas State Historical Survey Committee, P.O. Box 12276, Capitol Station, Austin, Texas 78711.

UTAH

Director, Division of State History, 603 East South Temple, Salt Lake City, Utah 84102.

VERMONT

Director, Vermont Division of Historic Sites, Pavilion Building, Montpelier, Vermont 05602.

VIRGINIA

Executive Director, Virginia Historic Landmarks Commission, 221 Governor Street, Richmond, Virginia 23219.

WASHINGTON

Director, Washington State Parks and Recreation Commission, P.O. Box 1128, Olympia, Washington 98504.

WEST VIRGINIA

State Historic Preservation Officer, P.O. Box 937, Morgantown, West Virginia 26505.

WISCONSIN

Director, State Historical Society of Wisconsin, 816 State Street, Madison, Wisconsin 53706.

WYOMING

Director, Wyoming Recreation Commission, 604 East 25th Street, Box 309, Cheyenne, Wyoming 82001.

DISTRICT OF COLUMBIA

Director, Office of Housing and Community Development, 14th and E Streets NW., Washington, D.C. 20004.

AMERICAN SAMOA

Territorial Historic Preservation Officer, Department of Public Works, Government of American Samoa, Pago Pago, American Samoa 96799.

COMMONWEALTH OF PUERTO RICO

State Historic Preservation Officer, Institute of Puerto Rico Culture, Apartado 4184, San Juan, Puerto Rico 00905.

GUAM

Director, Department of Parks and Recreation, P.O. Box 682, Agana, Guam 96910.

TRUST TERRITORY

Chief, Land Resources Branch, Department of Resources and Development, Trust Territory of the Pacific Islands, Saipan, Mariana Islands 96950.

VIRGIN ISLANDS

Planning Director, Virgin Islands Planning Board, Charlotte Amalie, St. Thomas, Virgin Islands 00801.

(e) When a new State Historic Preservation Officer is appointed by a Governor, a letter must be sent to the Director of the National Park Service providing notice of the appointment. Similar written notification must also be sent in cases involving a successor to the State Historic Preservation Officer when the original appointment was made to the *office* rather than specifically to the *individual* (*by name*) holding the office. The National Park Service also requires notification when the State Historic Preservation Officer delegates authorities to other parties. Changes of address, telephone number, or personnel should also be brought promptly to the attention of the National Park Service.

(f) Questions concerning authorized signatures should be addressed to the Di-

rector, Office of Archeology and Historic Preservation, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

§ 60.6 Criteria for evaluation.

The criteria applied to evaluate properties for possible inclusion in the National Register are listed below. These criteria are worded in a manner to provide for the diversity of resources. The following criteria shall be used in evaluating properties for nomination to the National Register, by the National Park Service in reviewing nominations, and for evaluating National Register eligibility of properties affected by Federal agency undertakings.

National Register criteria for evaluation. The quality of significance in American history, architecture, archeology, and culture is present in districts, sites, buildings, structures, and objects of State and local importance that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and

(a) That are associated with events that have made a significant contribution to the broad patterns of our history; or

(b) That are associated with the lives of persons significant in our past; or

(c) That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

(d) That have yielded, or may be likely to yield, information important in prehistory or history.

Criteria considerations. Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

(a) A religious property deriving primary significance from architectural or artistic distinction or historical importance.

(b) A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event.

(c) A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his productive life.

(d) A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events.

(e) A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived.

(f) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance.

(g) A property achieving significance within the past 50 years if it is of exceptional importance.

§ 60.7 The State historic preservation plan.

(a) Before properties are nominated for inclusion in the National Register, a continuing statewide survey of historic, architectural, archeological, and cultural resources is undertaken. This survey may be conducted with matching funds from the grants-in-aid program of the National Park Service.

(b) The survey is the basis of a State historic preservation plan which is organized into three volumes. Volume I of this document provides a summary of the State's history and background of its preservation activities, a statement of its long-range goals, and its methods of operation. Volume II, an inventory of the State's cultural resources, identifies significant districts, sites, buildings, structures, and objects regardless of title, boundaries, or ownership so that properties which meet the criteria for evaluation can be nominated to the National Register. Volume III is the annual work program, which must be submitted annually with an apportionment warrant stating and explaining the State's request for historic preservation grants-in-aid. This volume includes a review of the past year's work, updates of volumes I and II, and plans for the next fiscal year.

(c) A State's eligibility to participate in the National Register program and the grants-in-aid program depends upon its submission of an acceptable State historic preservation plan to the National Park Service.

(d) More detailed information on the State historic preservation plan may be obtained by writing the Branch of Plans, National Register Division, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

§ 60.8 State professional staff.

The State plan and all nominations submitted to the National Register by a State for consideration must first be prepared under the supervision of a full-time professional staff, responsible to the State Historic Preservation Officer. The staff must possess professionally recognized qualifications by education and experience in the fields of history, archeology, architecture (architectural history), and other appropriate disciplines, such as planning, as may be necessary. The credentials for each proposed staff member must be presented to the National Park Service for approval as part of the State historic preservation plan, volume III, or whenever there is a change in the composition of the staff.

§ 60.9 State Review Board.

(a) Volumes I and II of the State plan and all nominations submitted to the National Register by a State Historic Preservation Officer must first have been approved by a professional review board. The State Historic Preservation Officer must identify the proposed members of the review board and present their credentials to the National Park Service for approval in volume III of the State historic preservation plan or whenever there is a change in the composition of the board. The members of the review board may be proposed to the National Park Service either by the Governor or by the State Historic Preservation Officer.

(b) A minimum membership of five is required, including an authority in each of the following fields: history, archeology, architectural history, or architecture, and such other professional disciplines as may be appropriate (i.e. urban or regional planning). Employees of the State agency having the responsibility for survey and planning under the provisions of the act may be members of this body but may not vote on documents which they have supervised or have prepared themselves. Employees of the State agency may not fill one of the five professional positions except with special written permission of the National Park Service.

§ 60.10 Nomination forms.

All nominations to the National Register are to be made on standard National Register forms (revised October 1974) as follows:

No.	Form title	User	Color
10-300	Inventory-nomination.	State	White.
10-306	do	Federal	Blue.
10-300a	Continuation sheet.	State and Federal	White.
10-301	Property map	do	Do.
10-301a	Property photograph.	do	Do.

These forms are provided upon request to the State Historic Preservation Officers and to the participating Federal agencies by the National Park Service. For archival reasons, no other forms, photocopied or otherwise, will be accepted.

§ 60.11 Concurrent State and Federal nominations.

(a) State Historic Preservation Officers and Federal Representatives are encouraged to cooperate in locating, inventorying, evaluating, and nominating all properties possessing historical, architectural, archeological, or cultural value.

(b) When a portion of the area included in a Federal nomination is not located on land under the jurisdiction or control of the Federal agency, but is an integral part of the cultural resource, the completed nomination form should be sent to the State Historic Preservation Officer for submission to the State review board, notification to property owners, and the solicitation of written comments.

(c) If the review board approves the nomination, the form should be signed

by the State Historic Preservation Officer and returned to the Federal agency initiating the nomination along with a letter confirming that the nomination has been reviewed and approved by the State Historic Preservation Officer and the review board, that the appropriate owner or owners have been notified, and that all other State procedures have been fulfilled. Comments received by a State concerning the significance of the property should be included.

(d) Federally owned properties may be nominated by the State as well. In such cases the State Historic Preservation Officer shall notify the appropriate Federal representative in writing and, if possible, an agency official within the State before the nomination is forwarded to the National Park Service.

§ 60.12 Notification.

(a) As indicated previously in § 60.2 (c), the National Register was designed and has been implemented as a planning tool. Federal agencies that undertake a project having an effect on such a listed property must provide the Advisory Council on Historic Preservation a reasonable opportunity to comment pursuant to 36 CFR Part 800. Having complied with this requirement, the agency may adopt any course of action it may feel appropriate. While the Advisory Council comments must be taken into account and integrated into the decisionmaking process, the program decision rests with the agency implementing the undertaking. No requirements of any kind are imposed upon private initiative.

(b) The State Historic Preservation Officer concept has been developed within the various States at the urging of the Secretary of the Interior both to expand the National Register and to implement the historic preservation grants-in-aid program created by the National Historic Preservation Act of 1966, 16 U.S.C. 470 et seq. (1970 ed.). As such, this position has come to serve as a vital link between a State's participation in these programs and the National Park Service, and as a blending of State and Federal programs. This is particularly true of the identification and nomination of properties to the National Register by a State, which is required as a portion of the comprehensive statewide historic and cultural survey and a condition precedent to participation in the grants-in-aid program.

(c) The identification and nomination of historic and cultural resources, as a function that has been assumed by the various States, is essentially a State action. The nomination of a property is a proposal to the National Park Service and does not constitute listing. However, nominations received from the various States are, in the vast majority of situations, accepted by the National Park Service. Listing on the National Register is a Department of the Interior decision. As a part of the nomination process, each State is required to notify property owners in writing at least once of the State's intent to nominate a property and to allow a reasonable opportunity for the presentation of written comments concerning the property's significance prior to review board consideration. The various States are also strongly encouraged to notify appropriate county or municipal authorities and to allow them a reasonable opportunity to present written comment concerning that property's significance prior to review board consideration.

(d) In the event of a nomination of a historic district of multiple ownerships where notice to individual property owners is not practicable, each State is required to notify appropriate county or municipal authorities; to provide other means of general notice concerning the State's intent to nominate the district; and, to allow a reasonable opportunity for the presentation of written comments concerning the district's significance prior to review board consideration.

(e) State Historic Preservation Officers are required to inform property owners or appropriate local authorities, as appropriate, when properties are added to the National Register.

(f) In consultation with the State's Attorney, each State should adopt general notification procedures consistent with the considerations of this section and provide the National Register with a copy of these procedures when completed, and thereafter in the annual State historic preservation plan or whenever changes are made.

§ 60.13 Publication in the Federal Register.

(a) When a nomination is received, the National Park Service shall publish notice in the FEDERAL REGISTER that the property is being considered for listing and shall receive additional written comments concerning the significance of the property under National Register criteria for evaluation whenever possible.

(b) The National Register will notify the State Historic Preservation Officer of the listing of the property. The National Register will also place notice of listing in the FEDERAL REGISTER on a regular basis and in a cumulative edition which will appear once a year, usually in February.

§ 60.14 Other State and local programs.

State and local authorities that utilize the National Register nomination as the base for more restrictive provisions, such as halt-in-demolition provisions, must be aware that such uses of the information provided to the National Register are purely matters of State and local initiative and subject to the scope of a State's police powers. Such State and local provisions must be clearly separated from the role of the National Register as a planning tool and as the basis for participation in the historic preservation grants-in-aid program.

§ 60.15 Processing of nominations.

Nominations of properties to the National Register follow the process set forth below.

(a) Nominations by the State Historic Preservation Officer.

(1) Nomination forms (10–300) are prepared under the supervision of the State Historic Preservation Officer.

(2) Notice is provided of the intent to nominate the property and written comments are solicited. With regard to property under Federal jurisdiction or control, completed nomination forms should be submitted to the Federal representative for review and comment regarding the significance of the property. After receiving the comments of the Federal representative, or if there has been no response within 45 days, the State Historic Preservation Officer may approve the nomination and forward it to the Keeper, National Register, National Park Service, Washington, D.C. 20240. The comments of the Federal representative are appended to the nomination; or, if there are no comments, an explanation is attached.

(3) Completed nomination forms or the documentation proposed for submission on the nominations forms are submitted to the State review board for approval prior to submission to the National Register.

(4) Nomination forms approved by the State review board are reviewed by the State Historic Preservation Officer and, if approved, signed with the affirmation that all appropriate procedures have been followed.

(5) The State Historic Preservation Officer submits the completed nomination and comments received by a State concerning the significance of the property to the Keeper, National Register, National Park Service, Washington, D.C. 20240.

(6) Notice will be provided in the FEDERAL REGISTER that the nominated property is being considered for listing in the National Register of Historic Places and comments will be received whenever possible concerning the significance of the property. Copies of these written comments will be supplied to the State Historic Preservation Officer.

(7) Nominations are reviewed by the Office of Archeology and Historic Preservation to determine technical and professional sufficiency and conformance to the National Register criteria for evaluation and comments are considered.

(8) Nominations found to be technically and professionally sufficient and in conformance with the National Register criteria for evaluation will be approved by the Director, Office of Archeology and Historic Preservation, and entered in the National Register. Nominations found technically or professionally inadequate will be returned for correction and resubmission. When a property does not appear to meet the National Register criteria for evaluation, the nomination will be returned with an explanatory letter.

(b) *Nominations by a Federal agency.* (1) Nomination forms (10–306) are prepared under the supervision of the Federal Representative designated by the head of a Federal agency to fulfill agency responsibilities under Executive Order 11593.

(2) Completed nominations are submitted to the appropriate State Historic Preservation Officer for review and comment regarding the significance of the property and its eligibility for the National Register.

(3) After receiving the comments of the State Historic Preservation Officer, or if there has been no response within 45 days, the Federal Representative may approve the nomination and forward it to the Keeper, National Register, National Park Service, Washington, D.C. 20240. The comments of the State Historic Preservation Officer are appended to the nomination, or, if there are no comments, an explanation is attached. Concurrent nominations cannot be submitted, however, until the nomination has been approved by the State in accord with § 60.11, supra. Comments received by the State concerning concurrent nominations must be submitted with the nomination.

(4) Notice will be provided in the FEDERAL REGISTER that the nominated property is being considered for listing in the National Register of Historic Places and comments will be received whenever possible concerning the significance of the property. Copies of these written comments will be supplied to the Federal representative and to the State Historic Preservation Officer.

(5) Nominations are reviewed by the Office of Acheology and Historic Preservation to determine technical and professional sufficiency and conformance to the National Register criteria for evaluation and comments are considered.

(6) Nominations found to be technically and professionally sufficient and in conformance with the National Register criteria for evaluation will be approved by the Director, Office of Archeology and Historic Preservation, and entered in the National Register. Nominations found technically or professionally inadequate will be returned for correction and resubmission. When a property does not appear to meet the National Register criteria for evaluation, the nomination will be returned with an explanatory letter.

§ 60.16 Changes and revisions to properties listed in the National Register.

(a) *Boundary changes.* (1) A boundary alteration should be handled as a new property nomination supplanting the old nomination form. All forms, criteria, and procedures used in nominating a property to the National Register must be used at both the State and Federal levels. A professionally justified recommendation by the State Historic Preservation Officer or Federal Representative must be presented to the National Park Service. During this process, the property is not taken off the National Register. If the National Park Service finds the recommendation in accordance with the National Register criteria for evaluation, the change will be accepted. If the boundary change is not accepted, the old boundaries will remain.

(2) Two justifications exist for altering a boundary: Professional error in the initial nomination or loss of historic integrity. In some cases, accretion of additional significance may also be reason for altering property boundaries. No enlargement of a boundary should be recommended unless the additional area possesses previously unrecognized significance in American history, architecture, archeology, or culture. No diminution of a boundary should be recommended unless the properties being removed have lost the characteristics that endowed them with such significance and qualified them for the initial nomination. Any proposal to alter a boundary has to be documented in detail in order to avoid the necessity of an onsite inspection by National Park Service personnel. Specifically, the structures or other historic resources falling between the existing boundary and the other proposed boundary should be photographed.

(3) Attention should be given to the "Criteria for Effect," promulgated by the Advisory Council on Historic Preservation in "Procedures for the Protection of Historic and Cultural Properties" (36 CFR Part 800), for use in the application of section 106 of the National Historic Preservation Act. According to these criteria a project need not fall within the boundaries of a National Register property for an effect to exist.

(b) *Relocating properties listed in the National Register.* (1) Properties listed in the National Register should be moved only when there is no feasible alternative for preservation. When a property is moved, every effort should be made to reestablish its historic orientation, immediate setting, and general environment.

(2) If it is proposed that a structure listed in the National Register be moved and the State or Federal agency wishes the property to remain in the National Register during and after the move, the State or Federal agency must submit documentation prior to the move which should discuss:

(i) The reasons for the move;

(ii) The effect on the property's historical integrity; and

(iii) The new setting and general environment of the proposed site, including evidence that the proposed site does not possess historical significance that would be adversely affected by the intrusion of the structure.

In addition, photographs showing the proposed location must be sent along with the documentation. Any such proposal submitted by a State must be approved by the State review board and will continue to follow normal review procedures.

(3) If the National Park Service approves the proposal, the property will remain on the National Register during and after the move unless the integrity of the property is, in some unforeseen manner, destroyed. If the National Park Service does not approve the proposal, the property will be automatically deleted from the National Register when moved. If the State or Federal agency has proof that previously unrecognized significance exists, or has accrued, the State or Federal agency may resubmit a nomination for the property as outlined below.

(4) In the event that a structure is moved, deletion from the National Register will be automatic unless the above procedures are followed prior to the move. If the property has already been moved, it is the State or Federal agency's responsibility to notify the National Register. Assuming that the State or Federal agency wishes to have the structure reentered in the National Register, it must be nominated again on new forms which should discuss:

(i) The reasons for the move;

(ii) The effect on the property's historical integrity, and

(iii) The new setting and general environment, including evidence that the new site does not possess historical significance that would be adversely affected by the intrusion of the site.

In addition, new photographs showing the structure at its new location must be sent along with the revised nomination. Any such nomination submitted by a State must be approved by the State review board.

(5) Properties moved in a manner consistent with the comments of the Advisory Council on Historic Preservation, in accord with its procedures (36 CFR Part 800), are granted an exception to § 60.16 (b). Moving of properties in accord with the Advisory Council's procedures should be dealt with individually in each memorandum of agreement.

§ 60.17 Removing properties from the National Register.

(a) Properties nominated by the States or Federal agencies will be removed from the National Register only when they have ceased to meet the criteria for the National Register: when the qualities which caused them originally to be nominated have been lost or destroyed; upon proof that an error in professional judgment has been made; or, for failure to follow the procedures set forth herein. Information concerning the loss of integrity, error in judgement, or procedural error should be submitted through the appropriate State Historic Preservation Officer or Federal representative to the Keeper, National Register, National Park Service, Washington, D.C. 20240.

Dated: January 5, 1976.

GARY EVERHARDT,
Director, National Park Service.

[FR Doc.76-785 Filed 1-8-76;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—LAND RESOURCE MANAGEMENT (2000)

[Circular No. 2378]

PART 2090—SPECIAL LAWS AND RULES

PART 2610—SCRIP

Veterans Benefits

The authorities (43 U.S.C. 271, 272, 273; Pub. L. 88-545, 78 Stat. 751) for

issuance of 43 CFR 2096.0–3(b); 2096.1–1(b) and 2096.1–2(a) (2), (3), (4), and (5) providing for benefits to veterans who served in certain wars prior to 1922; and 43 CFR Part 2610 providing for retirement of scrip, lieu selection, and similar rights have expired or have been fully executed.

Therefore, 43 CFR 2096.0–3(b); 2096.1–1(b) and 2096.1–2(a) (2), (3), (4), and (5) and 43 CFR Part 2610 are deleted from the Code of Federal Regulations.

JACK O. HORTON,
Assistant Secretary of the Interior.

JANUARY 5, 1976.

[FR Doc.76–596 Filed 1–8–76;8:45 am]

[Circular No. 2379]

PART 2090—SPECIAL LAWS AND RULES

PART 2740—RECREATION AND PUBLIC PURPOSES ACT

Classification of Lands for Disposal Under Recreation and Public Purposes Act

The purpose of this amendment is to revise regulations found at §§ 2091.3–2(a) and 2741.2(d) of Title 43, Code of Federal Regulations to correctly reflect provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869). Present regulations incorrectly state that classifications of land for disposal under the Recreation and Public Purposes Act, except for Alaska, will be made pursuant to section 7 of the act of June 28, 1934 (43 U.S.C. 315f). All classifications for disposal of lands under the Recreation and Public Purposes Act are properly made pursuant to the authority contained in that act. The subject regulations are hereby amended accordingly.

It is the policy of the Department of the Interior to give notice of proposed rulemaking and to invite the public to participate in rulemaking except where such participation would be impracticable, unnecessary or contrary to the public interest and a specific finding to this effect is published with the rules or regulations (36 FR 8336, May 4, 1971). Public participation is unnecessary in this case since the revision merely corrects erroneous statements of authority and will have no adverse effect on the interested public.

The amendments are hereby adopted as set forth below and will become effective February 9, 1976. Subchapter B of Chapter II, Title 43, Code of Federal Regulations, is amended as follows:

1. In § 2091.3–2, the heading and paragraph (a) are revised to read as follows:

§ 2091.3–2 Under the Recreation and Public Purposes Act.

(a) Lands classified under the Recreation and Public Purposes Act, as amended (43 U.S.C. 869), are segregated from all appropriations, including locations under the mining laws, except as provided in the order of classification or amendment thereof.

* * * * *

2. In § 2741.2, paragraph (d) is revised to read as follows:

§ 2741.2 Classification of the land.

* * * * *

(d) Lands classified pursuant to the act are segregated from all appropriations, including locations under the mining laws, except as provided in the order of classification or amendment thereof.

JACK O. HORTON,
Assistant Secretary of the Interior.

JANUARY 5, 1976.

[FR Doc.76–595 Filed 1–8–76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 87—AVIATION SERVICES

Type Acceptance Equipment

Order. In the matter of editorial amendment of § 87.79 of the Commission's rules.

1. By this order, it is intended to editorially update, through an address change, Part 87 of the rules. The Federal Aviation Administration (FAA) has recently undergone a reorganization which affected the agency's frequency management organization.

2. Previously, the Spectrum Analysis Branch of the Systems Research and Development Service of the FAA handled notifications of type acceptance of equipment. The Spectrum Analysis Branch has been abolished. The FAA's Spectrum Management Staff of Systems Research and Development Service now has cognizance over type acceptance notifications.

3. Authority for this amendment appears in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and in § 0.231 of the Commission's rules and regulations. Since the amendment is editorial in nature, intended merely to change the address as noted above the prior notice, procedure and effective date provisions of 5 U.S.C. 553 are not applicable.

4. In view of the above: *It is ordered,* That effective December 1, 1975, Part 87 is amended as set forth below.

(Secs. 4, 303, 48 Stat., 25 amended, 1066, 1082; (47 U.S.C. 154, 303))

Adopted: November 18, 1975.

Released: November 20, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] R. D. LICHTWARDT,
Executive Director.

Part 87 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Section 87.79(d) is revised as follows:

§ 87.79 Type acceptance equipment.

* * * * *

(d) In the case of applications for type acceptance of equipment (ground and airborne) intended for transmission in any of the frequency bands listed below, the applicant shall, on a date no later than the date of filing of the application with the Commission, transmit to the Federal Aviation Administration (FAA) a letter of notification advising that agency of the intent to file, or the filing, as appropriate, of the type acceptance application. (Manufacturers and inventors are encouraged to contact the FAA in the early conceptual or developmental stages to reduce the possibilities of acceptance delays and economic loss.) The letter of notification shall be transmitted to: Federal Aviation Administration, Systems Research and Development Service Spectrum Management Staff, ARD–60, 2100 Second St., SW., Washington, D.C. 20591. It shall describe the equipment, giving the identification by manufacturer and type number and including statements of the antenna characteristics, rated output power, type and characteristics of emission, the frequency or frequencies of operation, statement of essential receiver characteristics if protection is required, and the purpose for which the equipment is to be used. The type acceptance application shall include a copy of the letter of notification and shall attest to its transmittal, and date thereof, to the FAA. Action will be withheld for a period of 21 days following the date of receipt of the type acceptance application in order to afford the FAA an opportunity to comment. If the Commission receives from FAA an objection to issuance of type acceptance which includes a showing of noncompatibility of the equipment with the National Airspace System, the Commission will consider this showing together with all other information in its possession concerning the equipment before taking final action on the application. The frequency bands are as follows:

108 MHz to 117.975 MHz
328.6 MHz to 335.4 MHz
960 MHz to 1215 MHz
1535 MHz to 1660 MHz
5000 MHz to 5250 MHz
14.0 GHz to 14.4 GHz
15.40 GHz to 15.70 GHz
24.25 GHz to 25.25 GHz
31.80 GHz to 33.40 GHz

[FR Doc.76–637 Filed 1–8–76;8:45 am]

Title 49—Transportation

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

[Docket No. 75–16; Notice 06]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Bus Air Brake Systems

This notice amends Standard No. 121, *Air Brake Systems,* to suspend until January 1, 1977, the service brake stopping distance requirements as they apply to buses.

The NHTSA proposed a 1-year suspension of service brake stopping distances (40 FR 52856, November 13, 1975) following a public meeting on Standard No. 121 (49 CFR 571.121). Bus performance was reviewed by manufacturers and users, and by Rockwell International Corporation, presently the manufacturer of most of the axles and antilock components installed in transit and intercity

buses. Other data collected by the NHTSA substantiate a pattern of erratic behavior in bus antilock equipment used in most transit and intercity operation that warrants disconnection while a correction is fully developed. The proposed suspension was based on manufacturer and user requests for a period in which modified hardware could be field-evaluated along with other antilock systems being offered for bus applications.

The comments uniformly supported the proposed suspension of service brake stopping distance requirements (including the "no lockup" requirement) for transit and intercity buses. However, component suppliers, bus manufacturers, and bus users differed over the extent of the proposal in three areas.

Rockwell and General Motors expressed concern that the preamble to the proposal had not made clear whether the proposal was intended to meet problems other than erratic antilock performance. Transport of New Jersey also objected that the proposal might be narrowly construed to mean that only the "no lockup" aspect of the stopping distance requirements would be suspended. AM General questioned whether the revision included "any attempt to impose stopping distance and lane limit test requirements."

The NHTSA proposed suspension of the service brake stopping distance requirements (S5.3.1) in their entirety, not just the "no lockup" requirements of the section. Suspension of the entire requirement was intended to moderate the maintenance and misadjustment problems that are associated with the faster wearing brake linings provided in compliance with the standard.

General Motors noted that, because of the unique configuration of the braking system on its new transit bus, the limited nature of the NHTSA's proposed suspension, specifically the continuation of the partial system failure requirements, inadvertently prevents their bus from utilizing the lower-coefficient linings intended by the proposal. This issue is presently under consideration by the agency, and may be the subject of another proposal to be issued shortly.

The second area of concern to some manufacturers was whether the NHTSA intended to cover school buses with the proposed exclusion. General Motors and Wagner Electric Corporation expressed the view that school buses should not be included. International Harvester, Crown Coach, and several school districts believed that the vehicles should be included in the suspension. The NHTSA intended to include school buses in its proposal and, based on review of the comments, has concluded that these buses should be included in the suspension.

International Harvester pointed out that the stop-and-go cycle of school buses can cause distinctive stresses on the air brake system that are similar to that encountered in transit bus operation. While not made explicit, Crown Coach's comments illustrate that some school buses utilize the same axles and antilock component as transit and intercity buses. Limiting the suspension to a portion of the air-braked school buses would create an unintended economic disadvantage for some school buses of this type.

Wagner and General Motors argued that some school buses utilize truck chassis and brake systems, and that these systems do not suffer from the same problems as the bus components criticized at the public meeting. It is true that the components utilized generally in trucks and also used in some buses have been determined to be reliable (40 FR 59222, December 22, 1975). The usage cycles of various vehicles are, however, evidently an important factor in some of the problems that have been experienced. Considering the similarity in the usage of school buses to that of transit buses, this agency has decided that the most desirable course of action is to include school buses in the suspension of stopping distance requirements.

The third area in which commenters questioned the extent of the proposal was the length of the suspension. Bus operators and their associations (e.g., National Association of Motor Bus Owners (NAMBO), American Public Transit Association (APTA), Chicago Transit Authority) and bus manufacturers (General Motors, AM General, and Eagle International) generally argued that a 1-year evaluation period following development of adequate corrections to existing or new hardware would be necessary. Motor Coach Industries and Transportation Manufacturing Corporation (manufacturers of the majority of intercity buses) supported the 1-year proposal without commenting on the adequacy of the proposed 1-year suspension period. Rockwell, as the present manufacturer of most of the transit and intercity bus axles and antilock systems, cautioned the NHTSA that a specific date for the effectiveness of S5.3.1 would reduce the thoroughness of the evaluation program. The company did support the 1-year suspension.

The proposal was for a 1-year suspension only. This agency has not found this to be an emergency situation that would justify promulgating a delay greater than that proposed without the benefit of notice and opportunity to comment. Therefore, the NHTSA hereby makes final its proposed 1-year suspension of the stopping distance requirements, and will further evaluate the requests for a longer period of suspension. Bus manufacturers have stated that they intend to initiate field evaluation of improved antilock systems, and this agency will actively monitor these efforts as the basis for future action. The support of field testing by NAMBO and APTA will also be important in making meaningful evaluations of anticipated system modifications.

Chrysler, Freightliner, and International Harvester recommendations on other aspects of the standard and its applicability to other vehicle types have been responded to in the NHTSA's recent proposal for modification of the standard's performance levels for trucks, buses and trailers (40 FR 59222, December 22, 1975).

AM General asked whether buses manufactured during the suspension could be required to be retrofitted in the future. The answer is no. The motor vehicle safety standards in effect at any date apply according to their terms only to vehicles manufactured on that date. In answer to AM General's question whether the antilock systems on 121-equipped buses may "be completely deactivitated and dismantled and the vehicle returned to the pre-FMVSS #121 status," it is the position of the NHTSA that manufacturers and operators are the persons qualified and required to determine the safest configuration for operation of their vehicles, subject to applicable Bureau of Motor Carrier Safety regulations. With regard to the effect of Federal law on the modification of safety systems, a manufacturer of air-braked buses that conform to the air brake standard may instruct the owners of its products to disconnect the antilock system used to meet the standard, for the period necessary to correct a safety-related defect in the system that may make its operation hazardous.

It is also noted that this amendment constitutes the NHTSA's favorable response to APTA's October 6, 1975, request for modification of the standard, and the October 22, 1975, petition of the Eastern Bus Maintenance Men's Conference concerning Standard No. 121.

In consideration of the foregoing, S5.3.1 of Standard No. 121 (49 CFR 571.121) is amended by the addition of the phrase "Except for a bus manufactured before January 1, 1977, and" at the beginning of the first sentence.

Effective date: January 6, 1976, because this amendment represents a relaxation of the requirements of the standard and does not place additional requirements on any person, it is found for good cause shown that an immediate effective date is in the public interest.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (14 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50)

Issued on January 6, 1976.

JAMES B. GREGORY,
Adminitrator.

[FR Doc.76-630 Filed 1-6-76;2:09 p.m.]

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

National Park Service

[36 CFR Part 7]

EL PORTAL ADMINISTRATIVE SITE YOSEMITE NATIONAL PARK, CALIFORNIA

Use of Site

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), and the Act of September 2, 1958 (72 Stat. 1662; 16 U.S.C. 47–1), as amended by the Act of July 21, 1968 (82 Stat. 393; 16 U.S.C. 47–2), National Park Service Order No. 77 (38 FR 7478, as amended, 39 FR 4597) and Regional Director, Western Region Order No. 7 (37 FR 6326, as amended, 39 FR 13903, and 40 FR 19508), it is proposed to add a new § 7.17 to Chapter I, Title 36 of the Code of Federal Regulations as set forth below.

The Act of September 2, 1958, authorized the establishment of an administrative site for Yosemite National Park in the El Portal area adjacent to the park. The Act specified that the administrative site was not to become a part of Yosemite National Park and that it was not to be subject to regulations governing the park. However, the Secretary of the Interior was authorized to make and publish regulations deemed necessary for use and management of the site.

Paragraph (a) of the proposed regulations adopts certain general regulations from Parts 2 and 5 of 36 CFR Ch. I. These regulations pertain primarily to public use, resource protection and commercial operations. Paragraph (b) contains regulations which are specific to the El Portal site and cannot be directly adopted from elsewhere in this Chapter.

These regulations are being established in a separate section of Part 7 to avoid confusion with those special regulations for Yosemite National Park contained in § 7.16. The special regulations in § 7.16 are not applicable to the El Portal Administrative Site, since it is not a part of Yosemite National Park.

It is the policy of the Department of the Interior, whenever practical, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed regulations to the Superintendent, Yosemite National Park, California 95389, on or before February 9, 1976.

It is proposed to amend Part 7, Chapter I, Title 36 of the Code of Federal Regulations by adding a new § 7.17 as follows:

§ 7.17 El Portal Administrative Site for Yosemite National Park.

(a) The following regulations of Parts 1 through 6 of this chapter are adopted for the El Portal Administrative Site and shall apply to all persons entering, using, visiting, residing or otherwise within the boundaries of that site. No other regulations of Parts 1 through 6 of this chapter shall so apply. The adopted regulations shall reflect any changes in wording or numbering which may hereafter be made to the basic regulations.

(1) Sec. 2.1 (a), (b)
(2) Sec. 2.3(b)
(3) Sec. 2.4 (a), (c)
(4) Sec. 2.9 (a), (b)
(5) Sec. 2.10
(6) Sec. 2.12(e)
(7) Sec. 2.24 (a), (b), (d), (g)
(8) Sec. 2.27 (a), (b)
(9) Sec. 5.1
(10) Sec. 5.3
(11) Sec. 5.7
(12) Sec. 5.8 (a), (b), (c)
(13) Sec. 5.9 (a), (b), (c)
(14) Sec. 5.10 (a), (b), (c)
(15) Sec. 5.16

(b) The following regulations shall also apply to all persons entering, using, visiting, residing, or otherwise within the boundaries of the El Portal Administrative Site:

(1) Camping of any type is prohibited.

(2) Trees shall not be felled, cut or trimmed for any purpose, including fuel, except as authorized by the Superintendent to control tree hazards or disease.

(3) The keeping of animals as pets is permitted under such conditions as may be prescribed by the Superintendent.

(4) Permitting pets to run unrestricted or interfere with the passage of persons is prohibited.

(5) The use of motor vehicles off established public roads, and off public and residential parking areas, is prohibited.

(6) Prospecting, mining, and location of mining claims is prohibited.

(7) Residence is prohibited except in accordance with a written authorization by the United States.

(8) The intentional or wanton possession, destruction, injury, defacement, removal, or disturbance in any manner of any public building, sign, equipment, monument, marker, or other structure, or of any relic artifact, ruin, or historic or prehistoric feature or of any other similar public property is prohibited.

(9) The creation or maintenance of a nuisance is prohibited.

LESLIE P. ARNBERGER,
Superintendent,
Yosemite National Park.

[FR Doc.76–628 Filed 1–8–76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 907]

HANDLING OF NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Proposed Expenses and Rate of Assessment for 1975–76 Fiscal Year and Carryover of Unexpended Funds

This notice invites written comment relative to proposed expenses of $475,500 and a rate of assessment of $0.013 per carton of oranges to support the activities of the Navel Orange Administrative Committee for the 1975–76 fiscal year under Marketing Order No. 907.

Consideration is being given to the following proposals submitted by the Navel Orange Administrative Committee, established under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That the expenses that are reasonable and likely to be incurred by the Navel Orange Administrative Committee during the period November 1, 1975, through October 31, 1976, will amount to $475,500.

(2) That there be fixed, at $0.013 per carton of oranges, the rate of assessment payable by each handler in accordance with § 907.41 of the aforesaid marketing agreement and order.

(3) That unexpended funds in excess of expenses incurred during the fiscal year ended October 31, 1975, in the amount of $20,000, be carried over as a reserve in accordance with § 907.42 of said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file same in quadruplicate with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than January 26, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: January 5, 1976.

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

[FR Doc.76–621 Filed 1–8–76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 422]

[Regs. No. 22]

ORGANIZATION AND PROCEDURES

Availability of Information to the Public

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the proposed amendments set forth in tentative form below are proposed by the Commissioner of Social Security with the approval of the Secretary of Health, Education, and Welfare. Subpart E of Part 422 constitutes the regulations issued by the Social Security Administration in implementation of the Freedom of Information Act (5 U.S.C. 552) and in supplementation of the Public Information Regulations (45 CFR Part 5) of the Department of Health, Education, and Welfare. Certain of the proposed amendments are being made in compliance with the Freedom of Information Act Amendments (Pub. L. 93–502) approved November 21, 1974. In addition, certain technical amendments are being made to conform Part 422 with the Department's regulations, as amended effective May 1, and June 24, 1975. See 40 FR 18997 and 26512.

The Freedom of Information Act Amendments require that each agency publish indexes: of final opinions and orders made in the adjudication of cases; of statements of policy and interpretation which are adopted by the agency and are not published in the FEDERAL REGISTER; and of administrative staff manuals and staff instructions that affect a member of the public. Such indexes must cover a period of time beginning with July 4, 1967. The Social Security Administration publishes these indexes in the "Social Security Rulings". It is proposed to amend § 422.406 to reflect this decision. Since July 4, 1967, the Social Security Administration has made some 149 million determinations in retirement and survivors insurance benefit cases, 9.3 million in disability insurance and miner's benefit cases, and 470 million in health insurance cases. The volume of determinations is so huge that publication of an index of all such determinations would be a virtual impossibility and would neither aid nor enlighten the public. Also, written rationale for the determination, often made on the basis of unquestioned facts, does not exist in the majority of cases. They are not considered precedential and they are not consulted in the adjudication of other cases. Those cases that influence determinations and decisions of the Social Security Administration, generally the final orders and opinions which 5 U.S.C. 552(a)(2) requires to be made available to the public, are published in the "Social Security Rulings".

It is proposed to revise § 422.125(e)(2) to charge a fee, in accordance with the schedule set out in § 422.440, when a more detailed statement of earnings is requested for a purpose not related to title II of the Social Security Act.

Section 422.412 now sets out the principle that staff manuals which contain policies, procedures, or interpretations that affect the public are available for public inspection and copying. The principle remains unchanged. The Social Security Administration, though, issues numerous manuals of procedures which have not previously been routinely made available to the public. For the most part, they are detailed instructions for the routine performance of specific jobs. These manuals of procedure will also be made available for inspection and copying. A complete listing of all manuals is published in the "Social Security Rulings". The listing first appeared in the January 1975 issue and will be republished annually thereafter in January issues. Supplements will be published throughout the year at quarterly intervals.

Section 422.428 discusses where requests for information may be made. The section presently provides that requests may be made to any office of the Social Security Administration. This is being modified to provide that requests for materials listed in §§ 422.430 and 422.432 should be submitted to social security district offices and branch offices, and requests for other records should be addressed to the Director, Office of Information, Social Security Administration, or to the Information Center Officer in the appropriate regional offices. Requests for information about certain individual records pertaining to individuals entitled to or receiving social security benefits should be addressed to specified officials having custody of the record.

It is proposed to revise § 422.436 to provide that a requester need only reasonably describe the record he seeks and that decisions must be reached within 10 working days from the date the request is received by the office designated in § 422.428. However, this time period may be extended under circumstances described in § 422.436(b). This conforms the section to the Freedom of Information Act Amendments.

Section 422.440 sets out a fee schedule conforming to the one prescribed by the Department of Health, Education, and Welfare on May 1, 1975, at 40 FR 18998 for Departmentwide use.

It is proposed to revise § 422.444 to authorize only certain specific individuals to officially deny the requests directed to them by proposed § 422.428.

It is proposed to revise § 422.448 to set out in more detail the procedure for handling an appeal of a denial of a request for information, and the time limits imposed by the Freedom of Information Act Amendments during which an agency must decide to affirm or reverse such denial. The time limit may be extended under circumstances described in § 422.436(b).

The present § 422.452 provides that a denial may be reviewed by the Federal courts pursuant to 5 U.S.C. 522(a)(3). It is proposed to revise this section to reflect the fact that judicial review is now authorized by 5 U.S.C. 552(a)(4), as amended by section 1(b)(2) of Pub. L. 93–502.

Prior to the final adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203, on or before February 9, 1976.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, SE., Washington, D.C. 20201.

The proposed amendments are to be issued under the authority contained in sections 205, 1102, and 1106 of the Social Security Act, 53 Stat. 1368, as amended, 49 Stat. 647, as amended, 53 Stat. 1389, as amended; 42 U.S.C. 405, 1302, and 1306; and 5 U.S.C. 552.

(Catalog of Federal Domestic Assistance Program Nos. 13.800 through 13.807, Social Security Programs)

Dated: September 16, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: January 2, 1976.

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

Part 422 of Chapter III of Title 20 of the Code of Federal Regulations is amended as set forth below.

1. Section 422.125(e)(2) is revised to read as follows:

§ 422.125 Statements of earnings; resolving earnings discrepancies.

* * * * *

(e) *Detailed earnings statements.* * * *

(2) If the more detailed statement of earnings is requested for a purpose not related to title II of the Social Security Act, a charge will be imposed according to the schedule of fees set out in § 422.440.

* * * * *

2. Section 422.406(a) is amended by revising the material preceding paragraph (a)(1) and by adding a new paragraph (a)(4) to read as follows:

§ 422.406 Publication.

(a) *Methods of publication.* Materials required to be published pursuant to the provisions of 5 U.S.C. 552(a)(1) and (a)(2) are published in one of the following ways:

* * * * *

(4) By publication "Social Security Rulings" of indexes of precedential social security orders and opinions issued in the adjudication of claims, statements of policy and interpretations which have been adopted but have not been published in the FEDERAL REGISTER, and of

administrative staff manuals and instructions to staff that affect a member of the public. The "Social Security Rulings" may be purchased through the Government Printing Office.

* * * * *

3. Section 422.412 is revised to read as follows:

§ 422.412 Availability of administrative staff manuals.

All administrative staff manuals of the Social Security Administration and instructions to staff personnel which contain policies, procedures, or interpretations that affect the public are available for inspection and copying. A complete listing of such materials is published in "Social Security Rulings." These manuals are generally not printed in a sufficient quantity to permit sale or other general distribution to the public. Selected material is maintained at district offices and field offices and may be inspected there. See §§ 422.430 and 422.432 for a listing of this material.

4. Section 422.428 is revised to read as follows:

§ 422.428 Where requests for records may be made.

(a) *General.* Any request for any record may be made to (1) the Director, Office of Information, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, or (2) the Information Center Officer, at the Regional Offices of the Department of Health, Education, and Welfare. The locations and service areas of these offices are as follows:

Region I—John F. Kennedy Federal Building, Boston, MA 02203. Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.

Region II—26 Federal Plaza, New York, NY 10007. New York, New Jersey, Puerto Rico, Virgin Islands.

Region III—P.O. Box 13716, Philadelphia, PA 19101. Delaware, Maryland, Pennsylvania, Virginia, West Virginia, District of Columbia.

Region IV—50 Seventh Street, NE, Atlanta, GA 30323. Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.

Region V—300 South Wacker Drive, Chicago, IL 60606. Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.

Region VI—1114 Commerce Street, Dallas, TX 75202. Arkansas, Louisiana, New Mexico, Oklahoma, Texas.

Region VII—601 East 12th Street, Kansas City, MO 64106. Iowa, Kansas, Missouri, Nebraska.

Region VIII—Federal Office Building, 19th and Stout Streets, Denver, CO 80202. Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.

Region IX—Federal Office Building, 50 Fulton Street, San Francisco, CA 94102. Arizona, California, Hawaii, Nevada, Guam, Trust Territory of Pacific Islands, American Samoa.

Region X—Arcade Plaza Building, 1321 Second Avenue, Seattle, WA 98101. Alaska, Idaho, Oregon, Washington.

(b) *Records pertaining to individuals.* The Social Security Administration maintains numerous records pertaining to individuals. Disclosure of such records is generally prohibited by section 1106 of the Social Security Act (42 U.S.C. 1306), except as prescribed in Part 401 of this chapter. (See § 422.426(b)). Requests for records pertaining to individuals may be addressed to:

(1) Director, Bureau of Data Processing, Baltimore, Md. 21235, when earnings records are sought;

(2) Director, Division of International Operations, P.O. Box 1756, Baltimore, Md. 21203, when information is sought from the record of an individual entitled to benefits and living outside the United States;

(3) Director, Bureau of Disability Insurance, Baltimore, Md. 21241, when information is sought from the record of a person living in the United States who receives social security disability benefits, supplemental security income benefits as a blind or disabled individual, or miner's benefits under title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended (30 U.S.C. 901 et seq.).

(4) Regional Representative, Bureau of Retirement and Survivors Insurance, when information is sought from the record of a person living in the United States who receives social security retirement or survivors insurance benefits or supplemental security income benefits as an aged individual. The first three digits of the social security number (SSN) of the person on whose record benefits are being paid determines the regional representative who maintains the record.

Records are maintained as follows:

Regional representative	*1st 3 digits of social security number*
Northeastern Program Center, 9605 Horace Harding Expressway, Flushing, N.Y. 11368.	001 through 134.
Mid-Atlantic Program Center, 401 North Broad St., Philadelphia, Pa. 19108.	135 through 222, 232 through 236, 577 through 584.
Southeastern Program Center, 2001 12th Avenue, North, Birmingham, Ala. 35285.	223 through 231, 237 through 267, 400 through 428, 587.
Great Lakes Program Center, 165 North Canal Street, Chicago, Ill. 60506.	268 through 302, 316 through 399, 700 through 729.
Mid-American Program Center, 601 East 12th Street, Kansas City, Mo. 64106.	303 through 315, 429 through 500, 505 through 515, 525, 585.
Western Program Center, P.O. Box 2000, Richmond, Calif. 94802.	501 through 504, 516 through 524, 526 through 576, 586.

(5) Regional Representative, Bureau of Health Insurance when information is sought from the Medicare records of beneficiaries. Requests for these records may be addressed to the Regional Representative, Health Insurance, serving the geographic area in which the health care services were performed. The Regional Representatives are located at the regional offices listed in § 422.428(a).

(6) To an Administrative Law Judge (ALJ), a Hearing Examiner (Supplemental Security Income), or the Appeals Council, but only if the requester has actual knowledge that the record is in his or their possession;

(7) Managers of local district and branch offices of the Social Security Administration (the address of local offices may be found in local telephone directory) if the record requested is not listed in paragraphs (b)(1) through (b)(6) of this section.

(c) *Requests for materials listed in § 422.430 or § 422.432 or indexed in the Social Security Rulings.* A request to inspect and copy materials listed in § 422.430 or § 422.432 or indexed in the "Social Security Rulings" may be made to any district or branch office of the Social Security Administration. If the specific material requested is not available in the office receiving the request, the material will be obtained and made available promptly.

5. Section 422.436 is revised to read as follows:

§ 422.436 Requests for information or records.

(a) A request should reasonably identify the requested record by brief description. Requesters who have detailed information which would assist in identifying the records requested are urged to provide such information in order to expedite the handling of the request. Envelopes in which written requests are submitted should be clearly identified as a Freedom of Information request. The request should include the fee or request determination of the fee.

(b) Determinations of whether records will be withheld will be made within 10 working days from date of receipt of the request in the office listed in § 422.428 except where the Social Security Administration extends this time and sends notice of such extension to the requester. Such extension may not exceed 10 additional working days and shall apply only where the following unusual conditions exist:

(1) The need to search for and collect the requested records from offices that are separate from the office processing the requests;

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

(3) The need for consultation wtih another agency having a substantial interest in the request or among two or more components of the Social Security Administration having a substantial interest in the subject matter of the request.

(c) If an extension is made, the requester will be notified in writing prior to the expiration of 10 working days from receipt of the request and will be given an explanation as to why the extension was necessary and the date on which a determination will be made.

(d) Authority to extend the time limit with respect to any request for information or records is granted to the Director,

Office of Information of the Social Security Administation and to the Information Center officers of the regional office of the Department of Health, Education, and Welfare. Those officers and employees of the Social Security Administration who are listed in § 422.444(b) as having authority to deny requests for information from records maintained on individuals are granted authority to extend the time limit for responding to requests for information from such records.

6. Section 422.440 is revised to read as follows:

§ 422.440 Fees and charges.

(a) *Statement of policy.* As specified in § 401.6 of Part 401 of this chapter, it is the policy of the Social Security Administration to comply with certain requests for information services without charge. Except as otherwise determined pursuant to paragraph (c) of this section, fees will be charged for the following services with respect to all other requests for information from records which are reasonably identified by the requesters:

(1) Reproduction, duplication, or copying of records;

(2) Searches for records; and

(3) Certification or authentication of records.

(b) *Fee schedules.* The fee schedule of the Social Security Administration is as follows:

(1) *Search for records.* Three dollars per hour: *Provided, however,* That no charge will be made for the first half hour.

(2) *Reproduction, duplication, or copying of records.* Ten cents per page where such reproduction can be made by commonly available photocopying machines. The cost of reproducing records which cannot be so photocopied will be determined on an individual basis at actual cost.

(3) *Certification or authentication of records.* Three dollars per certification or authentication.

(4) *Forwarding materials to destination.* Any special arrangements for forwarding which are requested shall be charged at actual cost; however, no charge will be made for postage.

(5) No charge will be made when the total amount does not exceed five dollars.

(c) *Waiver or reduction of fees.* Waiver or reduction of the fees set forth in paragraph (b) of this section may be made upon a determination that such waiver or reduction is in the public interest because furnishing the information can be considered as primarily benefiting the general public. Such determination may be made by the appropriate officer or employee identified in § 422.444.

(d) *Sale of documents.* On occasion, a previously printed document may be available for sale to the public; the cost of supplying the document is one cent per page unless the document is available for sale from the Superintendent of Documents, in which case the price shall be that determined by the Superintendent.

7. Section 422.444 is revised to read as follows:

§ 422.444 Denial of requests.

(a) *General authority.* Except as provided in paragraph (b) of this section, authority to deny written requests for inspection or copying of any social security record is granted only to the Director, Office of Information, (SSA), and to the Information Center Officers of the regional offices of the Department of Health, Education, and Welfare.

(b) *Limited authority.* Inspection or copying of records pertaining to one individual by another individual is generally prohibited by section 1106 of the Social Security Act (42 U.S.C. 1306) except as Part 401 of this chapter otherwise provides. Requests for inspection and copying of such records which § 422.428(b) designates them to receive may be denied by the following officers and employees of the Social Security Administration:

(1) Directors of the Bureaus of Data Processing, Disability Insurance, and Retirement and Survivors Insurance;

(2) Members of the Appeals Council, Administrative Law Judges, and Hearing Examiners (SSI);

(3) Regional Representatives of the Bureau of Retirement and Survivors Insurance;

(4) Regional Representatives, Bureau of Health Insurance;

(5) Director, Division of International Operations;

(6) District Managers;

(7) Branch Managers.

(c) *Forms of denials.* Oral requests may be dealt with orally, but if the requester is dissatisfied with the disposition of such a request he shall be advised that the oral response is not an official determination and that an official determination may be obtained by his submitting the request in writing. Denials of written requests shall be in writing and shall state the reasons for the denial and provide the requester with appropriate information as to how to exercise the right of appeal.

8. Section 422.448 is revised to read as follows:

§ 422.448 Review by the Commissioner.

A person whose request has been denied may initiate a review by filing a request for review with the Commissioner of Social Security, 6401 Security Boulevard, Baltimore, Maryland 21235, within 30 days of receipt of the determination to deny or within 30 days of receipt of records which are in partial response to his request if a portion of a request is granted and a portion denied, whichever is later. Upon receipt of a timely request for review, the Commissioner shall review the decision in question and the findings upon which it was based. Upon the basis of the data considered in connection with the decision and whatever other evidence and written argument is submitted by the person requesting the review or which is otherwise obtained, the Commissioner will affirm or revise in whole or in part the findings and decision in question. A decision to affirm the denial shall be made only upon concurrence of the Assistant Secretary for Public Affairs, or his designee, after consultation with the General Counsel, or his designee, and the appropriate program policy official. Written notice of the decision of the Commissioner shall be mailed to the person who requested the review. A written decision shall be made within 20 working days from receipt of the request review. Extension of the time limit may be granted under the circumstances listed in § 422.436(b) to the extent that the maximum 10 day limit on extensions has not been exhausted on the initial determination. The decision shall state the basis therefor and shall advise the requester of his right to judicial review.

9. Section 422.452 is revised to read as follows:

§ 422.452 Court review.

Where the Commissioner upon review affirms the denial of a request for records, in whole or in part, the requester may seek court review in the district court of the United States pursuant to 5 U.S.C. 552(a)(4)(B).

[FR Doc.76-520 Filed 1-8-76;8:45 am]

[20 CFR Part 450]

EXPERIMENTAL DAY-CARE PROGRAMS

Research Grants and Contracts

Notice is hereby given pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the regulations set forth in tentative form below are proposed by the Commissioner of Social Security with approval of the Secretary of Health, Education, and Welfare. The proposed regulations implement section 402(a) of Pub. L. 90-248, the Social Security Amendments of 1967, as amended by section 222(b)(1) of Pub. L. 92-603, which added section 402 (a)(1)(H) to Pub. L. 90-248, authorizing the Secretary of Health, Education, and Welfare to establish an experimental program to provide day-care services. These regulations describe the scope of day-care services which are to be provided in such experiments and set forth the standards which day-care centers must meet in order to be eligible to render care under such experimental projects.

These regulations further provide that day-care experiments under section 402 (a) of Pub. L. 90-248, as amended, are required to provide ambulatory care services to impaired adults capable of only marginal self care. Such care, provided on a short-term basis, is intended to help serve as a transition from an acute care hospital, long-term care institution, or home health care program to personal independence or, if provided on a long-term basis, is intended to help serve as an alternative to institutionalization in a skilled nursing facility or other long-term care facility. The services provided are intended to meet the participants' physical, emotional, and

social needs and to help prevent or retard physical or mental deterioration that might otherwise require institutionalization.

Prior to the final adoption of the proposed regulations, consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, Social Security Administration, P.O. Box 1585, Baltimore, Maryland 21203, or on before February 9, 1976.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

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

Dated: October 22, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: January 5, 1976.

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

Part 450 of Chapter III of Title 20 of the Code of Federal Regulations is amended by adding thereto a new Subpart B to read as follows:

Subpart B—Experimental Day-Care Programs

Secs.

450.201 Day-care experiments; general.
450.203 Eligibility to participate in a demonstration program.
450.205 Standard for participation; compliance with Federal, State, and local laws.
450.207 Standard for participation; full-time director.
450.209 Standard for participation; professional and supportive personnel.
450.211 Standard for participation; written policies and procedures.
450.213 Standard for participation; written plan of day-care.
450.217 Standard for participation; physical plant.
450.225 Day-care services provided.

AUTHORITY: Sec. 402(a)(1)(H), Pub. L. 90-248, the Social Security Amendments of 1967, as amended by sec. 222, Pub. L. 92-603, 81 Stat. 931 as amended at 86 Stat. 1392, (42 U.S.C. 1395b-1(a)(1)(H)).

Subpart B—Experimental Day-Care Programs

§ 450.201 Day-care experiments; general.

Pursuant to section 402(a) of Pub. L. 90-248 (the Social Security Amendments of 1967), as amended by section 222(b)(1) of Pub. L. 92-603, the Secretary of Health, Education, and Welfare is authorized to enter into contracts with public or private agencies, institutions, and organizations, to develop and engage in experiments and demonstration projects to establish an experimental program to provide day-care services in day-care centers which meet such standards as the Secretary may establish by regulations.

§ 450.203 Eligibility to participate in a demonstration program.

To be eligible to participate in a demonstration program authorized by § 450.201, a day-care center must offer services:

(a) Which are provided under health leadership in an ambulatory care setting to adults who do not require 24-hour institutional care but who are incapable of full-time independent living due to physical or mental impairment; and

(b) To adults who are referred to the program by their attending physician or by some other appropriate source, i.e., an institutional discharge planning program, a welfare agency, or other similar agency; and

(c) Which satisfy the participants' health maintenance and restoration needs, including socialization elements to overcome isolation often associated with illness in the aged and disabled.

§ 450.205 Standard for participation; compliance with Federal, State, and local laws.

The experimental day-care center must be in compliance with applicable Federal, State, and local laws and regulations.

§ 450.207 Standard for participation; full-time director.

The participating day-care center must have a full-time director who is responsible for the overall conduct of all day-care program activities.

§ 450.209 Standard for participation; professional and supportive personnel.

The participating day-care center must have appropriate professional and supportive personnel to provide quality services efficiently and effectively.

§ 450.211 Standard for participation; written policies and procedures.

The participating day-care center must have written policies and procedures which reflect the day-care center's objectives and which govern the provision of services.

§ 450.213 Standard for participation; written plan of day-care.

The participating day-care center must provide a written individualized plan of day-care for each participant based on a preadmission physical examination and recommendations of the attending physician, and such physician must periodically review the plan in conjunction with the day-care program's multidisciplinary team.

§ 450.215 Standard for participation; health record system.

The participating day-care center must have a health record system which includes the maintenance of a complete file on each participant.

§ 450.217 Standard for participation; physical plant.

The participating day-care center must have a physical plant which:

(a) Complies with all applicable local and State building regulations;

(b) Complies with all applicable local and State health and safety codes;

(c) Is equipped and maintained to provide a safe, functional, sanitary, and comfortable environment, with special equipment for handicapped participants;

(d) Contains an area for dining, social activities, and a suitable area for rest periods;

(e) Contains an adequate number of easily accessible bathroom facilities; and

(f) Has a posted, written disaster preparedness plan, available to all personnel.

§ 450.225 Day-care services provided.

(a) All participating day-care centers must offer at least the following services:

(1) *Emergency services.* Instructions for dealing with emergency situations must be established in writing. Such instructions must include the name and telephone number of a physician on call, written arrangements with a nearby hospital for inpatient and emergency room service, and provision for ambulance transportation.

(2) *Rehabilitative services.* Rehabilitative services must include physical therapy, occupational therapy, and speech therapy services which are provided by the day-care program directly or indirectly through arrangements with qualified outside sources and which are designed to improve or maintain ability for independent functioning.

(3) *Personal care services.* Personal care services must include assistance with activities for daily living (i.e., walking, eating, toileting, grooming) and supervision of personal hygiene.

(4) *Nutrition services.* The day-care program must provide a minimum of one meal per day which is of suitable quality and quantity as to supply at least one-third (⅓) of the daily nutritional requirement. Special diets and supplemental feedings must be available if indicated.

(5) *Social work services.* Social work services must be designed and coordinated in such a manner as to promote maintenance of physical and mental health by alleviating personal and social problems. Such services must include guidance or or referral in social, financial, and legal matters, assistance with housing relocation and shopping, counseling on available community resources.

(6) *Patient activities services.* The day-care program must provide planned recreational and social activities suited to the needs of the participants and designed to encourage physical exercise, to prevent deterioration, and to stimulate social interaction.

(7) *Transportation services.* The day-care program must provide transportation, when indicated, for participants to and from their homes and to other com-

munity facilities utilized in implementing the participants' plan of day-care.

(b) The day-care center may provide other services that are consistent with the general requirements in paragraph (a) of this section.

[FR Doc.76-644 Filed 1-8-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-EA-83]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the St. Marys, Pa., transition area (40 FR 584).

Alteration of the transition area is required to provide additional controlled airspace for aircraft executing the new RNAV Rwy 10 and RNAV Rwy 28 instrument approach procedures developed for St. Marys Municipal Airport, St. Marys, Pa.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before February 9, 1976, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of St. Marys, Pennsylvania, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by adding the following to the description of the St. Marys, Pa., transition area:

Within 3.5 miles each side of a 091° bearing from the center of the airport, extending from the 5.5-mile radius area to 10 miles east of the center of the airport; within 3.5 miles each side of a 271° bearing from the center of the airport, extending from the 5.5-mile radius area to 9 miles west of the center of the airport.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on December 17, 1975.

DUANE W. FREER,
Director, Eastern Region.

[FR Doc.76-665 Filed 1-8-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 476-5]

MASS TRANSIT PRIORITY INCENTIVES IN THE STATE OF NEW JERSEY

Action on Employers' Incentive Programs

On November 13, 1973 (38 FR 31388) EPA published in the FEDERAL REGISTER a transportation control plan for the State of New Jersey. The plan included § 52.1590, Employer's provision for mass transit priority incentives. On December 7, 1973 (38 FR 33775) EPA published in the FEDERAL REGISTER proposed revisions to § 52.1590. Public hearings were held on the proposed revisions in Camden, Trenton and Newark, New Jersey on January 10, 11 and 12, 1974, respectively. On June 4, 1974 (38 FR 19779) a revised § 52.1590 was published.

The revised regulation requires each employer who maintains 400 or more employee parking spaces to submit an adequate transit incentive program designed to encourage the use by his employees of mass transit, carpooling, vanpooling, and other strategies. Initial submission of the program was required by July 1, 1974 of those employers subject to the regulation at that time.

On January 22, 1975 (40 FR 3465) EPA published the Administrator's proposed approval of 93 transit incentive programs. 47 other programs that had been submitted before December 4, 1974 were not acted upon due to incomplete submissions. Final approval of the 93 programs was published in the FEDERAL REGISTER on April 21, 1975 (40 FR 17633).

Also on January 22, 1975 (40 FR 3465), and in accordance with 40 CFR 52.1590 (e)(4), the EPA published a list of additional information to be supplied in the semiannual report required by the regulation.

Since the approval of the initial 93 programs, 51 programs have been newly submitted or have been reevaluated. The Administrator is proposing to take approval action on 46 of these programs.

These actions are subject to the condition stated in the regulation that employers are utilizing, in fact, that mix of incentive and disincentive measures most likely to obtain maximum use of carpooling, vanpooling, and mass transit. Though good faith efforts to comply with the regulation have been made by most employers, the Administrator hereby strongly reaffirms the need for continuing investigation and use of all additional incentive and disincentive measures which may be available.

Proper evaluation of the full effectiveness of these approvable programs will not be possible until semiannual reports containing the information required by the regulation are submitted. Therefore, at this time, EPA must rely upon employers' good faith claims that the programs do utilize the maximum reasonable mix of carpooling and mass transit measures. If, after the Administrator has approved a transit incentive program, he finds from the semiannual reports that a program is not providing adequate incentive and disincentive measures, the Administrator will require that additional measures be taken by the employer. In those cases where voluntary compliance is not obtained, EPA will prescribe a program and publish it in a future FEDERAL REGISTER.

The Administrator is also proposing to take a number of related actions. One program which was approved on January 22, 1975 is at this time being incorporated into another approved program, since both employers in question are New Jersey State Agencies located in the same building and share the same parking facilities. A third agency will also join in this program. Therefore, the Administrator is proposing to consolidate the following programs into a single program under the auspices of the New Jersey State Department of the Treasury:

New Jersey Department of Environmental Protection, Division of Environmental Quality, John Fitch Plaza, P.O. Box 2807, Trenton, New Jersey 08625.

New Jersey Department of Labor and Industry, John Fitch Plaza, Trenton, New Jersey 08625.

New Jersey State Department of the Treasury, John Fitch Plaza, Trenton, New Jersey 08625.

Four employers which had programs approved on January 22, 1975 have since presented evidence to the EPA showing a reduction to below 400 in the number of employee parking spaces provided. These programs are now formally discontinued. Therefore, the Administrator is formally discontinuing the following programs:

Cities Service Research and Development Company, Inc., Drawer No. 7, Carnbury, New Jersey 08512.

General Electric Company, 2231 East Side Street, Trenton, New Jersey 08619.

Hercules Incorporated, Parlin, New Jersey 08859.

United States Pipe and Foundry Company, Burlington, New Jersey 08016.

Finally, the Administrator is proposing to approve the following programs:

Amerada Hess Corporation, 1 Hess Plaza, Woodbridge, New Jersey 07095.

Amerace Corporation, Esna Division, 2330 Vauxhall Road, Union, New Jersey 07083.

American Cyanamid Company, Bound Brook, New Jersey 08805.

Automatic Switch Company, Florham Park, New Jersey 07932.

Burroughs Corporation, P.O. Box 1226, Plainfield, New Jersey 07061.

CBS Records, Lambs and Woodbury Roads, Pitman, New Jersey 08071.

Cessna Aircraft Company, Aircraft Radio and Control Div., P.O. Box 150, Boonton, New Jersey 07005.

Chevron Oil Company, Eastern Division, 1200 State Street, Perth Amboy, New Jersey 08861.
Colgate-Palmolive Company, 105 Hudson Street, Jersey City, New Jersey 07302.
Department of the Army, Headquarters, Picatinny Arsenal, Dover, New Jersey.
Department of the Navy, Naval Air Propulsion Test Center, Trenton, New Jersey 08628.
Department of Transportation, State of New Jersey, 1035 Parkway Avenue, Trenton, New Jersey 08625.
Electronic Associates, West Long Branch, New Jersey 07764.
Essex County Hospital Center, 125 Fairview Avenue, Cedar Grove, New Jersey 07009.
Fabergé, 65 Railroad Avenue, Ridgefield, New Jersey 07657.
GAF Corporation, 1361 Alps Road, Wayne, New Jersey 07470.
Glassboro State College, U.S. Route 322, Glassboro, New Jersey 08028.
Hill Refrigeration Division, Emhart Corporation, P.O. Box 61, Trenton, New Jersey 08601.
Kimberly-Clark Corporation, Schweitzer Division, Spotswood, New Jersey 08884.
Interdata Incorporated, 2 Crescent Place, Oceanport, New Jersey 07757.
Johns-Manville Products, Manville, New Jersey 08835.
John F. Kennedy Medical Center, Edison, New Jersey 08817.
Walter Kidde & Company, Inc., 675 Main Street, Belleville, New Jersey 07109.
McGraw-Hill, Incorporated, Hightstown, New Jersey 08920.
Monmouth Medical Center, Second Avenue, Long Branch, New Jersey 07740.
Morristown Memorial Hospital, 100 Madison Avenue, Morristown, New Jersey.
National Starch & Chemical Corp., 10 Finderne Avenue, Bridgewater, New Jersey 08876.
New Jersey Institute of Technology, 323 High Street, Newark, New Jersey 07102.
New Jersey Manufacturers Insurance Company, Sullivan Way, Trenton, New Jersey 08807.
New Jersey Neuropsychiatric Institute, State of New Jersey, Box 1000, Princeton, New Jersey 08540.
William Paterson College of New Jersey, 300 Pompton Road, Wayne, New Jersey 07470.
Princeton University, Office of Administrative Services, P.O. Box 32, Princeton, New Jersey 08540.
Research Cottrell, Box 750, Bound Brook, New Jersey 08805.
Revlon, Rt. 27 and Alnadge Road, Edison, New Jersey 08817.
Rutgers University, New Brunswick, New Jersey.
Saint Barnabas Medical Center, Old Short Hills Road, Livingston, New Jersey 07039.
Saint Josephs Hospital and Medical Center, 703 Main Street, Paterson, New Jersey.
Scholastic Magazines, Inc., 900 Sylvan Avenue, Englewood Cliffs, New Jersey 07632.
Sunshine Biscuits, Bordentown Avenue and Jernee Hill Road, P.O. Box 7, Sayreville, New Jersey 08872.
The Thomas & Betts Company, Butler Street, Elizabeth, New Jersey 07207.
Trenton State College, Trenton, New Jersey 08625.
Wallace & Tiernan Division, 25 Main Street, Belleville, New Jersey 07109.
Westinghouse Electric Corporation, One Westinghouse Plaza, Bloomfield, New Jersey 07003.
Weston Instrument Division, 614 Frelinghuysen Avenue, Newark, New Jersey 07114.
The J. B. Williams Company, Incorporated, 750 Walnut Avenue, Cranford, New Jersey 07016.
Union Carbide Corporation, Chemical and Plastics, River Road, Bound Brook, New Jersey 08805.

This notice is issued to advise the public that comments may be submitted on whether the proposed employer incentive programs should be approved, as required by section 110 of the Clean Air Act. Only comments received on or before the end of the 30-day public comment period will be considered. The Administrator's decision to approve or disapprove the proposed approval action is based on whether they meet the requirements of section 110(a)(2)(A)–(H) and EPA regulations in 40 CFR Part 51.

Copies of the employer programs proposed for approval action are available for public inspection during normal business hours at the Office of Public Affairs, EPA, Region II, 26 Federal Plaza, New York, N.Y. 10007. Additional copies are available at the Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460. All comments should be addressed to the Regional Administrator, Environmental Protection Agency, Region II, 26 Federal Plaza, New York, N.Y. 10007.

Dated: December 23, 1975.

GERALD M. HANSLER,
Regional Administrator,
Environmental Protection Agency.

[FR Doc.76-580 Filed 1-8-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 76]

[Docket No. 20681; FCC 75-1422]

CABLE TELEVISION SYSTEM

Regular Subscriber Rates

In the matter of amendment of subpart C of Part 76 of the Commission's rules and regulations regarding the regulation of cable television system regular subscriber rates.

1. Notice of proposed rulemaking is hereby given in the captioned proceeding which concerns the regular subscriber rates of cable television systems. This proceeding is directed toward the requirements of § 76.31(a)(4) of our rules which presently oblige State or local authorities, as is appropriate in the individual circumstances, to review and approve rates charged subscribers for the provision of cable television service.[1]

[1] Section 76.31(a)(4) of the cable television rules states that a cable television system, in order to obtain a Certificate of Compliance from the Commission, shall have:

a franchise or other appropriate authorization that contains recitations and provisions consistent with the following requirements:

* * * * *

(4) The franchising authority has specified or approved the initial rates that the franchisee charges subscribers for installation of equipment and regular subscriber services. No increases in rates charged to subscribers shall be made except as authorized by the franchising authority after an appropriate public proceeding affording due process.

2. On August 13, 1975, the Commission released its "Report and Order in Docket 20272," FCC 75-897, 54 FCC 2d 855 (1975) regarding duplicative and excessive over-regulation of cable television. In that rulemaking we investigated the alternative courses open to us to avoid and eliminate unnecessary over-regulation of cable television at the Federal, State, and local levels. We concluded that the basic problem of overlapping and sometimes conflicting regulatory jurisdiction could only be adequately solved by the adoption of legislation by Congress. In the interim, we decided that some steps could be taken to ease burdens that are identifiable in specific areas. One such area which appears to be presenting significant problems is the subject of rate regulation.

3. In the 1972 "Cable Television Report and Order," FCC 72-108, 36 FCC 2d 143, we decided that franchising authorities would be permitted to continue regulating regular subscriber rates. Indeed we made such regulation, via a full public proceeding, mandatory (§ 76.31(a)(4)). This now appears to be causing several unintented problems which prompt us to commence this proceeding to review the question of whether we should continue to require local authorities to undertake this rate review function. One problem with the existing situation arises from the fact that some cable television franchising authorities apparently do not have legal authority under State law to engage in rate regulation.

4. As we have stated on several occasions, our rules do not, and can not give authority to franchising bodies when that authority does not exist under State law. Rather, our rules and guidelines only apply when and if such authority is exercised pursuant to existing powers. One proposed modification of § 76.31(a)(4) herein would make that clear.

5. The advisability of the mandatory aspect of our rule is also being questioned. In certain instances local authorities apparently have concluded that rate regulation in their particular area is not necessary, that the market place is an adequate regulator. Other local regulators have expressed the view that they are not adequately equipped to or prepared to engage in rate regulation and that to require them to do so imposes a heavy administrative burden that they do not wish to bear. In both cases the local authorities may be right. We are aware that, depending on the particular situation, different procedures might be appropriate for rate making. For instance, some communities might decide to include an automatic rate escalator clause based on some known or established criterion such as the cost of living index. Others might prefer to allow rate increases to go into effect after formal notice and a specified waiting period without formal proceedings unless specifically called for by local officials at their discretion. Still others might prefer rate increases to become immediately effective while reserving the option of the authorities, after appropriate proceed-

ings, to order a rollback of rates. Another alternative might be to establish rates by arbitration if a question arises. All of these methods are used in various other areas of rate regulation and we believe each may be appropriate in particular instances. A rule change is, therefore, being proposed that is intended to allow any of these options, or other similar approaches, at the discretion of the franchising authority. Moreover, we would propose that the decision as to the necessity to regulate the rates of regular subscriber services in the first instance also be left solely to the franchising authority.

6. Thus, in order to correct both problems mentioned above and to allow greater flexibility at the local (or State) level, we propose to revise § 76.31(a)(4) to read:

§ 76.31 Franchise standards.

(a) * * *

(4) If the franchisor has the appropriate authority and elects to exercise rate regulation of regular subscriber services it shall do so only after adopting procedures to insure public notice of any formal consideration of rate increases and an opportunity for the public to be heard.

* * * * *

This will allow those authorities who have the jurisdiction and wish to exercise it in the franchise agreement that option without requiring those who do not deem it necessary, to engage in rate making. Of course the proposed modification will still require that if a franchising authority does decide to regulate rates it must adopt a procedure that insures the public notice and an opportunity to be heard.

7. An alternative proposal that we are seeking comment on would simply be to delete § 76.31(a)(4) in its entirety. Since the principal intent of changing this rule is to make rate making a discretionary aspect of non-federal regulation, rather than mandatory as is the present case, it seems to be equally efficacious to allow procedures for such rate making to be discretionary. Of course even with the proposed first alternative, procedural rules would in essence be the responsibility of local and state authorities. We do not intend to become the arbiters of local disputes over the procedure of making rate decisions. This being the case it might be administratively clearer if we left these matters totally to the discretion of non-federal officials.

8. While some might argue that the elimination of the procedural safeguards in § 76.31(a)(4) would not be in the public interest, we believe that most states already have procedural safeguards for public decision-making. If this is the case then our rules would be redundant. Others might argue that to leave procedures solely to local officials might result in unnecesarily costly or complex procedures with undue delays. This, however, is something that would presumably be negotiated in the franchise, and could be remedied during those negotiations.

9. We believe that either of these alternatives would serve the public interest. In both cases the decision as to what to do about the rate question would have to be made in a public proceeding following notice to the public and an opportunity to be heard, just as with all other major franchise provisions. They would leave flexibility, however, for a decision to be made on whether regulation of regular subscriber service rates is needed at all, and if so, what the appropriate procedures for that regulation should be in that particular locality.

10. It should be noted that this rulemaking only relates to the regulation of regular subscriber service rates, that is, charges imposed for receipt of broadcast signals required to be carried by our rules as well as all required access services associated therewith and installation and reconnection charges, etc. It does not apply to auxiliary services such as pay cable, advertising, leased channels, etc. We continue to relieve that it is premature for any rate regulation to be imposed on these other services. We have preempted such regulation with the express intent of allowing the market place to function freely.

11. Authority for the rule making proposed herein is contained in sections 2, 3, 4 (i) and (j), 301, 303, 307, 308, and 403 of the Communications Act of 1934, as amended. All interested parties are invited to file written comments on or before January 30, 1976, and reply comments on or before February 10, 1976. In reaching a decision on this matter the Commission may take into account any other relevant information before it, in addition to the comments invited by this notice.

In accordance with the revised provisions of § 1.419 of the Commission's rules and regulations, an original and 11 copies of all comments, replies, pleadings, briefs, or other documents filed in this proceeding shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission Public Reference Room (Room 239) at its Headquarters in Washington, D.C. (1919 "M" Street NW.).

Adopted: December 22, 1975.

Released: January 5, 1976.

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

[FR Doc.76-635 Filed 1-8-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1056]

[Ex Parte No. MC-19 (Sub-No. 28)]

ADVERTISING BY MOTOR CARRIERS OF HOUSEHOLD GOODS

Proposed Rulemaking

JANUARY 6, 1976.

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 23d day of December, 1975.

It is ordered, That based on the reasons set forth below a proceeding be, and it is hereby, instituted pursuant to Part II of the Interstate Commerce Act and sections 552, 553, and 559 of the Administrative Procedure Act (5 U.S.C. 552, 553, and 559), for the purpose of amending 49 CFR Part 1056 by adding 49 CFR 1056.30 and modifying 49 CFR 1056.1.

It is further ordered, That the attached notice be, and it is hereby, adopted and is incorporated by reference into this order.

It is further ordered, That all motor common carriers of household goods be, and they are hereby, made respondents in the above-entitled proceeding.

And it is further ordered, That notice of the institution of this proceeding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register as notice to interested persons.

Dated: December 23, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

The Interstate Commerce Commission is proposing to amend Part 1056 of Title 49 of the Code of Federal Regulations by adding § 1056.30 and modifying § 1056.1. The proposed changes would add a definition of the term "advertising" to § 1056.1 and would require household goods carriers to include in their advertising the name of the motor carrier under whose operating rights the advertised service will be performed and the certificate or docket number assigned to such operating rights by the I.C.C. This would include advertising by an agent which is holding itself out to provide interstate motor carrier service under the authority of its principal carrier.

This proceeding is being instituted as a result of investigations by this Commission's field staff of several consumer complaints regarding telephone directory Yellow Pages advertisements which were alleged to be misleading. It is apparent from an examination of representative Yellow Pages advertisements from various cities throughout the Nation that "long distance" and "interstate" moving services are being advertised by companies without appropriate authority from this Commission. Such a practice is harmful to the competitive structure of the regulated household goods industry and to the general public it serves. This Commission requires household goods carriers to adhere to a high standard of service which the public would not receive if it contacts a carrier advertising an unlawful service. If the proposed rules are adopted, the Reuben Donnelly Corporation agree to cooperate with the Commission in this matter and Yellow Pages advertisements which do not comply with the rules will not be accepted.

Oral hearings do not appear necessary at this time and none is contemplated. Anyone wishing to present views and evidence, either in support of, or in opposition to, the action proposed in this notice may do so by the submission of written data, views, or arguments. An original (and 15 copies whenever possible) of such data, views, or arguments shall be filed with Secretary, Interstate Commerce Commission, Washington, D.C. 20423, on or before March 1, 1976.

All written submissions will be available for public inspection during regular business hours at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue, Washington, D.C.

This notice of proposed rulemaking is issued under the authority of Part II of the Interstate Commerce Act and sections 552, 553, and 559 of the Administrative Procedure Act (5 U.S.C. 552, 553, and 559).

Issued in Washington, D.C., December 23, 1975.

[SEAL] ROBERT L. OSWALD,
Secretary.

Accordingly, it is proposed to amend 49 CFR Part 1056 by adding § 1056.30 as follows:

§ 1056.30 Advertising by motor common carriers of household goods.

(a) On and after January 1, 1977, every motor common carrier engaged in the transportation of household goods in interstate or foreign commerce, including carriers providing any accessorial service incidental to or a part of such interstate or foreign transportation, shall include in every advertisement as defined in § 1056.1(d) the name or trade name of the motor carrier under whose operating authority the advertised service will be performed, and the certificate or docket number assigned to such operating authority by the Interstate Commerce Commission.

(b) Such certificate or docket number shall be in the following form in every advertisement: "I.C.C. No. MC ------" but shall not include any sub numbers which may have been assigned.

§ 1056.1 [Amended]

Section 1056.1 is modified by relettering the present paragraph (d) and making it paragraph (e) without any other change and inserting a new paragraph (d) as follows:

* * * * *

(d) *Advertisement.* The term "advertisement" means any communication published in written or printed form in connection with an offer or sale of any interstate transportation service.

* * * * *

[FR Doc.76-670 Filed 1-8-76;8:45 am]

[49 CFR Part 1056]

[Ex Parte No. MC-19 (Sub-No. 29)]

PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

Filing Petition Regarding Performance Reports

JANUARY 5, 1975.

● Purpose: Petition for rulemaking. Request to amend ICC's regulations governing the transportation of household goods by motor common carriers so (1) that annual performance reports become due on March 31 each year, and (2) that the format of the report be revised in a manner suggested by the petitioner. Comments of any interested person due on or before March 5, 1976. ●

Petitioner: American Movers Conference, 1117 North 19th Street, Arlington, Va. 22209. Petitioner's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006.

By petition filed December 31, 1975, the above-named petitioner requests that the Interstate Commerce Commission institute a rulemaking proceeding for the purpose of amending § 1056.7 of the Commission's general rules and regulations (49 CFR 1056.7) in order to (a) extend the date for filing annual performance reports from on or before the 45th day following the termination of each calendar year to on or before March 31st of each year, (b) permit percentages in the annual performance report to be stated in the affirmative rather than in the negative (e.g., the percent of timely delivered shipments, rather than the percent of late delivered shipments), and (c) require the use of a prescribed reporting forms which would be 8.5 inches by 11 inches in size and which would set forth separately the three types of accounts (C.O.D., D.O.D., and national accounts).

In support of modification (a) above, petitioner asserts that the burden on carriers would be reduced if the date for filing annual performance reports coincided with the date carriers are required to file their regular ICC report (see 49 CFR Part 1249). In support of (b) above, petitioner claims that statistics framed in a positive manner will provide the shipper with the same information it now receives but without a negative connotation. Finally, in regard to (c) above, petitioner asserts that a required uniform format is necessary to enable shippers properly to compare the performances of various carriers.

No oral hearing is contemplated at this time, but any person (including petitioner) wishing to make representations in favor of, or against, the relief sought in the petition may do so by the submission of written data, views, or arguments. An original and fifteen (15) copies of such data, views, or arguments should be filed with the Commission on or before March 5, 1976. A copy of each representation must be served upon petitioner's representative. Written material or suggestions submitted will be available for public inspection at the Offices of the Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours. Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-668 Filed 1-8-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 115]

SURETY BOND GUARANTEE

Policy and Guarantee Fees

Notice is hereby given that the Small Business Administration proposes to amend Part 115 of Chapter I, Title 13, of the Code of Federal Regulations. Interested parties are hereby given until February 9, 1976, in which to submit written comments, suggestions, or objections regarding the proposed amendments, to the Associate Administrator for Finance and Investment, 1441 L Street, NW., Washington, D.C. 20416.

INFORMATION

The proposed amendments are intended:

(1) To reflect a statutory change in the insurable contract amount from $500,000 to $1,000,000;

(2) To increase the percentage of the premium which a surety pays SBA in consideration of a guarantee, from 10 to 20 percent;

(3) To impose a deductible amount not to exceed $500 on the surety; and

(4) To require a $10 application fee from the contractor with each guarantee application, as partial compensation for administrative costs. These changes are considered necessary in view of Pub. L. 93-386 which increased the contract amount, and requires SBA to "administer the program on a prudent and economically justifiable basis * * *" and to "determine what must be done to make the program economically sound * * *". The statute also requires the Administration to fix "* * * uniform fees for the processing of applications for guarantees * * *". (15 U.S.C. 694b(c).)

Accordingly, it is proposed to amend Part 115 of Chapter I, Title 13 of the Code of Federal Regulations as follows:

1. Section 115.2, *Policy*, is proposed to be revised to read as follows:

§ 115.2 Policy.

It is the intent of Congress to strengthen the competitive free enterprise system by assisting qualified small business concerns to obtain certain bid, payment or performance bonds that are otherwise not obtainable, by authorizing SBA to guarantee surety companies up to 90 percent of their losses incurred by reason of the breach of the terms of such bonds executed on behalf of such concerns, on contracts not exceeding a contract amount of $1,000,000. Payments by SBA of such losses shall be subject to a deductible amount of $500 or the amount of the gross bond premium charged such small concern by the surety, whichever is less.

§ 115.6 [Amended]

2. Section 115.6(e) is to be amended by changing the words "10 percent" in the first line thereof to "20 percent."

3. Section 115.7, *Guarantee fees*, would be revised to read as follows:

§ 115.7 Guarantee fees.

(a) Each application submitted to SBA shall be accompanied by an application fee of $10 from the contractor on whose behalf a guarantee is sought. Such fee shall not be refundable in the event the application is rejected.

(b) Upon obtaining the contract, the contractor shall be required to pay to SBA a processing fee in consideration of SBA's guarantee to the surety of the performance or payment bond required of the contractor. Such fee shall equal either:

(1) 0.2 percent of the contract amount if such bond equals 100 percent of such amount, or

(2) The lesser of 0.2 percent of the contract amount, or an amount equal to 20 percent of the premium charged by the surety, if such bond equals less than 100 pecent of the contract amount.

(c) The surety shall pay to SBA a guarantee fee of 20 percent of the bond premium.

(Catalog of Federal Domestic Assistance Program No. 59.016, Bond Guarantees for Surety Companies)

Dated: December 24, 1975.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.76-598 Filed 1-8-76;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

CHILD CARE FOOD PROGRAM

National Average Payments for the Period January 1–June 30, 1976

Pursuant to § 226.4 of the regulations governing the Child Care Food Program (7 CFR Part 226), notice is hereby given that the national average payment factors for meals served to children attending institutions which participate in the Child Care Food Program during the period January 1–June 30, 1976, shall be as follows:

For breakfasts served in the program: (a) 10.0 cents for all breakfasts served; (b) an additonal 19 cents for each breakfast served to children from families whose incomes meet the eligibility criteria for reduced price school meals; and (c) an additional 25.25 cents for each breakfast served to children from families whose incomes meet the eligibility criteria for free school meals.

For lunches and suppers served in the program: (a) 12.5 cents for all lunches and suppers served; (b) an additional 46.75 cents for each lunch and supper served to children from families whose incomes meet the eligibility criteria for reduced price school meals; and (c) an additional 56.75 cents for each lunch and supper served to children from families whose incomes meet the eligibility criteria for free school meals.

For supplements served in the program: (a) 5.25 cents for all supplements served; (b) an additional 10.25 cents for each supplement served to children from families whose incomes meet the eligibility criteria for reduced price school meals; and (c) an additional 15.50 cents for all supplements served to children from families whose incomes meet the eligibility criteria for free school meals.

The total amount of payments to be made to each State agency from the sums appropriated for the program shall be based upon these national average payment factors and the number of meals of each type served.

The above factors for breakfasts are identical to those factors prescribed for breakfasts served under the School Breakfast Program; the factors for lunches and suppers are identical to those factors prescribed for lunches served under the National School Lunch Program. National average payment factors for supplements are unique to the Child Care Food Program. These factors are adjusted semi-annually to reflect changes in the Consumer Price Index series for food away from home.

The above factors represent a 3.70 percent increase in the factors prescribed for the period ending December 31, 1975. This represents the percent of increase during the six-month period June–November 1975 (from 172.8 in May 1975 to 179.2 in November 1975) in the series for food away from home of the Consumer Price Index, published by the Bureau of Labor Statistics of the Department of Labor.

Definitions. The terms used in this notice shall have the meanings ascribed to them in the regulations governing the Child Care Food Program (7 CFR Part 226).

Effective date. This notice shall become effective as of January 1, 1976.

Dated: January 5, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.76–588 Filed 1–8–76;8:45 am]

NATIONAL SCHOOL LUNCH PROGRAM

National Average Payments for the Period January 1–June 30, 1976

Pursuant to §§ 210.4 and 210.11 of the regulations governing the National School Lunch Program (7 CFR Part 210), notice is hereby given of adjustments in the national average factors for payment for lunches and the maximum rates of reimbursement. The national average factors for payment for lunches served during the six-month period January 1–June 30, 1976, to children participating in the National School Lunch Program are as follows: (a) 12.5 cents from general cash-for-food assistance funds for each lunch; (b) an additional 46.75 cents from special cash assistance funds for each reduced price lunch; and (c) an additional 56.75 cents from special cash assistance funds for each free lunch.

The total amount of general cash-for-food assistance payments and special cash assistance payments to be made to each State agency from the sums appropriated therefor, shall be based upon such national average factors.

The above factors represent a 3.70 percent increase in the factors prescribed for the period July–December 1975. This represents the percent of increase during the six-month period June–November 1975 (from 172.8 in May 1975 to 179.2 in November 1975) in the series for food away from home of the Consumer Price Index, published by the Bureau of Labor Statistics of the Department of Labor.

For the six-month period January 1–June 30, 1976, (a) the maximum rate of reimbursement from general cash-for-food assistance funds shall be 18.5 cents per lunch served; (b) the maximum per lunch reimbursement (from a combination of general cash-for-food assistance and special cash assistance funds) shall be $4.25 cents for a free lunch and 74.25 cents for a reduced price lunch.

Definitions. The terms used in this notice shall have the meanings ascribed to them in the regulations governing the National School Lunch Program (7 CFR Part 210) and the regulations for Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools (7 CFR Part 245).

(Catalog of Federal Domestic Assistance Program No. 10.555, National Archives Reference Service)

Effective date. This notice shall become effective as of January 1, 1976.

Dated: January 5, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.76–586 Filed 1–8–76;8:45 am]

SCHOOL BREAKFAST PROGRAM

National Average Payments for the Period January 1–June 30, 1976

Pursuant to §§ 220.4 and 220.9 of the regulations governing the School Breakfast Program (7 CFR Part 220), notice is hereby given that the national average breakfast factors for breakfasts served during the six-month period January 1–June 30, 1976, to children participating in the School Breakfast Program shall be: (a) 10.0 cents for all breakfasts; (b) an additional 19.0 cents for each reduced price breakfast; and (c) an additional 25.25 cents for each free breakfast. The total amount of breakfast assistance payments to be made to each State agency from the sums appropriated therefor, shall be based upon such national average factors: *Provided, however*, That additional payments shall be made in such amounts as are needed to finance reimbursement rates assigned in accordance with the provisions of § 220.9(b–1) of the regulations.

The above factors represent a 3.70 percent increase in the factors prescribed for the period July–December 1975. This represents the percent of increase during the six-month period June–November 1975 (from 172.8 in May 1975 to 179.2 in November 1975) in the series for food away from home of the Consumer Price Index, published by the Bureau of Labor Statistics of the Department of Labor.

For nonespecially needy schools, the maximum rates of reimbursement for paid breakfasts, for reduced price breakfasts, and for free breakfasts shall be equal to the respective factors set out above.

For especially needy schools, the maximum rate of reimbursement for paid breakfasts shall be equal to the national average factor for all breakfasts; the maximum rate of reimbursement for reduced price and free breakfasts shall be 40 cents and 45 cents, respectively.

Definitions. The terms used in this notice shall have the meanings ascribed to them in the regulations governing the School Breakfast Program (7 CFR Part 220) and the regulations for Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools (7 CFR Part 245).

(Catalog of Federal Domestic Assistance Program No. 10.553, National Archives Reference Service)

Effective date. This notice shall be effective January 1, 1976.

Dated: January 5, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.76-587 Filed 1-8-76;8:45 am]

Forest Service

REGIONAL FORESTER, ALASKA

Delegation of Authority

By virtue of the authority delegated to me by the Secretary of Agriculture through the Assistant Secretary for Conservation, Research and Education (7 CFR 2.60), there is hereby delegated to the Regional Forester, Alaska, Forest Service, United States Department of Agriculture, authority to approve selections of National Forest lands made by the State of Alaska pursuant to Section 6(a) of the Act of July 7, 1958 (72 Stat. 399).

The authority herein delegated may not be redelegated.

J. W. DEINEMA,
Acting Chief.

JANUARY 2, 1976.

[FR Doc.76-620 Filed 1-8-76;8:45 am]

Packers and Stockyards Administration

RECTOR LIVESTOCK AUCTION, RECTOR, ARKANSAS, ET AL.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

AR-154—Reactor Livestock Auction
Reactor, Arkansas
IA-252—Beemer Livestock Auction
Gravity, Iowa
KS-201—Hesston Sales
Hesston, Kansas
NY-156—Whitney Point Livestock Market
Whitney Point, New York
RI-100—Danny's Auction Barn
Foster, Rhode Island
WI-133—Beetown Livestock Exchange
Beetown, Wisconsin

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250, by January 26, 1976.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 U.S.C. 1.27(b)).

Done at Washington, D.C., this 5th day of January 1976.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livstock Marketing Division.

[FR Doc.76-622 Filed 1-8-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the Computer Systems Technical Advisory Committee will be held on Tuesday, February 10, 1976, at 9:30 a.m. in Room 5230, Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The agenda for the meeting is:

(1) Opening remarks by the Chairman.
(2) Presentation of papers or comments by the public.
(3) Reports on the work programs of the Subcommittees:
(a) Technology Transfer;
(b) Foreign Availability;
(c) Licensing Procedures; and
(d) Hardware.

The meeting will be open to public observation, and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

Copies of the minutes of the meeting will be made available upon written request addressed to the Freedom of Information Officer, Room 3100, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact, Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone A/C 202-967-4196.

Dated: January 6, 1976.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.76-678 Filed 1-8-76;8:45 am]

BISHOP CLARKSON MEMORIAL HOSPITAL

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before January 29, 1976.

Amended regulations issued under cited Act, (40 FR 12253 et seq. 15 CFR Part 701, 1975) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00227. Applicant: Bishop Clarkson Memorial Hospital, Dewey Avenue at 44th, Omaha, Nebraska 68105. Article: EMI Scanner System with Magnetic Tape Storge System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for computerized

axial tomagraphy technique for study of neurological function in dialysis patients with a precilson of observation (in the area under observation) which is at least an order of magnitude greater than ever previously available. The article will also be utilized in the physician education program in which the role the EMI Brain Scanner can play in medicine will be taught. This program will concentrate on the areas of (1) where a scan will be beneficial in achieving a diagnosis and (2) the limits of the scanner in diagnosing diseases. Application received by Commissioner of Customs: December 8, 1975.

Docket Number: 76–00229. Applicant: University of California, San Diego, 3175 Miramar Road, Physics Dept., Mail Code B–019, La Jolla, CA 92093. Article: Thermometer, NMR Platinum Model PLM–3, Electronics Console and Premamplifier, Two (2) Option 31, Plug in Cards. Manufacturer: Instruments for Technology OY, AB, Finland. Intended use of article. The article is intended to be used for measurement of temperature in the range of a few thousandths of a degree above absolute zero in experiments on true properties of ^{3}He. These properties include flow, thermal and magnetic properties, as well as the phase diagram. The purpose of the measurements is to achieve a fundamental understanding of the quantum superfluid liquid ^{3}He. Application received by Commissioner of Customs: December 11, 1975.

Docket Number: 76–00230. Applicant: Tacoma General Hospital, Post Office Box 5277, 315 South K Street, Tacoma, Washington 98405. Article: EMI Scanner System with Magnetic Tape System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for quantifications of endocranial cancers in man by measurement of their respective x-ray absorption coefficients. Another investigation will involve analysis of the physiological change of grey matter with age. Post treatment cancer development analysis will also be carried out. Application received by Commissioner of Customs: December 11, 1975.

Docket Number: 7600231. Applicant: University of Rochester, 300 Crittenden Blvd., Rochester, New York 14642. Article: A H E Multipurpose Reaction Timer, Model 1075 with 2 IEEE Display. Manufacturer: A. Hillis Electronics, Canada. Intended use of article: The article will be used for the identification of etiological factors, specifically attentional deficits, in the physchological disorder of schizophrenia. The article will provide the visual and auditory cues as well as the mode of response necessary for measuring attentional factors in schizophrenia. Application received by Commissioner of Customs: December 11, 1975.

Docket Number: 76–00232. Applicant: National Bureau of Standards, Thermal Engineering Section, Room B104, Building 226, Washington, D.C. 20234. Article: Long-wave Radiometer. Manufacturer: Center for Building Science and Technology, France. Intended use of article: The article is intended to be used to measure the long wavelength radiation from building surfaces to the sky. Application received by Commissioner of Customs: December 11, 1975.

Docket Number: 76–00233. Applicant: University of California, San Diego, Marine Physical Laboratory of the Scripps Institution of Oceanography, San Diego, California 92132. Article: Ocean Bottom Seismograph Katsujima Model CJ–1B without Pressure Case and (3) sets Cassette Tape Deck. Manufacturer: Pacico Boeki Co., Ltd., Japan. Intended use of article: The article is intended to be used in basic seismic refraction studies in various localities under various conditions. Application received by Commissioner of Customs: December 11, 1975.

Docket Number: 76–00234. Applicant: Creighton Medical School, 2500 California Street, Omaha, Nebraska 68178. Article: Electron Microscope, Model EM 10, and accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for the investigations of biological materials including sections of tissue originating from man and the various common laboratory animals as well as lower cases of vertebrates and examples of the invertebrate phyla. Investigators will work in such diverse fields as cell biology, experimental embryology, neuroscience, experimental pathology, cytology and microbiology. In addition, the article will be used in the courses: Microscopy and Cell Biology, Practicum in Microscopy and Cell Biology, Histochemistry and Cytochemistry, and Graduate Research to prepare students having a reasonably adequate background in Physics, Chemistry, Histology, and Biochemistry to undertake independent research in fields where the application of electron microscopic techniques is required for the solution of problems peculiar to those fields. Application received by Commissioner of Customs: December 11, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76–615 Filed 1–8–76;8:45 am]

PENNSYLVANIA STATE UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq, 15 CFR Part 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: 75–00230–33–46040. Applicant: The Pennsylvania State University College of Medicine, Department of Microbiology, 500 University Drive, Hershey, Pa. 17033. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used in the graduate course "Electron Microscope Techniques" to teach the basic techniques in specimen preparation, use of the electron microscope and photographic competence in developing and printing of electron micrographs to graduate students, medical students and post-doctoral fellows, who intend to examine DNA or to use the ultrastructural approach in some phase of their research.

Comments: Comments dated January 3, 1975 were received from the Adam David Company (AD), which state inter alia that the Model EMU–4C electron microscope is equivalent to the foreign article.

Decision: Application denied. An 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 applicant in response to Questions 7 and 8 alleges that the foreign article provides the following pertinent specifications:

(1) *Simplicity and ease of operation and column alignment.* (a) Filament exchange facilitated by a gun lifting mechanism supplied for the purpose.

(b) Gun centering which is entirely electromagnetic.

(c) Objective lens with a short focal length and very low aberations providing a very high inherent resolution resulting in a lens that has plenty of resolution in hand. Thus it is not necessary to have perfected all adjustments in order to obtain high quality results.

(d) Image magnification with a digital readout.

(2) *Accurate focusing.* For quick focusing a proximity focusing circuitry is provided so that once the image has been focused, it will stay close to focus in spite of wide changes in magnification and acceleration voltage. For accurate focusing the article has a special wobbler which can be used throughout the complete magnification range.

(3) *Mini-lens illumination system.* A single mini-condenser lens which forms a bright circular spot of 6 micrometers minimum diameter is provided. Images of high intensity can thus be formed even at high magnifications, and work normally requiring a double condenser system can be carried out quickly and easily. Only one potentiometer is needed to control the lens excitation and for most purposes this single control can be regarded as the sole illumination control for the instrument.

(4) *Specimen stage.* A high resolution standard stage is provided for use where

the highest degree of resolution is required. The holder can be tilted ±6° for stereo photography. The stage has a pre-pumped airlock which means that, when specimens are changed, no air or water vapor is admitted to the column. Specimen contamination is, therefore, minimized, and it is not necessary to switch off the high tension. In this way, the high tension build-up time is eliminated, and the stability remains unaffected.

(5) *Viewing and recording.* Strain free viewing is ensured by the use of two fluorescent screens. The main screen for direct viewing has a diameter of 12 centimeters. The small screen is for critical viewing and focusing. There is a choice of three cameras: plate, 70mm, and 35 mm, roll film, all of which can be available simultaneously. Camera selection is by push button. A television display system with videotape can be added at a later date.

(6) *Wide range of magnifications.* Provides high magnifications with high resolution without excessive mechanical manipulation or prolonged delay or image distortion.

(7) *Maintenance.* Article must be reliable and have a low overall maintenance requirement (reduced "down-time").

(8) *Anticontamination device and cold trap.* Permits long term viewing necessary for the intended teaching program and to reduce "down-time" in maintenance and cleaning.

The Department of Health, Education, and Welfare (HEW) advises in its memoranda dated March 3, 1975 and July 17, 1975 that the Model EMU–4C electron microscope, which was manufactured by the Adam David Company (Adam David) at the time that the article was ordered (October 2, 1974), is the most closely comparable domestic instrument with guaranteed resolution, magnification range and accelerative voltages equivalent to similar features in the article. HEW further advises that the applicant provides no pertinent specification within the meaning of § 301.2(n) of the regulations upon which duty-free entry could be based.

The following comments are made keyed to the specific points made by the applicant above:

(1) *Simplicity and ease of operation, etc.* HEW advises that the applicant's intended use is research-oriented and that use in teaching is at a sophisticated level. Accordingly, HEW advises that simplicity and ease of operation, (1) (a) through (d) above, are not pertinent.

HEW further advises that the interchangeable filaments of the EMU–4C ((1)(a)) match those of the article and that gun lift mechanism ((1)(a)), focal length ((1)(c)), relative ease of aberration control ((1)(c)), and digital magnification display ((1)(d)) are all conveniences which are not pertinent.

(2) *Accurate focusing.* Specifications for the EMU–4C provide that there shall be no change in magnification with change in accelerating voltage, that magnification at each magnification step shall be reproducible to within 2%, that the fine focusing control shall be calibrated in fixed steps of 60 Angstroms (Å) to one micron per step to insure perfect focus; and that there shall be a wobbler focusing device. HEW advises that the wobbler is equivalent to that of the article. We find that accurate focusing can be obtained with the EMU–4C. If there were any difference between the focusing capability of this instrument and that of the foreign article, such a difference would have to fall into a category of ease of operation which HEW advises is not pertinent.

(3) *Mini-lens illumination system.* The EMU–4C provides a high-intensity grid cap for adequate illumination and contrast and either a single condenser or double condenser system (the minicondenser lens system of the article is a single condenser lens system). The applicant states that with the minicondenser lens system of the article "work normally requiring a double condenser system can be carried out quickly and easily." Thus it is clear that the claimed difference between the article's condenser system and a system available with the EMU–4C lies in the area of ease of operation which HEW advises is not pertinent. Moreover, HEW advises that the EMU–4C provides an equivalent single or double-condenser and further that the number of potentiometers needed to control lens excitation is a matter of convenience which is not pertinent.

(4) *Specimen stage.* HEW advises that the EMU–4C provides a resolution guarantee (5Å point-to-point) equivalent to that of the article 4Å point-to-point) as well as an equivalent tilt stage (±30°) and equivalent prepumped airlock (no high tension "switch-off" or vacuum break required).

(5) *Viewing and Recording—Viewing screen design.* HEW advises that the EMU–4C has viewing screens equivalent to those of the article. Moreover, HEW advises tht viewing screen design is either a convenience or a cost-related feature which is not pertinent within the meaning of § 301.2(n) of the regulations.

Camera system. HEW advises that the EMU–4C provides a 35 millimeter (mm) camera equivalent to that of the article and further that the types of cameras available with the EMU–4C match those available with the article. We note in this connection that the EMU–4C can also be equipped with a 70mm and plate camera system. As to the simultaneous availability of all three cameras in the article, we note that the plate and 70mm cameras were not ordered with the article and therefore, in accordance with §§ 301.2(d) and 301.6(a)(3) of the regulations, cannot be considered in this determination. Moreover, we note that the specifications provided with the application refer to the fact that the use of three cameras with the article provides a total of 106 exposures. The EMU–4C with its plate camera alone can provide a maximum of 240 exposures.

Television display. The television display with videotape was not ordered with the article. Therefore, in accordance with §§ 301.2(d) and 301.6(a)(3) these features cannot be considered in this determination.

(6) *Wide range of magnifications.* The article provides a standard pole piece with a magnification range of 1,500× to 200,000×. The EMU–4C provides a standard pole piece with a magnification range of 1,400× to 240,000×. Although both instruments can be equipped with low magnification pole pieces, neither requires a pole piece change for survey and scanning below the lower magnification limit of the standard pole piece. HEW advises that the EMU–4C provides magnification range equivalent to that of the article.

(7) *Maintenance.* HEW advises that any difference in degree of service requirements based on reliability projections and ease of maintenance are all cost-related and are therefore nonpertinent. We would also note that service was available (when the article was ordered) and is available now on the EMU–4C from the RCA Service Company.

(8) *Anticontamination device and cold trap.* The EMU–4C provides a liquid nitrogen anticontamination device which permits long term viewing due to reduced anticontamination rate. With its optional anticontamination cold stage the guaranteed contamination rate of the EMU–4C is less than 0.0017 Å/second. The guaranteed anticontamination rate of the foreign article is less than 0.01 Å/second using the optional liquid nitrogen cooled cold trap around the specimen. Thus it is clear that the anticontamination features of the 4C are scientifically equivalent to the corresponding features of the foreign article. Moreover, these features affect ease of operation which HEW has pointed out is not pertinent. HEW also advises that any difference in service needs based on design of cold trap or anticontamination device is cost-related and is therefore not pertinent.

For the foregoing reasons, we find that the Model EMU–4C electron microscope is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

(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.76-616 Filed 1-8-76;8:45 am]

Maritime Administration

MARINE MIDLAND BANK–NEW YORK

Approval of Applicant as Trustee

On October 25, 1966, Marine Midland Grace Trust Company of New York (renamed Marine Midland Bank-New York) was approved as a Trustee pursuant to Pub. L. 89–346 and 46 CFR 221.21–221.30.

Notice is hereby given that Marine Midland Bank-New York was merged

into Marine Midland Bank on January 1, 1976, and that Marine Midland Bank, the continuing corporation, a banking corporation organized under the laws of the State of New York, with offices at 140 Broadway, New York, New York, has been approved as a Trustee pursuant to Pub. L. 89–346 and 46 CFR 221.21–221.30.

Dated: December 30, 1975.

EDWARD S. KARLSON,
Acting Director,
Office of Domestic Shipping.

[FR Doc.76–555 Filed 1–8–76;8:45 am]

[Docket No. S–480]

PYRAMID SUGAR TRANSPORT, INC.

Application

Notice is hereby given that application has been filed under the Merchant Marine Act, 1936, as amended (the Act), for operating-differential subsidy with respect to bulk cargo carrying service in the U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics, to expire on December 31, 1975, unless further extended, or until completion of voyages in progress on that date.

Inasmuch as the applicant, and/or related persons or firms, employ or may employ ships in the domestic intercoastal or coastwise service, written permission of the Maritime Administration under section 805(a) of the Act will be required if its application for operating-differential subsidy is granted.

Applicant states that it bareboat charters the MV SUGAR ISLANDER, the vessel for which subsidy is requested, from the owners and that California & Hawaiian Sugar Company has entered into a 20-year time charter party for the vessel with applicant who operates and manages the vessel. Pyramid also states that California & Hawaiian Sugar Company has entered into spot voyage charter parties, and from time to time continues to enter into such charter parties for the carriage of sugar in bulk in the intercoastal and/or coastwise service of the United States.

Such written permission is now required under section 805(a) notwithstanding the fact that a voyage in the proposed service on which the vessel engaged in domestic intercoastal or coastwise trade would not be eligible for subsidy.

Any person, firm or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) and desiring to submit comments or views concerning the application must, by close of business on January 19, 1976, file same with the Secretary, Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504, Operating-Differential Subsidies (ODS))

Dated: December 30, 1975.

By order of the Assistant Secretary for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76–591 Filed 1–8–76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Closing Date for Receipt of Applications for Determining Expected Family Contribution

Pursuant to the authority contained in section 411(b) of Title IV, Part A, Subpart 1 of the Higher Education Act of 1975 as amended (20 U.S.C. 1070a(b)(1)), notice is hereby given that the United States Commissioner of Education has established a final cutoff date for the receipt of applications for the determination of expected family contributions (student eligibility index) under the Basic Educational Opportunity Grant Program for the academic year ending June 30, 1976. Under this program the calculation of an expected family contribution is a prerequisite to receiving a Basic Educational Opportunity Grant.

1. In order to be eligible to receive a Basic Educational Opportunity Grant for the academic year ending June 30, 1976, applications for determining expected family contributions for the academic year 1975–76 must be submitted to BEOG, P.O. Box A, Iowa City, Iowa 52240, on or before March 15, 1976.

2. Applicants may request a recomputation of their expected family contribution (student eligibility index) pursuant to § 190.16 of the Basic Opportunity Grant Program Regulations (45 CFR 190.16) because of extraordinary circumstances affecting the expected family contribution determination. Requests for such a recomputation shall be made by submitting the Supplemental Form for the 1975–76 academic year together with a new regular application form to BEOG, P.O. Box A, Iowa City, Iowa 52240. In order to be processed such application must be submitted no later than March 15, 1976.

3. Applications submitted under paragraphs 1 and 2 above will be considered to have been submitted on time if the application was received at P.O. Box A, Iowa City, Iowa, no later than March 25, 1976.

4. Applicants may request a recomputation of their expected family contribution (student eligibility index) pursuant to § 190.15 of the Basic Educational Opportunity Grant Program Regulations (45 CFR 190.15) because of clerical or arithmetic error. Such requests must be submitted to BEOG, P.O. Box C, Iowa City, Iowa 52240. In order to be processed such requests must be received at that address no later than May 10, 1976.

5. Applicants whose applications were submitted on a timely basis but were returned because of incomplete or inconsistent information must submit their corrected application to BEOG, P.O. Box C, Iowa City, Iowa 52240. In order to be processed such corrected applications must be received at that address no later than May 10, 1976.

6. Information and application forms may be obtained at institutions of higher education, high schools, or from the Office of Education at the following address: BEOG, P.O. Box 84, Washington, D.C. 20044.

7. It should be noted that in order to receive a Basic Grant for the 1975–76 academic year a student must apply for such a grant by submitting his Student Eligibility Report to the institution in which he is enrolled no later than May 31, 1976, or the end of his school year, whichever comes first; except that if a student begins his enrollment after May 1, 1976, he must submit his Student Eligibility Report to the Institution in which he is enrolled no later than June 30, 1976 (45 CFR 190.76).

(20 U.S.C. 1070a)
(Catalog of Federal Domestic Assistance No. 13.539, Basic Educational Opportunity Grant Program)

Dated: January 3, 1976.

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

[FR Doc.76–624 Filed 1–8–76;8:45 am]

CONSUMERS' EDUCATION PROGRAM

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in Section 811 of the Elementary and Secondary Education Act of 1965, as enacted by Section 505 of the Education Amendments of 1972, Pub. L. 92–318, and as amended by the Education Amendments of 1974, Title IV, Sections 402 and 407, Pub. L. 93–380, 20 U.S.C. 887d, applications are being accepted from institutions of higher education, local educational agencies, State educational agencies, and other public and private non-profit organizations and institutions

(including libraries) for grants to support research, demonstration, and pilot projects designed to provide consumers' education to the public.

Applications must be received by the U.S. Office of Education Application Control Center on or before March 8, 1976.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, Washington, D.C. 20202; Attention 13.564. An application sent by mail will be considered to be received on time by the Application Center if:

(1) The application was sent by registered or certified mail not later than March 3, 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. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the Office of Consumers' Education, Bureau of Occupational and Adult Education, Office of Education, ROB-3, Room 5624, 7th and D Streets SW., Washington, D.C. 20202.

D. *Applicable regulations.* Awards made pursuant to this notice will be subject to: (1) The Office of Education General Provisions Regulations (45 CFR Parts 100 and 100a) published in the FEDERAL REGISTER on November 6, 1973 and, (2) upon becoming effective in final form, the regulation for the Consumers' Education Program. The proposed regulation was published in the FEDERAL REGISTER on November 26, 1975 (40 FR 54805-54811).

(20 U.S.C. 887d)

(Catalog of Federal Domestic Assistance No. 13.564; Consumers' Education)

Dated: January 5, 1976.

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

[FR Doc.76-625 Filed 1-8-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-76-397]

ACTING AREA DIRECTOR, COLUMBUS, OHIO, AREA OFFICE

Designation and Delegation of Authority

Designation of Acting Area Director—Each of the officials appointed to the following positions is designated to serve as Acting Area Director during the absence of the Area Director, with all the powers, functions, and duties redelegated or assigned to the Area Directors: *Provided,* That no official is authorized to serve as Acting Area Director unless all officials listed before him in this designation are unavailable to act by reason of absence or vacancy in the position:

1. The Deputy Area Director.
2. The Director, Housing Production and Mortgage Credit.
3. The Director, Community Planning and Development.
4. The Director, Housing Management.
5. The Area Council.

(36 FR 3389, Feb. 23, 1971, as amended at 37 FR 746, Jan. 18, 1972)

Effective date. This designation and delegation shall be effective as of October 1, 1975.

PAUL G. LYDENS,
Area Director,
Columbus Area Office, Region V.

[FR Doc.76-592 Filed 1-8-76;8:45 am]

[Docket No. 28522]

CIVIL AERONAUTICS BOARD

AMERICAN SAFE SYSTEM, INC.

Prehearing Conference Regarding Indirect Air Carrier Permit Application (German)

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on January 26, 1976, at 10 a.m. (local time) in Room 1003-C, North Universal Building, 1875 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Richard V. Backley.

Dated at Washington, D.C., January 5, 1976.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-650 Filed 1-8-76;8:45 am]

[Docket No. 28501; Order 76-1-9]

PAN AMERICAN WORLD AIRWAYS, INC.

Order Denying Petition for Investigation and Adjustment of Joint Forces in Foreign Air Transportation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of January 1976.

By petition dated November 14, 1975 Pan American World Airways, Inc. (Pan American) requests the Board to investigate and adjust the division of joint fares in foreign air transportation which Pan American would experience commencing November 15, 1975 as a result of the three percent increase in U.S. domestic fares which became effective on that date. Pan American states that (1) the domestic add-ons used in constructing joint fares between nongateway U.S. points and foreign points will not be adjusted by the International Air Transport Association (IATA) to reflect the increase in U.S. domestic fares until some time after November 15, 1975; (2) the U.S. domestic carriers will receive an automatic increase in their portion of the unadjusted joint fares as of that date since the prorate agreement usually specifies the domestic carrier's share for the interior point-U.S. gateway segment of an international flight as a percentage of the normal local domestic fare to the gateway point; (3) the grace period which the U.S. domestic carriers had allowed Pan American and other international carriers in the past before collecting the increased prorate will not be accorded in the present case; and (4) Pan American will suffer a loss of revenue due to the impact of the increase in the domestic carriers' prorate of $300,000 for each 30-day period in which the situation continues. Pan American requests, inter alia, that the Board prescribe that, prior to approval of a new IATA joint-fare agreement, the domestic carriers shall receive the same dollar share of the joint through fare as they received prior to the November 15, 1975 increase in domestic fares and that such a prescription be made retroactive to that date.

Answers in opposition to Pan American's petition have been received from American Airlines, Inc. (American), Braniff Airways, Inc. (Braniff), Northwest Airlines, Inc. (Northwest), and Trans World Airlines, Inc. (TWA), all of whom are members of IATA except Northwest. No answers in support of the petition have been received. These carriers state that the petition should be denied, inter alia, because any delay in adjusting add-ons is entirely within the control of IATA and its members; it is within IATA's power to develop a mechanism which would allow international fares to be adjusted to reflect changes in domestic fares without delay; if the domestic prorate increase were delayed pending action by IATA, any incentive within that organization toward expedition would be reduced; and Pan American's statement of lost revenue lacks any evidentiary support.

Upon consideration of all relevant factors the Board will deny Pan American's petition. Pan American seeks to have the Board compel the domestic carriers to accept a prorate based on domestic fares no longer in effect until new IATA proportional fares are put into effect. However, domestic fare increases are approved only after the Board is convinced that the carriers have demonstrated a

need for the additional revenue, a need which encompasses the domestic portion of international flights, and which would be denied by Pan American's suggested remedy. In addition, we consider it unreasonable to expect the domestic carriers to shoulder the entire burden arising from the time lag in adjusting international fares since they are neither responsible for the lag nor in a position to reduce it.

Control of this situation is entirely within the hands of IATA and there would appear to be no reason why IATA could not develop a mechanism by which international fares can be adjusted promptly. Indeed, in the instant case, this delay was relatively short. By Order 75–11–97, November 25, 1975, the Board approved increases in North Atlantic, North/Central and South Pacific proportional fares used for construction of through international fares to U.S. interior points to reflect the three percent increase in U.S. domestic fares. The carriers were permitted to file tariffs implementing these increases for effect December 10, 1975. The time lag in this case was, therefore, less than 30 days.

Upon consideration of the foregoing, the Board finds that Pan American's petition is without merit and will be denied.[1]

Accordingly, it is ordered, That:

Pan American's petition in Docket 28501 be and hereby is denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.76–653 Filed 1–8–76;8:45 am]

[Docket No. 22162]

SULLIVAN COUNTY CASE (REMANDED)

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on February 10, 1976 at 9:30 a.m. (local time), in the Supervisor's Meeting Room, County Government Center, North Street, Monticello, New York 12701, before the undersigned.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served August 7, 1975, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

[1] It is noted that the general subject of prorate division was included in issue in the North Atlantic rate investigation by Order 75–6–42, June 9, 1975. Pan American will have an opportunity to raise specific issues on this subject under normal procedures as will any party to that proceeding.

Dated at Washington, D.C., January 5, 1976.

[SEAL] BURTON S. KOLKO,
Administrative Law Judge.

[FR Doc.76–651 Filed 1–8–76;8:45 am]

[Docket No. 27660]

WITS, INC. AND WITS AIR CARGO SERVICE

Postponement of Hearing Regarding Enforcement Proceeding

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding, which was assigned to be held on January 19, 1976 (40 FR 57831, December 12, 1975), is postponed indefinitely.

Dated at Washington, D.C., January 5, 1976.

[SEAL] RICHARD M. HARTSOCK,
Administrative Law Judge.

[FR Doc.76–652 Filed 1–8–76;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Availability

The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. December 29, 1975–January 2, 1976. The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties (February 23, 1976).

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fowden G. Maxwell, Coordinator of Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359–A, Washington, D.C. 20250, 202–447–3965.

FOREST SERVICE

Draft

Blacktail land use plan, Routt National Forest, Grand and Routt Counties, Colo., Dec. 29: Proposed is the implementation of a revised Land Use Plan for the Blacktail Unit, Routt National Forest, Grand and Routt Counties. The Unit contains 23,475 acres of National Forest lands and includes Roadless Areas DL and DM. Adverse effects include modification of scenic values, periodic and temporary changes in water and air quality, and soil erosion due to the construction of roads and cutting of trees. Wilderness characteristics will be lost within Inventoried Roadless Areas DL and DM. (ELR Order No. 51862.)

Snake River Basin land use plan, Summit County, Colo., Dec. 29: The statement consists of a proposal to update the existing Multiple Use Management Guide and intensify management actions for lands in the Snake River Basin, Arapaho National Forest, Summit County. The basin contains approximately 58,240 acres. Adverse effects include temporary disturbance of big game populations, reduction in the present level of air quality, and the reduction of land classified for timber production by 710 acres. (ELR Order No. 51863.)

Beartrap-Dutchler Planning Unit, Salmon National Forest, Lemhi County, Idaho, Dec. 29: Proposed is the implementation of a land use plan for the Beartrap-Dutchler Planning Unit which contains approximately 169,000 acres in Lemhi County, Idaho. Adverse impacts include the alteration of wildlife habitat and the subsequent loss of species that are affected by habitat loss. Soil erosion also will occur in areas of timber harvest until revegetation and regeneration of timberstands is accomplished. (ELR Order No. 51858.)

Cankerworm suppression in Pennsylvania—1976, Pennsylvania, Jan. 2: This statement is an analysis of impacts associated with a proposed suppression of fall cankerworm infestations on 20,000 acres of State and private forests in north central Pennsylvania. Subjects discussed are the impacts of aerial applications of the chemical insecticide Dylox 1.5 oil. Possible adverse effects include increased noise levels from project aircraft and ground support equipment, and temporary displacement of wildlife caused by the activity. (ELR Order No. 60002.)

Salina Planning Unit, Fishlake National Forest, Sevier County, Utah, Jan. 2: Proposed is a land use plan for the 328,990-acre Salina Planning Unit located on the Fishlake National Forest, Utah. Adverse effects include the elimination of vegetative cover by mining, road construction, and heavy recreation pressure. Some wildlife habitat, primarily big game winter range, will be destroyed where the remainder of I–70 is to be constructed. (ELR Order No. 60001.)

SOIL CONSERVATION SERVICE

Draft

McKinney-Buzzard Creek watershed project, McCurtain County, Okla., Dec. 29: The proposed watershed project is located in McCurtain County, Okla. The planned action involves the installation of land treatment measures; one floodwater retarding structure; and 9.20 miles of multiple-purpose channel work with appurtenant structures. Adverse impacts include loss of wildlife habitat as a result of timber clearing, and localized increase in erosion and turbidity due to construction. (ELR Order No. 51871.)

Final

Cottonwood-Walnut Creek watershed, Chaves and Eddy Counties, N. Mex., Dec. 29: The statement concerns the watershed protection, flood prevention, and recreational development in Chaves and Eddy Counties, N. Mex. The project provides for land treatment on 140,000 acres of rangeland and 20,000 acres of irrigated cropland, 11 floodwater retarding structures, dams, and reservoirs, spillways, floodwater diversions, channels, and recreation facilities, with 2,400 additional acres interrupted by flooding. Comments made by: USA, HEW, DOI, EPA, DOT, AHP, and State agencies. (ELR Order No. 51869.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-6795.

Draft

Waianae light-draft harbor construction, Oahu, Hawaii, Dec. 29: The proposed project involves the construction of a 12-acre harbor to accommodate berthing of approximately 300 recreational sailing and fishing boats and the launching of trailered boats on the Waianae coast of the island of Oahu, State of Hawaii. Adverse effects include disturbance of wildlife habitat and the alteration of approximately 1,200 linear feet of shoreline limestone cliff habitat. Water quality within the harbor will be degraded by boating activities and human use. (ELR Order No. 51870.)

B. Everett Jordan Dam and Lake (Supplement), Chatham County, N.C., Dec. 31: This statement is the draft supplement to a final EIS filed with CEQ Oct. 22, 1971. In reference to the B. Everett Jordan Dam and Lake, Cape Fear River Basin, N.C., the supplement includes a reassessment of water quality and observation of the effects of present dam operation on vegetation, birds, mosquitoes and other vectors, fish, mammals, and sedimentation. Also discussed are records of heights and duration of all floods impounded behind the dam (Wilmington District). (ELR Order No. 51874.)

Town Bluff Dam-B. A. Steinhagen Lake and Rayburn Dam, several counties in Texas, Dec. 31: Proposed is an integrated operation and maintenance program at the Town Bluff Dam-B. A. Steinhagen Lake and the Sam Rayburn Dam and Reservoir. The program consists of flood control, generation of hydroelectric power, water conservation, fish and wildlife conservation, and public recreational facilities development. Adverse effects include increased sanitation problems, altered water quality and chemistry caused by storage, and the displacement of some wildlife species. (ELR Order No. 51877.)

Final

Collins Generating Station, Ill., Jan. 2: The statement discusses the proposed Collins Generating Station, Goose Lake Township, Ill. The station will employ live oil-fired boilers to produce steam for the generation of 2,500 MW net of electrical power. The exhaust steam from the turbine generators will be cooled and condensed by the recirculation of water from a 1,900-acre cooling lake which will be constructed under this proposal. Adverse impacts include the diversion of land to industrial activity, inundation of 7 acres of the Goose Lake Prairie State Park, and increased fog caused by the heated lake (Chicago District). Comments made by: AEC, USDA, DOT, EPA, AHP, DOI, FEA, FPC, DOC, HUD, and State agencies. (ELR Order No. 60006.)

AIR FORCE

Contact: Dr. Billy Welch, Room 4D 873, The Pentagon, Washington, D.C. 20330, 202-OX 7-9297.

Final

Lincoln Experimental Satellites 8 and 9 Program, Florida, Dec. 30: The proposed action is the launch of the Lincoln Experimental Satellites 8 and 9 and solrad satellites 11A and 11B as a single payload by a Titan III-C from Launch Complex 40 at Cape Canaveral Air Force Station, Fla. The only adverse effects are a very small probability of small amounts of plutonium or beryllium being released and a very small probability of human fatality or injury from physical impact of accidently reentering payload hardware. Either of these effects could only result from a malfunction of the launch vehicle. Comments made by: DOT, NASA, DOC, HEW, DOI, NRC, ERDA, EPA, and one State agency. (ELR Order No. 51872)

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Contact: Mr. W. Herbert Pennington, Office of Assistant Administrator, E-201, ERDA, Washington, D.C. 20545, 301-973-4241.

Final

Liquid metal fast breeder reactor program, Dec. 31: Following the proposed final statement received by CEQ Jan. 16, 1975, this final EIS is issued in support of ERDA's program for the development of liquid metal fast breeder reactor (LMFBR) technology. The final statement incorporates the PFES and supplemental information required as a result of the Administrator's review of it. Comments made by: USDA, DOC, DOD, HEW, DOI, STAT, DOT, EPA, FEA, FPC, and NASA. (ELR No. 51881.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, 202-343-4161.

Draft

Fort Worth Federal Center, proposed alteration, Tarrant County, Tex., Dec. 31: Proposed is the repair, modification, alteration, and extension of facilities and buildings at the Federal Center, Fort Worth, Tarrant County, Tex., in conformance with an overall master plan developed for the programed accomplishment of this work. Operation of engine driven construction equipment will temporarily increase the levels of air pollutants such as hydrocarbons, oxides of nitrogen and sulphur, and possibly particulate matter. (ELR Order No. 51876.)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258, 451 7th Street SW., Washington, D.C. 20410, 202-755-6308.

Draft

Ray community public water system extension, Coosa County, Ala., Dec. 29: Proposed is the use of HUD grant money for alteration and extension of a rural water system which is in the process of being installed in Ray, a community in central Alabama. The alteration would involve increasing the sizes of some pipes to be installed along a small part of the water system. Adverse effects include increase in dust and other air pollutants, increased noise, and traffic interruptions. (ELR Order No. 51879.)

Woodbridge Village, Orange County, Calif., Dec. 30: Proposed is the provision of mortgage insurance, if requested, on 1,700 acres of various residential sites in a new development known as the village of Woodbridge in the south-central section of Orange County, Calif. Adverse effects include the conversion of agricultural land to urban use, elimination of native wildlife and flora, and modification of natural land forms in a flood plain. Project implementation would also cause an increase in public service, energy, and facilities demand. (ELR Order No. 51873.)

Final

Park Central Development, Port Arthur, Jefferson County, Tex., Dec. 31: Proposed is the transformation of 701 acres of coastal prairie land into a planned urban development. The tract, formerly undevelopable because of the threat of hurricanes, is now considered for development since the construction of the Port Arthur hurricane levee system. The statement indicates no significant adverse effects. Comments made by: AHP, DOT, EPA, USDA, COE, State and local agencies, and private groups. (ELR Order No. 51878.)

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD.)

Final

Cleveland's Demolition Program: Ohio, January 2. The statement concerns an application for a Community Development Block Grant by the City of Cleveland for demolition of condemned structures. Because these structures are vacant, there will be no displacements of families. Noise pollution and construction disruption will result. Comments made by: USDA, USA, GSA, EPA, DOI. (ELR Order No. 60005.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590 (202) 426-4357.

FEDERAL AVIATION ADMINISTRATION

Draft

New York Tracon, Hempstead, Nassau County, N.Y., December 29: The proposed action consists of construction of an air traffic control facility in Nassau County, New York, which will provide approach control services to and from Kennedy, La Guardia, Newark, Islip, Westchester and associated satellite airports. Adverse impacts include construction noise, dust and traffic disruption, and increased utility consumption. Topics House, a county sponsored drug rehabilitation center, will be forced to relocate. (ELR Order No. 51864.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

St. Joe Road, Evard Rd. to Mayhew Rd. (Supplement), Allen County, Ind., December 29. The proposed project provides for improvements on St. Joe Road from Evard Road to Mayhew Road in Allen County, Indiana. Project length is approximately 1.70 miles. The only commitment of resources accountable to this project will be the actual construction materials and the human effort necessary to complete the roadway. (ELR Order No. 51880.)

This statement is the supplement to a draft EIS filed with CEQ 14 February 1973. The proposed project provides for improvements on St. Joe Road from jE This statement is the supplement to a draft EIS filed with CEQ 14 February 1973. The proposed project provides for improvements on St. Joe Road from Evard Road to Mayhew Road and from US-30 to Stellhorn Road, Allen County, Indiana. The only commitment of resources accountable to this project will be the actual construction materials and the human effort necessary to complete the roadway.

S.R. 1 Bridge Over the Penn Central RR, Dearborn County, Ind., January 2. The proposed project would be a reconstruction of the S.R. 1 bridge and approaches over the Penn Central Railroad in Dearborn County. The project would consist of a multi-span structure located approximately 150 feet west of the existing Penn Central bridge. Adverse

effects include the destruction of some wildlife habitat and the displacement of persons along the new alignment. (ELR Order No. 60003.)

U.S. 90: IH 10, Harris County to SH 146, Liberty County, Tex. December 29. The proposed action is a controlled access freeway in northeast Harris County and consists of the relocation and improvement of US Highway 90, with a total length of approximately 21.5 miles. Adverse impacts include the taking of forest and grass lands for right-of-way purposes resulting in a loss of flora and fauna. Project implementation would require the displacement of 52 families and 13 businesses. (ELR Order No. 51866.)

Belknap Street Viaduct, City of Superior: Douglas County, Wisc. January 2. The proposed project involves replacement of the Belknap Street Viaduct which carriers local and USH 2 traffic in the City of Superior, Douglas County, Wisconsin. The new structure would be a 4-lane bridge and would be from 1500 to 1900 feet long, depending upon its new location. Adverse effects include right of way requirements; disruption of families, business, and wildlife in the center drainage area; and damages to haul roads not designed for heavy loads. (ELR Order No. 00004.)

Final

Freeway 520, Webster and Hamilton Counties, Iowa: Hamilton County, Iowa, December 31. Proposed is the construction of approximately twenty miles of Freeway 520 in Webster and Hamilton Counties, Iowa. The project will begin 1,000 feet north of the south line of section 36 and 300 feet east of U.S. 20. It extends in a northeasterly direction crossing U.S. 169, and then continues in a southeasterly and easterly direction to a point 0.25 mile west of Des Moines Street in Webster City. A total of 900 acres will be required for right-of-way, and 10 families will be displaced by the project. Comments made by: HEW, USDA, DOI, EPA, USCG (state and local agencies). (ELR Order No. 51875).

Texas SH 19: FM 1507 to Junction SH 19 and SH 24: Lamar and Delta Counties, Tex., December 29. The proposed facility consists of a four lane highway project extending from FM 1507 in Paris 14.7 miles south to the junction of State Highway 19 and State Highway 24 near Lake Creek. The project is located in Lamar and Delta Counties, Texas. Adverse effects include the displacement of 20 families and four businesses, destruction of vegetation within the area of construction, and the possible destruction of some timber. Comments made by: HEW, USA, USDA, DOI, EPA (state and local agencies). (ELR Order No. 51867.)

U.S. COAST GUARD

Final

Loran-C, Gulf of Alaska: December 29. The proposed action provides for the establishment of a new LORAN-C radio-navigation chain along the U.S. West Coast and in the Gulf of Alaska. Stations will be located in Nevada, California, Washington, Alaska, and Southwestern Canada. There will be minimal adverse impact on local water supplies, sanitation systems, and electric utilities. There will be some visual impact at all stations due to the height of the towers. Comments made by: DOT, EPA, COE, USDA, DOC, DOI (state and local agencies). (ELR Order No. 51865.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.76-617 Filed 1-8-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ANCEL M. JOHNSON

Receipt of Application for Amendment to Marine Mammal Permit

A permit authorizing retention, for scientific study, of parts or entire carcasses of SEA OTTERS (*Enhydra lutris*), found dead, as issued to Ancel Johnson, Marine Mammal Substation, Naval Support Activity, Seattle, Washington, on December 13, 1974, pursuant to the Marine Mammal Protection Act of 1972.

A notice containing the application for the permit was published in the FEDERAL REGISTER on September 16, 1974 (39 FR 33246-47), soliciting public comments for a period of 30 days.

A notice of the issuance of the permit was published on December 24, 1974 (39 FR 44465).

Mr. Ancel M. Johnson has submitted a request for an amendment to the permit. Published herewith is a copy of the terms of the permit, and the request for an amendment. This request is being considered pursuant to § 13.23, Title 50 Code of Federal Regulations (see 30 FR 1162).

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

3-201 (7/74)

FEDERAL FISH AND WILDLIFE PERMIT

AUTHORITY - STATUTES: 16 U.S.C. 1371
REGULATIONS (Attached): 50 C.F.R. 18.31

1. PERMITTEE
Ancel Johnson
Marine Mammal Substation - Building 192
Naval Support Activity
Seattle, Washington 98115

2. NUMBER: PRT-9-2-C

4. RENEWABLE	5. MAY COPY
[ ] YES	[X] YES
[X] NO	[ ] NO

6. EFFECTIVE	7. EXPIRES
DEC 13 1974	12/31/79

8. NAME AND TITLE OF PRINCIPAL OFFICER (If #1 is a business): Ancel Johnson, Project Leader

9. TYPE OF PERMIT: Marine Mammal

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED: In the States of Alaska, California, Oregon, and Washington

11. CONDITIONS AND AUTHORIZATIONS

A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY OR RENEWAL OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.

B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL OR OTHER FEDERAL LAW.

C. VALID FOR USE BY PERMITTEE NAMED ABOVE and his designated employees or cooperators operating under the supervision of the permittee or his designated employee.

D. Permittee may retain for scientific study, parts or entire carcasses of Sea Otters (Enhydra lutris), found dead.

E. Permittee may capture, mark, and retain in captivity for a period of up to three (3) months each, not more than ten (10) Sea Otters (Enhydra lutris), between January 1, 1975, and January 1, 1977.

F. Permittee may capture, mark, and release in Prince William Sound, Alaska, not more than thirty (30) Sea Otters (Enhydra lutris), per calendar year between January 1, 1976, and December 31, 1979.

G. Permittee may retain the carcasses of any Sea Otters (Enhydra lutris), accidentally killed during marking.

[ ] ADDITIONAL CONDITIONS AND AUTHORIZATIONS ON REVERSE ALSO APPLY

12. REPORTING REQUIREMENTS: A complete report of activities conducted under the authority of this permit including, but not limited to, numbers taken, numbers released, numbers retained in captivity, numbers killed during taking, and numbers collected dead, shall be submitted semiannually to the Director (FWS/LE), U.S. Fish & Wildlife Service, Washington, D.C.

ISSUED BY: (for) C. R. Bavin — C. R. BAVIN — TITLE: Chief, Division of Law Enforcement — DATE: DEC 13 1974

H. Activities permitted in (E) and (F) of this permit may be conducted at Prince William Sound, Alaska, only.

I. Not more than three (3) Sea Otters (*Enhydra lutris*), may be held in one pen at one time.

J. Nets, traps, or other devices used to take live Sea Otters must be closely attended at all times.

K. Any person designated by the permittee to conduct the authorized activities in this permit must have a copy of this permit in his possession at the time such activities are conducted.

L. A copy of this permit must be physically attached to the container, package, enclosure, or other means of containment, in which the Sea Otters or parts thereof are placed for purposes of storage, transit, supervision, or care.

M. This authorization may be amended, suspended, or revoked by the Director for

good cause shown and upon reasonable notice to the permittee.

To: Director, Fish and Wildlife Service, Washington, D.C.
From: Ancel M. Johnson, Sea Otter/Walrus Project USFWS, NFWL, Anchorage, Alaska.
Subject: Request to amend permit PRT–9–2–C to capture sea otters.
Date: December 12, 1975.

I request Permit PRT–9–2–C be amended to allow the taking of up to ten (10) cc of blood from a portion of the sea otters that will be captured under this permit. The purpose of the blood samples is to obtain additional information on the reproductive cycle and the subspecies question. The blood samples will be studied by:

Dr. U. S. Seal, Veterans Administration Hospital, 54th Street and 48th Ave. So., Minneapolis, Minn. 55417; and
Dr. William Z. Lidicker, Jr., Associate Director of the Museum and Curator of Mammals, University of California, Museum of Vertebrate Zoology, 2593 Life Science Building, Berkeley, Calif. 94720.

Blood samples will be taken from all females captured and from a sample of the males captured. Kenyon (1969) found sea otters contain from 1500 to 2700 g of blood consequently 10 cc would be less than 1 percent of the total volume. The blood will be taken from the saphenous vein (see Tarasoff, 1974).

Comparisons of morphological and behavioral data from the California and Alaska populations of sea otters are insufficient to confidently answer the subspecies question. Also, analysis of data from genital tracts and other sources have resulted in widely different estimates of the length of the gestation period; Karl Schnieder, ADF and G estimates 7–8 months and Karl Kenyon 12–13 months. Analysis of blood samples should settle the subspecies question and provide significant information on the reproductive cycle.

In keeping with the spirit of the Marine Mammal Protection Act of 1972, this Notice is being published to allow public comment on the request for an amendment. Interested persons may comment on this 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 on or before February 9, 1976.

Dated: January 5, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement.

[FR Doc.76–574 Filed 1–8–76;8:45 am]

ENDANGERED SPECIES PERMITS

Official Action

Notice is hereby given that the U.S. Fish and Wildlife Service has taken the following action with regard to permit applications received under section 10 of the Endangered Species Act of 1973, 16 U.S.C. 1539. Each permit was issued only after it was determined that it was applied for in good faith; that by granting the permit it will not be to the disadvantage of the endangered species; and that it will be consistent with the purposes and policy set forth in the Endangered Species Act of 1973.

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" JULY 28, 1975 (40 FR 31646–47)

Applicant: San Antonio Zoological Gardens and Aquarium, 3903 N. St. Mary's Street, San Antonio, Texas 78212. Louis R. DiSabato, Director.

Official action: Issued permit September 3, 1975: "Authorized to *import* one female Snow Leopard (*Panthera uncia*) from Finland, and *export* one female Snow Leopard (*Panthera uncia*), to Finland."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" JUNE 27, 1975 (40 FR 27279–80)

Applicant: Wildlife Safari, Inc., P.O. Box 600, Winston, Oregon 97496. Mr. Frank R. Hart, President.

Official action. Issued permit September 4, 1975: "Authorized to transport two (2) Tigers (*Panthera tigris*) from Sequim, Washington, to Winston, Oregon."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" FEBRUARY 3, 1975 (40 FR 4948).

Applicant. Dr. Clark Hubbs, Department of Zoology, The University of Texas at Austin, Austin, Texas 78712.

Official action. Issued permit September 5, 1975: "Authorized to take, propagate, study, and/or release—Fountain Darters (*Etheostoma fonticola*), Pecos Gambusia (*Gambusia nobilis*), Comanche Springs Pupfish (*Cyprinodon elegans*), Clear Creek Gambusia (*Gambusia heterochir*), and Big Bend Gambusia (*Gambusia gaigei*)."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" JULY 10, 1975 (40 FR 29097–98–99).

Applicant. Hawaii Division of Fish and Game, Department of Land and Natural Resources, Wildlife Branch, 1179 Punchbowl Street, Honolulu, Hawaii 96813. Donald L. Walker, Chief, Wildlife Branch.

Official action. Issued permit September 24, 1975: "Authorized to capture, band and mark, as authorized under the Federal Bird Marking and Salvage Permit, attach telemetry devices, and propagate and release the following species: HAWAIIAN GEESE (*Branta sandvicensis*), HAWAIIAN DUCK (*Anas wyvilliana*), LAYSAN DUCK (*Anas laysanensis*), HAWAIIAN COOT (*Fulica americana alai*), HAWAIIAN GALLINULE (*Gallinula chloropus sandvicensis*), and the HAWAIIAN STILT (*Himantopus himantopus knudseni*)."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" JULY 10, 1975 (40 FR 29096–97).

Applicant. Dr. Charles T. Collins, Department of Biology, California State University, Long Beach, California 90840.

Official action. Issued permit September 30, 1975: "Authorized to capture, band, and mark as authorized under Federal Bird Marking and Salvage Permit, CALIFORNIA LEAST TERNS (*Sterna albifrons browni*), is areas listed in Block 10—(Counties in California, San Diego, Orange, Los Angeles, and Ventura).

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" May 21, 1975 (40 FR 22154–55–56).

Applicant. Daniel D. Berger, 1328 N. Jefferson Street, Milwaukee, Wisconsin 53202.

Official action. Issued permit September 30, 1975: "Authorized to capture, band, and attach telemetry equipment to PEREGRINE FALCONS, in areas listed in Block 10—Sheboygan and Ozaukee Counties, in Wisconsin."

Each permit is available for public inspection during normal business hours at the U.S. Fish and Wildlife Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Dated: January 5, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement.

[FR Doc.76–573 Filed 1–8–76;8:45 am]

ENDANGERED SPECIES PERMITS

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant. Mr. Leland B. Hayes, Route 1, Box 11, Silesia, Montana 59080.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Purchase and transport interstate endangered species for propagation from captive stock.
One pair of each specie of pheasants: Bar-tailed; Chinese Monal; mEdwards; Swinhoe; Mikado
(want to buy and sell in interstate commerce)

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Leland B. Hayes
Rt. 1, Box 11
Silesia, Mt. 59080
(ac)406-962-3749

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 6'3" WEIGHT: 150
DATE OF BIRTH: 6-11-35 COLOR HAIR: Brn COLOR EYES: Blue
PHONE NUMBER WHERE EMPLOYED: 406-656-7734 SOCIAL SECURITY NUMBER: 457-54-3877
OCCUPATION: Minister
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT: None

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
On 85 acre farm in Silesia, Mont. Carbon County, along Clark's Fork of Yellowstone River.
From Ft. Collins to above;
From Gurley, Neb. to above
From Pueblo, Co. to above

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit numbers)
Application pending for waterfowl propagation permit

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of document)
None Required

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $ None required

10. DESIRED EFFECTIVE DATE: 1-1-76

11. DURATION NEEDED: 2 Yrs.

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
17:33 (1), (2), (3), (4), (5), (6), (7)

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) Leland B Hayes DATE: October 14/1975

3-200 (6/74)

ATTACHMENT

(1) Common and scientific names. The eight checked below are the ones wanted to cover by the permit.

√ Pheasant, Bar-tailed, *Syrmaticus humiae.*
√ Pheasant, Brown-eared, *Crossoptilon mantchuricum.*
√ Pheasant, Chinese Monal, *Lophophorus lhysii.*
√ Pheasant, Edward's, *Lophura edwardsi.*
√ Pheasant, Imperial, *Lophura imperialis*
√ Pheasant, Mikado, *Syrmaticus mikado.*
√ Pheasant, Swinhoe's, *Lophura swinhoii.*
√ Pheasant, White-eared, *Crossoptilon crossoptilon.*

(2) Each pair will have a pen, 20 by 40 feet with a wire-covered top. A shelter 6 feet by 20 feet runs along the back of each pen. The pens are protected from predators by side wire being buried. In addition to this an electric fence is run along the bottom of the sides and back about 8 inches to repel digging predators.

I know the pen is satisfactory as I have raised other pheasants under the same situation.

(3) I have raised game birds most of my life. This includes all types of upland game and waterfowl. I now have and am propagating several species of upland game birds. Some of the species I am propagating are: 5 varieties of quail, Silver pheasant, Reeves Pheasant, Golden Pheasant, and Swinhoe (hatched prior to 1973).

(4) I would be delighted to participate in any kind of co-operative breeding program and/or share data on studbook, and will keep accurate records of my activities.

(5) I will pick up the purchased birds by automobile. They will be in suitable containers as they will be home within 10 hours.

(6) For the past 5 years I have not had any mortality of any species covered by application.

(7) I want to get into propagating the endangered species for the following reasons:

a. I want to have a part in providing more of these birds * * * perhaps some day they may be taken from the endangered list because of their rapid growth in numbers.

b. I have raised most of the common birds and want some that present a challenge to the propagator.

c. As far as I know there are no birds covered by application in the entire state of Montana. I want my state to be a part in propagating these rare birds.

My activities under the permit will be the buying and selling of the species covered in the permit across state lines. Since there are no birds in the state I must go out of state to licensed captive bred game breeders.

I have no termination plans. I hope to renew the permit in two years.

I plan to purchase the birds from the following licensed game breeders:

Storm Mountain Game Farm, Fort Collins, Colorado.
McRobert's Game Farm, Gurley, Nebraska.
Vaughan's Ornamental Pheasantry, Pueblo, Colorado.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before February 9, 1976.

Dated: January 5, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-575 Filed 1-8-76;8:45 am]

ENDANGERED SPECIES PERMITS

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant. Mr. Hollis Carlos, Ozark Bantam & Game Farm, Route 1, Box 358, Hillsboro, Missouri 63050.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
State to State
☐ IMPORT OR EXPORT LICENSE ☐ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Pheasants

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Hollis Carlos
Rte. 1 Box 358
Hillsboro, Missouri 63050

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT 6'2" WEIGHT 225
DATE OF BIRTH Oct. 11, 1908
COLOR HAIR gray COLOR EYES blue
PHONE NUMBER WHERE EMPLOYED Retired 586-3760
SOCIAL SECURITY NUMBER 486-14-0115
OCCUPATION Retired

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Ozark Bantam & Game Farms

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
no

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Hollis Carlos, 586-3760

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Hillsboro, Missouri

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit numbers)
PRT 7-3P-2 (KC)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE
Immediately

11. DURATION NEEDED
6 Months

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF ACTIVITY REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (do not print)
Hollis Carlos
DATE
11/5/75

3-200
(6-74)

DECEMBER 1, 1975.

1. Brown eared Manchurians (pheasants), one female, 2 years old.

Want to purchase interstate for breeding purposes.

2. Pen raised female born in captivity.

3. Not applicable.

4. See 2 above—born in Salem, New Hampshire.

5. Pheasant will be used by Ozark Bantam and Game Farm at Hillsboro, Missouri for breeding purposes.

6. Pen is 8' by 24' by 6' high.

Ozark Bantam and Game Farm owned and operated by Hollis Carlos who has been in business 40 years raising pheasants, quail, silver foxes, mink, peacocks, chickens, South American ostrich, etc.

Mr. Carlos is willing to cooperate in breeding and other programs.

Bird will come by Air Freight in regular bird shipping crate; will be fed and watered before leaving, feed & water will be in crate, and bird will be in St. Louis in approximately three (3) hours after leaving New Hampshire. Mr. Carlos has had only one male bird for about five (5) years.

7. No contracts or agreements.

8. Applicant is entitled to permit so he can breed female bird.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before February 9, 1976.

Dated: January 5, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-576 Filed 1-8-76;8:45 am]

ENDANGERED SPECIES PERMITS

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant. James Warren Wiley, Wildlife Biologist, U.S. Department of Agriculture, Forest Service, Institute of Tropical Forestry, Rio Piedras, Puerto Rico 00928.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (*Indicate only one*)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Investigation of the biology of the endangered subspecies – Puerto Rican Plain Pigeon, Columba inornata wetmorei, including determination of the species status in Puerto Rico, its biology, emphasizing the breeding biology particularly. Periodic monitoring of nesting success and population size will be conducted at Lago de Cidra, P.R.

3. APPLICANT: (*Name, complete address and phone number of individual, business, agency, or institution for which permit is requested*)
James Warren Wiley, Wildlife Biologist
USDA
Forest Service
Institute of Tropical Forestry
P.O. Box AQ, Rio Piedras, P.R. 00928

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 5'11" WEIGHT: 160 lbs.
DATE OF BIRTH: January 16, 1943 COLOR HAIR: Brown COLOR EYES: hazel
PHONE NUMBER WHERE EMPLOYED: (809) 765-0404 (588) SOCIAL SECURITY NUMBER: 559-62-3163
OCCUPATION: Wildlife Biologist

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
Institute of Tropical Forestry
P.O. Box AQ
Rio Piedras, Puerto Rico 00928

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
islandwide, Puerto Rico

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(*If yes, list license or permit numbers*)
migratory bird permit 4-SC-819-9
federal bird banding permit 09986

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(*If yes, list jurisdictions and type of document*)
Commonwealth of Puerto Rico
Departamento de Recursos Naturales
permit to conduct research on Plain Pigeon

9. CERTIFIED CHECK OR MONEY ORDER (*if applicable*) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ n.a.

10. DESIRED EFFECTIVE DATE: immediately

11. DURATION NEEDED: 3 years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (*See 50 CFR 13.12(a)*) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (*In ink*): [signature] DATE: 20 Oct 1975

3-200
10-740

OBJECTIVES OF RESEARCH PROGRAM AND SPECIFIC REQUESTS FOR PERMIT PROVISIONS

1. *Abundance and distribution. Objective.* To determine the annual, seasonal, and distributional abundance of the Puerto Rican Plain Pigeon, *Columba inornata wetmorei.*

Procedures. a. Survey areas of known and possible occurrence of the Plain Pigeon for distribution and abundance.

b. Censusing known habitats for annual, seasonal, and distributional abundance through:

1. Simultaneous station censuses;
2. Coo-counts.

2. *Breeding biology. Objective.* To gather data on the breeding biology of the Plain Pigeon.

Procedures. a. Determine the optimal breeding requirement—by regular examination of nests for productivity in several divergent habitats.

b. Seasonal distribution and success of nesting attempts will be examined by observation of nesting habitat over the year-long period.

c. Breeding behavior will be observed at nests and on territories from observation blinds.

d. Family relationships, pair bond, number of broods per year and fledgling dependency will be investigated through color marking techniques for individual recognition and through observations made from blinds.

e. Growth and development data will be gathered by measuring and observing young birds at the nest.

3. *Food habits. Objective.* To determine the food habits of the Plain Pigeon.

Procedures. Observations made of the pigeons feeding in the field.

4. *Aging and sexing. Objective.* To develop methodology for determining age and sex for the Plain Pigeon in order to analyze population structure.

Procedures. Sex determination will be attempted from behavioral clues of Plain Pigeons during sexual encounters and at the nests. Aging criteria will be obtained from pigeons color marked as nestlings and monitored through field observations.

SPECIAL PROVISIONS

1. *Color marking.* I would like to place plastic color bands on Plain Pigeons to obtain data on movements, fidelity to mates, sex identification in the field, age at first breeding attempt, and number of nesting attempts made per year.

2. *Permission to possess, handle, and transfer specimens of the Plain Pigeon.* If such material as road-killed, found dead, hunter-killed, or similar specimens are made available I would like to be able to take possession, preserve and transfer these specimens to appropriate institutions. Also such data as size measurements and weight would be taken from the birds. Such authorization would also include the collecting of addled, deserted or otherwise destroyed eggs of the Plain Pigeon.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before February 9, 1976.

Dated: January 5, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-577 Filed 1-8-76;8:45 am]

National Park Service

GARLAND VENDING CO.

Intention To Issue Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on or before February 9, 1976, the Department of the Interior, through the Superintendent, Chamizal National Memorial, proposes to issue a concession permit to Garland Vending Company, authorizing it to provide concession facilities and services for the public at Chamizal National Memorial for a period of two (2) years from October 25, 1975 through October 24, 1977.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the human environment, and that it is not a major Federal action under the National Environmental Policy Act and the guidelines of the Council on Environmental Quality. The environmental assessment may be reviewed in the Regional Office, P.O. Box 728, Santa Fe, New Mexico 87501.

The foregoing concessioner has performed its obligations under the expired permit to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before February 9, 1976.

Interested parties should contact the Superintendent, Chamizal National Memorial, 620 Southwest National Bank Building, 300 E. Main Drive, El Paso,

Texas 79901, for information as to the requirements of the proposed permit.

Dated: October 15, 1975.

FRANKLIN G. SMITH,
Superintendent.

[FR Doc.76-640 Filed 1-8-76;8:45 am]

LONGFELLOW NATIONAL HISTORIC SITE CAMBRIDGE, MASSACHUSETTS

Availability of Environmental Assessment of Alternatives; Extension of Time Period for Review and Comment

Notice is hereby given that the National Park Service has extended the time period for review and comment on the environmental assessment of management alternatives through January 31, 1976. This notice is relevant to a notice published in the FEDERAL REGISTER, Vol. 40, No. 226—Friday, November 21, 1975, (40 FR 54272) which was the initial notice of availability of this assessment of alternatives.

The assessment is on file and available for review and inspection at the North Atlantic Regional Office, 150 Causeway Street, Boston, Massachusetts 02114 and the Superintendent's office, Longfellow National Historic Site, 105 Brattle Street, Cambridge, Massachusetts 02138.

The assessment discusses, by way of impact analysis, adverse effects and mitigating measures, five alternate ways for handling the problems of management, development and public use of the historic site. Writen comments on this environmental assessment are invited and will be accepted on or before January 31, 1976. Comments should be addressed to: Superintendent, Longfellow National Historic Site, 105 Brattle Street, Cambridge, Massachusetts 02138.

Dated: December 12, 1975.

JERRY D. WAGERS,
Regional Director,
North Atlantic Region.

[FR Doc.76-627 Filed 1-8-76;8:45 am]

GOLDEN GATE NATIONAL RECREATION AREA ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Golden Gate National Recreation Area Advisory Commission will be held at 9:30 a.m. (PST) on Saturday, January 24, 1976, at San Francisco Public Library, Larkin and McAllister Streets, San Francisco, CA.

The Advisory Commission was established by Pub. L. 92-589 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems and programs pertinent to the National Park Service system in Marin and San Francisco counties.

Members of the Advisory Commission are as follows:

Mr. Frank Boerger, Chairman
Ms. Amy Meyer, Secretary
Mr. Ernest Ayala
Mr. Richard Bartk
Mr. Fred Bjumberg
Mr. Lambrt Lee Choy
Ms. Daphne Greene
Mr. Peter Haas,, SSr.
Mr. Josepph Mendoza
Mr. John Mitchell
Mr. Merritt Robinson
Mr. William Thomas
Dr. Edgar Wayburn

The major items on the agenda are discussion of HR 10398, an update on parkwide planning, and swearing in of two Commission members.

The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who wish to submit written statements may contact William J. Whalen, General Manager, Bay Area National Parks, Fort Mason, San Francisco, CA. 94123, Telephone 415-556-2920.

Minutes of the meeting will be available for public inspection by February 28, 1976 in the Office of the General Manager, Bay Area National Parks, Fort Mason, San Francisco, CA.

Dated: January 6, 1976.

JOHN H. DAVIS,
Acting Regional Director,
Western Region.

[FR Doc.76-851 Filed 1-8-76;9:15 am]

Bureau of Reclamation

COLORADO RIVER STORAGE PROJECT

Proposed Allocation of Peaking Power

Correction

In FR Doc. 75-34612 appearing at page 59362 in the Tuesday, December 23, 1975 issue of the FEDERAL REGISTER on page 59362 in the 2nd column, 20th line from the bottom, the equation which begins, "P=(−F) * * *," should read, "P=(L−F) * * *".

ENVIRONMENTAL PROTECTION AGENCY

[Docket No. 341; FRL 476-7]

COWLEY'S ORIGINAL RAT & MOUSE POISON

Hearing; Cancellation of Registration

Notice is hereby given pursuant to § 164.8 of the rules of practice (40 CFR 164.8) issued under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136, et seq.), that a hearing involving the intent to cancel the registration of Cowley's Original Rat & Mouse Poison (EPA Reg. No. 505-1) as registered by S. L. Cowley & Sons Mfg. Co., Inc., will commence on January 27, 1976, at 9:30 a.m. in Room 2409, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the docket of this proceeding on file with the Hearing Clerk, United States Environmental Protection Agency, Room 1019, East Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

EDWARD B. FINCH,
Administrative Law Judge.

JANUARY 6, 1976.

[FR Doc.76-734 Filed 1-8-76;8:45 am]

[OPP-180060; FRL 477-3]

MONTANA DEPARTMENT OF LIVESTOCK

Issuance of Specific Exemption to Montana To Use Strychnine To Control Rabid Skunks

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), notice is hereby given that the Environmental Protection Agency (EPA) has granted a specific exemption to the Montana Department of Livestock (hereafter referred to as the "Applicant") to use strychnine alkaloid baits to control populations of rabid skunks. The control program is designed to effect a reduction of the rabid skunk population and thereby reduce the probability of exposure to man and domestic animals to rabies in twenty-one (21) counties in eastern Montana. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR 166, issued December 3, 1973 (38 FR 33303), prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions. The section 18 regulations provide that the Administrator may grant an emergency exemption to a Federal or State agency when the following conditions exist:

(a) A pest outbreak has or is about to occur and no pesticide registered for the particular use, or alternative method of control, is available to eradicate or control the pest, (b) significant economic or health problems will occur without the use of the pesticide, and (c) the time available from discovery or prediction of the pest outbreak is insufficient for a pesticide to be registered for the particular use. 40 CFR 166.1.

The exemption is also subject to the provisions of 40 CFR Part 164, specifically, Subpart D, published in the FEDERAL REGISTER on March 18, 1975 (40 FR 12261). In cases such as the one presented by this Applicant, if the request is for the use of a pesticide which has been finally cancelled or suspended, then the application constitutes a petition for reconsideration of such cancellation or suspension order. On March 9, 1972, Administrator Ruckelshaus cancelled and suspended the registration of strychnine, sodium cyanide, and 1080 (sodium fluoroacetate) for predator control. However, the Administrator's order banned the use of these pesticides for predator control without distinguishing between rabid and non-rabid predators, the former a human health problem and the latter an economic problem. Therefore, the exemption cannot be granted without the re-

quirement of a prior public hearing, unless certain conditions are found to exist.

Subpart D of the section 6 regulations provides that in emergency circumstances the Administrator may rule on the application without convening a formal hearing and without making a finding as to the question of substantial new evidence when he determines:

(1) That the application presents a situation involving need to use the pesticide to prevent an unacceptable risk: (i) To human health, or (ii) to fish or wildlife populations when such use would not pose a human health hazard; and

(2) That there is no other feasible solution to such risk; and

(3) That the time available to avert the risk to human health or fish and wildlife is insufficient to permit convening a hearing as required by section 164.131; and

(4) That the public interest requires the granting of the requested use as soon as possible. 40 CFR 164.133.

In May 1973, the State of Montana requested permission from EPA for the Applicant to use strychnine egg baits in seven northeastern Montana counties for rabid skunk control effective May 21 through December 30, 1973. On June 6, 1973, the EPA granted Montana's requested use of strychnine through October 31, 1973. A specific exemption could not be issued, since the section 18 regulations were not promulgated until December 3, 1973. Subsequently, the Applicant requested and was granted a specific exemption from December 19, 1973, through October 1, 1974, for use of strychnine baits to suppress rabid skunks in eastern Montana. In October 1975, the Applicant again requested a specific exemption to use the same pesticide until March 31, 1976, for control and/or surveillance of rabid skunks which are threatening the health of man and domestic animals in twenty-one eastern counties. The affected counties are: Big Horn, Blaine, Carter, Chouteau, Custer, Daniels, Dawson, Fallon, Fergus, Garfield, Hill, Phillips, Powder River, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Valley, Wibaux, and Yellowstone.

According to the Applicant, the strychnine bait formulations (eggs or lard baits) were intended for the following uses:

1. For control of skunk populations within a three-mile radius which encompasses areas of human or domestic animal habitation where rabies has been diagnosed in skunks.

2. For surveillance of skunk populations outside the three-mile radius in order to determine the perimeter of rabies within any county and/or adjacent counties.

3. For surveillance of skunk populations to monitor the migration of rabies as a known disease in Montana and to support encephalitides studies in skunks from which which rabies is clinically indistinguishable.

As of November 7, 1975, the Applicant had reported to EPA the presence of 17 rabid skunks, one rabid cat, and one rabid calf in Blaine County, one rabid cat in Carter County, and one rabid skunk in Powder River County. Veterinarians have conducted rabies vaccination clinics in all of the affected Montana counties in order to provide an increased safety margin for domestic pets and, indirectly, humans. Every animal killed is submitted to laboratories for fluorescent antibody analysis for the rabies virus, with the exception of specimens which were shot in the head or which deteriorated from excessive heat. During 1975 up to October 17, approximately 1100–1200 animals were analyzed for rabies, of which about 734 were skunks. The 138 skunks found to be rabid thus constitutes a rabid skunk proportion of approximately nineteen (19) percent.

The definition of "emergency conditions" under section 18 of the amended FIFRA excludes the requested surveillance program to determine the perimeter of rabies and encephalitides in Montana. However, the use of strychnine baits to suppress populations of rabid skunks around areas of human habitation appears to be in accord with § 166.1 (b): "significant * * * health problems will occur without the use of the pesticide". In addition, the Fish and Wildlife Service of the U.S. Department of the Interior reports that there are no threatened or endangered species known to be present within the proposed treatment area. Strychnine toxicants show low secondary hazard to non-target species because they do not accumulate in poisoned animals and are insoluble in water.

In light of the above and pursuant to the controlling regulations, the Administrator determined that (a) a pest outbreak of rabid skunks had occurred; (b) there was no pesticide presently registered for use in suppressing populations of rabid skunks in Montana; (c) the application presented a situation involving a need to use the pesticide as requested to prevent an unacceptable risk to human health, (d) there was no other feasible solution to such human health risk; (e) the time available to avert the risk to human health was not sufficient to convene a hearing; and (f) the public interest required the granting of the requested use as soon as possible. Accordingly, the Applicant was granted a specific exemption to use strychnine baits in twenty-one counties in eastern Montana. The specific exemption is also subject to the following conditions:

1. The areas to be treated are presently limited to a circle with a five (5) mile radius around a confirmed rabid skunk found within a two (2) mile radius of areas of human habitation in Blaine, Carter, and Powder River Counties;

2. When the Applicant receives a report of a skunk, cat, or raccoon which is behaving abnormally and located within two (2) miles of an area of human habitation, personnel may place a maximum of one hundred (100) strychnine treated baits within a five (5) mile radius of the area of human habitation, pursuant to taking specimens of skunks to determine whether rabid skunks are present in the area. If no rabid skunks are found, the unconsumed strychnine baits will be retrieved. If one or more rabid skunks are found, a maximum of four hundred (400) additional baits may be placed in areas of skunk habitation within the five (5) mile radius circle around the location of the rabid skunk;

3. The Applicant, upon receipt of notification of issuance of this specific exemption, shall send an appropriate map of the State showing the location of currently active skunk rabies cases in Blaine, Carter, and Powder River Counties. Subsequently, the Applicant shall send a short telegram to the Registration Division, Office of Pesticide Programs, EPA, at any time that (1) one hundred or less strychnine baits are distributed to determine the presence of rabid skunks and (2) four hundred additional baits are distributed to suppress skunk populations in which the presence of rabies has been confirmed, giving adequate location data to pemit the location of the bait treatment areas on the map. There are twenty-one counties where strychnine baits may be applied following establishment of the presence of rabid skunks near areas of human habitation;

4. Exposure of any bait station within a five (5) mile radius circle (to survey for presence of rabies or suppress rabid skunk populations) may not exceed thirty (30) days;

5. Each strychnine lard bait will contain approximately 0.012 grams of actual strychnine alkaloid. Each strychnine egg bait will contain approximately 0.035 grams of actual strychnine alkaloid;

6. The Applicant's personnel are responsible for preparing the strychnine baits, selecting bait stations, posting warning signs, securing premise entry agreements, checking bait stations periodically for kills, and retrieving all unconsumed baits at the termination of the control program;

7. A maximum of two strychnine lard or egg baits per setting will be placed in the following skunk habitats: skunk dens, holes, garbage dumps, road culverts, junk piles, and unoccupied buildings;

8. Strychnine treated lard or egg baits will be placed only on those lands where premise entry agreements have been signed by the landowner, lessee, or administrator;

9. Warning signs will be posted at entries to all premises and other visible positions near locations where treated baits have been placed;

10. Each bait station will be checked as often as possible for kills, but, in any case, no less than once a week;

11. All retrieved or excess strychnine baits will be disposed of by burial at least 18 inches deep in an approved sanitary landfill. Containers to be destroyed will be handled in a similar manner;

12. Animals poisoned in the control program will be submitted for laboratory analysis for presence of rabies virus if possible. Otherwise, they will be buried on the premises to prevent possible secondary non-target species poisonings;

13. The Applicant must follow any more stringent requirements imposed by State law or regulation or applied by the State pesticide regulatory authority; and

14. The specific exemption expires on March 31, 1976.

This notice contains a summary of certain information set forth in the application for the specific exemption. For more detailed information, interested parties are referred to the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., SW., Room E-315, Washington, D.C. 20460.

Dated: January 6, 1976.

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

[FR Doc.76-738 Filed 1-8-76;8:45 am]

[OPP—180061; FRL 477-4]

NEW MEXICO DEPARTMENT OF AGRICULTURE

Receipt of Application for Specific Exemption To Control Fleas Harboring Plague Organisms

On December 5, 1975, the New Mexico Department of Agriculture applied to the Environmental Protection Agency (EPA) for a specific exemption to use 36 pounds of Dimethoate [0,0-Dimethyl S-(N-methylcarbamoyl) methyl) phosphorodithioate] and 36 pounds of Ronnel [0,0-Dimethyl 0-(2,4,5-trichlorophenyl) phosphorothioate] to control plague-infected fleas on wild rodents. The plague is most prevalent from May through October, and can be found in all areas of New Mexico. This specific exemption, if granted, will be valid for no longer than one (1) year from the date of approval by EPA.

This application is in accordance with the provisions of section 18 (40 CFR Part 166) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136). Part 166 was issued on December 3, 1973 (38 FR 33303), and prescribes the requirements for exemption of Federal and State agencies for the use of pesticides under emergency conditions.

This notice does not indicate a decision by this Agency on the application. Interested parties may review the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., SW., Room E-315, Washington, D.C. 20460.

Dated: January 6, 1976.

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

[FR Doc.76-739 Filed 1-8-76;8:45 am]

[OPP-180054A; 477-2]

OKLAHOMA STATE DEPARTMENT OF AGRICULTURE

Specific Exemption To Use Sodium Chlorate for Dessication of Mung Beans; Correction

In FR Doc. 75-26949 appearing at page 46343 in the issue of October 7, 1975, the following corrections should be made:

The ninth line of paragraph two (2) in the first column on page 46344 now reading "* * * ticide oxidizes rapidly into sodium chlo- * * *" should read "* * * icide reduces rapidly into sodium chlo- * * * ".

The first sentence in item number 11 in the second column on page 46344 now reading "It has been determined that residues resulting from use of sodium chlorate on mung beans will be adequate to protect the public health." should read "It has been determined that the use of sodium chlorate on mung beans will involve no hazard to the public health."

Dated: January 6, 1976.

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

[FR Doc.76-737 Filed 1-8-76;8:45 am]

[FRL 466-4]

SCIENCE ADVISORY BOARD

Renewal

Pursuant to section 7(a) of the Office of Management and Budget Circular No. A-63, Transmittal Memorandum No. 1, dated July 19, 1974, it is hereby determined that renewal of the EPA Science Advisory Board (SAB) is in the public interest in connection with the performance of duties imposed on the Agency by law. The charter which continues the SAB through January 10, 1978, unless otherwise sooner terminated, will be filed at the Library of Congress.

JOHN QUARLES,
Acting Administrator.

DECEMBER 31, 1975.

[FR Doc.76-578 Filed 1-8-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20667]

DOMESTIC PRIVATE LINE SERVICE

Preferential Rates for Press Use; Correction

On November 6, 1975 (40 FR 55386), the Commission released its Memorandum Opinion and Order in the above-captioned matter. The Commission therein granted interested persons leave to intervene, "upon filing of notice of intention to appear and participate within 20 days of the release date" of the Memorandum Opinion and Order. The foregoing quoted language should have granted interested persons leave to intervene herein upon filing of notice of intention to appear and participate on or before January 29, 1976.

In view of this inadvertent error, any other carrier, user of press facilities and interested persons shall have leave to intervene in Docket No. 20667 upon filing of notice of intention to appear and participate on or before January 29, 1976.

Adopted: December 24, 1975.

Released: December 31, 1975.

[SEAL] WALTER R. HINCHMAN,
Chief, Common Carrier Bureau.

[FR Doc.76-606 Filed 1-8-76;8:45 am]

FIXED SATELLITE ADVISORY COMMITTEE

Meeting

DECEMBER 30, 1975.

In further preparation for the 1979 World Administrative Radio Conference, a meeting of the Fixed Satellite Advisory Committee chaired by Raymond B. Crowell, will be held on Thursday, January 29, 1976, at 10 a.m., room 8210, located at 2025 M Street NW., Washington, D.C.

The meeting will be opened to the public and any member of the public is invited to participate and present oral or written statements of relevance to the agenda upon recognition by the Chairman. Any such oral statements should be cleared with the Chairman at least one day prior to the meeting.

The meeting will be conducted in accordance with the following agenda:

1. Chairmans Opening Remarks.
2. Approval of Minutes of December 5 Meeting.
3. Report of Informal Task Group 1 (Allocations).
4. Discussion of Draft Allocation Table distributed early in January.
5. Approval of Preliminary Allocations Table for Submission to the Steering Committee.
6. Discussion and review of further work assignments.
7. Suggestions for matters to be covered at next meeting.
8. Date of next meeting.
9. Any other business.
10. Adjournment.

No part of this meeting will be concerned with matters which are within the exemptions of the Public Information Act, 5 U.S.C. 55s(b).

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

[FR Doc.76-634 Filed 1-8-76;8:45 am]

[Docket Nos. 20627, 20628; File Nos. BPH-9017 and BPH-9173]

MIAMI COUNTY BROADCASTING CO., INC. AND Q COMMUNICATIONS CORP.

Memorandum Opinion and Order

In re applications of the Miami County Broadcasting Company, Incorporated, Sault Ste. Marie, Michigan, Docket No. 20627, File No. BPH-9017, Requests: 101.3 MHz; Channel No. 267; 100 kW (H); 60 kW (V); 260 feet; and Q Communications Corporation, Sault Ste. Marie, Michigan, Docket No. 20628, File No. BPH-9173, Requests: 101.3 MHz; Channel No. 267; 100 kW (H&V); 328 feet; for construction permit.

1. The Commission, by the Chief of the Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned applications which are mutually exclusive in that they seek the same channel in Sault Ste. Marie, Michigan. Also before the Commission is an informal objection to the application of The Miami County Broadcasting Company, Incorporated (Miami), filed by Q Communications Corporation. Miami has filed no comments in response to the objection.

2. Q Communications in its objection

alleges that duopoly considerations would preclude future expansion of Miami's proposed station and of existing WCBY–FM in Cheboygan, Michigan. The proposed and existing stations are Class C facilities with a distance of 54 miles between transmitter sites. Since there is no overlap between the proposed 1 mV/m contour and the existing 1 mV/m contour of WCBY–FM, a grant of the instant application would not contravene the provisions of § 73.240(a)(1) of the Commission's rules. However, were both of these stations to operate with maximum facilities, Commission studies indicate that the 1 mV/m contour of each would encompass the transmitter site of the other. Thus, since operation of the proposed new station and WCBY–FM with maximum facilities would be precluded by our duopoly rules, a question is raised as to whether the Miami proposal represents a fair, efficient and equitable use of the channel within the meaning of section 307(b) of the Communications Act of 1934, as amended, and an appropriate issue will be specified.

3. Q Communications also alleges in passing that a grant of Miami's application would result in undue concentration of control. Miami, licensee of WSOO–AM, Sault Ste. Marie, is wholly-owned by Mr. Richard E. Hunt who has the following additional broadcast interests: 100 percent ownership of WCBY Radio, Incorporated, licensee of WCBY (AM) and FM, Cheboygan, Michigan; and, 50 percent ownership of WPTW Radio, Incorporated, licensee of WPTW AM and FM, Piqua, Ohio. It is noted that this case involves no overlap with the commonly-owned stations in Cheboygan and Piqua which are 54 and 435 miles respectively from the Sault Ste. Marie transmitter site. Since Q Communications has made nothing more than a bare allegation of undue concentration, we find that it has failed to raise substantial or material questions of fact which warrant exploration in the forthcoming hearing.

4. Miami incorporated by reference an ascertainment survey contained in an amendment to an assignment application (BAL–7732) filed February 28, 1973. Miami filed its present application for construction permit on May 24, 1974. Accordingly, Miami was notified by letter of May 7, 1975, that the incorporated survey was unacceptable in light of the requirements of question and answer 2 of the "Primer on Ascertainment of Community Problems by Broadcast Applicants," 27 FCC 2d 650 (1971), more than one year having passed between the date of filing of the survey and the date of filing of the present application. Miami then submitted an ascertainment survey as an amendment of June 23, 1975. The amended survey, however, contained only one survey of 34 people, and it was not clear whether this was to be the community leader or general public survey. In addition, the applicant failed to list the communities to be served, failed to state the composition of the community of license, and failed to provide a racial, ethnic or minority breakdown. Accordingly, in view of the requirements of the Primer and the Commission's decision in "Voice of Dixie," 45 FCC 2d 1027 (1974), an appropriate issue will be added.

5. Q Communications Corporation has failed to list the communities it proposes to serve as required by question 1(A)(2), section IV–A, FCC Form 301. In addition, while some indication is given as to the racial and ethnic breakdown of the area, it is not clear that a breakdown for the city of license has been provided as required by Primer, supra, question and answer 9. Further, it does not appear that the applicant has interviewed any minority leaders or representatives of the five major businesses in this area; moreover, in many instances it is not clear that those persons chosen are actually leaders of their respective groups, since minimal information has been provided concerning their community activities. See A. V. Bamford, 48 FCC 2d 1155 (Rev. Bd., 1974). Therefore, an appropriate issue will be specified.

6. Q Communications Corporation proposes independent programming, while Miami proposes to duplicate the programming of its commonly-owned AM station WSOO during 45 percent of its broadcast time. Therefore, evidence regarding program duplication will be admissible under the standard comparative issue. When duplicated programming is proposed, the showing permitted under the standard comparative issue will be limited to evidence concerning the benefits to be derived from the proposed duplication which would offset its inherent inefficiency, "Jones T. Sudbury," 8 FCC 2d 360 (1967).

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. *It is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the extent to which duopoly considerations would preclude future expansion of WCBY–FM and the proposed station of The Miami County Broadcasting Company, Incorporated, and in light of the evidence adduced in response thereto, whether the subject proposal represents a fair, efficient and equitable use of the channel within the meaning of section 307(b) of the Communications Act of 1934, as amended.

2. To determine the efforts made by The Miami County Broadcasting Company, Incorporated, to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

3. To determine the efforts made by Q Communications Corporation, to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

4. To determine which of the proposals would, on a comparative basis, better serve the public interest.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

9. *It is further ordered,* That, the informal complaint by Q Communications Corporation is granted to the extent indicated above, and DENIED in all other respects.

10. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

11. *It is further ordered,* That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: December 12, 1975.

Released: December 24, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76–632 Filed 1–8–76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

PRICE AND ALLOCATION CONTROLS AFTER DECEMBER 15, 1975

Application

The authority of the Federal Energy Administration ("FEA") under the Emergency Petroleum Allocation Act of 1973, as amended (the "EPAA"), to issue and enforce price and allocation regulations and orders expired at midnight on Monday, December 15, 1975. Subsequently, however, the Congress passed and, on December 22, 1975, the President signed into law the Energy Policy and Conversation Act (the "EPCA"), Pub. L. 94–163, which extended this authority of FEA.

Section 461 of the EPCA amends the EPAA by the addition of a provision extending the EPAA, as follows:

The authority to promulgate and amend any regulation or to issue any order under this Act shall expire at midnight, September 30, 1981 * * *

In addition to the particular extension of authority provided for in the language quoted, the EPCA specifically deals with FEA authority during the period between the expiration of the EPAA (December 15, 1975) and the signing of the EPCA (December 22, 1975). Section 463 of the EPCA states:

Except as otherwise provided, the amendments made by this Act to the Emergency Petroleum Allocation Act of 1973 shall take effect as of midnight, December 15, 1975.

Congress specifically intended in this section that the EPAA's extension would occur retroactively as well as prospectively if the EPCA were enacted after December 15, 1975, for it noted in the Joint Explanatory Statement:

Section 463 provides that the amendments to the Allocation Act made by this Act shall be effective as of midnight December 15, 1975, except as otherwise provided. The conferees expressly recognize the possibility that this Act may not be enacted until after December 15, 1975. For that reason, the December 15, 1975 date was expressly written into section 463 as the effective date so as to make it absoutely clear that no gap in the President's authority to promulgate regulations or to issue or enforce orders under the Allocation Act is intended, that the extension of the Allocation Act authority will apply retroactively to December 15, 1975, and that the regulation under section 4(a) in effect on December 15, 1975, shall be deemed to have been continuously in full force and effect thereafter. (S. Rpt. 94–516, 94th Cong., 1st Sess., at 209 (Dec. 8, 1975).)

Thus, for all practical purposes no regulatory "hiatus" period existed between December 16, 1975 and December 22, 1975. The purpose of this notice is to make that fact clear to all persons subject to FEA regulations promulgated under the EPAA and to advise them that the FEA intends to enforce its regulations for that period in the same manner that it announced, in Ruling 1975–17 (40 FR 48341, October 15, 1975), that the regulations would be enforced for the similar hiatus that occurred in September 1975.

Finally, some questions have been raised as to the current status of regulations that are required by the EPCA to be modified. Until such time as such modifications are issued in final form, the regulations in existence on December 15, 1975 remain in full force and effect.

Issued in Washington, D.C., January 5, 1975.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

[FR Doc.76-583 Filed 1-6-76;10:26 am]

Meeting

RETAIL DEALERS ADVISORY COMMITTEE

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given that the Retail Dealers Advisory Committee will meet Monday, January 26, 1976, at 9:30 a.m., in the Commodore Room, Holiday Inn at Municipal Auditorium, 1301 Wyandotte Street, Kansas City, Missouri.

The Committee was established to provide the Administrator, FEA, with technical and timely information on a wide range of activities associated with the retail sale of gasoline/diesel fuel.

The agenda for the meeting is as follows:

1. Allocation—100% Current Needs (Decontrol of Prices and Allocations at the Retail and Wholesale Level By Product)
2. Regional Pricing
3. Salaried Operated Stations (Self Service)
4. Remarks from the Floor (10 Minute Rule)

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Director, Advisory Committee Management, at (202) 961–7022 at least five days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on January 5, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76-582 Filed 1-6-76;10:25 am]

FEDERAL MARITIME COMMISSION

[No. 76-1]

CSC INTERNATIONAL, INC. V. ORIENT OVERSEAS CONTAINER LINE, INC.

Filing of Complaint

JANUARY 5, 1976.

Notice is hereby given that a complaint filed by CSC International, Inc. against Orient Overseas Container Line, Inc. was served January 2, 1976. The complaint alleges that complainant has been subjected to payment of a freight rate for transportation which is unjust and unreasonable and in violation of section 18 (b) (3) of the Shipping Act, 1916.

Hearing in this matter shall commence on or before July 2, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-679 Filed 1-8-76;8:45 am]

[Independent Ocean Freight Forwarder License No. 1438]

CANALES INTERNATIONAL SERVICES

Order of Revocation

By letter dated November 24, 1975, Canales International Services, 1848 West 25th Street, Cleveland, Ohio 44113, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1438 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before December 19, 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.

Canales International Services 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. 1438 issued to Canales International Services, be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1438 be and is hereby revoked effective December 19, 1975.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Canales International Services.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.76-680 Filed 1-8-76;8:45 am]

[Independent Ocean Freight Forwarder License No. 1561]

MAGNA FORWARDING, INC.

Order of Revocation

By letter dated November 20, 1975, Magna Forwarding, Inc., 1709 East Del Amo Boulevard, Wilmington, California 90746, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1561 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before December 18, 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.

Magna Forwarding, Inc. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commision 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. 1561, issued to Magna Forwarding, Inc., be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1561 be and is hereby revoked effective December 18, 1975.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Magna Forwarding, Inc.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.76-681 Filed 1-8-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP73-77; PGA76-2]

ALABAMA-TENNESSEE NATURAL GAS CO.

Proposed PGA Rate Adjustment

DECEMBER 30, 1975.

Take notice that on December 15, 1975, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee) tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Fourteenth Revised Sheet No. 3-A. Alabama-Tennessee requests that this revised tariff sheet become effective as of January 15, 1976.

Alabama-Tennessee states that the sole purpose of such revised tariff sheet is to adjust Alabama-Tennessee's rates pursuant to the PGA provisions of section 20 of the General terms and conditions of its tariff to reflect increased rates to become effective on January 15, 1976, to be charged by its sole supplier, Tennessee Gas Pipeline Company.

Alabama-Tennessee states that the revised tariff sheet provides for the following rates:

[In cents]

	Substitute 14th revised sheet No. 3-A
Rate schedule:	
G-1:	
Demand	232
Commodity	72.89
SG-1: Commodity	89.84
I-I: Commodity	74.89

Alabama-Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected State regulatory Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 13, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-707 Filed 1-8-76;8:45 am]

[Docket No. ER76-157]

CAMBRIDGE ELECTRIC LIGHT CO.

Extension of Procedural Dates

DECEMBER 30, 1975.

On December 19, 1975, Cambridge Electric Light Company filed a motion to extend the procedural dates fixed by order issued October 31, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of staff testimony	Mar. 15, 1976.
Service of intervenor testimony.	Mar. 29, 1976.
Service of company rebuttal.	Apr. 19, 1976.
Hearing	[1] May 10, 1976.

[1] 10 a.m., e.s.t.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-708 Filed 1-8-76;8:45 am]

[Docket No. ER76-368]

CENTRAL ILLINOIS PUBLIC SERVICE CO.

Filing of Facility Use Agreement Appendix and Emergency Interchange Agreement Appendix

DECEMBER 30, 1975.

Take notice that on December 15, 1975, Central Illinois Public Service Company, (Central Illinois) tendered for filing a revised Appendix F dated November 10, 1975 to the Emergency Interchange Agreement dated January 17, 1956 between Central Illinois Public Service Company and Illinois Power Company, and a revised Appendix A dated November 10, 1975 to the Facility Use Agreement dated January 17, 1956 between Central Illinois Public Service Company and Illinois Power Company. Appendix F provides for a change in the nominal Capacity of Interchange at the interconnection point north of Brighton, Illinois. Appendix A provides for payment by Illinois Power of maintenance and operating charges to Central Illinois for any work performed on Illinois Power's 69-34.5 KV transformer rated 22.4 MVA located in Central Illinois' Jerseyville substation. Central Illinois requested that the proposed Appendices become effective on May 19, 1975, the date the 22.4 MVA transformer was placed in service. Central Illinois states that it has sent copies to the Illinois Power Company and the Illinois Commerce Commission.

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 should be filed on or before January 19, 1976. Protests will be considered by the Commission 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 must file a petition to intervene. Copies of this filing are available for public inspection at the Federal Power Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-709 Filed 1-8-76;8:45 am]

[Docket No. E-9040]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Joint Filing of Settlement Agreement

DECEMBER 30, 1975.

Take notice that the Vermont Public Service Board, Central Vermont Public Service Corporation (Central Vermont) and all of Central Vermont's affected wholesale customers, but Allied Power and Light Company have executed a Settlement Agreement in Docket No. E-9040 and, on December 11, 1975, jointly tendered it for filing. The proposed settlement provides for, among other things, a revised partial requirements Rate R-3P to be effective from January 6, 1975 to November 30, 1975 and a partial requirements Rate R-4P commencing on December 1, 1975. For the effective period of revised Rate R-3P, Central Vermont will refund revenues collected in excess of that rate. There are no refunds under Rate R-4P.

Any person desiring to be heard or to protest said filing should file comments with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before January 16, 1976. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-710 Filed 1-8-76;8:45 am]

[Docket No. CP76-182]

COLUMBIA GAS TRANSMISSION CORP.

Application

DECEMBER 30, 1975.

Take notice that on December 3, 1975, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, Charleston, West Virginia 25314, filed in Docket No. CP76-182 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations thereunder (18 CFR 157.7 (b), for a certificate of public convenience and necessity authorizing the construction during the twelve-month period

commencing March 1, 1976, and operation of certain natural gas purchase facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from producing areas generally coextensive with Applicant's pipeline system or the pipeline systems of other natural gas companies authorized to transport gas for or exchange gas with Applicant.

The total cost of the proposed facilities would not exceed $4,000,000 nor would the cost of any single project exceed $1,000,000 which costs, Applicant states, would be financed from funds generated from internal sources.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 20, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-711 Filed 1-8-76;8:45 am]

[Docket No. RP73-65; PGA75-5]

COLUMBIA GAS TRANSMISSION CORP.

Further Extension of Procedural Dates

DECEMBER 30, 1975.

On December 8, 1975, Ohio Oil and Gas Association filed a motion to extend the procedural dates fixed by order issued October 22, 1975, as most recently modified by notice issued November 17, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of testimony by Ohio producers making sales to Columbia.	Apr. 23, 1976.
Service of staff testimony...	May 20, 1976.
Service of intervenor testimony.	June 11, 1976.
Service of company and of Ohio rebuttal.	July 2, 1976.
Hearing ----------	[1] July 13, 1976 [1] 10:00 a.m., e.s.t.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-712 Filed 1-8-76;8:45 am]

[Docket No. ER76-364]

CONNECTICUT LIGHT AND POWER CO.

Termination

DECEMBER 30, 1975.

Take notice that on December 16, 1975, Connecticut Light and Power Company (CLP) tendered for filing notice of termination of its Rates Schedule FPC No. 75, effective December 1, 1972, in accordance with its own terms. This termination is effective April 30, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 23, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-721 Filed 1-8-76;8:45 am]

[Docket No. ER76-354]

CONNECTICUT POWER AND LIGHT CO.

Terminations

DECEMBER 31, 1975.

Take notice that on December 10, 1975, The Connecticut Power and Light Company (CPL) tendered for filing notice of termination of

1. CPL's Rate Schedule FPC No. 59 with the Vermont Electric Power Company, Inc. The effective date of termination is October 31, 1972, in accordance with the contract's terms.

2. CPL's Rate Schedule FPC No. 50 with Central Maine Power Company. The effective date of termination is April 30, 1972, in accordance with the contract's terms.

3. CPL's Rate Schedule FPC No. 52 with Vermont Electric Power Company, Inc. The effective date of termination is April 30, 1972, in accordance with the contract's 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 January 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-697 Filed 1-8-76;8:45 am]

[Docket No. ER76-334]

CONNECTICUT LIGHT AND POWER CO.

Order Accepting for Filing and Suspending Proposed Rate Increase

DECEMBER 31, 1975.

On December 5, 1975, Connecticut Light and Power Company (CL&P) filed, on behalf of itself, the Hartford Electric Light Company (HELCO), and Western Massachusetts Electric Company (WMECO) (Jointly, "Companies") a proposed amendment [1] to the Companies' April 1, 1975, Transmission Agreement with the City of Holyoke Gas and Electric Department (Holyoke). The amendment, dated October 1, 1975, provides for an extension of the term of the Agreement from October 31, 1975, to April 30, 1978, and revises transmission charges under the agreement. The proposed change in the transmisison rates would result in a 18.8 percent, $4,104 increase in annual transmission charges.

Notice of CL&P's filing was issued on December 15, 1975, with comments, protests or petitions to intervene due on or before December 23, 1975. No petitions were received. CL&P requests waiver of our thirty day notice requirements to permit the amendment to become effective on November 1, 1975, the day after the present Agreement terminates. However, CL&P has not shown good cause to grant waiver. Accordingly, the request will be denied.

Under the present Agreement, CL&P, HELCO and WMECO transmit 5,000 kW of power which Holyoke purchases from Vermont Electric Power Company under a separate agreement. The present monthly charge for the transmission service is equal to one-twelfth of the estimated annual average unit cost of

[1] See Appendix A below for rate schedule designations of the proposed amendment.

$4.68 per kW per year for transmission service on the system of the Northeast Utilities companies multiplied by Holyoke's entitlement and reduced by an amount which Holyoke pays to Public Service of New Hampshire (PSNH) for transmission service on the PSNH system. The present monthly charge to Holyoke is $1,815.

Under the proposed amendment, the monthly charges for transmission service would be one-twelfth of the annual average cost of transmission service on the Northeast Utilities system multiplied by Holyoke's entitlement and reduced by an amount which Holyoke pays PSNH for transmission service on its system. The cost of transmission service on the Northeast Utilities system would be determined in accordance with Section 13.9 (Determination of Amount of PTF Costs) of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee.

The proposed monthly charge to Holyoke under the proposed amendment would be approximately $2,157 for the period from November, 1975, through April, 1976. CL&P states that the transmission charge for the period from May, 1976, to April 30, 1978 cannot be determined at this time. Annual charges under the agreement would increase from $4.68/kW to $5.50/kW.

Proposed NEPOOL EHV Proposed Transmission Facilities (PTF) Cost Rules are presently under investigation in Docket No. E–7890. Proposed NEPOOL LV PTF Cost Rules have been tendered for filing in Docket No. ER76–291. In light of the fact that the charges proposed in the instant docket are based on NEPOOL PTF Costs and those costs have not yet been found to be just and reasonable, we conclude that the rate increase proposed in this docket has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall suspend the use thereof for one day until January 6, 1976 when the rates shall be permitted to become effective, subject to refund upon determination of just and reasonable NEPOOL PTF costs in Docket Nos. E–7690 and ER76–291.

The Commission finds. (1) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the increased rates and charges as proposed by CL&P in Docket No. ER76–334 be accepted for filing and suspended as hereinafter provided.

(2) Good cause exists to deny CL&P's request for waiver of the Commission's notice requirement.

(3) The proposed transmission charges associated with NEPOOL PTF costs should be subject to the outcome of the proceedings in Docket Nos. E–7690 and ER76–291.

The Commission orders. (A) CL&P's proposed changes in rates, charges and conditions of service as filed on December 5, 1975, are accepted for filing and suspended for one (1) day and the use thereof deferred until January 6, 1976, when the proposed rates shall become effective, subject to refund.

(B) CL&P's request for waiver of the Commission's notice requirements is hereby denied.

(C) The proposed transmission charges associated with NEPOOL transmission charges shall be made subject to the outcome of the proceedings in Docket Nos. E–7690 and ER76–291.

(D) Nothing contained herein shall be construed as limiting the rights of the parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

THE CONNECTICUT LIGHT & POWER CO.—DOCKET NO. ER 76–334

Dated, Oct. 1, 1975; filed, Dec. 5, 1975; other party, City of Holyoke Gas & Electric Department.

Designation	*Description*
Suppl. No. 1 to (1) rate schedule FPC No. 113.	Amendment to Transmission Agreement.

THE HARTFORD ELECTRIC LIGHT COMPANY

Designation	*Description*
Supplement No. 1 to (2) rate schedule FPC No. 91 (concurs in (1) above).	Certificate of concurrence.

WESTERN MASSACHUSETTS ELECTRIC COMPANY

Designation	*Description*
Supplement No. 1 to (3) rate schedule FPC No. 105 (concurs in (1) above).	Certificate of concurrence.

[FR Doc.76–725 Filed 1–8–76;8:45 am]

[Docket No. CP76–194]

CONSOLIDATED GAS SUPPLY CORP.

Application

DECEMBER 30, 1975.

Take notice that on December 10, 1975, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP76–194 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon an emergency connection with Carnegie Natural Gas Company (Carnegie) and a connection with The Peoples Natural Gas Company (Peoples), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to abandon a connection for the supply of possible future emergency needs of natural gas to Carnegie in or near the village of Mt. Morris, Pennsylvania. It is stated that Carnegie has informed Applicant by letter of October 23, 1975, that the Mt. Morris connection is no longer necessary. It is stated that Applicant was obligated to maintain the Mt. Morris connection as long as Applicant was required to maintain its pipeline facilities in the area in order to continue service to Peoples at Point Marion, Pennsylvania. Peoples has indicated to have advised Applicant that the Point Marion connection is no longer required due to the realignment of facilities. Therefore, Applicant requests permission and approval to abandon the two connections which, Applicant states, would also permit the abandonment of certain measuring and regulating facilities and approximately 400 feet of 6-inch pipeline.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 22, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–713 Filed 1–8–76;8:45 am]

[Docket No. CP70–196]

DISTRIGAS CORP.

Petition To Amend

DECEMBER 30, 1975.

Take notice that on December 5, 1975, Distrigas Corporation (Petitioner), 125 High Street, Boston, Massachusetts 02110, filed in Docket No. CP70–196 a petition to amend the order of the Commis-

sion accompanying Opinion 613 issued March 9, 1972 (47 FPC 752), pursuant to section 3 of the Natural Gas Act by authorizing the continued importation of natural gas from Algeria purchased at a price of 70.6 cents per million Btu, subject to adjustments for currency fluctuations and inflation, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that it is authorized to import approximately 15.4 trillion Btu of liquefied natural gas (LNG) annually from Algeria purchased from Alocean, Ltd. It is further stated that by an agreement of amendment dated October 4, 1975, Petitioner has agreed with Alocean, Ltd., to amend the purchase contract to provide for a price of 70.6 cents per million Btu, with currency and inflation adjustments. Petitioner requests that it be authorized to continue the importation of LNG at said rate effective July 1, 1975, or in the alternative, that the Commission authorize Petitioner to pay a surcharge to said rate of 0.35 cents per million Btu multiplied by the number of cargoes delivered between July 1, 1975, and the date of Commission authorization for the continued importation at said rate. Petitioner states that the alternative surcharge would be applicable to all volumes received after the date of authorization and is designed to conmpensate Alocean, Ltd., for the time lag in receiving the authorization.

Petitioner states that no change in volume or manner of delivery is involved in the instant proposal.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 21, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10).

All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-714 Filed 1-8-76;8:45 am]

[Docket Nos. RP71-15 and RP-75-28]

EAST TENNESSEE NATURAL GAS CO.

Notice of Corrected Tariff Sheet

DECEMBER 18, 1975.

Take notice that on December 18, 1975, East Tennessee Natural Gas Company (East Tennessee), tendered for filing corrections to its tariff filing of November 14, 1975, consisting of the following corrected revised tariff sheet:

SUBSTITUTE THIRTEENTH REVISED SHEET No. 4

East Tennessee states that the sole purpose of the corrected tariff sheet is to reflect changes in the substitute tariff sheets of Tennessee Gas Pipeline Company, a Division of Tenneco Inc., which reflect the exclusion of additional small producer purchases at rates in excess of the levels prescribed by Opinion No. 742. East Tennessee states in all other respects this tariff sheet is identical to that filed on November 14, 1975, in the above-captioned dockets.

East Tennessee states that copies of the filing have been mailed to all its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 19, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-699 Filed 1-8-76;8:45 am]

[Docket No. CP73-221]

EL PASO NATURAL GAS CO.

Petition To Amend

DECEMBER 29, 1975.

Take notice that on December 4, 1975, El Paso Natural Gas Company (Petitioner,) P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP73-221 a amend the order[1] issuing a certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act to extend the term of the authorized sale and delivery of natural gas by Petitioner to Northern Gas Company (Northern), all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

[1] By order accompanying the initial decision of the presiding administrative law judge issued November 6, 1975, in Docket No. CP73-215, et al. (50 FPC 1935), a certificate of public convenience and necessity was issued in Docket No. CP73-221. No exceptions to the decision having been filed or review initiated by the Commission, the decision became effective on December 18, 1973, as the final decision of the Commission.

Petitioner states that Northern is authorized to sell and deliver to Petitioner, on a best-efforts basis, up to 75,000 Mcf of raw natural gas per day in the Lea County, New Mexico, production area and that Petitioner is authorized to sell and deliver to Northern in Lea County and in Pecos County, Texas, concurrently, on a best-efforts basis, quantities of gas equivalent to the residue quantities attributable to the raw gas received and purchased by Petitioner from Northern all through January 31, 1976. It is further stated that the subject arrangements are designed to assist Northern in its efforts to maintain adequate service to its customers by adjusting the allowable level of production under proration rules prescribed by the New Mexico Oil Corservation Commission for Northern's sources of supply in Lea County through increased takes from such supply sources and that El Paso benefits in that the assigned proration allowables for El Paso's own supply sources in Lea County are also effectively increased as Northern's takes are increased.

Petitioner states that Northern has advised Petitioner that Northern continues to have available quantities of natural gas in excess of the capacity of Northern's gathering, processing and transmission facilities in the area and that Petitioner has excess capacity in the area. It is further stated that by the extension of the authorization through October 26, 1978, both Petitioner and Northern would benefit by the higher rates of production and the operating economies would be of benefit to both Northern's and Petitioner's customers.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 19, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in acordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-700 Filed 1-8-76;8:45 am]

[Docket No. CP76-171]

EQUITABLE GAS CO. AND UGI CORP.

Application

DECEMBER 29, 1975.

Take notice that on November 26, 1975, Equitable Gas Company (Equitable), 420 Boulevard of the Allies, Pittsburgh, Pennsylvania, 15219, and UGI Corpora-

tion (UGI), Post Office Box 858, Valley Forge, Pennsylvania 19482, jointly Applicants, filed in Docket No. CP75-171 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of a storage service for a four-year period, the construction of facilities therefor, and the operation of said facilities therefor and for future uses, and a request for a disclaimer of jurisdiction, all as more fully set forth in the application on file with the Commission and open to public inspection.

Under the proposed plan for the storage service set forth by Applicants, UGI would make deliveries from April 1 to November 1 of natural gas to Columbia Gas Transmission Corporation (Columbia) for delivery to Equitable for the account of UGI for injection into the storage fields of Equitable. It is further proposed by Applicant that Equitable would subsequently withdraw and redeliver such stored gas to Columbia for UGI from November 1 to April 1. The initial injection period would extend from the date of the initiation of operations until November 1, 1976. Applicants propose that 50 percent of the total volumes of gas delivered by UGI to Equitable during each injection period, up to 3,000,000 Mcf, would be release gas which would be sold by UGI to Equitable. The volumes to be delivered and sold to Equitable during each injection period would be as follows:

Injection period	Maximum volume (thousand cubic feet)	Maximum volume of gas delivered and sold to Equitable by UGI (thousand cubic feet)	Maximum volume of storage gas (thousand cubic feet)
1976-77	3,000,000	1,500,000	1,500,000
1977-78	3,000,000	1,500,000	1,500,000
1978-79	3,000,000	0	3,000,000
1979-80	3,000,000	0	3,000,000

UGI is seeking a declaration by the Commission that the sales to Equitable are nonjurisdictional because except for said sales, UGI does not make any sales for resale and neither owns nor operates any jurisdictional pipeline. UGI alleges that except for the instant sale, its operations consist of local distribution functions. Applicants state that the storage gas will enable UGI and the release gas will enable Equitable to meet their winter season, high priority requirements more reliably and effectively. They submit that the public interest requires that this result be achieved and that to make this service possible the Commission should disclaim jurisdiction over UGI and over UGI's sales to Equitable.

Applicants state that to effectuate the proposed service, a tap connection would need to be constructed between the facilities of Equitable and Columbia in Grant District, Wetzel County, West Virginia. The cost of the proposed tap required by Equitable is estimated at $10,000. It is stated that the point for the delivery to Equitable by Columbia for the account of UGI shall be at the connection in Wetzel County and to a lesser extent at an existing point where Equitable's and Columbia's pipelines intersect in Gilmer County, West Virginia. The delivery point for the gas returned by Equitable to Columbia for UGI's account would be in Gilmer County. Equitable requests authorization to maintain the Wetzel County interconnection for emergency use upon termination of the storage service.

It is indicated that UGI agrees to pay to Equitable for gas stored by Equitable, exclusive of release gas and gas carried forward, during each injection period the following:

Mcf	*Cents per Mcf*
First 500,000	58.5
500,001 to 1,000,000	56.5
1,000,001 to 1,500,000	54.5
1,500,001 to 2,000,000	52.5
2,000,001 to 2,500,000	50.5
2,500,001 to 3,000,000	48.5

It is further stated that UGI would have the right to carry forward unused gas that is in storage at the end of each injection period for 36 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 20, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-701 Filed 1-8-76;8:45 am]

[Docket Nos. RP72-136; PGA 76-1]

FLORIDA GAS TRANSMISSION CO.

Order Accepting for Filing and Suspending Proposed PGA Rate Increase, Instituting Investigation and Establishing Hearing Procedures

DECEMBER 31, 1975.

On November 14, 1975, Florida Gas Transmission Company (Florida) tendered for filing a 4.1652¢ per Mcf PGA rate increase[1] to reflect an increase in the cost of purchased gas and an increase in Florida's surcharge to recoup the balance in its deferred purchased gas cost account. The proposed increase, which Florida requests to be made effective January 1, 1976, would result in an annual increase of $4,219,558.

Notice of Florida's filing was issued December 2, 1975 with all protests, comments, or petitions to intervene due on or before December 15, 1975.

Our review of Florida's PGA filing indicates that it is based in part on small producer purchases at rate levels in excess of the rate level prescribed in Opinion No. 742. The proposed rates have not therefore been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall accept the tariff sheet for filing and suspend its effectiveness for one day until January 2, 1976, when it shall become effective subject to refund.

With regard to the issue of small producer purchases, we shall establish hearing procedures to determine the just and reasonable rate levels of those small producer purchases to be included in Florida's filing in excess of the rate levels resulting from use of the "130 percent formula" prescribed in Opinion No. 742.[2] In this connection, we believe it appropriate to make the small producers involved respondents so that they may present evidence to show that the rates charged by them to Florida are just and reasonable. Although the small producers are not required to make refunds, we believe it appropriate to institute a Section 5 investigation against the small producers involved so that the just and reasonable small producer rate determi-

[1] First Substitute Eighth Revised Sheet No. 3-A to FPC Gas Tariff, Original Volume No. 1.

[2] —— FPC —— issued Aug. 28, 1975, in Docket No. R-393.

nation in this proceeding can be applied prospectively.

Within 15 days of the date of this order, Florida shall file a list of these small producers, making sales reflected in the instant filing in excess of the "130 percent formula" rates in order that they may be made respondents to this proceeding.

Cost evidence relating to the small producer sales which are the subject of the hearing ordered herein can clearly provide the basis for "just and reasonable" rate findings. "F.P.C. v. Texaco, Inc." 417 U.S. 380 (1974). Accordingly, we shall require the small producer respondents to submit cost evidence in order that we may determine the justness and reasonableness of Florida's rates and make appropriate prospective adjustments, if found necessary, to the small producer rate pursuant to our authority under Section 5 of the Natural Gas Act.

Florida should show that the rate paid by it to the small producer is just and reasonable by presenting evidence considering all relevant factors including inter alia, (1) the pipeline's need for gas, (2) the availability of other gas supplies, (3) the amount of gas dedicated under the contract, (4) the rates of other recent small producer sales previously approved for flow through and (5) comparison with appropriate market prices.[3]

Finally, the parties may submit any other evidence relevant to the Commission's determination of whether the rates paid by the pipeline with respect to the subject small producer sales are just and reasonable.

Our review of Florida's claimed increased purchased gas costs other than those claimed increased costs associated with that portion of small producer purchases in excess of the rate levels prescribed by the "130 percent formula" in Opinion No. 742 indicates that they comply with the standards set forth in Docket No. R-406. Accordingly, we shall permit Florida to file a revised tariff sheet to become effective January 1, 1976 to reflect the elimination of the costs associated with that portion of small producer purchases in excess of the rate levels prescribed by the "130 percent formula" in Opinion No. 742.

The Commission finds. (1) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that hearing procedures be established, as hereinafter ordered and conditioned, and that Florida's tariff sheet tendered in this docket on November 14, 1975, be accepted for filing and permitted to become effective January 2, 1976 subject to refund.

(2) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that Florida be permitted to file, to become effective January 1, 1976, a revised tariff sheet reflecting the elimination of purchased gas costs associated with that portion of small producer purchases in excess of the rate levels established in Opinion No. 742.

(3) The claimed increased costs, other than those associated with that portion of small producer purchases in excess of the rate levels established in Opinion No. 742 have been reviewed and found to be in compliance with the standards set forth in Docket No. R-406.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, a public hearing shall be held in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 to determine the lawfulness of Florida's proposed PGA rates filed on November 14, 1975, insofar as those proposed rates reflect small producer purchases in excess of the "130 percent formula" prescribed in Opinion 742.

(B) Within 15 days of the date of this order, Florida shall file with the Commission a list, including addresses, of the small producers from whom it purchased at rates in excess of the rate level provided for by Opinion No. 742. Following receipt of this list, we shall make the small producers parties respondents to this investigation for the purposes discussed in the body of this order.

(C) Pursuant to section 5 of the Natural Gas Act, we hereby institute an investigation into the just and reasonable rates to be charged by the small producers making sales to Florida in excess of the rates resulting from the "130 percent formula" prescribed in Opinion 742 and consolidate this investigation with the hearing ordered in Ordering Paragraph (A) above for purposes of hearing and decision. These consolidated hearings will be docketed as RP72-136 (PGA 76-1).

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding pursuant to the Commission rules of practice and procedure. He shall also preside at a pre-hearing conference to be held on February 25, 1976 at 9:30 a.m., in a hearing room at the address noted in ordering paragraph (A) for the purpose of setting dates for the presentation of Florida's direct testimony the small producer respondent's direct testimony, the Staff's and any intervenor's direct testimony, Florida's rebuttal evidence, and hearing.

(E) Florida's proposed tariff sheet tendered on November 14, 1975, is hereby accepted for filing and suspended for one day, until January 2, 1976, when it shall become effective, subject to refund.

(F) Within 15 days of the date of issuance of this order, Florida may file a revised tariff sheet to become effective January 1, 1976, which reflects those claimed increased purchased gas costs contained in Florida's PGA adjustment other than those claimed increased costs associated with that portion of small producer purchases in excess of the rate levels resulting from the "130 percent formula" prescribed by Opinion 742.

(G) The Secretary shall cause prompt publication of this order to be issued in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-726 Filed 1-8-76;8:45 am]

[3] Opinion No. 742 (mimeo, p. 13, paragraph (1)).

[Docket No. ER76-318]

FLORIDA POWER CORP.

Order Accepting Initial Interconnection Agreement for Filing, Instituting Investigation, and Setting Pre-Hearing Conference

DECEMBER 31, 1975.

On December 1, 1975, the Florida Power Corporation (Florida Power) tendered for filing an initial Interconnection Agreement[1] between Florida Power and the City of Lakeland, Florida (Lakeland), dated October 22, 1975. The Agreement provides for the following interconnection services: emergency energy, short-term firm capacity and energy, economy energy, and long-term firm capacity and energy (Schedules A, B, C, and D, respectively). Florida Power requested that, in accordance with the terms of the Agreement, this filing be permitted to become effective January 1, 1976.

Notice of the proposed Agreement was issued on December 10, 1975, with all comments, protests, or petitions to intervene due on or before December 19, 1975.

Our investigation of the filing indicates that the proposed charge for services rendered under Schedule A consists of either the return of an equivalent amount of energy, or payment of the suppliers' net cost per MWh, while Schedule C provides for the exchange of energy on a shared-savings basis, and the rates for service under Schedule D are to be negotiated at the time of sale. The charge for service rendered under Schedule B, however, consists of the sum of (1) an energy charge equivalent to the suppliers' net cost per MWh, (2) a transmission facilities charge, and (3) a capacity charge based upon the annual cost per MWh of capital revenue requirements for the production facilities used to provide such power, which cost is reflective of Florida Power's proposed rate of return of 9.59 percent, including a 14.60 percent return on common equity. We also note that § 9.5 of the Agreement provides for an automatic adjustment to the proposed capacity and energy charges to account for any increases in taxes or assessments, or in the event either party pays a "gases receipts tax", to the State of Florida.

Our review indicates that the proposed rates, charges, terms, and conditions of service of the proposed Agreement, specifically the rate of return and return on common equity proposed in Schedule

[1] Designated as shown on Attachment A.

B therein, have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. We shall institute a section 206 investigation into the lawfulness of the rates charged and collected by Florida Power. We further note in this context that any change to the capacity and/or energy charges pursuant to the automatic tax adjustment provisions of section 9.5 of the Agreement, other changes to the capacity or transmission facilities charges, as well as any rate negotiated for service under Schedule D, will be considered as a change in rate requiring a timely filing pursuant to section 205 of the Federal Power Act and § 35.13 of our regulations.

The Commission finds. (1) It is necessary and appropriate in the public interest and to aid in the enforcement of the Federal Power Act that the Commission accept for filing Florida Power's filing of December 1, 1975, and permit it to become effective January 1, 1976.

(2) Good cause exists to institute a section 206 investigation into the lawfulness and reasonableness of the rates charged and collected by Florida Power pursuant to the proposed Agreement.

The Commission orders. (A) Florida Power's initial Interconnection Agreement, filed in this docket on December 1, 1975, is hereby accepted for filing to become effective January 1, 1976.

(B) Pursuant to the authority of the Federal Power Act, particularly section 206 thereof, and the Commission's rules and regulations, and the regulations under the Federal Power Act, a public hearing shall be held in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, concerning the justness and reasonableness of the rates, charges, terms and conditions of service of Florida Power's Interconnection Agreement accepted for filing herein.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure. He shall also preside at a pre-hearing conference to be held on January 22, 1976, at the address noted in ordering paragraph (B) for the purpose of setting procedural dates for the filing of direct testimony by Florida Power, direct testimony by the Commission Staff and any intervenor, for the filing of rebuttal evidence by Florida Power, and for the hearing.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

ATTACHMENT A

FLORIDA POWER CORPORATION

Filed, Dec. 1, 1975; Dated, Oct. 22, 1975; Effective, Jan. 1, 1976.

Designations	*Descriptions*
Rate schedule FPC No. 79.	Basic contract.
Supplement No. 1 to rate schedule FPC No. 79.	Exhibit A, interconnection point No. 1.
Supplement No. 2 to rate schedule FPC No. 79.	Service schedule A, emergency electric service.
Supplement No. 3 to rate schedule FPC No. 79.	Service schedule B, scheduled electric service.
Supplement No. 4 to rate schedule FPC No. 79.	Service schedule C, economy service.
Supplement No. 5 to rate schedule FPC No. 79.	Service schedule D, firm electric service.

[FR Doc.76-727 Filed 1-8-76;8:45 am]

[Docket Nos. RP74-19, RP69-2, etc.]

FLORIDA GAS TRANSMISSION CO. AND FLORIDA GAS TRANSMISSION CO.

Order Approving Settlement

DECEMBER 24, 1975.

Docket Nos. RP74-19, RP69-2, RP70-25, RP71-27, RP71-28, RP72-144, RP72-136, RP71-67, R71-109, RP72-35, RP72-85 and RP72-123; Docket No. RP76-24.

On October 23, 1975, Florida Gas Transmission Company filed with the Commission a settlement agreement, which, if approved, would resolve all issues in the above-entitled proceedings and settle Florida Gas' jurisdictional rates for the period from February 16, 1969 through December 31, 1974. The record of these consolidated proceedings was before the Commission by virtue of the certification of an earlier settlement agreement by Presiding Administrative Law Judge Samuel Kanell on November 8, 1974. That settlement was approved conditionally by the Commission in Opinion No. 732 issued on May 20, 1975.

Opinion No. 732 ordered that the settlement certified on November 8, 1974 should be approved and made effective provided that it was revised so that the rates and possible refunds in Docket No. RP74-19 were based on a rate of return of 9.04 percent instead of the proposed level of 9.5 percent. By letter filed June 19, 1975, Florida Gas Transmission Company filed a proposed revised settlement agreement accepting the Commission's rate of return but proposing to adjust the sales volumes upon which the rates in Docket No. RP74-19 were predicated. The Commission treated the proposed revision as a withdrawal from the settlement agreement in its order of August 1, 1975, and reopened and remanded the proceeding for further evidentiary hearings. The order set procedural dates and directed the parties and Staff to address all matters relating to the justness and reasonableness of Florida Gas Transmission's rates.

Further negotiations and discussions involving the Staff and all parties were held and resulted in the settlement agreement now before the Commission.

Notice of submission of the proposed settlement agreement was issued on November 13, 1975 with protests and comments due on or before November 21, 1975. No comments in opposition to the settlement agreement have been received.

On November 21, 1975, Staff filed comments stating that Staff participated actively in the discussions leading to the settlement; that the settlement costs of service, upon which settlement rates and refunds are computed, are in Staff's judgment fully representatives of Florida Gas' expenses and investments associated with the applicable rate periods; and that Staff believes the settlement agreement represents a reasonable resolution of the issues in these proceedings and should be approved and adopted.

The settlement now before the Commission retains the essential elements of the original settlement conditionally approved by Opinion 732 and set out therein. In addition, it adopts the lower rate of return required by the Commission in that opinion. Actual 1974 volumes and actual peak day volumes for the 1974-1975 heating season are used in determining and allocating the revised cost of service and in determination of refunds.[1] (In the agreement certified on November 8, 1974 such actual data were not available but was to be reflected when available according to specified procedures). The settlement provides for refunds of $4.7 million to Florida Gas' customers.

We note that the proposed settlement reflects the use of the statutory rate for the computation of Federal Income Taxes. Article VIII, Paragraph 3 of the proposed settlement provides that use of the statutory tax rate is without prejudice to consideration of whether the consolidated effective tax rate should be used in a future rate proceeding involving Florida Gas. Although in our August 1, 1975, order in this proceeding, we directed that this issue be raised herein, we believe that the public interest would be served by accepting the use of the statutory tax rate in the proposed settlement, and to direct the parties in Florida Gas' latest rate case in Docket No. RP76-24[2] to address that issue.[3]

Our review of this settlement agreement as well as the entire record in this proceeding indicates that the proposed settlement agreement adequately meets the conditions imposed by Opinion 732 and resolves the issues raised by the rate increase filings consolidated herein, is in the public interest, and should therefore be approved and made effective as hereinafter ordered.

The Commission finds. The settlement agreement filed in this proceeding on October 23, 1975 is reasonable and proper and in the public interest in carrying out the provisions of the Natural Gas Act, and such agreement should be approved.

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[2] In the suspension order issued November 14, 1975, in Docket No. RP76-24, we directed the parties to that proceeding to develop the issue of whether the statutory or the consolidated effective tax rate should be used.

[3] See also: Columbia Gas Transmission Corporation, et al., — FPC — issued December 1, 1975, in Docket Nos. RP73-86, et al.

The Commission orders. (A) The settlement agreement filed in this proceeding on October 23, 1975 is incorporated herein by reference, approved, and made effective as provided by the provisions of the settlement agreement.

(B) Within thirty days of the issuance of this order Florida Gas Transmission Company shall file revised tariff sheets which conform to the settlement agreement.

(C) Within thirty days after filing the revised tariff sheets, Florida Gas shall refund to its jurisdictional customers all revenues collected in excess of the settlement rates, with interest at the rate of 7 percent per annum.

(D) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by this Commission, and it is without prejudice to any claims or contentions which may be made by the Commission, its Staff, the Company, or by any other party or person affected by this order in any proceedings now pending or hereafter instituted by or against the Company or any other person or party.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX B.—*Florida Gas Transmission Co., FPC docket Nos. RP69–2 and RP70–25*

Item	RP69–2		RP70–25			
	1969	1970	1970	1971	1972	1973
	Settlement costs of service					
Production expenses	$28,730,932	$28,690,956	$28,690,956	$28,085,827	$29,660,178	$38,101,858
Operation and maintenance	9,310,383	10,232,350	10,232,350	11,714,325	12,242,711	12,743,970
Depreciation	11,591,536	12,306,261	12,306,261	12,766,187	12,806,068	13,094,180
Taxes:						
Federal income	3,555,129	2,612,812	6,105,107	8,687,868	8,455,576	8,476,548
State income	71,664	107,036	107,036	185,610	861,156	1,099,700
Other	2,252,381	2,292,162	2,292,162	2,575,697	2,654,575	2,840,681
Return [1]	19,561,957	19,804,948	23,410,814	23,278,020	22,498,574	21,569,167
Other gas revenues—credit	(7,607,516)	(2,054,440)	(2,054,440)	(788,257)	(598,377)	(493,306)
Total	67,466,466	73,992,085	81,090,246	86,505,277	88,580,461	97,432,798
	Rate base and return					
Rate Base:						
Average gas plant investment	$338,910,601	$353,316,163	$353,316,163	$364,717,038	$369,810,667	$373,704,443
Average reserve for depreciation	(72,237,623)	(83,164,643)	(83,164,643)	(95,915,940)	(108,864,145)	(121,462,465)
Average contribution in aid of construction	(268,763)	(436,130)	(436,130)	(630,855)	(630,855)	(436,746)
Average net plant	266,404,215	269,715,390	269,715,390	268,170,243	260,315,667	251,805,232
Working capital	3,415,878	3,456,302	3,456,302	4,120,084	4,180,907	4,209,951
Average accrued deferred income taxes [2]				(668,154)	(1,969,454)	(4,332,949)
Rate base	269,820,093	273,171,692	273,171,692	271,622,173	262,527,120	251,682,234
Rate of return (percent)	7.25	7.25	8.57	8.57	8.57	8.57
Return	$19,561,957	$19,804,948	$23,410,814	$23,278,020	$22,498,574	$21,569,167

[1] 7.25 pct for RP69–2 and 8.57 pct for RP70–25. (See p. 2.)
[2] Average of 13 monthly balances for each year.

Florida Gas Transmission Co.—FPC Docket No. RP74–19—Allocation of cost of service per settlement agreement adjusted for 9.04 pct rate of return and related taxes, 1974 delivery volumes with cost of gas (cents per thousand cubic feet) for settlement agreement

[50 pct weighting for mileage]

Line No.		Total	Gas supply			Transmission (mileage)			Transmission (nonmileage)		
			Total	Peak	Annual	Total	Peak	Annual	Total	Peak	Annual
		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1	A. Adjusted cost of service [1]	$94,451,436	$33,466,832	$1,015,843	$32,450,989	$55,287,446	$25,787,462	$29,499,984	$5,697,158	$2,211,595	$3,485,563
	B. Allocation percentages:										
	Jurisdictional:										
2	Sales for resale			86.385552	57.894193		44.686810	27.6444791		46.954075	29.348761
	Transportation:										
3	T–1						6.362998	6.796461		6.712635	7.250913
4	T–2						15.404954	16.538217		12.082743	13.051644
5	T–3						26.946309	29.744788		26.850539	29.003653
6	Total transportation						48.714261	53.079466		45.645917	49.306210
7	Total jurisdictional			86.385552	57.894193		93.401071	80.724257		92.599992	78.654971
8	Nonjurisdictional			13.614448	42.105807		6.598929	19.275743		7.400008	21.345029
9	Total			100.000000	100.000000		100.000000	100.000000		100.000000	100.000000
	C. Allocated costs:										
	Jurisdictional:										
10	Sales for resale	$41,404,987	$19,664,780	$877,542	$18,787,238	$19,678,803	$11,523,594	$8,155,209	$2,061,404	$1,038,434	$1,022,970
	Transportation:										
11	T–1	4,047,002				3,645,811	1,640,856	2,004,955	401,191	148,456	252,735
12	T–2	9,573,462				8,851,318	3,972,547	4,878,771	722,144	267,221	454,923
13	T–3	17,328,243				15,723,477	6,948,769	8,774,708	1,604,766	593,825	1,010,941
14	Total transportation	30,948,707				28,220,606	12,562,172	15,658,434	2,728,101	1,009,502	1,718,599
15	Total jurisdictional	72,353,694	19,664,780	877,542	18,787,238	47,899,409	24,085,766	23,813,643	4,789,505	2,047,936	2,741,569
16	Nonjurisdictional	22,097,742	13,802,052	138,301	13,663,751	7,388,037	1,701,696	5,686,341	907,653	163,659	743,994
17	Total	94,451,436	33,466,832	1,015,843	32,450,989	55,287,446	25,787,462	29,499,984	5,697,158	2,211,595	3,485,563

[1] See the following table:

Line No.	Total	Gas supply			Transmission (mileage)			Transmission (nonmileage)		
		Total	Peak	Annual	Total	Peak	Annual	Total	Peak	Annual
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Stipulated cost of service per Nov. 6, 1974, settlement	$97,721,752	$34,476,135	$1,015,843	$33,460,292	$57,482,920	$26,885,200	$30,597,720	$5,762,697	$2,244,364	$3,518,333
Less adjustment per schedule 1 of exhibit No. (TDS-A)	(3,270,316)	(1,009,303)		(1,009,303)	(2,195,474)	(1,097,738)	(1,097,736)	(65,539)	(32,769)	(32,770)
Adjusted cost of service	$94,451,436	$33,466,832	$1,015,843	$32,450,989	$55,287,446	$25,787,462	$29,499,984	$5,697,158	$2,211,595	$3,485,563

[FR Doc.76-492 Filed 1-8-76;8:45 am]

[Docket No. G-6272]

GETTY OIL CO.

Application

DECEMBER 31, 1975.

Take notice that on November 28, 1975, Getty Oil Company (Applicant), P.O. Box 1404, Houston, Texas 77001, filed in Docket No. G-6272 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas for resale in interstate commerce to El Paso Natural Gas Company (El Paso) from the Percy Hardy No. 1 Well, Blinebry, et al., Fields, Lea County, New Mexico, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it proposes to abandon the sale of natural gas to El Paso from the Percy Hardy No. 1 Well on the later of either the date of approval of abandonment by the Commission, or January 1, 1976, because effective January 1, 1976, the New Mexico Oil Conservation Commission reclassified said well from a gas well to an oil well. Applicant states further that the casinghead gas from said well is dedicated to Skelly Oil Company under a percentage-type contracts and that the gas well gas is dedicated to El Paso.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 16, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-728 Filed 1-8-76;8:45 am]

[Docket No. ES76-30]

IDAHO POWER CO.

Application

DECEMBER 30, 1975.

Take notice that on December 15, 1975, the Idaho Power Company (Applicant), filed an application, pursuant to section 204 of the Federal Power Act, for authorization to engage in negotiations with Dean Witter & Co., regarding the proposed issuance and sale of $25 million in preferred stock via private placement.

Applicant is incorporated under the laws of the State of Maine, with its principal business office at Boise, Idaho and is qualified to do business in the states of Idaho, Oregon, Nevada and Wyoming. Applicant is engaged in the generation, transmission, distribution and sale of electrical energy in the above-mentioned states.

The proceeds from the issuance will be used for construction purposes.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 16, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the 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. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-715 Filed 1-8-76;8:45 am]

[Docket No. E-9520]

ILLINOIS POWER CO.

Further Extension of Procedural Dates

DECEMBER 29, 1975.

On December 18, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued October 29, 1975, as most recently modified by notice issued December 5, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of staff testimony.	Feb. 13, 1976
Service of intervenor testimony.	Feb. 27, 1976
Service of company rebuttal.	Mar. 12, 1976
Hearing	Mar. 23, 1976 (10 a.m., e.s.t.)

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-702 Filed 1-8-76;8:45 am]

[Docket No. ER76-363]

KANSAS POWER AND LIGHT CO.

Renewal Contract

DECEMBER 30, 1975.

Take notice that on December 15, 1975, The Kansas Power and Light Company (KPL) tendered for filing a Renewal Contract, dated October 10, 1975, with the City of Clay Center, Kansas for wholesale electric service. KPL states this renews the contract dated April 20, 1965, between the parties which is designated KPL Schedule FPC No. 82. KPL further states the contract provides additional capacity to Clay Center.

KPL requests that the Commission waive the notice requirements of Section 35.11 of the Regulations to allow filing prior to the construction of facilities necessary for the implementation of this contract. The renewal contract is to be effective on the date facilities to provide additional capacity are completed, but in no event later than July 1, 1977.

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 January 23, 1976. Protests will be considered by the Commission in determining the appropriate action to be tak-

en, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-722 Filed 1-8-76;8:45 am]

[Docket No. CP76-196]

LONE STAR GAS CO. AND ENSERCH CORP.

Application

DECEMBER 31, 1975.

Take notice that on December 11, 1975, Lone Star Gas Company, a Division of Enserch Corporation (Applicant), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CP76-196 an application pursuant to section 7(b) of the Natural Gas Act, as implemented by § 157.7(e) of the regulations thereunder (18 CFR 157.7(e)), for permission and approval to abandon service and facilities therefor no longer required by Applicant's direct-sales customers, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to enable Applicant to act with reasonable dispatch during the calendar year 1976 to cease service and remove direct sales measuring, regulating and related minor facilities no longer required by Applicant's direct sales customers. The deliveries to any direct sale customer to be abandoned would not exceed 100,000 Mcf in the last year of service. No facilities or service would be abandoned by Applicant unless it has received a written request or obtained written permission for such abandonment; except that if a request or permission cannot be obtained, Applicant shall certify that the customer has no further need for the service.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 15, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commisison by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-695 Filed 1-8-76;8:45 am]

[Docket No. CP76-198]

LONE STAR GAS CO. AND ENSERCH CORP.

Application

DECEMBER 31, 1975.

Take notice that on December 11, 1975, Lone Star Gas Company, a Division of Enserch Corporation (Applicant), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CP76-198 an application pursuant to section 7(b) and (c) of the Natural Gas Act, as implemented by § 157.7(g) of the Regulations thereunder (18 CFR 157.7(g), for a certificate of public convenience and necessity authorizing the construction and for permission and approval to abandon, for the calendar year 1976, and operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in any changing of Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment would not exceed $800,000, and the cost of any single project would not cost in excess of $200,000. Applicant states that the proposed projects would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 14, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-696 Filed 1-8-76;8:45 am]

[Docket No. RP74-97 (PGA76-1)]

MONTANA-DAKOTA UTILITIES CO.

Order Accepting for Filing and Suspending Proposed PGA Adjustment, Permitting Revised Filing, and Establishing Hearing Procedures

DECEMBER 31, 1975.

On November 14, 1975, Montana-Dakota Utilities Company (MDU) tendered for filing, pursuant to the Purchased Gas Cost Adjustment provision (PGA clause) of its tariff, proposed revisions to its FPC Gas Tariff, Original Volume No. 4.[1] MDU states that its filing revises only the "Current Surcharge Adjustment". MDU requests that such filing be made effective as of January 1, 1976.

Public notice of MDU's filing was issued on November 24, 1975, with comments, protests and petitions to intervene due on or before December 9, 1975. No responses were received.

MDU's filing proposes to decrease the "Current Surcharge" to recoup the balance in its Deferred Purchased Gas Cost Account. Our review of such filing indicates that the surcharge is based, in part, on small producer purchases at rate levels in excess of the rate level prescribed in Opinion No. 742.[2] Therefore,

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[1] The proposed revised tariff sheet is designated Third Revised Sheet No. 3A. On December 15, 1975, MDU filed Substitute Third Revised Sheet No. 3A. The purpose of this substitute sheet, according to MDU, is to correct an error in the company's base cost of purchased gas.

[2] *Small Producer Regulation*, Opinion No. 742, — FPC — (Docket No. R-339, issued August 28, 1975).

the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall accept the tariff sheet for filing and suspend its effectiveness for one day until January 2, 1976, when it shall become effective subject to refund.

Review of MDU's proposed surcharge indicates that the only small producer purchases in excess of the rate level prescribed in Opinion No. 742 are those purchases made prior to August 28, 1975, the date of issuance of that opinion. From that date on, the rate levels reflected in the deferred account are in accord with the "130% formula" prescribed in Opinion No. 742. Accordingly, we shall establish hearing procedures to determine the just and reasonable rate levels for the deferred account balance for those pre-August 28, 1975, small producer purchases in excess of the Opinion No. 742 level. In this connection, we believe it appropriate to make the small producers involved respondents so that they may present evidence to show that the pre-August 28, 1975, rates charged MDU in excess of the Opinion No. 742 level were just and reasonable.

In view of the foregoing, we shall require MDU to file a list, with appropriate addresses, of those small producers whose sales reflected in the instant filing were in excess of the "130% formula" rates, in order that such producers may be made respondents to this proceeding. Such list shall be filed within 15 days of the date of issuance of this order.

Cost evidence relating to the small producer sales which are the subject of the hearing ordered herein can clearly provide the basis for "just and reasonable" rate findings. "F.P.C. v. Texaco, Inc.," 417 U.S. 380 (1974). Accordingly, we shall require the small producer respondents to submit cost evidence to enable us to determine the appropriate balance for MDU's deferred purchased gas cost account.

MDU should show that the rates paid by it to the small producers were just and reasonable by presenting evidence considering all relevant factors including, inter alia, (1) the pipeline's need for gas, (2) the availability of other gas supplies, (3) the amount of gas dedicated under the contract, (4) the rates of other recent small producer sales previously approved for flow through and (5) a comparison with appropriate market prices.[3]

Finally, the parties may submit any other evidence relevant to the Commission's determination of whether the rates paid by the pipeline with respect to the subject small producer sales were just and reasonable.

Our review of MDU's claimed purchased gas costs other than those costs associated with that portion of small producer purchases in excess of the rate level prescribed in Opinion No. 742 indicates that such costs comply with the standards set forth in Docket No. R-406. Accordingly, we shall permit MDU to file a revised tariff sheet to become effective January 1, 1976, to reflect the elimination of costs associated with small producer purchases in excess of the rate level prescribed by the "130% formula" in Opinion No. 742.

The Commission finds. (1) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that hearing procedures be established, as hereinafter ordered, and that MDU's tariff sheet tendered in this docket on November 14, 1975, be accepted for filing, suspended for one day, and permitted to become effective January 2, 1976, subject to refund.

(2) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that MDU be permitted to file, to become effective January 1, 1976, a revised tariff sheet reflecting the elimination of purchased gas costs associated with that portion of small producer purchases in excess of the rate levels established in Opinion No. 742.

(3) The claimed purchased gas costs, other than those associated with that portion of small producer purchases in excess of the rate levels established in Opinion No. 742, have been reviewed and found to be in compliance with the standards set forth in Docket No. R-406.

The Commission orders. (A) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at an initial conference in this proceeding on February 26, 1976, at 10:00 A.M., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates for this proceeding and to rule upon all motions (except petitions to intervene), subject to review by the Commission.

(B) Within 15 days of the date of issuance of this order, MDU shall file with the Commission a list, including addresses, of the small producers from whom its purchases reflected in the instant filing were at rate levels in excess of the rate level prescribed in Opinion No. 742. Following receipt of such list, we shall make such small producers respondents to this proceeding for purposes discussed in the body of this order.

(C) MDU's proposed tariff sheet tendered on November 14, 1975, is hereby accepted for filing and suspended for one day, until January 2, 1976, when it shall become effective, subject to refund.

(D) Within 15 days of the date of issuance of this order, MDU may file a revised tariff sheet to become effective January 1, 1976, which reflects those claimed purchased gas costs contained in MDU's PGA adjustment other than those costs associated with small producer purchases in excess of the rate levels resulting from the 130% formula" prescribed by Opinion No. 742.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-682 Filed 1-8-76;8:45 am]

[Docket Nos. E-9497, E-9068 and E-9118]

OHIO EDISON CO.

Further Extension of Procedural Dates

DECEMBER 30, 1975.

On December 22, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 5, 1975, as most recently modified by notice issued September 10, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, February 3, 1976.

Service of Intervenor Testimony, February 17, 1976.

Service of Company Rebuttal, March 2, 1976.

Hearing, March 16, 1976 (10 a.m., e.s.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-716 Filed 1-8-76;8:45 am]

[Docket No. RP72-115; PGA76-1]

OKLAHOMA NATURAL GAS GATHERING CORP.

Order Accepting and Suspending PGA Rate Increase, Granting Request for Waiver, Instituting Investigation, and Establishing Hearing Procedures

DECEMBER 31, 1975.

On November 24, 1975, the Oklahoma Gas Gathering Corporation (Oklahoma) tendered for filing Eighth Revised Sheet PGA-1 of its FPC Gas Tariff, Original Volume No. 1. Oklahoma proposes a 3.11¢ per Mcf increase to reflect a 1.09¢ per Mcf increase in its cost of purchased gas and to recover the balance in its deferred purchased gas costs by imposing an additional surcharge in the amount of 2.02¢ per Mcf. Oklahoma requested the Commission to waive its notice requirements so as to permit January 1, 1976, to become the date of effectiveness.

Notice of this filing was issued on December 8, 1975, with comments being due on or before December 19, 1975. To date, no comments, protests, or petitions to intervene have been received.

Our review indicates that Oklahoma's proposed PGA rate increase is based, in part, on small producer purchases at rates in excess of the rate levels which we established in Opinion 742.[1] Therefore, the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful.

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[3] Opinion No. 742, supra n. 2, mimeo at 13, para. (1).

[1] — FPC — issued August 28, 1975, in Docket No. R-393.

Accordingly, we shall accept Oklahoma's filing and suspend it for one day to become effective January 2, 1976, subject to refund.

With regard to the issue of small producers, we shall establish hearing procedures to determine the just and reasonable rate levels of those small producer purchases to be included in Oklahoma's filing which are in excess of the rate levels resulting from use of the "130% formula" prescribed in Opinion No. 742. In this connection, we believe it appropriate to make the small producers involved respondents so that they may present evidence to show that the rates charged by them to Oklahoma are just and reasonable. Although the small producers are not required to make refunds, we believe it appropriate to institute a Section 5 investigation against the small producers involved so that the just and reasonable small producer rate determined in this proceeding can be applied prospectively.

Within 15 days of the date of this order, Oklahoma shall file a list of the small producers making sales reflected in the instant filing in excess of the "130% formula" rates in order that they may be made respondent to this proceeding.

Cost evidence relating to the small producer sales which are the subject of the hearing ordered herein can clearly provide the basis for "just and reasonable" rate findings. "F.P.C. v. Texaco Inc."; 417 U.S. 380 (1974). Accordingly, we shall require the small producer respondents to submit cost evidence in order that we may determine the justness and reasonableness of Oklahoma's rates and make appropriate prospective adjustments, if found necessary, to the small producer rate pursuant to our authority under Section 5 of the Natural Gas Act.

Oklahoma should show that the rate it paid to the small producer is just and reasonable by presenting evidence considering all relevant factors including, inter alia, (1) the pipeline's need for gas, (2) the availability of other gas supplies, (3) the amount of gas dedicated under the contract, (4) the rates of other recent small producer sales previously approved for flow through and (5) comparison with appropriate market prices.[2]

Finally, the parties may submit any other evidence relevant to the Commission's determination of whether the rates paid by the pipeline with respect to the subject small producer sales are just and reasonable.

Our review of those claimed increased purchased gas costs contained in Oklahoma's filing other than such costs associated with that portion of small producer purchases in excess of the rate levels prescribed by the "130% formula" prescribed in Opinion No. 742 indicates that they should be approved as being in compliance with the provisions of Oklahoma's PGA clause. Accordingly, we shall permit Oklahoma to file revised tariff sheets to become effective January 1, 1976, reflecting increased costs other than those increased costs associated with that portion of small producer purchases in excess of the rate levels prescribed in Opinion No. 742. For good cause shown, we shall grant Oklahoma's request for waiver of the notice requirements of its PGA clause.

The Commission finds. (1) The requested waiver of the notice requirements in Oklahoma's PGA clause should be granted.

(2) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that hearing procedures be established, as hereinafter ordered and conditioned, and that Oklahoma's PGA rate increase be accepted for filing and suspended for one day until January 2, 1976, when they shall become effective, subject to refund.

(3) The claimed increased purchased gas costs in Oklahoma's PGA filing, other than those claimed increased costs associated with that portion of small producer purchases in excess of the "130% formula" prescribed in Opinion No. 742 are in compliance with Oklahoma's PGA clause.

The Commission orders. (A) The requested waiver of the notice requirements in Oklahoma's PGA clause is granted.

(B) Oklahoma's PGA rate increase is hereby accepted for filing and suspended for one day until January 2, 1976, when it shall become effective, subject to refund.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at an initial conference in this proceeding on February 5, 1976, at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, to determine the lawfulness of Oklahoma's small producer purchases in excess of the "130% formula" prescribed in Opinion No. 742. Said Presiding Administrative Law Judge is hereby authorized to establish all further procedural dates concerning this particular issue and to rule upon all motions except petitions to intervene.

(D) Within 15 days of the date of this order, Oklahoma shall file with the Commission a list, including addresses, of the parties from whom Oklahoma is purchasing gas involved in the small producer sales at rates in excess of the rate levels prescribed in Opinion No. 742. Following receipt of this list, we shall make the small producer sellers parties respondents to this investigation for the purposes discussed in the body of this order.

(E) Pursuant to section 5 of the Natural Gas Act, we hereby institute an investigation into the just and reasonable rate to be charged by the small producers making sales to Oklahoma in excess of the rates resulting from the "130% formula" prescribed in Opinion No. 742.

(F) Within 15 days of the date of issuance of this order, Oklahoma may file revised tariff sheets to become effective January 1, 1976, which reflect those claimed increased purchased gas costs contained in Oklahoma's PGA rate increase other than those claimed increased costs associated with the portion of small producer purchases in excess of the rate levels resulting from the "130% formula" prescribed by Opinion No. 742.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-729 Filed 1-8-76;8:45 am]

[2] Opinion No. 742 (mimeo, p. 13, paragraph (i)).

[Docket No. ER76-360]

PACIFIC POWER & LIGHT CO.

Filing of Service Agreements

DECEMBER 30, 1976.

Take notice that on December 12, 1975, Pacific Power & Light Company (Pacific) tendered for filing Service Agreements under its FPC Electric Tariff, Original Volume No. 1 for the following customers:

Purchaser	Date of execution	Date of initial service
City of Glendale, Calif.	Dec. 21, 1973	Dec. 21, 1973
Pacific Gas and Electric Co.	Nov. 30, 1973	Dec. 6, 1973
San Diego Gas & Electric Co.	Mar. 11, 1974	Mar. 25, 1974
Utah Power & Light Co.	Feb. 6, 1975	Feb. 6, 1975

Also submitted was an updated Index of Purchasers under the tariff.

The filing indicates that copies were sent to the affected customers.

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 January 14, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-717 Filed 1-8-76;8:45 am]

[Docket No. ER76-241]

PUBLIC SERVICE CO. OF INDIANA, INC.

Agreement

DECEMBER 30, 1975.

Take notice that on November 12, 1975, Public Service Company of Indiana, Inc. (PSCI) tendered for filing an agreement dated October 1, 1975, between Hendrick County Rural Electric Membership Company and PSCI. This agreement is the first supplement to the contract dated December 1, 1973, between the parties which was filed on August 29, 1975, as part of the compliance filing of PSCI's FPC Electric Tariff Original Volume No. 2.

PSCI states this agreement provides for the amending of Exhibit A to the contract by the addition of reference to a new delivery point designated as the Avon East delivery point. PSCI says it will notify the Commission as to the service commencement date of such new delivery point.

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 January 23, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-718 Filed 1-8-76;8:45 am]

[Docket No. RP73-89 (PGA76-1)]

SEA ROBIN PIPELINE CO.

Order Accepting for Filing and Suspending Proposed PGA Rate Adjustment, Allowing Proposed Adjustment To Become Effective Subject to Refund and Instituting Show Cause Proceeding

DECEMBER 31, 1975.

On November 14, 1975, Sea Robin Pipeline Company (Sea Robin) tendered for filing Seventh Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1 in which it proposed a 0.14¢ per Mcf PGA rate increase. The proposed increase reflects increased purchased gas costs of 1.08¢ per Mcf, or $2,990,571 per year, and a 0.94¢ reduction (from negative 2.17¢ to negative 3.11¢) in the surcharge to recoup the balance in the deferred account. The proposed surcharge reflects a $4,101,564 negative balance in the deferred account. Sea Robin has requested an effective date of January 1, 1976.

Public notice of Sea Robin's filing was issued on December 1, 1975 with comments, protests and petitions to intervene due on or before December 9, 1975. No responses have been received.

Our review of the proposed increase reveals that Sea Robin is attempting to collect amounts paid to Mesa Offshore Company (Mesa Offshore) for gas sold from East Cameron Block 270 and Eugene Island Block 330, Offshore Louisiana, under a contract dated February 1, 1972, at the small producer ceiling (130% of the national rate) prescribed in Opinion No. 742. The difficulty with including this sale at the small producer ceiling level is that Mesa Offshore does not appear to qualify as small producer.

Mesa Offshore has never filed under its name for a small producer exemption. Nor does it appear that Mesa Offshore is entitled to collect the small producer ceiling rate by virtue of the small producer exemption issued to its corporate parent, Mesa Petroleum Company (Mesa Petroleum).[1] Mesa Petroleum has never indicated that its small producer exemption was intended to cover Mesa Offshore. Nor does it appear that Mesa Petroleum's small producer exemption, even if it were originally applicable to Mesa Offshore, now entitles Mesa Offshore to collect the small producer ceiling rate. This follows from the fact that the Commission by order issued May 23, 1974, in Docket Nos. G-6083, et al., approved the acquisition by Mesa Petroleum of Pubco Petroleum Corporation effective as of April 30, 1973. With this acquisition, Mesa Petroleum's annual sales greatly exceeded the 10 million Mcf limitation prescribed by Order No. 428, 45 FPC 454 (1971), which is applicable to Mesa Petroleum and all of its affiliates. It would therefore appear that Mesa Petroleum's small producer exemption terminated by April 30, 1973. While the sale by Mesa Offshore to Sea Robin at issue in the instant proceeding was made under a contract dated February 1, 1972, the sale did not commence until after April 30, 1973.[2] Since Mesa Offshore's sale to Sea Robin began after the apparent termination of Mesa Petroleum's small producer exemption, Mesa Offshore would not be able to claim small producer status on the basis of a small producer exemption held by Mesa Petroleum.

If in fact that Mesa Offshore is not covered by a small producer exemption, Sea Robin should not be permitted to pass on any purchased gas costs related to Mesa Offshore in excess of the national ceiling rate. We will therefore order Mesa Offshore to show cause why it should not be required to (1) reduce its rate to the national ceiling rate, (2) refund all amounts collected in excess of the national ceiling rate, and (3) file for authorization under Section 7 of the Natural Gas Act to render the service now being made to Sea Robin. Pending resolution of the show cause proceeding we will suspend Sea Robin's proposed PGA rate increase for one day, until January 2, 1976, when the increase will be allowed to become effective subject to refund.

With the exception of the costs attributable to the purchase from Mesa Offshore, there are no small producer or emergency purchases at rates in excess of the rate levels prescribed in Opinion Nos. 742 and 699-H, respectively. Accordingly, we have concluded that the purchased gas costs included in Sea Robin's filing should, with the exception of purchases from Mesa Offshore, be approved. We shall therefore permit Sea Robin to file revised tariff sheets to become effective January 1, 1976, which reflect the costs in Sea Robin's filing which are in conformance with Opinion Nos. 742 and 699-H.

The Commission further finds. (1) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that Sea Robin's PGA rate increase be accepted for filing and suspended for one day until January 2, 1976, or until such time as it is made effective in the manner provided by the Natural Gas Act, subject to refund upon the outcome of the show cause proceeding instituted herein.

(2) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that a show cause proceeding be instituted against to Mesa Offshore, as hereinafter ordered and conditioned.

(3) The claimed increased purchased gas costs in Sea Robin's PGA filing, other than those claimed increased costs associated with purchases from Mesa Offshore, should be approved.

The Commission orders. (A) Pending decision in the show cause proceeding, Sea Robin's proposed tariff sheet to Original Volume No. 1 is accepted for filing and suspended for one day, until January 2, 1976, or until such time as it is made effective in the manner provided by the Natural Gas Act, subject to refund upon the outcome of the show cause proceeding instituted herein.

(B) Mesa Offshore Company is order to show cause why it should not be required to (1) reduce its rate to the national ceiling rate, (2) refund all amounts collected in excess of the national ceiling rate, and (3) file for authorization under section 7 of the Natural Gas Act to render the service now being made to Sea Robin. Pursuant to § 1.9(c) of the Commission's Regulations, 18 CFR 1.9(c), Mesa Offshore shall file its answer with the Commission within thirty (30) days of the date of issuance of this order.

(C) Within 15 days of the date of issuanace of this order, Sea Robin may file revised tariff sheets to become effective January 1, 1976, which reflect those claimed increased purchased gas costs

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[1] A small producer certificate was issued to Mesa Petroleum's predecessor, Petroleum Exploration Inc. of Texas, et al., on December 21, 1967, in Docket No. CS67-82.

[2] Sales by Mesa Offshore commenced to Sea Robin as an emergency sale (May 15, through July 12, 1973) which was replaced by a limited term sale under a contract dated March 9, 1973, in Docket No. CI73-663 for the period July 13, 1973, to July 12, 1974. On July 13, 1974, Mesa began sales to Sea Robin, purportedly as a small producer under the February 1, 1972 contract at the national rate. After the issuance of Opinion No. 742 on August 28, 1975, Mesa Offshore raised its rate to Sea Robin to the small producer rate ceiling (130% of the national rate).

contained in Sea Robin's PGA filing, other than those claimed increased costs associated with purchases from Mesa Offshore, and which have been approved herein.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-683 Filed 1-8-76;8:45 am]

[Docket No. RP73-64 (PGA 76-1)]

SOUTHERN NATURAL GAS CO.

Order Accepting for Filing and Suspending Proposed PGA Increase, Establishing Hearing Procedures, and Instituting Investigation

DECEMBER 31, 1975.

On November 14, 1975, Southern Natural Gas Company (Southern) tendered for filing a 5.576¢ per Mcf PGA rate increase[1] to reflect (1) increased purchased gas costs of 4.178¢ per Mcf ($25 million annually) and (2) at 1.398¢ per Mcf increase (from 0.974¢ to 2.372¢) in the surcharge to recoup the balance of $7,261,770 in its deferred purchased gas cost account. Southern requests a January 1, 1976 effective date.

Notice of Southern's filing was issued November 24, 1975, with protests and petitions to intervene due on or before December 9, 1975. On that date Atlanta Gas Light Company filed a petition to intervene. Alabama Gas Corporation petitioned to intervene on December 15, 1975.

Our review of Southern's proposed rates indicates that they contain, inter alia, small producer purchases at rates in excess of the rate levels prescribed in Opinion No. 742[2]. Therefore, the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, we shall accept Southern's proposal for filing and suspend it for one day until January 2, 1976, when it shall be permitted to become effective, subject to refund.

With regard to the issue of small producer purchases, we shall establish hearing procedures to determine the just and reasonable rate levels of those small producer purchases to be included in Southern's filing in excess of the rate levels resulting from use of the "130% formula" prescribed in Opinion No. 742. In this connection, we believe it appropriate to make the small producers involved respondents so that they may present evidence to show that the rates charged by them to Southern are just and reasonable. Although the small producers are not required to make refunds, we believe it appropriate to institute a Section 5 investigation against the small producers involved so that the just and reasonable small producer rate determination in this proceeding can be applied prospectively.

Within 15 days of the date of this order, Southern shall file a list of the small producers making sales reflected in the instant filing in excess of the "130% formula" rates in order that they may be made respondents to this proceeding.

Cost evidence relating to the small producer sales which are the subject of the hearing ordered herein can clearly provide the basis for "just and reasonable" rate findings. "F.P.C. v. Texaco, Inc.," 417 U.S. 380 (1974). Accordingly, we shall require the small producer respondents to submit cost evidence in order that we may determine the justness and reasonableness of Southern's rates and make appropriate prospective adjustments, if found necessary, to the small producer rate pursuant to our authority under section 5 of the Natural Gas Act.

Southern should show that the rate paid by it to the small producer is just and reasonable by presenting evidence considering all relevant factors including inter alia, (1) the pipeline's need for gas, (2) the availability of other gas supplies, (3) the amount of gas dedicated under the contract, (4 the rates of other recent small producer sales previously approved for flow through and (5) comparison with appropriate market prices.[3]

Finally, the parties may submit any other evidence relevant to the Commission's determination of whether the rates paid by the pipeline with respect to the subject small producer sales are just and reasonable.

We note that Southern's filing reflects 12,770,000 Mcf of non-certified new supplies at the Opinion 699-H rate for a proposed sale by Shell Oil Company. Although Shell has a certificate application currently pending in Docket No. CI76-3, it appears that the sale will not be certified and flowing by the January 2, 1976, effective date established herein. We shall therefore require that Southern's proposed rates be revised to exclude the non-certified and non-flowing purchases from its computations of purchased gas costs.

Our review of those claimed increased purchased gas costs contained in Southern's filing other than those claimed increased costs associated with that portion of small producer purchases in excess of the rate levels prescribed by the "130% formula" prescribed in Opinion No. 742, and those costs associated with gas purchases that will not be certified and flowing by January 1, 1976, indicates that they should be approved as being in compliance with the standards set forth in Docket No. R-406. Accordingly, we shall permit Southern to file revised tariff sheets to become effective January 1, 1976, which reflect the costs in Southern's filing which are in conformance with Docket No. R-406, as indicated above.

The Commission finds. (1) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that hearing procedures be established, as hereinafter ordered and conditioned, and that Southern's rates be accepted for filing and suspended for one day until January 2, 1976, when they shall become effective, subject to refund, and subject to the elimination of costs and volumes related to gas that will not be certified and flowing as of January 1, 1976.

(2) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that Southern be permitted to file, to become effective January 1, 1976, a revised tariff sheet reflecting the elimination of purchased gas costs associated with that portion of small producer purchases in excess of the rate levels established in Opinion No. 742. Southern's revised tariff sheet must also reflect, however, the exclusion of costs for purchased gas that will not be certified and flowing as of January 1, 1976.

(3) The claimed purchased gas costs in Southern's rate filing, other than those claimed increased costs associated with that portion of small producer purchases in excess of the "130% formula" prescribed in Opinion 742, and those costs associated with gas purchases that will not be certified and flowing by January 1, 1976, are in compliance with the standards set forth in Docket No. R-406.

(4) Good cause exists to permit the intervention of the above named petitioners.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act, particularly section 4, 5, 7, 14, and 16 thereof, a public hearing shall be held in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, to determine the lawfulness of Southern's proposed PGA rates filed on November 14, 1975, insofar as those proposed rates reflect small producer purchases in excess of the "130% formula" prescribed in Opinion 742.

(B) Within 15 days of the date of this order, Southern shall file with the Commission a list, including addresses, of the parties from whom Southern is purchasing gas involved in the small producer sales set for hearing above. Following receipt of this list, we shall make the small producer sellers parties respondents to this investigation for the purposes discussed in the body of this order.

(C) Pursuant to section 5 of the Natural Gas Act, we hereby institute an investigation into the just and reasonable rate to be charged by the small producers making sales to Southern in excess of the rates resulting from the "130% formula" prescribed in Opinion 742 and consolidate this investigation with the hearing ordered in Ordering Paragraph (A) above for purposes of hearing and decision.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hear-

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[1] Designated as: Fifteenth Revised Sheet No. 4A to FPC Gas Tariff, Sixth Revised Volume No. 1.

[2] — FPC — issued August 28, 1975, in Docket No. R-393.

[3] Opinion No. 742 (mimeo at 13, paragraph (i)).

ing in this proceeding pursuant to the Commission's rules of practice and procedure. He shall also preside at a prehearing conference to be held on January 22, 1976 at 10 a.m., in a hearing room at the address noted in ordering paragraph (A) for the purpose of setting dates for the presentation of Southern's direct testimony, the small producer respondent's direct testimony, the Staff's and any intervenor's direct testimony, Southern's rebuttal evidence, and the hearing.

(E) Pending hearing and decision thereon, Southern's rates are accepted for filing and suspended for one day until January 2, 1976, when they shall become effective, subject to refund, and subject to elimination of costs and volumes related to gas that will not be certified and flowing as of January 1, 1976.

(F) Within 15 days of the date of issuance of this order, Southern may file revised tariff sheets to become effective January 1, 1976, which reflect those claimed purchased gas costs contained in Southern's rate other than those claimed increased costs associated with that portion of small producer purchases in excess of the rate levels resulting from the "130% formula" prescribed by Opinion 742. Southern's revised tariff sheets must also reflect, however, the exclusion of costs for purchased gas that will not be certified and flowing as of January 1, 1976.

(G) The above-named petitioners is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene: *And Provided, further,* That the admission of such intervenors 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.

(H) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-684 Filed 1-8-76;8:45 am]

[Docket No. ER76-302]

SOUTHERN SERVICES, INC.

Order Accepting and Suspending Proposed Amendment to Interchange Agreement

DECEMBER 31, 1975.

On November 28, 1975, Southern Services, Inc. (Southern) filed its annual revision to the interchange agreement between itself and the participating companies (Alabama Power Company, Georgia Power Company, Gulf Power Company, and Mississippi Power Company) who are all affiliates of the Southern Company, a holding company organized pursuant to the provisions of the Public Utility Holding Company Act of 1935. Southern states that no changes are proposed in the fixed charge rates currently in effect under the existing interchange agreement but that the changes which are reflected are required so as to reflect the best and most currently available information with regard to the amount and location of additional generating capacity being provided, estimates of company and system loads, basic costs of deficit plants, revisions in demonstrated capabilities and economies of existing generating units, variations associated with differences in generating availability, and routine additions and changes in equalization charges for transmission.

Southern requests an effective date of January 1, 1976.

Notice of Southern's filing was issued on December 17, 1975, with all comments, protests and petitions to intervene due on or before December 30, 1975.

On November 23, 1973, Southern filed its annual revision to the interchange agreement to apply to calendar year 1974. By order of May 8, 1974, in Docket No. E-8514, the Commission suspended for one day the effectiveness of the 1974 amendment and established a hearing schedule for that proceeding. On November 27, 1974, Southern filed its annual revision to the interchange agreement to apply to calendar year 1975. By order issued December 31, 1974, in Docket No. E-9133, the Commission suspended for one day the effectiveness of the 1975 amendments and made the proceeding subject to the final determination in Docket No. E-8514.

Our review of Southern's filing indicates that the proposed amendment has not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. We shall therefore accept the amendment for filing and suspend it for one day, to become effective January 2, 1976, subject to refund. Our review further indicates that the issues presented in the present proceeding are the same as those presented in Docket Nos. E-8514 and E-9133. Consistent with our action in Docket No. E-9133 we shall therefore make our determination of the issues presented in Docket No. ER76-302 subject to our final disposition in Docket No. E-8514 and such further proceedings, if any, as may be required.

The Commission finds. It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Federal Power Act, that the Commission accept Southern's November 28, 1975, filing in Docket No. ER76-302, suspend its effectiveness for one day until January 2, 1976, subject to refund, and make it subject to our final determination in Docket No. E-8514 and such other proceedings, if any, as may be required.

The Commission orders. (A) Southern's November 28, 1975, filing in Docket No. ER76-302 is hereby accepted for filing, suspended for one day to become effective January 2, 1976, subject to refund, and made subject to the Commission's final determination in Docket No. E-8514 and such further proceedings, if any, as may be required.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-685 Filed 1-8-76;8:45 am]

[Docket No. ER76-177]

SOUTHWESTERN ELECTRIC POWER CO.

Order Accepting for Filing, Suspending for One Month and Making Effective, Subject to Refund, Proposed Rate Schedule, Denying Motion To Reject, Instituting Investigation, and Establishing Prehearing Conference

DECEMBER 31, 1975.

On October 16, 1975, the Southwestern Electric Power Company, (SWEPCO) tendered for filing proposed changes in its rate schedule [1] under which it furnishes service to the Tex-La Electric Cooperative, Inc. (Tex-La).[2] SWEPCO requested an effective date of January 1, 1976. The proposed rates will generate additional revenues from Tex-La in the amount of $791,439, based on the twelve-month period ending April 30, 1975.

Public notice of the filing was issued on October 24, 1975, with protests or petitions to intervene due on or before November 6, 1975. On November 7, 1975, Tex-La filed its untimely petition to intervene, alleging that SWEPCO's data for the test period ending April, 1975, was outdated in that its filing was based on a period ending eight months prior to the proposed date of effectiveness and that the filing should therefore be rejected. Tex-La also objected to SWEPCO's alleged failure to support its rate of return on equity adequately and to SWEPCO's inclusion of construction work in progress (CWIP) in its rate base. On November 14, 1975, SWEPCO filed an answer to Tex-La's motion and petition.

In response to Tex-La's petition to intervene and motion to reject this filing, our policy is that Period I data reflect actual data for the most recent consecutive twelve months, this period be no earlier than seven months prior to the date of filing, as opposed to the date of effectiveness.[3] SWEPCO's Period I ends only six months before its date of filing. Our studies of this filing reveal that SWEPCO did not include CWIP in its rate base as Tex-La alleged. We believe that formal hearing procedures herein ordered provide the appropriate forum for Tex-La to be heard on the issues raised in its petition, and the filing should not be rejected.

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[1] Designated as: Southwestern Electric Power Company, Supplement No. 4 to Rate Schedule FPC No. 67.

[2] Tex-La's members are listed in Appendix A.

[3] Arkansas Power and Light Co., Docket No. ER76-110, order issued November 14, 1975; Montaup Electric Company, Docket No. ER76-46, order issued November 3, 1975.

Our review indicates that these proposed rates, charges, terms and conditions of service of the proposed rate schedule have not been shown to be just and reasonable and may therefore be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall accept the proposed rates for filing and suspend their effective date for one month, to become effective February 1, 1976, subject to refund. We shall institute an investigation as to the lawfulness of the proposed rates schedule pursuant to the Commission's authority under Section 205 of the Federal Power Act. Without limiting the issues to those herein mentioned or infringing upon the right of the parties in developing further issues for hearing, we request the parties to direct their attention to, among other things, normalization of the tax effects of SWEPCO's exploration costs, deferred taxes, functionalization of administrative, general and other expenses, allocation of demand related costs, rate base, and classification of costs.

The Commission finds. (1) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act, that the Commission accept for filing and institute a section 205 investigation and hearing concerning the lawfulness of the rates tendered by SWEPCO in Docket No. ER76–177.

(2) Good cause exists to grant Tex-La intervention in this proceeding.

(3) Tex-La's motion to reject this filing should be denied.

The Commission orders. (A) SWEPCO's rate schedule tendered on October 16, 1975, is hereby accepted for filing and suspended for one month, when it will be permitted to become effective, subject to refund, on February 1, 1976, pending hearing and decision as to the reasonableness of the proposed rates.

(B) Tex-La's motion to reject is hereby denied.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at an initial conference in this proceeding on February 5, 1976, at 10:00 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates for this proceeding and to rule upon all motion (except petitions to intervene).

(D) Nothing contained herein should be construed as limiting the rights of parties to this proceeding regarding the conferring of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(E) The above-named petitioner is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however*, That the participation of such intervenor shall be limited to matters affecting rights and interests specifically set forth in its petition to intervene, *Provided, further*, That the admission of such intervenors shall not be construed as recognition by the Commission that they may be aggrieved because of any order or orders issued by the Commission in this proceeding.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

Bossier Rural Electric Membership Corporation
Bossier City, Louisiana
Bowie-Cass Electric Coop., Inc.
Douglasville, Texas
Deep East Texas Electric Coop., Inc.
San Augustine, Texas
Panola-Harrison Electric Coop., Inc.
Marshall, Texas
Rusk County Electric Coop., Inc.
Henderson, Texas
Upshur-Rural Electric Coop., Inc.
Gilmer, Texas
Valley Electric Membership Corporation
Natchitoches, Louisiana
Wood County Electric Coop., Inc.
Quitman, Texas

[FR Doc.76-686 Filed 1-8-76;8:45 am]

[Docket Nos. RP76-37 and RP72-121]

SOUTHWEST GAS CORP.

Scheduling Prehearing Conference

DECEMBER 29, 1975.

On December 19, 1975, Southwest Gas Corporation filed a motion to schedule a prehearing conference in the above-designated proceeding. Notice is hereby given that a prehearing conference will be held on January 7, 1976, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426.

All parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of the proposed rate increase and any procedural matters preparatory to a full evidentiary hearing or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-703 Filed 1-8-76;8:45 am]

[Docket Nos. RP73-114, etc.]

TENNESSEE GAS PIPELINE CO.

Order Accepting for Filing and Suspending Proposed Rate Schedule; Instituting Investigation and Establishing Procedures

DECEMBER 31, 1975.

On November 14, 1975, Tennessee Gas Pipeline Company (Tennessee) filed alternate rate increases, both proposed to be effective January 1, 1976. The higher alternative[1] reflects (1) a PGA rate adjustment of 3.57¢ per Mcf to track increased gas costs of $26.6 million per year (2.34¢ per Mcf) and to recoup the balance in the Unrecovered Purchased Gas Cost Account (1.23¢ surcharge increase[2]; (2) decreases in rates for three zones ranging from .03¢ to .41¢ per Mcf and increases in rates for three other zones ranging from .03¢ to .61¢ per Mcf per Mcf to reflect revised surcharges to recoup the balance of $9,043,225 in the account for curtailment credits; (3) a rate increase of .10¢ per Mcf to generate $1,074,991 in revenues to track increased research and development (R&D) expenses. This higher rate also reflects purchases from small producers at rates in excess of the applicable levels permitted by Opinion No. 742. Anticipating a one day suspension of this higher rate, Tennessee submitted alternative tariff sheets[3] eliminating the impact of small producer purchases at rates in excess of the level established by Opinion No. 742.[4] Tennessee requested that the alternate increase become effective January 1, 1976, and remain in effect in the course of any proposed suspension of the effectiveness for the other increases.

Notice of this filing was issued on December 2, 1975, with comments due on or before December 12, 1975. To date, no comments, protests, or petitions to intervene have been received.

Our review of the higher alternate tariff sheets indicates that they contain small producer purchases in excess of the rate levels prescribed in Opinion No. 742. Therefore, the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, we shall accept the higher alternate tariff sheets for filing and suspend them for one day until January 2, 1975, when they shall become effective, subject to refund.

With regard to the issue of small producers, we shall establish procedures to determine the just and reasonable rate levels of those small producer purchases to be included in Tennessee's filing which are in excess of the rate levels resulting from use of the "130% formula" prescribed in Opinion No. 742. In this connection, we believe it appropriate to make the small producers involved respondents so that they may present evidence to show that the rates charged by them to Tennessee are just and reasonable. Although the small producers

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[1] Second Substitute Ninth Revised Sheet Nos. 12A and 12B to FPC Gas Tariff, Ninth Revised Volume No. 1 (higher rates).

[2] On December 18, 1975, Tennessee tendered a supplemental filing to revise its PGA rate adjustment exclusive of small producer purchases at rates in excess of the level prescribed by Opinion 742. These revisions alter its proposed PGA rate increase by .02¢ per Mcf.

[3] Substitute Ninth Revised Sheet Nos. 12A and 12B to FPC Gas Tariff, Ninth Revised Volume No. 1 (alternative rates).

[4] — FPC — issued August 28, 1975, in Docket No. R–393.

are not required to make refunds, we believe it appropriate to institute a Section 5 investigation against the small producers involved so that the just and reasonable small producer rate determined in this proceeding can be applied prospectively.

Within 15 days of the date of this order, Tennessee shall file a list of the small producers making sales reflected in the instant filing in excess of the "130% formula" rates in order that they may be made respondent to this proceeding.

Cost evidence relating to the small producer sales which are the subject of the hearing ordered herein can clearly provide the basis for "just and reasonable" rate findings. "F.P.C. v. Texaco, Inc.", 417 U.S.C. 380 (1974). Accordingly, we shall require the small producer respondents to submit cost evidence in order that we may determine the justness and reasonableness of Tennessee's rates and make appropriate prospective adjustments, if found necessary, to the small producer rate pursuant to our authority under section 5 of the Natural Gas Act.

Tennessee should show that the rate paid to the small producer is just and reasonable by presenting evidence considering all relevant factors including, inter alia, (1) the pipeline's need for gas, (2) the availability of other gas suppliers, (3) the amount of gas dedicated under the contract, (4) the rates of other recent small producer sales previously approved for flow through and (5) comparison with appropriate market prices.

Finally, the parties may submit any other evidence relevant to the Commission's determination of whether the rates paid by the pipeline with respect to the subject small producer sales are just and reasonable.

Tennessee's proposed R&D adjustment indicates that it reflects R&D projects now subject to hearings in Docket Nos. RP75–13 and RP75–113 as well as the following five projects: buckling research, a deep water pipeline test program, a deep water offshore pipeline study, plant sites, and Project S–128 (consisting of several studies undertaken in conjunction with the Institute of Gas Technology).

Our review of these R&D rate adjustments indicates that they should not be subject to suspension but should become effective on January 1, 1976, subject to refund, pending a hearing and decision to determine whether the costs of the five new projects are acceptable for inclusion in Tennessee's rates.

Our review of those claimed rate increases contained in Tennessee's filing, other than those claimed increased costs associated with that portion of small producer purchases in excess of the rate levels prescribed by the "130 percent formula" prescribed in Opinion 742 indicates that they should be approved as being in compliance with Tennessee's tariff and PGA clause. Accordingly, we shall permit Tennessee to file revised tariff sheets to become effective January 1, 1976, reflecting increased costs other than those costs associated with that portion of small producer purchases in excess of the rate levels established in Opinion 742.

The Commission finds. (1) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that procedures be established, as hereinafter ordered and conditioned, and that Tennessee's higher alternate rates be accepted for filing and suspended for one day until January 2, 1976, when they shall become effective, subject to refund.

(2) The claimed increased purchased gas costs in Tennessee's lower alternate rate filing, other than those claimed increased costs associated with that portion of small producer purchases in excess of the "130 percent formula" prescribed in Opinion 742 should be accepted for filing and made effective on the requested date of January 1, 1976.

(3) The filing as it relates to R&D expenses incurred by Tennessee should be consolidated with the proceedings in RP73–113.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act, a public hearing shall be held on February 10, 1976 at 10:00 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, to determine the lawfulness of Tennessee's proposed higher alternate PGA rates filed on August 15, 1975, insofar as those proposed "130 percent formula" prescribed in Opinion 742.

(B) Within 15 days of the date of this order, Tennessee shall file with the Commission a list, including addresses, of the parties from whom Tennessee is purchasing gas involved in the small producer. Following receipt of this list, we shall make the small producer sellers parties respondents to this investigation for the purposes discussed in the body of this order.

(C) Pursuant to section 5 of the Natural Gas Act, we hereby institute an investigation into the just and reasonable rate to be charged by the small producers making sales to Tennessee in excess of the rates resulting from the "130 percent formula" prescribed in Opinion 742.

(D) Within 15 days of the date of issuance of this order, Tennessee may file revised tariff sheets to become effective January 1, 1976, which reflect those claimed increased purchased gas costs contained in its higher alternate rate other than those claimed increased costs associated with that portion of small producer purchases in excess of the rate levels resulting from the "130% formula" prescribed by Opinion 742.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of authority, 18 CFR 3.5(d)), shall preside at an initial conference in this proceeding on February 12, 1976, at 10:00 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates for this proceeding and to rule upon all motions, except petitions to intervene.

(F) This proceedings shall hereinafter be docketed as RP73–114 (PGA 76–1).

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76–687 Filed 1–8–76;8:45 am]

[Docket Nos. RP73–114, RP74–24 and RP 74–73; PGA76–1, DCA76–1, and R&D76–1]

TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO INC.

Tariff Sheets; Correction

DECEMBER 29, 1975.

Take notice that on December 18, 1975, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), tendered for filing corrections to its tariff filing of November 14, 1975, consisting of the following corrected revised tariff sheets:

Substitute Ninth Revised Sheet Nos. 12A and 12B.

Tennessee states that the sole purpose of the corrected tariff sheets is to revise its PGA rate adjustment exclusive of small producer purchases at rates in excess of the level prescribed by Opinion No. 742 to reflect the exclusion of certain additional small producer purchases which were inadvertently omitted in the November 14, 1975 filing. Tennessee states that in all other respects these tariff sheets are identical to those filed on November 14, 1975.

Tennessee states that copies of the filing have been mailed to all its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 20, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–704 Filed 1–8–76;8:45 am]

[Docket No. CP76-180]

TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO INC., AND CONSOLIDATED GAS SUPPLY CORP.

Application

DECEMBER 30, 1975.

Take notice that on December 2, 1975, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, and Consolidated Gas Supply Corporation (Consolidated), 445 West Main Street, Clarksburg, West Virginia 26301, jointly Applicants, filed in Docket No. CP76-180 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange and transportation of natural gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicants state that they are parties to an exchange and transportation agreement dated November 5, 1975, which is said to provide for the delivery to Consolidated of up to 15,000 Mcf of natural gas per day of Tennessee's share of gas produced from the Ship Shoal Area, Block 246, "B" producer platform and for the delivery of up to 20,000 Mcf of natural gas to Tennessee of Consolidated's share of gas produced from the Ship Shoal Area, Block 271, "A" producer platform. The deliveries of natural gas to Consolidated would be received by Consolidated at the inlet side of Consolidated's meter located on the Block 246, "B" platform; and the gas delivered to Tennessee would be received into the 30-inch Eugene Island Block 349 to Ship Shoal Block 198 pipeline (Project 349). It is stated that the proposed service would be rendered through existing facilities.

It is stated that in the event that the deliveries to Consolidated are in excess of the proposed deliveries to Tennessee, that Consolidated would deliver to Tennessee volumes equal to such excess in the Blue Water Project from alternative sources. If the deliveries to Tennessee are in excess of the deliveries to Consolidated, the excess volumes would be treated as gas for transportation and Consolidated would pay Tennessee a transportation charge of 4.0 cents per Mcf, which cost is said to reflect Tennessee's incremental cost of service. Such volumes transported for Consolidated by Tennessee would be redelivered for the account of Consolidated at the point of the tie-in of the Blue Water Project on the Ship Shoal Block 198 platform to Project 349.

Applicants state that there is presently production available to them from the Block 246 "B" and the 271 "A" platforms and that such gas could be used to offset 1975-76 winter heating season curtailments.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 15, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-719 Filed 1-8-76;8:45 am]

[Docket No. RP71-11 (PGA 76-1)]

TENNESSEE NATURAL GAS LINES, INC.

Order Accepting Certain Tariff Sheets for Filing Upon Condition and Suspending Certain Other Tariff Sheets

DECEMBER 31, 1975.

On December 1, 1975 Tennessee Natural Gas Lines, Inc. (Tennessee Natural) tendered for filing certain revised tariff sheets to reflect an increase in rates from its sole supplier, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee). One set of revised tariff sheets [1] tracks the tariff sheets filed by Tennessee on November 14, 1975 which reflect elimination of that portion of the price increase attributable to amounts paid to small producers in excess of those levels established in Opinion No. 742.[2] The other set of tariff sheets [3] tracks those tariff sheets filed by Tennessee on November 14, 1975 which do not reflect the elimination of amounts paid to small producers in excess of the levels set in Opinion No. 742.

Notice of the filing was issued December 11, 1975. A notice of intervention was received from the Tennessee Public Service Commission (PSC) on December 8, 1975. PSC requests that the increased rates be suspended for the full statutory period. PSC bases its request on its belief that Tennessee Natural does not flow through to its customers the demand charge credits it receives from Tennessee. As a result, PSC believes Tennessee Natural's rates may be unjust and unreasonable.

The Commission believes that PSC has raised a matter of concern. Accordingly, we shall accept for filing and suspend for one day the tariff sheets identified in footnote three of this order which reflect the higher alternate rates. Since we are unable, at this time, to determine what adjustments if any will be necessary to Tennessee Natural's rates. Accordingly, we shall reject Tennessee Natural's tariff sheets listed in footnote 1 reflecting the lower alternate rates.[4]

The rates proposed in Tennessee Natural's instant filing have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall order a hearing at which the just and reasonable rates and charges shall be determined.

The Commission finds. (1) Tennessee Natural's tariff sheets listed in footnote 1 reflecting Tennessee Natural's lower alternate rates should be rejected.

(2) Those tariff sheets identified in footnote three should be accepted for filing and suspended for one day to become effective January 2, 1976, subject to refund.

The Commission orders. (A) Tennessee Natural's lower alternate rates reflected in the tariff sheets listed in footnote 1 are hereby rejected.

(B) Tennessee Natural's Substitute Thirteenth Revised Sheet No. PGA-1 and Substitute Eighth Revised Sheet No. PGA-2 to its FPC Gas Tariff Revised Volume No. 1 are hereby accepted for filing and suspended for one day to become effective January 2, 1976.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding, with the authority to establish and change all procedural dates, and to rule on all motions (with the exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the rules of practice and procedure).

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[1] Thirteenth Revised Sheet No. PGA-1 and Eighth Revised Sheet No. PGA-2 of Tennessee Natural's FPC Gas Tariff First Revised Volume No. 1 tracking Tennessee's Substitute Ninth Revised Sheet Nos. 12A and 12B.

[2] Issued August 28, 1975.

[3] Substitute Thirteenth Revised Sheet No. PGA-1 and Substitute Eighth Revised Sheet No. PGA-2 tracking Tennessee's Second Substitute Ninth Revised Sheet Nos. 12A and 12B.

[4] We do not make the small producers who are collecting amounts in excess of the levels prescribed in opinion No. 742 respondents in this proceeding because all issues concerning these purchases can be disposed of in the Tennessee proceeding.

(D) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, and the Commission's rules and regulations, a public hearing concerning the justness and reasonableness of Tennessee Natural's rate as proposed to be increased herein shall be held at a time to be set by the Presiding Administrative Law Judge at a pre-hearing conference to be convened at 10:00 a.m. on January 16, 1976 at the Offices of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(E) The above-mentioned petitioner is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting the rights and interests specifically set forth in the petition to intervene: *And provided, further,* That the admission of such intervenor shall not be construed as recognition that PSC might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(F) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-688 Filed 1-8-76;8:45 am]

[Docket No. RP74-41 (PGA76-1, DCA76-1)]

TEXAS EASTERN TRANSMISSION CORP.

Order Accepting for Filing and Suspending Proposed PGA Rate Adjustment, Establishing Hearing Procedures, Instituting Investigation, and Consolidating Proceedings

DECEMBER 31, 1975.

On November 17, 1975, Texas Eastern Transmission Corporation (Texas Eastern) tendered for filing a proposed PGA rate decrease [1] reflecting the net effect of (1) increases of 1.98 cents per dth in Zone A and 2.0 cents per dth in Zones B, C, and D to track increased purchased gas costs and (2) a reduction of 2.80 cents per dth in the surcharge to clear a negative balance in the deferred purchased gas cost account. Additionally, Texas Eastern has filed revised surcharges to recover demand charge adjustments. Texas Eastern requests that the revised tariff sheets be made effective January 1, 1976.

Anticipating a one day suspension due to the inclusion in the PGA decrease of small producer and emergency purchases in excess of Opinion Nos. 742 and 699-H rate levels, Texas Eastern has concurrently filed alternate tariff sheets [2] which purportedly exclude those costs in excess of the applicable rate levels prescribed by Opinion Nos. 742 and 699-H. In the event of such suspension Texas Eastern requests that the alternate rates be made effective January 1, 1976.

Public notice of Texas Eastern's filing was issued on December 1, 1975, with protests or petitions to intervene due on or before December 12, 1975.

Our review of the proposed PGA rate adjustment indicates that it is based, in part, on small producer purchases in excess of the rate levels prescribed in Opinion No. 742 and 60-day emergency purchases from other than small producers in excess of the rate levels prescribed in Opinion No. 699-H. Therefore, the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, we shall accept the tariff sheets for filing and suspend them for one day until January 2, 1976, when they shall become effective, subject to refund, as hereinafter conditioned.

With regard to the issue of small producers, we shall establish hearing procedures to determine the just and reasonable rate levels of those small producer purchases to be included in Texas Eastern's filing in excess of the rate levels resulting from use of the "130 percent formula" prescribed in Opinion No. 742.[3] In this connection, we believe it appropriate to make the small producers involved respondents so that they may present evidence to show that the rates charged by them to Texas Eastern are just and reasonable. Although the small producers are not required to make refunds, we believe it appropriate to institute a Section 5 investigation against the small producer involved so that the just and reasonable small producer rate determined in this proceeding can be applied prospectively.

Within 15 days of the date of this order, Texas Eastern shall file a list of the small producers making sales reflected in the instant filing in excess of the "130 percent formula" rates in order that they may be made respondents to this proceeding.

Cost evidence relating to the small producer sales which are the subject of the hearing ordered herein can clearly provide the basis for "just and reasonable" rate findings. "F.P.C. v. Texaco, Inc.", 417 U.S. 380 (1974). Accordingly, we shall require the small producer respondents to submit cost evidence in order that we may determine the justness and reasonableness of Texas Eastern's rates and make appropriate prospective adjustments, if found necessary, to the small producer rate pursuant to our authority under section 5 of the Natural Gas Act.

Texas Eastern should show that the rate paid by Texas Eastern to the small producer is appropriate by presenting evidence considering all relevant factors including, inter alia, (1) the pipeline's need for gas, (2) the availability of other gas suppliers, (3) the amount of gas dedicated under the contract, (4) the rates of other recent small producer sales previously approved for flow through and (5) comparison with appropriate market prices.[4]

Finally, the parties may submit any other evidence relevant to the Commission's determination of whether the rates paid by the pipeline with respect to the subject small producer sales are just and reasonable.

With regard to the 60-day emergency purchases from other than small producers, the Commission noted in Opinion 699-B [5] that a pipeline would be entitled to include in its purchased gas costs a rate for such purchases "which a reasonably prudent pipeline purchaser would pay for gas under the same or similar circumstances." Accordingly, we believe it appropriate to establish hearing procedures to determine the appropriate rate level of those 60-day emergency purchases included in the filing which are in excess of the rate levels prescribed in Opinion 699-H. In satisfying the "reasonably prudent pipeline purchaser" standard, Texas Eastern must show that the price paid is appropriate by presenting evidence considering all relevant factors of such purchases, including, inter alia, (1) the pipeline's need for gas, (2) the availability of other gas supplies, (3) the amount of gas dedicated to the purchase, (4) comparison of the price with appropriate market prices in the same or nearby areas, and (5) the relationship between the purchaser and the seller.[6]

Our review of the proposed rates within the tariff sheets listed in footnote 1 indicates that with the exception of the increased purchased gas costs associated with that portion of small producer purchases in excess of the rate levels prescribed in Opinion No. 742 and with that portion of the 60-day emergency purchases from other than small producers in excess of the rate levels prescribed in Opinion 699-H, such rates are just and reasonable and should be approved. Although Texas Eastern has filed alternate tariff sheets listed in footnote 2 which purportedly excise those excess costs, we find that such alternate rates include certain small producer purchases of old gas (gas not eligible under the national rate and accordingly subject to the appropriate area rate) which are in excess of 130 percent of the applicable area rate level. Accordingly, the alternate tariff sheets listed in footnote 2 shall be rejected. However, we shall permit Texas Eastern to file revised rates

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[1] Designated: Revised Fifteenth Revised Sheet Nos. 14 and 14A through 14D to FPC Gas Tariff, Fourth Revised Volume No. 1.

[2] Designated: Fifteenth Revised Sheet Nos. 14 and 14A through D to FPC Gas Tariff, Fourth Revised Volume No. 1.

[3] —— FPC —— issued August 28, 1975, in Docket No. R-393.

[4] Opinion No. 742 (mimeo, p. 13, paragraph (1)).

[5] —— FPC —— issued September 9, 1974, in Docket No. R-389-B.

[6] Transcontinental Gas Pipe Line Corporation, Docket No. RP76-2 (Order issued November 12, 1975).

which properly exclude that portion of small producer purchases in excess of the levels prescribed in Opinion No. 742 and that portion of the 60-day emergency purchases from other than small producers in excess of the rate levels prescribed in Opinion 699–H, to become effective on January 1, 1976, without refund obligation.

The Commission finds. (1) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that hearing procedures be established, as hereinafter ordered and conditioned, and that Texas Eastern's tariff sheets listed in footnote 1 of this order be accepted for filing and suspended for one day until January 2, 1976, when they shall become effective subject to refund.

(2) Good cause exists to reject the alternate tariff sheets listed in footnote 2 of this order, without prejudice to Texas Eastern's right to file the appropriate amended rates as hereinafter ordered.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 7, 14 and 16 thereof, a public hearing shall be held on May 12, 1976, at 10:00 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, to determine the lawfulness of the proposed rates within the filed tariff sheets listed in footnote 1 insofar as those proposed rates reflect (1) small producer purchases in excess of the "130 percent formula" prescribed in Opinion 742 and (2) 60-day emergency purchases from other than small producers in excess of the rate levels prescribed in Opinion 699–H.

(B) Within 15 days of the date of this order, Texas Eastern shall file with the Commission a list, including addresses, of the parties from whom Texas Eastern is purchasing or has purchased gas involved in the small producer sales set for hearing above. Following receipt of this list, we shall make the small producer sellers parties respondents to this investigation for the purposes discussed in the body of this order.

(C) Pursuant to section 5 of the Natural Gas Act, we hereby institute an investigation into the just and reasonable rates to be charged by the small producers making sales to Texas Eastern in excess of the rates resulting from the "130 percent formula" prescribed in Opinion No. 742 and consolidate with investigation with the hearing ordered in Ordering Paragraph (A), above for purposes of hearing and decision.

(D) Texas Eastern shall file its direct testimony and evidence on or before March 9, 1976. The parties from whom Texas Eastern makes the subject small producer purchases shall file their direct testimony on or before March 9, 1976. Any evidence by the Commission Staff or any intervenor shall be filed on or before April 6, 1976. Any rebuttal evidence shall be filed on or before April 20, 1976.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding in accordance with the Commission's rules of practice and procedure.

(F) Texas Eastern's filed tariff sheets listed in footnote 1 of this order are hereby accepted for filing and suspended for one day, until January 2, 1976, when they shall become effective subject to refund.

(G) Texas Eastern's filed alternate tariff sheets listed in footnote 2 of this order are hereby rejected.

(H) Within 15 days of the date of issuance of this order, Texas Eastern may file revised tariff sheets to become effective January 1, 1976, which reflect those claimed increased purchased gas costs contained in Texas Eastern's PGA adjustment other than those claimed increased costs associated with that portion of small producer purchases in excess of the rate levels resulting from the "130 percent formula" prescribed by Opinion 742 and that portion of the 60-day emergency purchases from other than small producers in excess of the rate levels prescribed in Opinion 699–H.

(I) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76–689 Filed 1–8–76;8:45 am]

[Docket No. RP75–56]

TEXAS GAS PIPE LINE CORP.

Proposed Settlement

DECEMBER 30, 1975.

Take notice that on December 17, 1975, Texas Gas Pipe Line Corporation (TGPLC) filed a proposed "Stipulation and Agreement" in settlement and termination of the above-docketed rate proceeding. TGPLC states that the proposed settlement reflects the agreement of all parties as to all aspects of this proceeding.

Any person desiring to comment on such settlement should file such comments with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before January 15, 1976. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–720 Filed 1–8–76;8:45 am]

[Docket No. ER76–132]

TOLEDO EDISON CO.

Order Amending Prior Order

DECEMBER 31, 1975.

On September 17, 1975, Toledo Edison Company tendered for filing proposed changes in its F.P.C. Electric Service Tariff, Original Volume No. 1, applicable to sales for resale to fourteen Ohio municipalities. In support of its filing, Toledo Edison submitted Period I test data for the twelve months ending on December 31, 1974.

By letter order issued October 14, 1975, we notified the Company that the data it had submitted were out of date, and we informed the Company that a filing date would not be assigned to its application until it had submitted actual data for the period ending no earlier than four months prior to the proposed filing date.

On November 13, 1975, the Company filed a petition for rehearing and reconsideration of our October 14, 1975 order. On December 5, 1975, we issued an order denying that petition. In Finding Paragraph (2) of that order, we erroneously stated that Toledo Edison's filing would be assigned a filing date upon its filing of actual Period I data for the period ending no earlier than seven months prior to the proposed effective date. Such data should, instead, be submitted for a period ending no earlier than seven months prior to the date the data are filed.[1] Consequently Finding Paragraph (2) of our December 5, 1975 order should be amended as hereinafter ordered. For purposes of clarity and consistency, Ordering Paragraph (B) of our December 5, 1975 order is also amended as hereinafter ordered.

exists to amend Finding Paragraph (2)

The Commission finds. Good cause and Ordering Paragraph (B) of our December 5, 1975, order in this docket.

The Commission orders. (A) Our order of December 5, 1975 in this docket is hereby amended so that Finding Paragraph (2) reads as follows:

Good cause exists to amend our letter order of October 14, 1975 in this docket to provide that a filing date will be assigned upon Toledo Edison's filing of actual data for a Period I which ends no earlier than seven months prior to the date on which the data are filed.

(B) Our order of December 5, 1975, in this docket is hereby amended so that Ordering Paragraph (B) reads as follows:

Our letter order of October 14, 1975, in this docket is hereby amended to provide that a filing date will be assigned upon Toledo Edison's filing of actual data for a Period I which ends no earlier than seven months prior to the date on which the data are filed.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76–694 Filed 1–8–76;8:45 am]

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[1] This action is consistent with our actions in the following recent orders: Ohio Power Company, Docket No. ER76–83, order issued September 19, 1975; Boston Edison Company, Docket No. EA76–90, order issued September 24, 1975; Western Power Division, Central Telephone & Utilities Corporation, Docket No. EA76–92, order issued November 5, 1975.

[Docket No. RP74–52; PGA76–1]

TRANSWESTERN PIPELINE CO.

Order Granting Motions for Dismissal as Parties Respondent

December 31, 1975.

On August 15, 1975 Transwestern Pipeline Company (Transwestern) filed alternate PGA adjustments, both proposed to be effective October 1, 1975. By order issued September 30, 1975, we accepted the higher alternate tariff sheets for filing and suspended them for one day until October 2, 1975, when they became effective subject to refund. This action was taken because our review of the higher alternate tariff sheets had indicated that they contained small producer purchases in excess of the rate levels prescribed in Opinion No. 742 and 60-day emergency purchases from other than small producers in excess of the rate levels prescribed in Opinion No. 699–H.[1]

With regard to small producers sales in excess of the Opinion No. 742 rate levels we ordered that such producers be made respondents so that they might present evidence to show that their rates to Transwestern were just and reasonable. Accordingly, Transwestern was required to file a list of small producers making sales reflected in its PGA filing at rates in excess of the Opinion No. 742 rate levels. In the same order we instituted a section 5 investigation against these small producers so that the just and reasonable small producer rate determined in this proceeding could be applied prospectively.

With respect to the 60-day emergency purchases from other than small producers in excess of the 699–H rate levels we established hearing procedures to determine what portion of those rates could be recovered by Transwestern through its PGA filing. In adopting these hearing procedures the Commission expressly noted that it had stated in Opinion No. 699–B that a pipeline would be entitled to include in its purchased gas costs those amounts which it could show "a reasonably prudent pipeline purchaser would pay for gas under the same or similar circumstances." Transwestern was ordered to file with the Commission a list of those parties, other than small producers, whose 60-day emergency sales were to be the subject of the hearing. These sellers were not, however, made respondents and a Section 5 investigation was not instituted against them.

By order issued November 10, 1975, we made respondents of those small producers making sales in excess of the Opinion No. 742 rate levels as reported to us by Transwestern herein. Included in that list were Commanche Oil and Gas Corporation (Commanche), Randall B. Johnson (Johnson) and Texas Oil and Gas Corporation (Texas Oil). On November 24, 1975 Commanche filed on behalf of itself and Johnson[2] a motion for dismissal as parties respondent. Thereafter on November 25, 1975 Texas Oil filed a motion for reconsideration of our November 10 order in which Texas Oil also requested that it be deleted from the list of small producer respondents in these proceedings. While we do not rely upon the grounds asserted by Commanche and Texas Oil, we shall nevertheless grant both motions for the reasons hereinafter set forth.

In its motion Commanche states that it is operating under small producer certificates and that the sale which is reflected in Transwestern's purchased gas costs is a 60-day emergency sale. In urging dismissal as parties respondent, Commanche stresses that the sale was made in minimal volumes and that minimal revenues are involved. In dismissing these producers as respondents we do not, however, find it necessary to consider or to rely upon the volumes and revenues involved. Rather, we base our decision upon the fact that, as reported to us by Transwestern, the sale of Commanche is a 60-day emergency sale.

In Opinion No. 699–B (Mimeo, p. 4), the Commission stated that it would allow a pipeline to include in its purchased gas cost a rate for an emergency purchase "which a reasonably prudent pipeline purchaser would pay for gas under the same or similar circumstances." This statement was made in the context of a discussion of rates charged by other than small producers. Consistent with the pronouncement in Opinion No. 699–B, we have in a series of orders involving pipeline PGA filings[3] required the filing pipeline to justify the rate at which it made 60-day emergency purchases from other than small producers. In none of these cases did we make the sellers parties respondent, nor did we institute a section 5 proceeding against the producers involved. Indeed, the institution of a section 5 proceeding would have been fruitless since under section 5 adjustments in rates could be prospective only and, by the time any such order could be issued, the sale, being only 60 days in duration, would have been completed.

We see no reason for treating small producers making 60-day emergency sales differently than we have treated other sellers making 60-day emergency sales. In both cases it would be pointless to institute a section 5 proceeding. In both cases, we believe it is the pipeline and not the sellers that should bear the responsibility for justifying the rate level. Our conclusion is consistent with our order issued November 12, 1975 in "Transcontinental Gas Pipe Line Corporation," Docket No. RP76–2. In that order we enumerated some of the factors we will consider in determining whether a pipeline should be allowed to recover the rate it pays for a 60-day emergency purchase. In setting forth those factors, we did not distinguish between 60-day emergency purchases from small producers and 60-day emergency purchases from other than small producers. Accordingly, we conclude that since Commanche and Johnson are making 60-day emergency sales, they, like other producers making 60-day emergency sales, should be relieved of the burden of participating in these proceedings as parties respondent. Instead, it is Transwestern that should be required to justify that portion of the rate level for these 60-day emergency purchases which is in excess of the rate levels prescribed in Opinion No. 742. The standard we will use in determining whether Transwestern should be allowed to recover the rate paid is the same standard set forth in the November 12 order in *Transcontinental, supra:*

> Our review of such purchases will consider all of the relevant factors of such purchases including, inter alia, (1) the pipeline's need for gas, (2) the availability of other gas supplies, (3) the amount of gas dedicated to the purchase, (4) comparison of the price with appropriate market prices in the same or nearby areas, and (5) the relationship between the purchase and the seller. If the need for such emergency purchases is established and the conditions of the purchase are prudent, the pipeline company will have no refund obligation associated with that purchase.

In its motion filed November 25, 1975, Texas Oil has relied upon a somewhat different ground for being deleted from the list of small producer respondents contained in our November 10 order. Texas Oil argues that it cannot be treated as a small producer and that since only small producers have been named respondents in this proceeding Texas Oil must be deleted from the list of respondents. In making this argument Texas Oil points out that the sales reported by Transwestern were made at a time when Texas Oil did not hold a small producer certificate. In this connection Texas Oil states that the Commission has not yet acted upon Texas Oil's application for a small producer certificate but that even if a certificate were issued, it could not become effective prior to May 6, 1975, the date Texas Oil filed its application, which date is after the sales reported by

[1] With respect to those increased purchased gas costs associated with small producer purchases at or below the rate levels prescribed in Opinion No. 742 and 60-day emergency purchases from other than small producers at or below the rate levels prescribed in Opinion No. 699–H, we permitted Transwestern to file revised tariff sheets to become effective October 1, 1975. (Mimeo, p. 6, Ordering Paragraph (G).) On October 15, 1975 Transwestern tendered for filing revised tariff sheets which purported to comply with Ordering paragraph (G) of the September 30 order. That filing was noticed by the Commission on October 29, 1975. These sheets were accepted for filing and approved by the Commission in a letter order issued October 29, 1975 in Docket No. RP75–74.

[2] Unless otherwise indicated we will hereafter refer to Commanche and Johnson collectively as Commanche.

[3] See, e.g., Order issued September 30, 1975 in El Paso Natural Gas Company, Docket Nos. RP72–155, et al., Order issued October 31, 1975 in Transcontinental Gas Pipe Line Corporation, Docket Nos. RP73–3, et al., and Order issued November 28, 1975 in Natural Gas Pipeline Company of America, Docket Nos. RP71–125, et al.

Transwestern had been completed. To support its argument that it cannot be treated as a small producer, Texas Oil cites our order of July 16, 1975 in El Paso Natural Gas Company, Docket Nos. RP72–155, et al., in which the Commission also refused to treat Texas Oil as a small producer. While we will dismiss Texas Oil as a party respondent, we do so on other grounds.

As reported to us by Transwestern, the sales made by Texas Oil were 60-day emergency sales. As stated above, we decline to make sellers who have made 60-day emergency sales respondents to proceedings such as these. Since Texas Oil's sales are 60-day emergency sales, we will therefore grant Texas Oil's motion and will dismiss Texas Oil from these proceedings as a party respondent.

Again, it is Transwestern that will be required to justify the rate level at which these sales were made. In view of the facts alleged by Texas Oil, *supra*, we believe that the sales by Texas Oil should not be treated as small producer sales. It will therefore be necessary for Transwestern to support that portion of the rate which is in excess of the rate levels prescribed in Opinion No. 699–H.

The Commission further finds. Good cause exists for dismissing the following producers from the instant proceedings as parties respondent: Commanche Oil and Gas Corporation, Randall B. Johnson, and Texas Oil and Gas Corporation.

The Commission orders. (A) Commanche Oil and Gas Corporation, Randall B. Johnson and Texas Oil and Gas Corporation are hereby dismissed as parties respondent in the instant proceeding.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-698 Filed 1-8-76;8:45 am]

[Docket Nos. RP72-133, (PGA76-1)]

UNITED GAS PIPE LINE CO.

Order Accepting for Filing and Suspending Proposed PGA Rate Increase, Establishing Hearing Procedures, and Instituting Investigation

DECEMBER 31, 1975.

On November 14, 1975, United Gas Pipe Line Company (United) tendered for filing a 0.33 cents per Mcf PGA rate increase[1] to reflect (1) increased purchased gas costs of 2.46 cents per Mcf or $21,378,246 per year and (2) a 2.13 cents per Mcf reduction in the surcharge to return overcharges of $8.3 million accumulated in the Unrecovered Purchased Gas Cost Account. United has requested an effective date of January 1, 1976.

Our review of United's PGA filing indicates that it is based in part on small producer and emergency purchases in excess of the rate levels prescribed in Opinion Nos. 742 and 699–H respectively. The proposed increase additionally includes costs associated with non-certificated purchases which are at issue in Docket No. RP74–83. Therefore, the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall accept the tariff sheet for filing and suspend it for one day until January 2, 1976, when it shall become effective subject to refund.

With regard to the issue of small producer purchases, other than those small producer purchases made pursuant to the Commission's 60-day emergency sales regulation, we shall establish hearing procedures to determine the just and reasonable rate levels of those small producer purchases to be included in United's filing in excess of the rate levels resulting from use of the "130 percent formula" prescribed in Opinion No. 742.[2] In this connection, we believe it appropriate to make the small producers involved respondents so that they may present evidence to show that the rates charged by them to United are just and reasonable. Although the small producers are not required to make refunds, we believe it appropriate to institute a section 5 investigation against the small producers involved so that the just and reasonable small producer rate determination in this proceeding can be applied prospectively.

Within 15 days of the date of this order, United shall file a list of the small producers, other than small producers making 60-day emergency sales, reflected in the instant filing in excess of the "130 percent formula" rates in order that they may be made respondents to this proceeding.

Cost evidence relating to the small producer sales which are the subject of the hearing ordered herein can clearly provide the basis for "just and reasonable" rate findings. "F.P.C. v. Texaco, Inc." 417 U.S. 380 (1974). Accordingly, we shall require the small producer respondents to submit cost evidence in order that we may determine the justness and reasonableness of United's rates and make appropriate prospective adjustments, if found necessary, to the small producer rate pursuant to our authority under section 5 of the Natural Gas Act.

United should show that the rate paid by it to the small producer is just and reasonable by presenting evidence considering all relevant factors including inter alia, (1) the pipeline's need for gas, (2) the avialability of other gas supplies, (3) the amount of gas dedicated under the contract, (4) the rates of other recent small producer sales previously approved for flow through and (5) comparison with appropriate market prices.[3]

Finally, the parties may submit any other evidence relevant to the Commission's determination of whether the rates paid by the pipeline with respect to the subject small producer sales are just and reasonable.

With regard to the 60-day emergency purchases the Commission noted in Opinion No. 699–B[4] that a pipeline would be entitled to include in its purchased gas costs a rate for such purchases "which a reasonably prudent pipeline purchaser would pay for gas under the same or similar circumstances." Accordingly, we believe it appropriate to establish hearing procedures to review the rate level for those 60-day emergency purchases included in the filing which are in excess of the rate levels prescribed in Opinion No. 699–H for purchases other than from small producers and in excess of the Opinion No. 742 rate for small producers' purchases.

Our review of such emergency purchases will consider all of the relevant factors of such purchases including, inter alia (1) the pipeline's need for gas, (2) the availability of other gas supplies, (3) the amount of gas dedicated to the purchase, (4) comparison of the price with appropriate market prices in the same or nearby areas, and (5) the relationship between the purchaser and the seller. If the need for such emergency purchases is established and the conditions of the purchase are prudent, the pipeline company will have no refund obligations associated with that purchase.

Our review of United's filing indicates that the claimed increased purchased gas costs include costs anticipated to be incurred by United from non-certificated producers prior to December 31, 1975. In the event United does incur these anticipated increases it will be required to file a downward revision in its PGA rate to eliminate the effect of these anticipated but unincurred purchased gas cost increases.

Our review of United's filing additionally indicates that it is based in part on incurred costs associated with purchases from non-certificated producers. Since the issue of which of these costs United should be permitted to recoup from its jurisdictional ratepayers will be before this Commission in Docket No. RP74–83 the inclusion by United of these costs in its present filing will be subject to refund pending final disposition of that issue in that proceeding.

Our review of United's filing indicates that it complies with the standards set forth in Docket No. R–406 and should be approved with the following exceptions which warrant suspension and further investigation: (a) those claimed increased costs associated with the portion of small produced purchases in excess of the rate levels prescribed in the "130 percent formula" in Opinion No. 742, (b) that portion of the 60-day emergency purchases from other than small producers in excess of the rate levels prescribed in Opinion No. 699–H, and (c) those purchases from non-certificated producers. Accordingly, we shall permit

[1] Twenty-eighth Revised Sheet No. 4 to FPC Gas Tariff, First Revised Volume No. 1.

[2] —— FPC —— issued August 28, 1975, in Docket No. R–393.

[3] Opinion No. 742 (mimeo, p. 13, paragraph (1)).

[4] ____ FPC ____ issued September 9, 1975, in Docket No. R–389–B.

United to file a revised tariff sheet to become effective January 1, 1976 to reflect the elimination of these costs which have not been found to be just and reasonable and to reflect only those costs which we find to be in conformance with the standards set forth in Docket No. R–406.

The Commission finds. (1) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that hearing procedures be established, as hereinafter ordered and conditioned, and that United's tariff sheet tendered in this docket on November 14, 1975, be accepted for filing and permitted to become effective January 2, 1976 subject to refund.

(2) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that United be permitted to file, to become effective January 1, 1976, a revised tariff sheet reflecting the elimination of purchased gas costs associated with that portion of small producer and emergency purchases in excess of the rate levels established in Opinion Nos. 742 and 699–H, as appropriate and elimination of costs associated with noncertificated producers.

(3) United should be required to file a revised tariff sheet reflecting a downward adjustment in its PGA increase in the event its anticipated purchased gas costs expenses are not incurred by January 1, 1976.

(4) The claimed increased costs, other than those associated with that portion of small producer and emergency purchases in excess of the rate levels established in Opinion No. 742 and Opinion 699–H as appropriate, and the costs associated with purchases from non-certificated producers have been reviewed and found to be in compliance with the standards set forth in Docket No. R–406.

The Commission orders. (A) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at an initial conference in this proceeding on February 26, 1976, at 10:00 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates for this proceeding and to rule upon all motions (except petitions to intervene), subject to review by the Commission.

(B) Within 15 days of the date of this order, United shall file with the Commission a list, including addresses, of the small producers other than small producers under emergency purchase sales, from whom it purchased at rates in excess of the rate level provided for by Opinion No. 742. Following receipt of this list, we shall make those small producers parties respondents to this investigation for the purposes discussed in the body of this order.

(C) Pursuant to section 5 of the Natural Gas Act, we hereby institute an investigation into the just and reasonable rates to be charged by the small producers making sales, other than emergency sales, to United in excess of the rates resulting from the "130 percent formula" prescribed in Opinion No. 742 and consolidate this investigation with the proceeding ordered in Ordering Paragraph (A) above for purposes of hearing and decision. These consolidated hearings will be docketed as RP72–133 (PGA76–1).

(D) The inclusion of costs in the instant filing associated with purchases from uncertificated producers shall be subject to the disposition in Docket No. RP74–83.

(E) United's proposed tariff sheet tendered on November 14, 1975, is hereby accepted for filing and suspended for one day, until January 2, 1976, when it shall become effective, subject to refund.

(F) Within 15 days of the date of issuance of this order, United may file a revised tariff sheet to become effective January 1, 1976, which reflects those claimed increased purchased gas costs contained in United's PGA adjustment other than those claimed increased costs associated with that portion of small producer purchases in excess of the rate levels resulting from the "130 percent formula" prescribed by Opinion 742 and that portion of the 60-day emergency purchases from producers other than small producers in excess of the rate levels prescribed in Opinion 699–H and other than those costs which are associated with purchases from non-certificated producers.

(G) The Secretary shall cause prompt publication of this order to be issued in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76–690 Filed 1–8–76;8:45 am]

[Docket No. CP76–188]

UNITED GAS PIPE LINE CO.

Notice of Application

DECEMBER 29, 1975.

Take notice that on December 5, 1975, United Gas Pipe Line Company (Applicant), 1500 Southwest Tower, Houston, Texas 77002, filed in Docket No. CP76–188 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of a farm tap for the rendition of service to Laura G. Self (Self), a right-of-way grantor, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that on June 8, 1973, Applicant obtained a right-of-way and easement from Self for Applicant's Clarence-to-Bistineau 24-inch pipeline, and in partial consideration therefor Louisiana Gas Service Company (Louisiana Gas) agreed to construct a farm tap and deliver natural gas to Self.

Applicant proposes to construct a 1-inch farm tap for Self as an additional delivery point in Natchitoches Parish, Louisiana, at a total estimated cost of approximately $500. Deliveries of approximately 80 Mcf of gas annually to Self would be made by Louisiana Gas, and Applicant states that the proposed service can be provided by Louisiana Gas out of its authorized seasonal volumetric limitation of gas purchased from Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 21, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10).

All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–705 Filed 1–8–76;8:45 am]

[Docket No. RP76–41]

VALLEY GAS TRANSMISSION, INC.

Order Accepting Proposed Alternate Tariff Sheets for Filing, Suspending Use Thereof, Providing for Hearing, Granting Intervention and Establishing Procedures

DECEMBER 31, 1975.

On November 21, 1975, Valley Gas Transmission, Inc. (Valley) tendered for filing certain tariff sheets[1] to its FPC Gas Tariff, Original Volume No. 1, which provide for a cost of service tariff for the

[1] Sixth Revised Sheet No. 2A, First Revised Sheet No. 181, Original Sheet Nos. 182, 183 and 184.

gathering service Valley renders for Tennessee Gas Pipeline Company, United Gas Pipe Line Company and National Fuel Gas Supply Corporation. The proposed effective date for the cost of service tariff is January 1, 1976. Valley also filed an alternate Sixth Revised Sheet No. 2A which contains a fixed rate per Mcf for the gathering charge. Valley requests that the Commission accept this sheet on an interim basis if the Commission deems it necessary to suspend the tariff sheets providing for a cost of service tariff.

Public notice of Valley's filing was issued on December 4, 1975, with comments, protests and petitions to intervene due on or before December 17, 1975. A timely petition to intervene was filed by National Fuel Gas Supply Corporation (NFG). In its petition NFG alleges that the proposed cost of service tariff is inappropriate and that the proposed alternate fixed gathering charge may be unjust and unreasonable. NFG therefore requests the Commission to institute a hearing on these proposed changes. A notice of intervention was also filed in this docket by the Public Service Commission of the State of New York (PSCNY). PSCNY requests us to suspend Valley's filing for at least one day and to order that a hearing be held to determine the justness and reasonableness of the proposed changes.

We shall grant NFG's petition to intervene. No action is necessary in connection with PSCNY's notice of intervention inasmuch as under § 1.8 of our rules and regulations, 18 CFR 1.8, a state commission may, as a matter of right, intervene in a proceeding by filing a notice.

Under the provisions of the proposed cost of service tariff Valley would be able to automatically adjust its rates on the basis of a cost of service formula. Section 2.1 of the proposed tariff provides that Valley's monthly cost of service shall equal the sum of the following amounts:

(1) Operating expenses;

(2) One-twelfth of the annual depreciation expense;

(3) Tax accruals;

(4) One-twelfth of the rate of return, and

(5) Credits as applicable.

The calculated monthly cost of service is to be allocated among Valley's buyers on a volumetric basis. The depreciation rate used in the proposed tariff is 6.78 percent. The proposed rate of return is 10.435 percent.

In support of its proposed cost of service tariff. Valley states that, aside from its purchased gas costs, its total cost of service is less than $800,000; that it is a true gatherer and not a long-haul pipeline; that most of its presently connected production areas are old, largely depleted fields whose production is marginal; and that a small decline in average day sales would reduce its net income to zero.

Section 154.38(d)(3) of our regulations, 18 CFR 154.38(d)(3), prohibits jurisdictional natural gas companies such as Valley from including in their rate schedules any rules, regulations, exceptions or conditions which purport to effect the modification or change of any rate or charge specified in the rate schedule. This prohibition applies to Valley's proposed cost of service tariff provisions. The first proviso of § 154.38 (d)(3) does, however, provide for exception to this general prohibition for those natural gas companies who apply under § 154.52 of our regulations, 18 CFR 154.52, for authorization to sell gas "at charges computed on a cost-formula basis" and who show good cause for permitting such provisions to be put into effect. While the Commission has approved cost of service tariffs for other pipeline companies,[3] these companies each provide service to only one other company which is under common ownership and which can be considered an extension of the customer company. In these situations, the cost of service tariff provides essentially an intercorporate bookkeeping device, as the rates of the customer company cannot be increased without regulatory approval. In the instant case, Valley could automatically increase its rates to Tennessee, United and National Fuel and such incerases could be flowed through these companies automatically under PGA clauses with no review of Valley's costs. Furthermore, Valley sells to these three pipelines companies with a specific reserve dedication to each. Consequently, there could be future problems regarding the allocation of costs if the decline in reserves dedicated to one company is not proportional to the decline in reserves dedicated to the other two companies. This consideration is absent from other approved cost of service tariffs.

In view of the restrictions placed by our regulations on rate schedule provisions, such as cost of service tariff provisions, which purport to effect modification or changes in rates and charges, and in further review of the potential problems associated with Valley's proposed cost of service tariff sheets, we have concluded that these sheets should be treated as *pro forma* tariff sheets and should, as such, be the subject of a hearing to determine their appropriateness. We will take no action upon these sheets until final resolution of the issues they raise. Moreover, any determination by this Commission with respect to the *pro forma* sheets will have prospective effect only.

As noted above, Valley also filed an Alternate Sixth Revised Sheet No. 2A which Valley requested be made effective in the event the Commission decided to suspend the cost of service tariff sheets. The rate proposed in this alternate tariff sheet is 11.36 cents per Mcf and is expected to yield an overall rate of return of 10.435 percent with a 13 percent return on equity. This return is based upon a capitalization of 48.9 percent debt and 51.1 percent equity.[4] In view of the fact that Valley experienced an operating loss of $99,397 for the twelve months ended July 31, 1975, we have concluded that Alternate Sixth Revised Sheet No. 2A should be accepted for filing.

However, our review of Valley's alternate tariff sheet indicates that it raises several issues which may require development in an evidentiary hearing. Moreover, the proposed increase in rates and charges has not been shown to be just and reasonable and may be unjust, unreasonable or otherwise unlawful. We shall therefore suspend the proposed alternate tariff sheet for one day and direct that a hearing be held on the justness and reasonableness of the rates proposed therein.

Evidence relevant to the issues raised by the instant filing should be submitted by all parties including the Commission Staff. Without limiting the rights of the parties, including the Commission Staff, in presenting such further evidence as they deem relevant and material we hereby direct that the parties and our Staff present evidence which considers in addition to the appropriateness of a cost of service tariff the following issues: (1) The proposed 13 percent return on equity; (2) the amount of interest used as an income tax deduction; and (3) whether federal income taxes should have been computed on a consolidated basis rather than at the statutory rate.

The Commission further finds. (1) It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission treat Valley's proposed cost of tariff sheets as *pro forma* tariff sheets and that the Commission enter upon a hearing to determine their appropriateness.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of Valley's alternate tariff sheet, and that such sheet be accepted for filing, suspended and the use thereof deferred as hereinafter ordered.

(3) Good cause exists to permit the intervention of NFG.

The Commission orders. (A) The proposed cost of service tariff sheets shall be treated as pro forma tariff sheets and will be a subject for review in this proceeding. No action will be taken upon these sheets until final resolution of the issues raised by them. Any determination with respect to these *pro forma* sheets will have prospective effect only.

[2] Valley presently has an effective PGA clause under which it automatically reflects changes in the cost of purchased gas. The proposed cost of service tariff would operate independently of the PGA provision.

[3] Columbia Gulf Transmission Corporation and Pacific Gas Transmission Corporation are companies with cost of service tariffs.

[4] Since Valley is a wholly owned subsidiary of Houston Natural Gas Company with no public debt outstanding, the above capitalization ratios are based upon Houston's capital structure.

(B) Pending a hearing and decision thereon, Valley's alternate tariff sheet filed on November 21, 1975 is accepted for filing and suspended for one day until January 2, 1976, or until such time as it is made effective in the manner provided by the Natural Gas Act, subject to refund.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at an initial conference in this proceeding on January 22, 1976 at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates for this proceeding and to rule upon all motions (except petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the rules of practice and procedure).

(D) NFG is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* that the participation of NFG shall be limited to matters affecting the rights and interests specifically set forth in its petition to intervene: *And provided, further,* That the admission of NFG as an intervenor shall not be construed as recognition that NFG might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(E) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.10 of the Commission's rules of practice and procedure.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-691 Filed 1-7-76;8:45 am]

[Docket No. CP75-235]

WEST TEXAS NATURAL GAS CO.

Redesignation

DECEMBER 29, 1975.

Notice is hereby given that the name of the holder of a section 1(c) exemption issued in Docket No. CP75-235 is changed from West Texas Natural Gas Company to Clajon Gas Company.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-706 Filed 1-8-76;8:45 am]

[Docket No. ER76-303]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Order Accepting for Filing and Suspending Proposed Increased Rates and Establishing Initial Conference

DECEMBER 31, 1975.

On November 28, 1975, Wisconsin Electric Power Company and its wholly owned subsidiary, Wisconsin Michigan Power Company (jointly, "the Companies") tendered for filing proposed rate increases for their twenty wholesale customers.[1] The proposed rate schedules would result in a 22.64 percent rate increase of approximately $3,053,000 for the twelve month test period ending July 31, 1976. The Companies also tendered for filing a revised fuel adjustment clause designed to comply with § 35.14 of our regulations as amended by our Order No. 517, issued on November 13, 1974.

Public notice of the Companies' filing was issued on December 12, 1975, with comments, protests or petitions to intervene due on or before December 23, 1975. Any petitions received will be the subject of a subsequent order. The Companies request that the proposed rates be made effective as of January 1, 1976.

The present filing is based on the alleged joint costs for the applicants' integrated system. The Companies state that one purpose of the present filing is to adjust wholesale rates to account for purportedly increased power supply costs.

Additionally, the Companies allege a need to increase their rate of return and return on equity. The applicants state that on the basis of their Period II study and the capital structure of the Companies as of the end of Period II, the present rates yield an overall rate of return of 5.67 percent and a return on common equity of 2.30 percent. According to the Companies, the proposed rate increases will result in an earned rate of return of 10.431 percent for the period ending July 31, 1976 with a 15.0 percent return on equity.

Another objective of the filing is, according to the Companies, to simplify their presently effective wholesale rate arrangements. The presently effective rates differ in design for service to large and small electric utilities, but the proposed rates are the same for all the affected customers. Principal changes in rate design are replacement of existing three block demand and energy charges with single, unblocked demand, energy and customer charges and addition of a 70 percent demand ratchet applicable to the eleven months preceding the billing month. The proposed monthly rates are a demand charge of $6.70/kW, an energy charge of .942¢/kWh and a customer charge of $250 for each point of delivery plus any fuel adjustment costs.

We have previously recognized the need of the electric industry as a whole to attract the capital necessary to provide adequate service to the consuming public,[2] and we have stated that a utility's need to increase its revenues so as to be able to satisfy its capital requirements may be a sufficient justification for a rate increase.[3] Our review of the Companies' filing indicates, however, that the proposed rate increase has not been shown to be just and reasonable and that it may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful.

Accordingly, pursuant to authority vested in us by Section 205 of the Federal Power Act, we shall accept the Companies' submittal for filing, but we shall suspend the use thereof for two months until March 1, 1976, at which time the rates will be permitted to become effective, subject to refund. In addition, we shall provide for the establishment of hearing procedures to determine the justness and reasonableness of the Companies' filing.

Evidence relevant to the issues raised by the instant filing should be submitted by all parties, including our Staff. Without limiting the rights of the parties, including Staff, in presenting such further evidence as they deem relevant and material, we hereby direct that the parties and Staff present evidence addressed in the following issues:

(1) The rate of return and return on common equity to be earned by the Companies from the proposed rates and charges;

(2) The functionalization of general plant, common plant, and administrative and general expenses on functional plant ratios and allocated operation and maintenance expenses and

(3) The inclusion of deferred income taxes resulting from liberalized depreciation in depreciation expenses.

We believe that the fuel adjustment clause included in the proposed rate satisfies the requirements set forth in Order No. 517.

The Commission finds. It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the increased rates, charges and conditions of service as proposed by the Companies in Docket No. ER76-303 and that such increase be accepted for filing and suspended as hereinafter ordered.

The Commission orders. (A) Pending a hearing and final decision thereon, the Companies' proposed changes in their rates, charges and conditions of service as filed on November 28, 1975, are accepted for filing and suspended for two months and the use deferred until March 1, 1976, when the proposed rate schedules shall become effective, subject to refund.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at an initial conference in this proceeding at 10 a.m., February 4, 1976, at the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates for this

[1] Wholesale Customers of Wisconsin Electric and Wisconsin Michigan and designations of the proposed rate schedules are shown in Appendix A.

[2] See, e.g., Delmarva Power and Light Company, Docket No. ER76-151, order issued October 31, 1975, mimeo ed., p. 3.

[3] Ibid, See also, Nevada Power Company, Docket No. ER76-40, issued October 15, 1975, mimeo ed., p. 2.

proceeding and to rule upon all motions (except petitions to intervene), subject to review by the Commission.

(C) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

WISCONSIN ELECTRIC POWER COMPANY

Rate Schedule Designations

Instrument: Revised Schedule A

Designations	*Customer*
Supp. No. 5 to Rate Schedule FPC No. 15 (supersedes supp. No. 4 to rate schedule FPC No. 15).	City of Cedarburg, Wis.
Supp. No. 5 to Rate Schedule FPC No. 16 (supersedes supp. No. 4 to rate schedule FPC No. 16).	Village of Deerfield, Wis. (Deerfield Water & Electric Utility).
Supp. No. 5 to Rate Schedule FPC No. 17 (supersedes supp. No. 4 to rate schedule FPC No. 17).	City of Elkhorn, Wis. (Elkhorn Light and Water Commission).
Supp. No. 5 to Rate Schedule FPC No. 18 (supersedes supp. No. 4 to rate schedule FPC No. 18).	City of Hartford, Wis.
Supp. No. 5 to Rate Schedule FPC No. 19 (supersedes supp. No. 4 to rate schedule FPC No. 19).	City of Jefferson, Wis. (Jefferson Water and Electric Department).
Supp. No. 5 to Rate Schedule FPC No. 20 (supersedes supp. No. 4 to rate schedule FPC No. 20).	City of Lake Mills, Wis. (Lake Mills Light and Water Department).
Supp. No. 5 to Rate Schedule FPC No. 21 (supersedes supp. No. 4 to rate schedule FPC No. 21).	City of Oconomowoc, Wis.
Supp. No. 5 to Rate Schedule FPC No. 22 (Supersedes Supp. No. 4 Rate Schedule FPC No. 22).	Village of Slinger, Wis. (Slinger Utilities).
Supp. No. 5 to Rate Schedule FPC No. 23 (Supersedes Supp. No. 4 to Rate Schedule FPC No. 23).	City of Waterloo, Wis. (Waterloo Water and Light Commission).
Supp. No. 5 to Rate Schedule FPC No. 24 (Supersedes Supp. No. 4 to Rate Schedule FPC No. 24).	City of Kiel, Wis. (Kiel Utilities).

WISCONSIN MICHIGAN POWER COMPANY

Rate Schedule Designations

Designations	*Customer*
Supp. No. 11 to Rate Schedule FPC No. 24 (Supersedes Supp. No. 10 to Rate Schedule FPC No. 24).	City of Clintonville (Clintonville Water & Electric Utility).
Supp. No. 8 to Rate Schedule FPC No. 36 (Supersedes Supp. No. 7 to Rate Schedule FPC No. 36).	City of Crystal Falls.
Supp. No. 6 to Rate Schedule FPC No. 38 (Supersedes Supp. No. 5 to Rate Schedule FPC No. 38).	Town of Florence (Florence Water and Light Commission).
Supp. No. 6 to Rate Schedule FPC No. 41 (Supersedes Supp. No. 5 to Rate Schedule FPC No. 41).	City of New London (New London Electric and Water Utility).
Supp. No. 9 to Rate Schedule FPC No. 39 (Supersedes Supp. No. 7 to Rate Schedule FPC No. 39).	City of Oconto Falls (Oconto Falls Water and Light Commission).
Supp. No. 7 to Rate Schedule FPC No. 33 (Supersedes Supp. No. 6 to Rate Schedule FPC No. 33).	City of Shawano.
Supp. No. 8 to Rate Schedule FPC No. 25 (Supersedes Supp. No. 7 to Rate Schedule FPC No. 25).	Upper Peninsula Power Company.
Supp. No. 3 to Rate Schedule FPC No. 51 (Supersedes Supp. No. 1 to Rate Schedule FPC No. 1).	Alger-Delta Cooperative Electric Association.
Supp. No. 2 to Rate Schedule FPC No. 52 (Supersedes Supp. No. 1 to Rate Schedule FPC No. 52).	Ontonagon County Rural Electrification Association.
Supp. No. 11 to Rate Schedule FPC No. 32 (Supersedes Supp. No. 10 to Rate Schedule FPC No. 32).	Oconto Electric Cooperative.

[FR Doc.76-692 Filed 1-8-76;8:45 am]

[Docket No. ER76-345]

WISCONSIN POWER AND LIGHT CO.

Notice of Filing of Amendment to Wholesale Power Contract

DECEMBER 30, 1975.

Take notice that on December 8, 1975 Wisconsin Power and Light Company (Company) tendered for filing an amendment to the contract between the Company and Dairyland Power Cooperative concerning transmission line maintenance power.

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 January 13, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-724 Filed 1-8-76;8:45 am]

[Docket No. ER76-341]

WISCONSIN POWER AND LIGHT CO.

Filing Wholesale Power Agreement

DECEMBER 30, 1975.

Take notice that on December 8, 1975, Wisconsin Power and Light Company (WPL) tendered for filing a Wholesale Power Contract dated November 25, 1975, between the Village of Wonewoc and Wisconsin Power and Light Company. WPL states that this contract will supersede an existing contract for wholesale electric service dated November 21, 1962.

WPL requests a proposed effective date of February 2, 1976.

WPL states that a copy of the Wholesale Power Contract and the filing have been sent to the Village of Wonewoc.

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 January 20, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-723 Filed 1-8-76;8:45 am]

[Docket No. ER76-331]

WISCONSIN POWER & LIGHT CO.

Order in Part Accepting for Filing and in Part Rejecting Without Prejudice Proposed Rate Increase, Providing for Hearing and Establishing Procedures

DECEMBER 31, 1975.

On December 4, 1975, Wisconsin Power & Light Company (WP&L) tendered for filing proposed rate changes for its 5 cooperative, 32 municipal and 2 private utility wholesale customers. The proposed rates would increase revenues by $3,123,047 (13.42%) based on the 12-month period ending December 31, 1976. WP&L requests that the proposed rates become effective on January 1, 1976, with respect to 33 of its customers [1] and upon expiration of existing fixed rate contracts with 6 of its customers.[2]

WP&L states that the proposed rate increase became necessary in light of its continually rising financial and operating costs. The subject filing also incorporates various changes in rate design to include (1) a revised method of computing "billed demand" purporting to more properly reflect the cost of power factor correction, (2) time-of-day pricing to

[1] See Appendix for list of customers and rate schedule designations.

[2] The six customers and their contract expiration dates are as follows:

more closely track cost behavior and (3) a revised fuel adjustment clause designed to conform with Order No. 517 in Docket No. R–479.

Pioneer Power & Light Co	Oct. 14, 1976
Cross Plains Electric Co	Sept. 16, 1977
Stoughton	Feb. 13, 1977
Columbus	June 26, 1976
Princeton	Oct. 21, 1977
Shullsburg	July 30, 1978

Public notice of WP&L's filing was issued on December 17, 1975, with protests or petitions to intervene due on or before December 29, 1975.

Our review indicates that the proposed rates filed by WP&L herein have not been shown to be just and reasonable and may by unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Therefore, we shall accept for filing the proposed rate changes as to the 33 customers listed in the attached Appendix, suspend the effectiveness of the proposed rates for two months and establish hearing procedures.

As to those 6 customers presently served under fixed rate contracts, we shall reject the proposed rate change as being premature, without prejudice to WP&L's right to timely file such rate changes upon expiration or cancellation of such existing contracts. Inasmuch as the rate changes at issue in this proceeding may be applied to those 6 customers at some future date, such customers should consider that their interests may be affected in this proceeding.

Evidence relevant to the issues raised by the subject filing should be submitted by all parties, including our Staff. Without limiting the rights of the parties, including Staff, to present such further evidence as they deem relevant and material, we hereby direct that the parties and Staff present evidence addressed to the following areas of potential dispute:

(1) The justness and reasonableness of the rate of return claimed by WP&L;

(2) The proposed inclusion of certain additional costs for unplanned outages in operation and maintenance expense;

(3) The proposed exclusion of certain deductions for capitalized items in the calculation of income taxes for Period II even though these items were included in the corresponding calculation for Period I; and

(4) The proposed time-of-day pricing scheme.

The Commission finds. (1) Good cause exists to accept for filing effective January 4, 1976, (30 days after filing) the proposed rate changes as designated in the attached Appendix below and to suspend the proposed rates for two months until March 4, 1976, when they shall become effective subject to refund.

(2) Good cause exists to reject the proposed rate changes as to those 6 customers listed in footnote 2.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act, that the Commission enter upon a hearing concerning the lawfulnes of the proposed rate changes.

The Commission orders. (A) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 thereof, the Commission's rules of practice and procedure, and the Regulations under the Federal Power Act (18 CFR Ch. I), a public hearing shall be held concerning the justness and reasonableness of WP&L's proposed rate changes.

(B) Pending a hearing and a decision thereon, WP&L's proposed rate changes as designated in the attached Appendix below are hereby accepted for filing effective January 4, 1976, (30 days after filing) and suspended for two months, to become effective on March 4, 1976, subject to refund.

(C) The proposed rate changes as to those 6 customers listed in footnote 2 are hereby rejected without prejudice to WP&L's right to timely file such rate changes in conjunction with the proper termination or cancellation of the respective existing contracts.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(E) The Presiding Administrative Law Judge shall preside at a prehearing conference in this proceeding to be held on February 5, 1976, at 9:30 a.m. at the offices of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish procedural dates for this proceeding and to rule upon all pending motions (except petitions to intervene).

(F) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

Rate schedule designations: Wisconsin Power and Light Co., undated. Filed: Dec. 4, 1975

Customer	Supplement No.	Rate schedule FPC No.	Supersedes supplement No.
Municipal customers—rate W-3:			
Village of Belmont	9	32	8
City of Evansville	9	29	8
Village of Footville	9	30	8
Village of Gresham	10	31	9
Village of Hustisford	8	71	7
City of Sun Prairie	8	73	7
City of Plymouth	7	75	6
Village of Muscoda	9	76	8
City of Boscobel	7	77	6
City of Cuba City	7	79	6
City of Waupun	7	82	6
City of Brodhead	7	83	6
Village of Sauk City	6	84	5
City of Juneau	6	86	5
Village of Benton	6	88	5
City of Reedsburg	6	89	5
Village of Hazel Green	5	91	4
Village of Mt. Horeb	6	92	5
Village of Black Earth	6	93	5
Village of Prairie de Sac	6	95	5
City of Wisconsin Dells	6	96	5
City of Sheboygan Fall	5	98	4
City of Lodi	5	101	4
Village of Pardeville	4	102	3
Village of Wonewoc	3	107	1
Village of Mazomanie	2	108	1
Village of Waunakee	2	109	1
Village of New Glarus	9	39	8
Cooperative customers—rate W-2:			
Rock County Electric Cooperative Association	8	69	7
Adams-Marquette Electric Cooperative	8	85	6
Central Wisconsin Electric Cooperative	6	97	5
Columbus Rural Electric Cooperative	4	103	3
Waushara County Electric Cooperative, Inc	2	105	1

[FR Doc.76-693 Filed 1-8-76;8:45 am]

MARINE MAMMAL COMMISSION

MARINE MAMMAL COMMISSION AND COMMITTEE OF SCIENTIFIC ADVISORS ON MARINE MAMMALS

Meetings

Notice is hereby given that the Marine Mammal Commission and the Committee of Scientific Advisors on Marine Mammals will meet on February 19–21, 1976 in Seattle, Washington. Notice of the specific location, time, and agenda items of the meeting will be published in the near future.

The purpose of this notice is to invite the suggestions of interested persons concerning issues and subjects to be considered at the meetings. Suggestions should be submitted, in writing, to the Marine Mammal Commisison, 1625 Eye Street NW., Washington, D.C. 20006, by February 1, 1976.

Dated: January 5, 1976.

JOHN R. TWISS, Jr., *Executive Director.*

[FR Doc.76-597 Filed 1-8-76;8:45 am]

NUCLEAR REGULATORY COMMISSION

CLEVELAND ELECTRIC ILLUMINATING CO. AND PERRY NUCLEAR POWER PLANT, UNITS 1 AND 2

[Docket Nos. 50-440, 50-441]

Issuance of Limited Work Authorization

Pursuant to the provisions of 10 CFR 50.10(e) of the Nuclear Regulatory Commission's (Commission) regulations, the Commission has authorized the Cleveland Electric Illuminating Company to conduct certain site activities in connection with the Perry Nuclear Power Plant, Units 1 and 2.

The activities that are authorized are within the scope of those authorized by 10 CFR 50.10(e)(3) and include preparation of excavations for foundation construction, installation of underdrain system manholes, and construction of safety class structures such as the reactor building, control building, auxiliary building, fuel handling/intermediate building, radwaste building, diesel generator building, steam tunnel building, off-gas buildings, and emergency service water pumphouse.

Any activities undertaken pursuant to this authorization are entirely at the risk of the Cleveland Electric Illuminating Company and the grant of the authorization has no bearing on the issuance of a construction permit with respect to the requirements of the Atomic Energy Act of 1954, as amended, and rules, regulations, or orders promulgated pursuant thereto.

A Supplemental Partial Initial Decision on radiological health and safety considerations was issued by the Atomic Safety and Licensing Board in the above captioned proceeding on December 31, 1975. Authorization was given by the Commission to Cleveland Electric Illuminating Company on October 21, 1974, to proceed with certain non-safety related site activities within the scope of 10 CFR 50.10(e)(i).

A copy of (1) the Supplemental Partial Initial Decision; (2) the Partial Initial Decision; (3) the applicant's Preliminary Safety Analysis Report and amendments thereto; (4) the applicant's Environmental Report, and amendments thereto; (5) the staff's Final Environmental Statement dated April 1974; and (6) the Commission's letters of authorization, dated October 21, 1974 and December 31, 1975, are available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. and the Perry Public Library 3753 Main Street, Perry, Ohio.

Dated at Rockville, Md., this 31st day of December 1975.

For the Nuclear Regulatory Commission.

JAN A. NORRIS,
Acting Chief, Environmental Projects Branch No. 4, Division of Reactor Licensing.

[FR Doc.76-565 Filed 1-8-76;8:45 am]

[Docket No. 50-80]

COLORADO STATE UNIVERSITY RESEARCH REACTOR

Negative Declaration Regarding Facility Operating License R-26

The U.S. Nuclear Regulatory Commission (the Commission) has considered the order authorizing dismantling of facility for the Colorado State University (CSU) AGN 201 Training Reactor operated under Facility Operating License R-26. The order authorizes CSU to disassemble the reactor which operates at power levels up to 0.1 watts (thermal).

The U.S. Nuclear Regulatory Commission, Division of Reactor Licensing, has prepared an environmental impact appraisal for this research reactor. On the basis of this appraisal, we have concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the proposed action. The environmental impact appraisal is available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C.

Dated at Bethesda, Md., this 31st day of December 1975.

For the Nuclear Regulatory Commission.

WM. H. REGAN, Jr.,
Chief, Environmental Projects Branch No. 4, Division of Reactor Licensing.

[FR Doc.76-569 Filed 1-8-76;8:45 am]

[Docket No. 50-247; OL No. DPR-26]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC., (INDIAN POINT STATION, UNIT NO. 2)

Hearing Respecting Proposed Amendment to Operating License Regarding Determination of Preferred Alternative Closed-Cycle Cooling System

Pursuant to the Atomic Energy Act of 1954, as amended, the National Environmental Policy Act of 1969 (NEPA), the rules and regulations of the Nuclear Regulatory Commisison, particularly 10 CFR Part 50, Licensing of Production and Utilization Facilities, and Part 2, Rules of Practice, Notice is hereby given that a hearing will be held concerning the Indian Point No. 2 nuclear power facility licensed to be operated by Consolidated Edison Company of New York, Inc. (Licensee). The hearing will convene to consider a proposed amendment requested by the Licensee that the Commission approve the Licensee's determination that a closed cycle natural draft, wet cooling tower system is the preferred alternative cooling system for installation at the Indian Point Unit No. 2 facility.

The amendment requested by the Licensee was filed at the time of the submittal by Licensee of the report entitled "Economic and Environmental Impacts of Alternative Closed-Cycle Cooling Systems for Indian Point Unit No. 2," dated December 1, 1974, which report was submitted in compliance with Paragraph 2.E.(2) of Facility Operating License No. DPR-26.

The hearing respecting this proposed amendment will be held at a time and place to be designated by a later Order by the Atomic Safety and Licensing Board (Board) named herein. The Board designated by the Acting Chairman of the Atomic Safety and Licensing Board Panel will consist of R. Beecher Briggs, Dr. Franklin C. Daiber, and Samuel W. Jensch, Esq., Chairman.

A Notice of Proposed Issuance of Amendment to Facility Operating License and Opportunity for Hearing for Indian Point Nuclear Generating Unit 2 was published in the FEDERAL REGISTER on July 23, 1975 (40 FR 30,882). That notice provided opportunity for public participation in accordance with the rules of practice of the Commission and thereafter petitions to intervene were filed by Hudson River Fishermen's Association (HRFA) and the New York State Atomic Energy Council (Council). These petitions were granted and HRFA and the Council are parties to the proceeding. The State of New York will participate in accordance with 10 CFR 2.715(c) and HRFA is a party pursuant to 10 CFR 2.714.

A prehearing conference or conferences will be held by the Board, at a date and place to be set by it, to consider pertinent matters in accordance with the Commission's rules of practice. The date and place of the hearing will be set by the Board at or after the prehearing conference. Notices as to the dates and places of the prehearing conference and the hearing will be published in the FEDERAL REGISTER. The specific issues to be considered at the hearing will be determined by the Board.

For further details pertinent to the matters under consideration, see the licensee's application for Amendment to Facility Operating License No. DPR-26, the notice of availability of which was published in the FEDERAL REGISTER on March 3, 1974 (40 FR 8855).

After the above identified report on Economic and Environmental Impacts has been analyzed by the Commission's Director of Nuclear Reactor Regulation or his designee, a draft environmental statement on closed-cycle cooling systems will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft environmental statement, with a request for comments from interested persons on the draft environmental statement. The summary notice will also contain a statement to the effect that comments from Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

The Commission will consider the issuance of an amendment to the facility

operating license to the Consolidated Edison Company for operation of Indian Point Unit No. 2 in accordance with the provisions of the license, as amended, and the technical specifications appended thereto, upon: (1) Completion of a favorable safety evaluation on the request by the Office of Nuclear Reactor Regulation; (2) completion of the environmental review required by the Commission's regulations in 10 CFR Part 51; (3) a finding by the Commission that the request for license amendment complies with the requirements of the Atomic Energy of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Ch. I and that the license amendment will not be inimical to the common defense and security or to the health and safety of the public.

For additional details, see the licensee's report and request for amendment to the facility operating license dated December 1, 1974 which are available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. 20555 and in the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York. This report is also available at the New York State Office of Planning Services, 488 Broadway, Albany, New York 12207, and the Tri-State Regional Planning Commission, 100 Church Street, New York, New York 10006. As they become available, the following documents may be inspected at the above locations: (1) The safety evaluation report; (2) the draft environmental statement; (3) the final environmental statement; (4) the proposed facility operating license amendment.

Copies of the draft environmental statement and the facility operating license amendment, when available, may be obtained by request to the Director, Division of Reactor Licensing, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the Office of Nuclear Reactor Regulations' safety evaluation and final environmental statement, when available, may be obtained from the National Technical Information Service, Springfield, Virginia 22161.

Any person who wishes to make an oral or written statement in this proceeding but who has not filed a petition for leave to intervene may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be determined by it. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, on or before February 9, 1976. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705 of the Commission's rules of practice, must be filed by the parties to this proceeding (other than the Regulatory Staff) on or before January 29, 1976. The parties are encouraged to confer and to stipulate if possible respecting the contentions and interests asserted.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, ATTENTION: Docketing and Service Section, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR Section 2.708, an original and twenty (20) conformed copies of each such paper with the Commission.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Nuclear Regulatory Commission, that this Notice of Hearing be published in the FEDERAL REGISTER, also be given general public distribution and that further Orders will be issued for prehearing conference or conferences and evidentiary hearing and likewise published in the FEDERAL REGISTER.

Dated at Bethesda, Md., December 31, 1975.

The Atomic Safety and Licensing Board, designated to rule on petitions for leave to intervene.

SAMUEL W. JENSCH,
Chairman.

[FR Doc.76-570 Filed 1-8-76;8:45 am]

[Docket No. 50-315]

DONALD C. COOK NUCLEAR PLANT, UNIT 1, INDIANA AND MICHIGAN ELECTRIC CO. AND INDIANA AND MICHIGAN POWER CO.

Issuance of Facility License Amendment

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 9 to Facility Operating Licensing No. DPR-58, issued to Indiana and Michigan Electric Company and Indiana and Michigan Power Company, which revised Technical Specifications for operation of Donald C. Cook Nuclear Plant Unit No. 1, located in Berrien County, Michigan. The amendment is effective as of its date of issuance.

This amendment permits the licensee to institute a plan for monitoring the Essential Service Water System so that no release of radioactivity will occur through this system.

The application of the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Staff has evaluated the potential environmental impact of operating the plant in accordance with this amendment and has concluded that there will be no change in effluent types or total amounts nor an increase in power level, and will not result in any significant environmental impact. Having made this determination, the Commission has further concluded, pursuant to 10 CFR 51.5(d)(4), that an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with the issuance of these amendments.

For further details with respect to this action, see (1) the application for amendment dated July 2, 1975, and (2) Amendment No. 9 to License No. DPR-58 with Change No. 9. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Maude Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Dated at Bethesda, Md. this 2d day of January 1976.

For the Nuclear Regulatory Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch No. 1, Division of Site Safety and Environmental Analysis.

[FR Doc.76-563 Filed 1-8-76;8:45 am]

[Docket No. 50-536]

GENERAL ELECTRIC TECHNICAL SERVICES COMPANY, INC.

Issuance of Facility Export License

Please take notice that no request for a hearing or a petition for leave to intervene having been filed following publication of notice of proposed action in the FEDERAL REGISTER on May 28, 1975 (40 FR 23123) and the Nuclear Regulatory Commission having found that:

(a) The application filed by General Electric Technical Services Company, Inc. Docket No. 50-536 complies with the requirements of the Act, and the Commission's regulations set forth in Title 10, Chapter I, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations,

the Commission has issued License No. XR-104 to General Electric Technical Services Company, Inc., authorizing the export of a boiling water reactor with a thermal power level of 3012 megawatts to Kernkraft Leibstadt, AG, Zurich, Switzerland.

The export of this reactor to Switzerland is within the purview of the present Agreement for Cooperation Between the Government of the United States of America and the Government of Switzerland Concerning Civil Uses of Atomic Energy.

Dated at Bethesda, Md., this 31st day of December 1975.

For the Nuclear Regulatory Commission.

G. WAYNE KERR,
Chief, Agreements and Exports Branch Division of Fuel Cycle and Material Safety.

[FR Doc.76-567 Filed 1-8-76;8:45 am]

[Docket No. 50-298]

NEBRASKA PUBLIC POWER DISTRICT

Issuance of Amendment to Facility License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 11 to Facility Operating License No. DPR-46, issued to the Nebraska Public Power District (the licensee), which revised Technical Specifications for operation of the Cooper Nuclear Station (the facility) located in Nemaha County, Nebraska. The amendment is effective as of its date of issuance.

The amendment authorizes the licensee to perform control rod drive maintenance activities while the suppression pool is drained and the facility is shutdown with irradiated fuel in the reactor vessel.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated August 28, 1975, (2) Amendment No. 19 to License No. DPR-46, with Change No. 14 and (3) the Commission's concurrently issued Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Auburn Public Library, 1118-15th Street, Auburn, Nebraska 68305. A copy of items (2) and (3) may be obtained upon request addressed to the United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 30th day of December 1975.

For the Nuclear Regulatory Commission.

RICHARD D. SILVER,
Acting Chief, Operating Reactors Branch #2, Division of Reactor Licensing.

[FR Doc.76-568 Filed 1-8-76;8:45 am]

[Docket No. 50-333]

POWER AUTHORITY OF THE STATE OF NEW YORK AND NIAGARA MOHAWK POWER CORP.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 6 to Facility Operating License No. DPR-59 issued to the Power Authority of the State of New York and the Niagara Mohawk Power Corporation which revised Technical Specifications for operation of the James A. FitzPatrick Nuclear Power Plant, located in Oswego County, New York. The amendment is effective as of its date of issuance and will remain in effect until 12:00 midnight, January 18, 1976.

The amendment relates to an increase in the maximum ΔT across the main condenser during normal plant operation for 32.7° F to 34.5° F.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

In connection with issuance of this amendment, the Commission has issued a Negative Declaration and Environmental Impact Appraisal. The Negative Declaration was published in the FEDERAL REGISTER on December 4, 1975 (40 FR 56740).

For further details with respect to this action, see (1) the application for amendment dated November 12, 1975, as amended December 29, 1975, (2) Amendment No. 6 to License No. DPR-59, and (3) Amendment No. 5 to License No. DPR-59 issued November 25, 1975, with the Commission's related Negative Declaration and supporting Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Oswego City Library, 120 East Second Street, Oswego, New York.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Rockville, Md., this 31st day of December 1975.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.76-566 Filed 1-8-76;8:45 am]

[Docket No. 50-333]

POWER AUTHORITY OF THE STATE OF NEW YORK AND NIAGARA MOHAWK POWER CORP.

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-59 issued to Power Authority of the State of New York and Niagara Mohawk Power Corporation (the co-licensees), for operation of the James A. FitzPatrick Nuclear Power Plant located in Oswego County, New York.

The amendment would revise the provisions in the Technical Specifications relating to use of the General Electric Thermal Analysis Basis (GETAB) for future reactor operation.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations.

By February 9, 1976, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Arvin E. Upton, Esq., LeBoeuf, Lamb, Leiby & MacRae, 1757 N Street, NW., Washington, D.C. 20036, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit

which identifies the specific aspect or aspects of the processing as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission, or by a licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the letter from G. T. Berry to John F. Stolz dated October 16, 1974, and the letter, "Void Reactivity Coefficients," from G. T. Berry to Robert A. Purple dated August 1, 1975, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Oswego City Library, 120 E. Second Street, Oswego, New York 13126. The license amendment and Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 30th day of December 1975.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Reactor Licensing.

[FR Doc.76-357 Filed 1-8-76;8:45 am]

[Docket No. 50-312]

SACRAMENTO MUNICIPAL UTILITY DISTRICT

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 2 to Facility Operating License No. DPR-54 issued to Sacramento Municipal Utility District which revised Technical Specifications for operation of the Rancho Seco Nuclear Generating Station, Unit 1, located in Sacramento County, California. The amendment becomes effective 30 days after the date of issuance.

The amendment revises the administrative control section of the Technical Specifications for the Rancho Seco Nuclear Generating Station, Unit 1.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the applications for amendment dated December 12, 1974 and October 3, 1975, (2) Amendment No. 2 to License No. DPR-54, with Change No. 2, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Business and Municipal Department, Sacramento City-County Library, 828 I Street, Sacramento, California.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 31st day of December 1975.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Reactor Licensing.

[FR Doc.76-564 Filed 1-8-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[SR-Amex-75-5]

AMERICAN STOCK EXCHANGE, INC., ET AL.

Order Approving Proposed Rule Change

In the matter of American Stock Exchange, Inc., 86 Trinity Place, New York, New York 10006, (SR-Amex-75-5); Chicago Board Options Exchange, Incorporated, LaSalle at Jackson, Chicago, Illinois 60604, (SR-CBCE-75-5); PBW Stock Exchange, Inc., 17th Street and Stock Exchange Place, Philadelphia, Pennsylvania 19103, (SR-PBWSE-75-8).

The American Stock Exchange, Inc. ("Amex"), the Chicago Board Options Exchange, Incorporated ("CBOE"), and PBW Stock Exchange, Inc. ("PBW") have filed with the Commission, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1), as amended by Pub. L. No. 94-29, section 16 (June 4, 1975) (the "Act"), and Rule 19b-4 thereunder, copies of proposed rule changes. Such proposals were submitted on October 30, 1975, November 4, 1975, and November 5, 1975, respectively. The PBW proposal was amended by a clarifying amendment submitted on November 18, 1975.

Each proposal is to modify the exercise price intervals which are established for options on securities trading between 100 and 200 so as to shorten such intervals from 20 points to 10 points. According to the respective submissions, as of the dates of such submissions there were four option classes traded on CBOE with underlying securities having per share market prices in excess of 100, two such option classes traded on Amex, and none traded on PBW. Although implementation of the proposals would expand the number of series of options on the affected underlying securities, Amex, CBOE and PBW have each expressed the view that such expansion will not adversely affect their respective operational capacities. CBOE has also stated that, as of December 15, 1975, there were one hundred eighty-four (184) securities eligible to be used as underlying securities for Exchange options trading (as such eligibility is determined under CBOE's Rules) which were not then being used as underlying securities for options traded on CBOE, Amex, or PBW, and that only one (1) of such available securities was trading at more than 100.

Notice of the Amex and CBOE proposed rule changes together with the terms of substance thereof was given by publication of a Commission Release (Securities Exchange Act Release No. 11836, November 17, 1975) and by publication in the FEDERAL REGISTER (40 FR 54312, November 21, 1975). Notice of the PBW proposed rule change together with the terms of substance thereof was given by publciation of a Commission Release (Securities Exchange Act Release No. 11859, November 20, 1975) and by publication in the FEDERAL REGISTER (40 FR 54888, November 26, 1975).

The Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of section 6 of the Act and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the aforementioned proposed rule changes filed with the Commission on October 30, 1975, November 4, 1975, and November 5, 1975, as thereafter amended, be, and they hereby are, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-589 Filed 1-8-76;8:45 am]

[SR-BSE-75-4]

BOSTON STOCK EXCHANGE

Order Approving Proposed Rule Change

On October 29, 1975, the Boston Stock Exchange ("BSE"), 53 State Street, Boston, Massachusetts 02109, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the

Securities Acts Amendments of 1975, and Rule 19b–4 thereunder, copies of a proposed rule change. The proposed rule change would eliminate the required two-minute time delay prior to the execution of round-lot orders on the exchange, and redefine the term "next transaction occurring in the primary market" to mean the next transaction in the primary market as reported on the Consolidated Tape at the Boston Stock Exchange after the order is placed with a dealer for execution.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 11791 (November 5, 1975)) and by publication in the FEDERAL REGISTER (40 FR 52673 (November 11, 1975)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of section 6, and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on October 29, 1975, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-590 Filed 1-8-76;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75, published January 29, 1975 (40 FR 4393). In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.
2. Employment trends in the same industry in the local area.
3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.
4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).
5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D St., NW, Washington, D.C. 20213.

Signed at Washington, D.C., this 5th day of January 1976.

BEN BURDETSKY,
Deputy Assistant Secretary for Employment and Training.

Applications received during the week ending Dec. 19, 1975

Name of applicant	Location of enterprise	Principal product or activity
Net House Restaurant and Campground	Pamlico County, N.C.	Campground, restaurant, and a marina.
Coast Lamp Manufacturing, Inc	Canton, N.C.	Manufacturing and assembling of lamps.
Peabody Galion Corp	Mount Vernon, and Winesburg, Ohio.	Manufacture and sale of dump bodies and hoists, power lift gates, farm hoists, and farm hoists cylinders.
Galbraith Rock Products	Media, Ill.	Production of road rock, chips, and agricultural limestone.
Tolibia Cheese, Inc	Fond du Lac, Oostburg, Wis.	Curing, storing, and packaging cheese.
Sugar Loaf Mountain Resort Corp	Cedar, Mich.	Convention services, food, beverage, lodging, agricultural, recreation, and real estate.
The Brown Corp. of Ionia, Inc	Ionia, Mich.	Metal stampings and metal assemblies to the industry.
Abendroth-Gamble-Ahonen, Inc. (tenant to township of Crystal Falls).	Iron County, Mich.	Kiln drying and manufacturing hardwood flooring.
Migiglide, Inc. (tenant to tenant to township of Crystal Falls).	Crystal Falls, Mich.	Manufacture of bi-fold closet doors; laminated desk and doors.
Richardson Farms	Skowhegan, Maine	Production of chicks and eggs.
Lenape Transportation Co., Inc	Lafayette, N.J.	Transportation of various commodities.
Jo Lynn Associates	Buena, N.J.	Hauling of general commodities.
Master Concrete Corp	Toa Baja, Puerto Rico.	Ready mix concrete.
James C. Robinson	Grantsville, W.Va.	Lease of store facility.
P. & R. Rail Car Service Corp	Elkton, Md.	Service all types of railroad cars.
Robert B. Hines doing business as Fairforest Landscape and Nursery.	Fairforest, S.C.	Nursery stock and landscaping.
Pizza Inn of Wadesboro	Wadesboro, N.C.	Food products—primarily pizza.
Berkeley Agricultural Sales Supply, Ltd	Jamestown, S.C.	Mining rock and limestone.
Edelen-DuLaney Associates, Inc	Myrtle Beach, S.C.	Campsite rentals.
Mississippi Stone Co., Inc	Iuka, Miss.	Limestone.
Irathane Systems, Inc	Hibbing, Minn.	Manufacturing of polyurethane liquids and cast parts.
L. G. Van Winkle doing business as Van Winkle Roofing.	Roswell, N. Mex.	To open a roofing and sheet metal business.
G. & G. Feed Co	Garrison, Tex.	Retail feed sales.
John Fredrick Harold (Harold Nursing Home).	Olathe, Colo.	Nursing beds.

[FR Doc.76-631 Filed 1-8-76;8:45 am]

FEDERAL COMMITTEE ON APPRENTICESHIP

Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) of October 6, 1972, notice is hereby given that the Federal Committee on Apprenticeship will conduct an open meeting on Thursday, January 22, from 9 a.m.–4:30 p.m.; Friday, January 23, 1976, from 9 a.m.–12:00 noon in the Ambassador Room, Shoreham Americana Hotel, Connecticut Avenue at Calvert St., N.W., Washington, D.C.

The Agenda for the meeting on the 22nd will include:

REPORTS OF FCA SUBCOMMITTEES

Goals of the FCA (Operating Research Priorities).

Federal-State Relations.

Trainees (Status of comments on 29 CFR 28)—Subcommittee Recommendations on Part 5 Trainee Programs.

The Agenda for the meeting on January 23, 1976 will include:

DISCUSSION WITH THE SECRETARY OF LABOR

Report of FCA Subcommittee on Occupational Safety and Health.

Women in: Apprenticeship-Outreach Programs—and Nontraditional Occupations.

Agenda subject to change due to time constraints and priority items which may come before the Committee between the time of this publication and the scheduled date of the FCA meeting.

Members of the public are invited to attend the proceedings. Any member of the public who wishes to file written data, views or arguments pertaining to the agenda may do so by furnishing it to the Executive Secretary at any time prior to the meeting. Thirty duplicate copies are needed for the members and for inclusion in the minutes of the meeting.

Any member of the public who wishes to speak at this meeting should so indicate in such a written statement, also the nature of intended presentation and amount of time needed. The Chairman will announce at the beginning of the meeting the extent to which time will permit the granting of such requests.

Commications to the Executive Secretary should be addressed as follows:

Mrs. M. M. Winters, Bureau of Apprenticeship and Training, ETA, U.S. Dept. of Labor, 601 D St., N.W. (Rm. 5434), Washington, D.C. 20213.

Signed at Washington, D.C., this 8th day of January 1976.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training Administration.

[FR Doc.76-903 Filed 1-8-76;11:06 am]

Occupational Safety and Health Administration

NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

Rescheduling of Subgroup Meeting

Notice is hereby given that the meeting of the Subgroup on Standards, National Advisory Committee on Occupational Safety and Health, formerly scheduled for January 16, 1976, has been changed to January 29, 1976. The meeting had been announced in the FEDERAL REGISTER on December 30, 1975, (40 FR 59799).

The subgroup will meet in Room S-4215 A, B, and C of the Department of Labor Building, 3rd Street and Constitution Avenue NW., Washington, D.C. 20210. The meeting will begin at 9 a.m. The public is invited to attend.

This group will discuss OSHA's continuing efforts to revise and modify safety and health standards adopted under section 6(a) of the Act. The subgroup also will examine the total standards development process. A representative from the National Institute for Occupational Safety and Health (NIOSH), the agency in the U.S. Department of Health, Education, and Welfare responsible for occupational safety and health research, will brief the subgroup on the Institute's activities in the standards development area.

Anyone wishing to submit written data or views concerning these agenda items should submit them along with 20 duplicate copies to the Committee's Executive Secretary one week prior to the meeting date. These documents will be presented to the subgroup and included in the official record of the meeting.

Although it is unlikely that at this time the subgroup will be able to schedule oral presentations from the public, the subgroup chairman will review all such requests. Anyone wishing to request an oral presentation should contact the Committee's Executive Secretary at least one week prior to the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation.

Please address all communications to the Executive Secretary as follows:

J. Goodell, Executive Secretary, National Advisory Committee on Occupational Safety and Health, Room N-3635, 3rd Street and Constitution Avenue NW., Washington, D.C. 20210.

Official transcripts of the meetings will be available for public inspection at OSHA's Technical Data Center, Room N-3620 at the above address.

Signed at Washington, D.C., this 5th day of January 1976.

J. GOODELL,
Executive Secretary.

[FR Doc.76-645 Filed 1-8-76;8:45 am]

Office of the Secretary

[TA-W-301]

BENJAMIN FLAX, INC., NEW YORK CITY, NEW YORK

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-301; investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 4, 1975 in response to a worker petition received on that date which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suits at the New York City plant of Benjamin Flax.

The notice of investigation was published in the FEDERAL REGISTER on November 19, 1975 (40 FR 53641). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Benjamin Flax, the Department of Commerce, the International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (2) has not been met. The evidence developed in the Department's investigation reveals that sales at Benjamin Flax increased 53 percent in 1974 compared to 1973 and increased 87 percent in the first nine months of 1975 compared to the first nine months of 1974.

Production at Benjamin Flax increased 18 percent in 1974 compared to 1973 and increased 88 percent in the first nine months of 1975 compared to the first nine months of 1974. The increased sales and production resulted from the company's success with a new line of clothing.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that sales or production, or both, of men's suits produced by Benjamin Flax have not decreased absolutely as required by section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 31st day of December 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-649 Filed 1-8-76;8:45 am]

[TA-W-212]

HART SCHAFFNER AND MARX CLOTHES, CHICAGO, ILLINOIS

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-212: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 2, 1975 in response to a worker petition received on October 2, 1975 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suits, sportcoats and overcoats at the five Chicago area plants of Hart Schaffner and Marx Clothes.

The notice of investgation was published in the FEDERAL REGISTER on October 15, 1975 (40 FR 48416). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Hart Schaffner and Marx Clothes, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a signficant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. The average number of production workers declined only 0.8 percent in the first three quarters of 1975 compared to the like period in 1974, but the average number of workers in September 1975 was 12.5 percent less than in September 1974. Average weekly hours declined 13.3 percent in the first three quarters of 1975 compared to the like period in 1974. Average number of salaried workers declined 81 or 23.3 percent between September 1974 and September 1975.

Sales or production, or both, have decreased absolutely. Production at the Chicago area plants declined 10.2 percent in the first three quarters of 1975 compared to the first three quarters of 1973. Production declined 12.0 percent in the first three quarters of 1975 compared to the first three quarters of 1974.

Increased imports contributed importantly. Imports of men's and boys' tailored suits increased their share of domestic consumption and production each year from 1970 to 1973. After declining slightly from 1973 to 1974, the ratio of imports to domestic production increased nearly three fold in the first seven months of 1975 compared to the first seven months of 1974. Many of Hart Schaffner and Marx customers contacted during the course of the investigation indicated that they purchased imports. One customer in particular imported goods of the same or better quality at different price levels and noted that sales of Hart Schaffner and Marx clothing had been seriously hurt by import competition.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with sportcoats, suits and overcoats produced at the Chicago area plants of Hart Schaffner and Marx Clothes contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All hourly, piece work, and salaried workers engaged in employment related to the production of sportcoats, suits and overcoats at the Chicago area plants of Hart Schaffner and Marx Clothes who became totally or partially separated from employment on or after January 1, 1975 are eligible to apply for adjustment Assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 23d day of December 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-648 Filed 1-8-76;8:45 am]

[TA-W-186]

MERIT CLOTHING CO., MARTIN, TENNESSEE

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-186; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 26, 1975 in response to a worker petition received on September 26, 1975 which was filed by the Amalgamated Clothing Workers of America on behalf of former workers producing men's tailored suits and sport coats at the Martin, Tennessee plant of Merit Clothing Company, Mayfield, Kentucky.

The notice of investigation was published in the FEDERAL REGISTER on October 7, 1975 (40 FR 46373). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Merit Clothing Company, its customers, the National Cotton Council of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. In the last quarter of 1974 the average number of production workers fell 5.3 percent from the previous quarter. The average number of production workers fell 37 percent in the first quarter of 1975 compared to the like period in 1974.

Sales or production, or both, have decreased absolutely. Total sales by Merit Clothing Company of men's suits, sport coats and slacks dropped nineteen perment in the first six months of 1975 from the first six months of 1974. Production at the Martin, Tennessee plant declined 13 percent from 1973 to 1974 and 29 percent in the first quarter of 1975 compared to the first quarter of 1974.

Increased imports contributed importantly. Imports of articles like or directly competitive with those produced at the Martin, Tennessee plant increased from 4.2 million units in 1972 to 4.8 million units in 1974.

The ratios of imports to domestic consumption and production increased from 14.6 percent and 17.1 percent, respectively in 1972 to 18.2 percent and 22.3 percent in 1974. In the first seven months of 1975, the ratio of imports to domestic production increased to 36.7 from 24.5 in the first seven months of 1974.

Customers reduced purchases from Merit Clothing in favor of lower priced imports. Reduced sales of men's sport coats led to rapidly declining production at the Martin, Tennessee plant in 1974 and the first quarter of 1975. In face of reduced sales and production, the company closed the manufacturing facility in March 1975 and terminated all production employees.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with sport coats produced at the Martin, Tennessee plant of Merit Clothing Company contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework, and salaried workers engaged in employment related to the production of sport coats at the Martin, Tennessee plant of Merit Clothing Company who became totally or partially separated from employment on or after January 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 30th day of December 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-646 Filed 1-8-76;8:45 am]

[TA-W-221]

MODEL COAT CO., VINELAND, NEW JERSEY

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-221; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 3, 1975 in response to a worker petition received on October 3, 1975 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suits and sportcoats at the Model Coat Company, Vineland, New Jersey.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 48418) on October 15, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Model Coat Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. The average number of production workers declined 25 percent in 1974 compared to 1973. All production workers were terminated by stage in the sewing operation during October, 1974.

Sales or production, or both, have decreased absolutely. Sales at the Model Coat Company declined 21 percent by quantity in 1973 compared to 1972. Sales declined 39 percent by quantity in the first ten months of 1974 compared to the first ten months of 1973.

Increased imports contributed importantly. Imports of men's and boys' suits have increased relative to domestic consumption and production each year from 1971 to 1973. While imports fell slightly in 1974 compared to 1973, the ratios of imports to domestic production and consumption in 1974 of 9.9 percent and 9.0 percent respectively were above the 1971 through 1973 average of 8.6 percent and 7.8 percent respectively. In the first 7 months of 1975 imports increased sharply and the ratio of imports to domestic production increased from 7.7 percent in the first 7 months of 1974 to 22.1 percent in the first 7 months of 1975.

Imports of men's and boys' sportcoats increased their share of the domestic market each year from 1972 to 1974. The ratio of imports to domestic production and consumption increased from 17.1 and 14.6 percent, respectively, in 1972 to 22.3 percent and 18.2 percent respectively in 1974. In the first 7 months of 1975, the ratio of imports to domestic production increased to 36.7 percent from 24.5 percent in the first 7 months of 1974.

The evidence developed during the Department's investigation indicates that Model Coat Company was the captive contractor sewing the complete garment—men's suit coats or sportcoats—for one apparel manufacturer. Reduced orders for Model Coat's output resulted from decreasing retail sales of men's suits and sportcoats produced by the manufacturer. Imported suits and sportcoats of comparable quality to these produced by the manufacturers were available to retail customers at prices below those of domestically produced apparel. The recessionary problems in recent years in the United States caused retail consumers to become more price conscious. The severe impact of import competition resulted in cessation of operations by the manufacturer and caused the closure of Model Coat Company.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suit coats and sportcoats produced at the Model Coat Company contributed importantly to the total or partial separations of the workers at such plant. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework, and salaried workers engaged in employment related to the production of men's suit coats and sportcoats at the Model Coat Company, Vineland, New Jersey who became totally or partially separated from employment on or after October 3, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 30th day of December 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-647 Filed 1-8-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 946]

ASSIGNMENT OF HEARINGS

JANUARY 6, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-F-12563, Cargo Contract Carrier Corp.,—Purchase—(Portion), Runner Trucking, Inc., now being assigned February 23, 1976, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC-140829 Sub 2, Cargo Contract Carrier Corp., now being assigned February 23, 1976, at the Office of the Interstate Commerce Commission, Washington, D.C.

MC-F-12565 Eleveld Chicago Furniture Service, Inc.,—Purchase (Portion)—Clark Transfer, Inc. and MC 87966 Sub 17, Eleveld Chicago Furniture Service, Inc., now being assigned March 29, 1976 (1 week), at Chicago, Ill.; in a hearing room to be later designated.

MC 16831 Sub 18, Mid Seven Transportation Company, MC 41406 Sub 50, Artim Transportation System, Inc., MC 43963 Sub 10, Chief Truck Lines, Inc., MC 44735 Sub 23, Kissick Truck Lines, Inc., MC 60014 Sub 40, Aero Trucking, Inc., MC 61231 Sub 83, Ace Lines, Inc., MC 61231 Sub 86, Ace Lines, Inc., MC 61592 Sub 321, Jenkins Truck Line, Inc., MC 69116 Sub 176, Spector Freight System, Inc., MC 76266 Sub 127, Admiral Motor Freight, Inc., MC 83539 Sub 420, C & H Transportation Co., Inc., MC 93840 Sub 20, W W Gless, d/b/a Gless Bros., MC 106603 Sub 142, Direct Transit Lines, Inc., MC 111545 Sub 217, Home Transportation Company, Inc., MC 114211 Sub 250, Warren Transport, Inc., MC 114273 Sub 233, CRST, Inc., MC 117068 Sub 49, Midwest Specialized Transportation, Inc., MC 119493 Sub 110, Monkem Co., Inc., MC 123407 Sub 241, Sawyer Transport, Inc., MC 124692 Sub 153, Sammons Trucking, MC 124813 Sub 129 Umthun Trucking, Co., MC 125254 Sub 34, Morgan Trucking Co., MC 126045 Sub 19, Alter Trucking and Terminal Corporation MC 127811 Sub 6, Brynwood Transfer, Inc., MC 128270 Sub 13, Rediehs Interstate, Inc., MC 133189 Sub 8, Vant Transfer, Inc. and MC 135725 Sub 16, Fry Trucking, Inc., now being assigned March 24, 1976 (3 days), at St. Paul, Minn.; in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-675 Filed 1-8-76;8:45 am]

[AB 1 (Sub-No. 48)]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

Abandonment Between Sanborn and Wanda in Redwood County, Minnesota

Upon consideration of the record in the above-entitled proceeding, and of a

staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Redwood County, Minn., on or before January 13, 1976 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 19th day of December, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[AB 1 (Sub-No. 48)]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

ABANDONMENT BETWEEN SANBORN AND WANDA IN REDWOOD COUNTY, MINNESOTA

The Interstate Commerce Commission hereby gives notice that by order dated December 19, 1975, it has been determined that the proposed abandonment by the Chicago and North Western Transportation Company of its branch line between Sanborn and Wanda in Redwood County, Minn., a distance of 8.2 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 43322) (C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are insignificant because the additional truck traffic resulting from the abandonment of rail operations will be small in relation to the existing truck traffic. This finding is based in part on the fact that presently 80 percent of the grain moving from Wanda is transported by truck to rail heads on the main rail line running through Sanborn and Springfield. It is estimated that the additional truck traffic will amount to an overage of one truck per day from Wanda to Springfield, where the only shipper on the line has joined a large cooperative elevator. The impact of the additional trucks on air pollution, intrusive noise, fuel consumption, and safety hazard would be negligible, and there will be no historic or major ecological impacts involved in the rail line abandonment.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–343–7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-667 Filed 1-8-76;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 6, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before January 26, 1976.

FSA No. 43100—*Joint Water-Rail Container Rates—American President Lines, Ltd.* Filed by American President Lines, Ltd., (No. 22), for itself and interested rail carriers. Rates on general commodities, from rail stations on the U.S. Atlantic and Gulf Seaboard, to ports in Peoples Republic of China. Grounds for relief—Water competition.

FSA No. 43101—*Joint Water-Rail Container Rates—American President Lines, Ltd.* Filed by American President Lines, Ltd., (No. 23), for itself and interested rail carriers. Rates on general commodities, from ports in (1) Thailand, (2) Federation of Malaysia, Republic of Singapore, India, Indonesia, Pakistan, Sri Lanka, (3) France, Israel, Italy and Spain, to rail stations on the U.S. Gulf Coast. Grounds for relief—Water competition.

FSA No. 43102—*Joint Water-Rail Container Rates—Seatrain International, S. A.* Filed by Seatrain International, S. A., (No. WEE–14), for itself and interested rail carriers. Rates on general commodities, between ports in the Caribbean, and rail carriers' terminals located in Alabama, Louisiana and Texas. Grounds for relief—Water competition.

FSA No. 43103—*Iron or Steel Articles from Minnequa, Colorado.* Filed by Trans-Continental Freight Bureau, Agent, (No. 498), for interested rail carriers. Rates on iron or steel articles, in carloads, as described in the application, from Minnequa, Colorado, to specified points in California. Grounds for relief—Motor carrier competition.

AGGREGATE-OF-INTERMEDIATES

FSA No. 43104—*Iron or Steel Articles from Minnequa, Colorado.* Filed by Trans-Continental Freight Bureau, Agent, (No. 499), for interested rail carriers. Rates on iron or steel articles, in carloads, as described in the application, from Minnequa, Colorado, to specified points in California. Grounds for relief—Maintenance of depressed rates published to meet motor carrier competition without use of such rates as factors in constructing combination rates.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-671 Filed 1-8-76;8:45 am]

[Ex Parte No. MC-43]

LEASE AND INTERCHANGE OF VEHICLES BY MOTOR CARRIERS

At a session of the Interstate Commerce Commission, Motor Carrier Leasing Board, held at its office in Washington, D.C., on the 30th day of December 1975.

It appearing, that a petition has been filed by Petroleum Carriers Company (MC–108460 and various subs), Smith's, Inc. (MC–109211 and various subs) and Petroleum Carriers of Watertown, Inc., and Petroleum Carriers of Sioux Falls, Inc., under common control for waiver of paragraph (c) of § 1057.4 of the Lease and Interchange of Vehicles Regulations (49 CFR Part 1057), concerning equipment leased 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;

It further appearing, that the U.S. Department of Transportation recommends that the petition be granted based on an examination of petitioners' records;

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 and found to meet the requirements 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.

By the Commission, Motor Carrier Leasing Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-666 Filed 1-8-76;8:45 am]

[Notice 154]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JANUARY 9, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before January 29, 1976. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76262. By order entered January 5, 1976 the Motor Carrier Board approved the transfer to L & K, Inc., doing business as Silver Moving & Storage, Alpena, Michigan, of the operating rights set forth in Certificate No. MC-134596, issued December 16, 1970 (as corrected March 9, 1971), to Robert G. Silver, doing business as Silver Moving & Storage, Alpena, Mich., authorizing the transportation of used household goods, and office and laboratory equipment, between points in a described area in Michigan, subject to certain restrictions. L & K, Inc., 2329 US-23 South, Alpena, Mich. 49707, transferee and Robert G. Silver, 124 Water St., Alpena, Mich. 49707, transferor.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-672 Filed 1-8-76;8:45 am]

[Notice 2]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 5, 1976.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Aslo, 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 28088 (Sub-No. 17TA), filed December 17, 1975. Applicant: NORTH & SOUTH LINES, INCORPORATED, 2710 South Main St., Harrisonburg, Va. 22801. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, from the plant and warehouse facilities of Martini Packing Co., Inc., Wheeling, W. Va., to Columbus, Ohio, for 180 days. Supporting shipper: Martini Packing Co., Inc., 4409 Eoff St., Wheeling, W. Va. 26003. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, Va. 24011.

No. MC 105566 (Sub-No. 118TA), filed December 9, 1975. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1119, Cape Girardeau, Mo. 63701. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials and plastic articles* (except in bulk), from Washington, W. Va., to points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming, for 180 days. Supporting shipper: Borg-Warner Corporation, International Center, Parkersburg, W. Va. 26101. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 110525 (Sub-No. 1142TA), filed December 19, 1975. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Ave., Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitric acid*, in bulk, in tank vehicles, from Baytown (Chambers Co.), Tex., to Geismar, La., for 180 days. Supporting shipper: Mobay Chemical Corporation, Pittsburgh, Pa. 15205. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 119789 (Sub-No. 275TA), filed December 15, 1975. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved foodstuffs*, from the factory of Heinz U.S.A., at Holland, Mich., to the distribution center of Heinz U.S.A., at Grand Prairie, Tex., for 180 days. Supporting shipper: Heinz U.S.A., P.O. Box 57, Pittsburgh, Pa. 15230. Send protests to: Opal M. Jones, Transportation Specialist, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75202.

No. MC 119955 (Sub-No. 4TA), filed December 22, 1975. Applicant: RUDOLPH LABRANCHE, P.O. Box 23, West Franklin, N.H. 03235. Applicant's representative: George Manias, 16 Centre St., Concord, N.H. 03301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Valves, valve components, tools, jigs, and fixtures* used in the manufacture of valves; rough castings, casting sand, and, machine parts; and correspondence, orders, payroll records, and blueprints, in interplant messenger service, between Lawrence, Mass.; Islip, N.Y.; Detroit, Mich.; Livonia, Mich.; Chicago, Ill.; Aurora, Ill.; Kinsman, Ohio and Franklin, N.H.; and between Franklin, N.H.; Kinsman, Ohio and ports of entry on the International Boundary Lines between the United States and Canada, located in New Hampshire, Vermont, New York, and Michigan, restricted to a transportation service to be performed under a continuing contract or contracts with Watts Regulator Co., of Franklin, N.H., and Lawrence, Mass., for 130 days. Supporting shipper: Watts Regulator Company, P.O. Box 628, Lawrence, Mass. 01842. Send protests to: Ross J. Seymour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 313 Federal Bldg., 55 Pleasant St., Concord, N.H. 03301.

No. MC 124078 (Sub-No. 672TA), filed December 17, 1975. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 St., Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Howes Cave, N.Y., to points in Connecticut, Maine, Massachusetts, New Hamphsire, New Jersey, Pennsylvania, Rhode Island, and Vermont, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of op-

erating authority. Supporting shipper: Penn-Dixie Industries, Inc., P.O. Box 152, Nazareth, Pa. 18064. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 124078 (Sub-No. 673TA), filed December 19, 1975. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th St., Milwaukee, Wis. 53215. Applicant's representativ: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from points in Gwinnett County, Ga., to points in Alabama, Florida, North Carolina, South Carolina, and Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. SUPPORTING SHIPPER: Medusa Cement Company, P.O. Box 5668, Cleveland, Ohio 44101. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 125777 (Sub-No. 160TA), filed December 22, 1975. Applicant: JACK CRAY TRANSPORT, INC., 4600 East 15th Ave., Gary, Ind. 46403. Applicant's representative: Carl L. Steiner, 39 South La Salle St., Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, in bulk, in dump vehicles, from the Port of Toledo, Ohio to all points in the state of Michigan on and south of U.S. Highway 10, for 150 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: K.K. & S. Company, 3550 St. Lawrence Drive, Toledo, Ohio 43605. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 127539 (Sub-No. 49TA), filed December 12, 1975. Applicant: PARKER REFRIGERATED SERVICE, INC., 1108 54th Ave., East, Tacoma, Wash. 98424. Applicant's representative: Michael D. Duppenthaler, 515 Lyon Bldg., 607 Third Ave., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles*, distributed by meat packinghouses, from the plantsite of Columbia Foods, Inc., near Wallula, Wash., to San Jose, San Francisco, Oakland, Los Angeles, and Portland, Salem, Milwaukee and Clackmas, Oreg., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Columbia Foods, Inc., P.O. Box 926, Pasco, Wash. 99301. 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 127539 (Sub-No. 50TA), filed December 16, 1975. Applicant: PARKER REFRIGERATED SERVICE, INC., 1108 54th Ave., East, Tacoma, Wash. 98424. Applicant's representative: Michael D. Duppenthaler, 515 Lyon Bldg., 607 Third Ave., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes*, fresh frozen or cooked frozen, from Metolius and Boardman, Oreg., to points in Arizona, California, and Washington, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gourmet Food Products, Inc., P.O. Box 37, Boardman, Oreg. 97818. 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 136201 (Sub-No. 5TA), filed December 18, 1975. Applicant: ROCKY MOUNTAIN FEED INGREDIENTS SERVICE, INC., 1524 Lockwood Road, Billings, Mont. 59101. Applicant's representative: Hugh Sweeney, P.O. Box 1321, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal feed*, in bulk and in bags, from Billings, Mont., to points in North Dakota, South Dakota and Wyoming, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Standard Chemical Manufacturing Company, 320 Bernard, Billings, Mont. 59102. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 136343 (Sub-No. 68TA), filed December 18, 1975. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper*, from Westvaco Corporation plantsite at Tyrone, Pa., to Luke, Md., restricted to shipments originating at the specified origin and destined to the designated destination, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Westvaco Corporation, 299 Park Ave., New York, N.Y. 10017. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 135917 (Sub-No. 4TA), filed December 17, 1975. Applicant: PORTSMOUTH TRUCKING COMPANY, 1200 Stambaugh Bldg., Youngstown, Ohio 44501. Applicant's representative: Paul F. Berry, 8 East Broad St., Ninth Floor, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Stone and slag*, in dump vehicles, from the stone quarry, located at or near Oak Hill, Jackson County, Ohio, to the plantsites of the American Electric Power Company, located in New Haven, Mason County, W. Va., and Putnam County, W. Va., under a continuing contract with The Standard Slag Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Standard Slag Company, 1200 Stambaugh Bldg., Youngstown, Ohio 44501. Send protests to: James Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Bldg., 1240 East Ninth St., Cleveland, Ohio 44199.

No. MC 140647 (Sub-No. 2TA) filed December 22, 1975. Applicant: SPOKLIE SALES AND CONSTRUCTION, INC., Antelope, Mont. 59211. Applicant's representative: Charles E. Johnson, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Margarine, mayonnaise, salad dressing, syrup, shortening and plastic containers*, from the plantsites and storage facilities of Gregg's Food Products, Inc., located at or near Portland, Oreg., to points in Montana, North Dakota, South Dakota and Minnesota, restricted to a transportation service to be performed under a continuing contract with Gregg's Food Products, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gregg's Food Products, Inc., Merle Sharp, Executive V.P., 9000 NE. Marx Drive, Portland, Oreg. 97220. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 141097 (Sub-No. 3 TA), filed December 16, 1975. Applicant: CALTEX, INC., 3051 Capri Lane, Costa Mesa, Calif. 92626. Applicant's representative: Greg Steffire, 700 S. Flower St., Suite 818, Los Angeles, Calif. 90017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic yarn and synthetic fiber*, from the plantsites and warehouse facilities of Pharr Yarns, Inc., located at or near Rome, Ga.; McAdenville, Gastonia, Belmont and Spencer Mountain, N.C.; Clover, S.C.; and Costa Mesa, Calif., to the ports of entry on the International Boundary Line between the United States and Canada located at points in Washington, Idaho and Montana, restricted to services performed under a continuing contract with Pharr Yarns, Inc., of McAdenville, N.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pharr Yarns, Inc., McAdenville, N.C. 28101. 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 141475 (Sub-No. 1 TA) filed December 18, 1975. Applicant: H. MABE, BOBBY L. MABE AND ERNIE M. MABE doing business as, MABE TRUCKING

COMPANY, P.O. Box 121, Saltville, Va. 24370. Applicant's representative: Richard J. Lee, 4070 Falstone Road, Richmond, Va. 23234. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, mining cars and equipment, and raw materials* used in the manufacture of mining cars and equipment, mining cars to be repaired, wood chips, from the plantsite of Greenfield Lumber Co., at or near Meadowview, Va., to Kingsport, Tenn.; *mining cars and equipment*, from the plantsite of Curry Machine Co., Inc., at or near Glade Springs, Va., to points in West Virginia, Pennsylvania, Ohio and Kentucky; raw materials used in the manufacture of mining cars and equipment and mining cars to be repaired, from points in West Virginia, Pennsylvania and Ohio, to Curry Machine Co., at or near Glade Spring, Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Curry Manufacturing Corporation, P.O. Box 618, Glade Spring, Va. 24340. Send protests to: Danny R. Beeler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 210, Roanoke, Va. 24011.

No. MC 141575 (Sub-No. 1 TA) filed December 12, 1975. Applicant: TFS, INC., East Highway 136, Oxford, Nebr. 68967. Applicant's representative: A. J. Swanson, Box 81849, 521 South 14th St., Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese*, from Oxford, Nebr., to Salt Lake City, Utah and (2) *Cardboard boxes*, from Denver, Colo., to Oxford, Nebr., under a continuing contract with Oxford Cheese Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lee Jackson, President, Oxford Cheese Corporation, P.O. Box 68, Oxford, Nebr. 68967. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg., and Court House, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 141585 (Sub-No. 1TA), filed December 10, 1975. Applicant: EC-MYERS TRUCKING CIN, R.F.D. 108 B, N.J. Route 44, Thorofare, N.J. 08086. Applicant's representative: Thomas F. X. Foley, 744 Broad St., Suite 2005, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Industrial and commercial air pollution control devices and associated metal fabrication, and materials and supplies* used in the installation and operation thereof, for the account of Lovett & Martin Co., Inc., between Pedricktown, N.J., on the one hand, and, on the other, Bangor, Oil City, Palmerton, Palmyra and Philadelphia, Pa.; Havana, Roxana and Seneca, Ill.; Chesapeake, Portsmouth and Riverton, Va.; Mason City and Sioux City, Iowa; Evansville and Petersburg, Ind.; Marion and Urbana, Ohio; Humbolt and La Cygne, Kans.; Ishpeming and Jackson, Mich.; Baltimore, Md.; Craig, Colo.; Hattiesburg, Laurel and Meridian, Miss.; Wallace, Nebr.; Niagara Falls, N.Y.; Alcoa and Old Hickory, Tenn.; and points in New York within the New York, N.Y. commercial zone as defined by the Commission, under a continuing contract with Lovett & Martin Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lovett & Martin Co., Inc., 1895 Federal St., Camden, N.J. 08105. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 East State St., Room 204, Trenton, N.J. 08608.

No. MC 141591TA filed December 11, 1975. Applicant: FREDERICK J. MINNIS, doing business as RICK MINNIS TRUCKING, 1125 North Main, Milpitas, Calif. 95035. Applicant's representative: Michael J. Stecher, Silver, Rosen, Fischer & Stecher, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pozzolan*, from the plant site of Lassenite Industries, Inc., located 5 miles north of Hallelujah Junction, California and 1 mile west of U.S. Highway 395 to (1) Auburn, Calif. over U.S. Highway 395 to Reno, Nev., thence over Interstate Highway 80 to Auburn; (2) Stockton, Calif., over U.S. Highway 395 to Reno, Nev., thence over Interstate Highway 80 to Sacramento, Calif., thence over Interstate Highway 5 to Stockton; (3) Colma, Calif., over U.S. Highway 395 to Reno, Nev., thence over Interstate Highway 80 to its junction with Interstate Highway 280, thence over Interstate Highway 280 to Colma; (4) Santa Rosa, Calif., over U.S. Highway 395 to Reno, Nev., thence over Interstate Highway 80 to its junction with California Highway 37, thence over California Highway 37 to its junction with U.S. Highway 101, thence over U.S. Highway 101 to Santa Rosa; (5) Napa, Calif., over U.S. Highway 395 to Reno, Nev., thence over Interstate Highway 80 to its junction with California Highway 37, thence over California Highway 37 to its junction with California Highway 29, thence over California Highway 29 to Napa, under a continuing contract or contracts with Lassenite Industries, Inc., for 180 days. Supporting shipper(s): Lassenite Industries, Inc., 833-47th Avenue, Oakland, Calif. 94601. Send protests to: District Supervisor, Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 141592TA filed December 12, 1975. Applicant: ANTHONY E. FALSETTO, an individual doing business as, GOLDEN STATE VAN & STORAGE COMPANY, 1431 W. Collins Street, Orange, Calif. 92667. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, in containers, restricted to the transportation of traffic having a prior or subsequent movement beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization of such traffic, or vice versa, between points in Orange, San Diego, Riverside, San Bernardino, and Los Angeles Counties, Calif. (i.e. Orange County, and counties within thirty (30) mile radius of Orange County), for 180 days. Supporting shipper(s): Purchasing and Contracting Division, BMatBN., Camp Pendleton, Calif., P.O. Box 1609, Oceanside, Calif. 92054. Send protests to: Transportation Assistant Mildred I. Price, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 141593 TA filed December 9, 1975. Applicant: HIDEBOUND TRANSPORTATION, INC., 2009 Kishwaukee, Rockford, Ill. 61101. Applicant's representative: Axelrod, 39 LaSalle St., Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hides and materials, equipment and supplies* used in the processing of hides (except commodities in bulk), between Macomb, Ill., on the one hand, and, on the other, points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas and Louisiana; Crete, Nebr., and points in California and Texas, under a continuing contract with Hidebound, Inc., for 180 days. Supporting shipper: Hidebound, Inc., S. Shepard Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 141596 TA filed December 4, 1975. Applicant: TRI-UNION EXPRESS, INC., P.O. Box 28, 4530 Railroad Ave., East Chicago, Ind. 46312. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Black plate, tinplate sheets and coils*, from the Mills in Lake County such as: Youngstown S & T, Inland Steel, East Chicago, Ind., U.S. Steel, Gary, Ind., to Basic Metals Processing, 2600 United Lane, Elk Grove Village, Ill. 60007, under a continuing contract with BMP-Basic Metal Processing, for 180 days. Supporting shipper: BMP-Basic Metal Processing, 2600 United Lane, Elk Grove Village, Ill. 60007. Send Protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 141597 TA filed December 4, 1975. Applicant: LOUIS BOBBITT, doing business as RIVERSIDE TRUCK LINE, 919 4th Ave., South, Denison, Iowa 51442. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printed religious material*, from points in Illinois, Indiana, Ken-

tucky, Michigan, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, to Iowa Falls, Iowa, under a continuing contract or contracts with Riverside Book and Bible House, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Allen Fritz, Vice-President, Riverside Book and Bible House, 1500 Riverside Drive, Iowa Falls, Iowa 50126. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 141598 TA filed December 12, 1975. Applicant: COLORADO FARM LINES, INC., 1000 Denargo Market, Denver, Colo. 80216. Applicant's representative: Stockton & Lewis, The 1650 Grant St. Bldg., Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats*, from Denver, Greeley and Sterling, Colo., to Portland, Oreg.; Madison, Wis., and Los Angeles, Calif., under a continuing contract with Valley Feed & Provision Co., for 180 days. Supporting shipper: Valley Feed & Provisions Co., 931 D St., Greeley, Colo. 80631. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 141604TA filed December 15, 1975. Applicant: HELEN A. TURNER, doing business as TURNER CATAWBA TRUCKING CO., 3020 Curtis Street, Gastonia, N.C. 28052. Applicant's representative: Lawrence B. Turner, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt, sand, crushed stone, lime, fertilizer* in bulk in dump vehicles between points in the following counties: Gaston, Cleveland, Mecklenburg, Anson and Union Counties, N.C.; Greenville, Spartanburg, Cherokee, York, Union, Chester, Lancaster, Chesterfield Counties, S.C., for 180 days. Supporting shipper(s): Dockery Roofing Company, Inc., 1224 West Franklin Blvd., Gastonia, N.C. 28052. Send protests to: District Supervisor Terrell Price, 800 Briar Creek Rd–Rm CC516, Mart Office Building, Charlotte, N.C. 28205.

No. MC 141606 TA filed December 12, 1975. Applicant: ALERT TRUCKING, INC., 6689 NW. 16th Terrace, Fort Lauderdale, Fla. 33309. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum oil NOI BN: Carbon gum or sludge removing compounds; cartridges or elements* exceeding 5 lbs. per cubic foot; *and oil filters*, from Lowell, Mass.; Hillside, N.J.; Baltimore, Md.; Charlotte, N.C.; Tampa, Fla.; Morrow, Ga.; Jackson, Miss.; Nashville, Tenn.; Louisville, Ky.; Lake Bluff, Ill.; New York City commercial zone; and Chicago, Ill.; and Evansville, Ind.; and Richmond, Va., under a continuing contract with STP Corp., for 180 days. Supporting shipper: STP Corp., 1400 West Comercial Blvd., Fort Lauderdale, Fla. Send protests to: Joseph B. Tiechert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 NW. 53rd Terrace, Miami, Fla. 33166.

No. MC 141607 TA, filed December 15, 1975. Applicant: GEORGE ST. LAURENT, 475 Grand Ave., Pawtucket, R.I. 02861. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, Mass. 02043. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel and aluminum products*, between Cumberland, R.I.; Norwood, Worcester and Woburn, Mass.; Hartford and New Haven, Conn.; Albany, N.Y.; Harrisburg, Pa., and South Portland, Maine, restricted to traffic moving between plants and/or fabricators of American Steel and Aluminum Corporation, under a continuing contract with American Steel and Aluminum Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Steel and Aluminum Corporation, 5 American Drive, Norwood, Mass. 02062. Send protests to: Gerald H. Curry, District Supervisor, 187 Westminster St., Providence, R.I. 02903.

No. MC 141608 TA filed December 16, 1975. Applicant: W. G. BOYKIN, doing business as B & B TRUCKING COMPANY, P.O. Box 127, Delta City, Miss. 39061. Applicant's representative: Donald B. Morrison, 1500 Deposti Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal*, in bulk (except in tank vehicles), from Jackson and Vicksburg, Miss., to points in Louisiana and Texas, for 180 days. Supporting shipper: Anderson, Clayton & Co., P.O. Box 1378, Vicksburg, Miss. 39180. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 141609 TA filed December 16, 1975. Applicant: C. T. TRANSPORT, INC., P.O. Box 146, Milton, Ontario, Canada. Applicant's representative: Walter N. Bieneman, 100 West Long Lake Road, Bloomingfield Hills, Mich. 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast prestressed reinforced concrete wall, roof and floor slabs, structural forms or shapes, girders and beams, and materials and supplies* used in the erection thereof, from the international boundary between the United States and Canada, at Buffalo and Niagara Falls, N.Y., to all points in New York, restricted to shipments originating at the plantsites of Pre-Con Company in Ontario, Canada, for 180 days. Supporting shipper: Pre-Con Company, 35 Rutherford Road South, Brampton, Ontario, Canada L6W 3J4. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell Ave., Detroit, Mich. 48226.

PASSENGER APPLICATION

No. MC 141594 TA filed December 12, 1975. Applicant: TRANSPORTATION SERVICE, INC., 1453 Black Hills Ave., Alliance, Nebr. 69301. Applicant's representative: James G. Wegner (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers (train crews), between Alliance, Nebr., and points within 300 miles of Alliance, Nebr., restricted to a transportation service to be performed under a continuing contract or contracts with the Burlington Northern, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: J. E. Bowman, Assistant Superintendent, P.O. Box 597, Alliance, Nebr. 69301. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg., & Court House, 100 Centennial Mall North, Lincoln, Nebr. 68508.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-673 Filed 1-8-76;8:45 am]

[Notice 3]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 6, 1976.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the

human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 55896 (Sub-No. 48TA), filed December 19, 1975. Applicant: R–W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, Mich. 48180. Applicant's representative: Martin J. Leavitt, P.O. Box 400, 22375 Haggerty Road, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, plywood, accessories and materials* used in the installation and sale thereof, from the plant and warehouse sites of Abitibi Corporation, Lucas County, Ohio, to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper: Abitibi Corporation, Manager Transportation & Distribution, William E. Kidd, 3250 W. Big Beaver Road, Troy, Mich. 48084. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 110 Broderick Tower, 10 Witherell Ave., Detroit, Mich. 48226.

No. MC 99427 (Sub-No. 27TA), filed December 23, 1975. Applicant: ARIZONA TANK LINES, INC., 3200 Ruan Center, Des Moines, Iowa 50309. Applicant's representative: Earl Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oxygen, nitrogen, and hydrogen*, in bulk, from Phoenix, Ariz., to San Juan and Grant Counties, N. Mex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Liquid Air, Inc., 3332 West McDowell Road, Phoenix, Ariz. 85005. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 106603 (Sub-No. 145TA), filed December 18, 1975. Applicant: DIRECT TRANSIT LINES, INC., 200 Colorain St., S.W., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, plywood, accessories and materials* used in the installation and sale thereof, from the plant and warehouse sites of Abitibi Corporation in Lucas County, Ohio, to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado and Texas for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Abitibi Corporation, 3250 W. Big Veaver Road, Troy, Mich. 48084. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 106674 (Sub-No. 182 TA), filed December 22, 1975. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bagged insulation*, from Lee, Mass., to points in Pennsylvania and Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: U.S. Fiber, P.O. Box 312, Lee, Mass. 01238. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 107460 (Sub-No. 58 TA), filed December 24, 1975. Applicant: WILLIAM Z. GETZ, INC., 3055 Yellow Goose Road, Lancaster, Pa. 17601. Applicant's representative: Donald D. Shipley (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Metal roofing and accessories thereof and fabricated metal products* (except commodities in bulk), from the plantsite of Fabral Corporation, located at or near Jackson, Ga., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas and Virginia; (b) *Materials and supplies* used in the manufacture of metal roofing (except commodities in bulk), from points in Alabama, Arkansas, Florida, Georgia, Indiana, Kentucky, Louisiana, Mississippi, New York, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas and Virginia to the plantsite of Fabral Corporation, located at or near Jackson, Ga., under a continuing contract with Fabral Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Fabral Corporation, 308 Alabama Blvd., Jackson, Ga. 30233. Send protests to: Robert P. Amerine, District Supervisor, Interstate Commerce Commission, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 113908 (Sub-No. 361 TA), filed December 19, 1975. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale St., P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine, wine products, neutral spirits, distilled spirits and alcohol*, in bulk, from Roberta, Ga., to Lawrenceburg, Ind., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Monarch Wine Company of Georgia, P.O. Box 6847, Atlanta, Ga. 30315. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 114789 (Sub-No. 52 TA), filed December 17, 1975. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from Hudson, Iowa, to points in Arkansas, Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Oklahoma, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, West Virginia and Shreveport, La., under a continuing contract with Land O'Lakes, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Land O'Lakes, Inc., 614 McKinley Place, Minneapolis, Minn. 55413. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 125420 (Sub-No. 22 TA), filed December 24, 1975. Applicant: MERCURY TANKLINES LIMITED, P.O. Box 3500, Calgary, Alberta, Canada T2P 2P9. Applicant's representative: Ray F. Koby, 314 Montana Bldg., Great Falls, Mont. 59401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors, including alcoholic spirits and wines*, in bulk, in tank vehicles, from Louisville and Lotus, Ky., to ports of entry on the United States-Canada boundary line, at or near Marine City and Port Huron, Mich., and Buffalo and Ogdensburg, N.Y., restricted to traffic moving in foreign commerce destined to the Canadian points of Amherstburg and Waterloo, Ontario and LaSalle, Quebec, under a continuing contract with Joseph E. Seagram & Sons, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: James V. Fazzolari, Operations Manager, Joseph E. Seagram & Sons, Inc., 800 Third Ave., New York, N.Y. 10022. Send protests to: Paul J. Lanhne, District Supervisor, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 125433 (Sub-No. 64 TA), filed December 24, 1975. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: Alan R. Wilson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel plate and wide flange beams*, from Houston,

Tex., and its commercial zone to the plantsite and storage areas of Bucyrus-Erie Company, located at or near Pocatello, Idaho. Aestriction: The authority granted herein is restricted to traffic originating at the plansite and shipping facilities of Armco Steel Corporation, at or near Houston, Tex., and destined to the plantsite and storage facilities of Bucyrus-Erie Company, located at or near Pocatello, Idaho, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Bucyrus-Erie Company, P.O. Box 2614, Pocatello, Idaho. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 128007 (Sub-No. 84 TA), filed December 18, 1975. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kans. 66762. Applicant's representative: Clyde Christey, 641 Harrison, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Volcanic ash*, from points in Beaver County, Okla., to points in Kansas, Missouri, Iowa, Illinois, Ohio and Texas, for 180 days. Supporting shipper: Axtell Mining Corporation, Route 1, Laverne, Okla. 73848. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 128030 (Sub-No. 101 TA), filed December 23, 1975. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177, Urbana, Ill. 61801. Applicant's representative: Robert C. Stout, Sr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in containers, from Modesto and San Francisco, Calif., to Terre Haute, Ind., Jasper, Ind., and Evansville, Ind., limited to wineries of Gallo Inc., and Almaden and supporting shippers, for 180 days. Supporting shippers: Dubois County Beverage Co., Inc., Phyllis C. Barglin, Office Manager, 30th and Virginia Streets, Jasper, Ind. 47546. Central Beverage Co., Inc., Carl A. Rueger, Assistant Treasurer, 4226 Vogel Road, Evansville, Ind. 47711. Brentlinger Distributing Co., Inc., Richard Brentlinger, President, 960 Spruce St., Terre Haute, Ind. 47807. Send protests to: Patricia A. Roacoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 128375 (Sub-No. 141TA), filed December 12, 1975. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Ken Adams (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle parts, equipment, and accessories* (except those requiring special equipment), (1) from Atlanta, Ga., and its commercial zone to points in Virginia; (2) from Seattle, Wash., and its commercial zone to points in Oregon; (3) from Loudon and Pulaski, Tenn., and their commercial zones to Nashville, Tenn.; (4) from Galloway, Ohio and its commercial zone to points in New York, New Jersey, Pennsylvania and West Virginia. Restrictions: (A) Restricted to movements moving from facilities of the Maremont Corporation, under continuing contract with the Maremont Corporation. (B) Restricted to traffic having a prior movement inbound to said origins from other Maremont Plants or facilities, for 180 days. Supporting shipper: Arthur L. Comeau, General Traffic Manager, Maremont Corporation, 200 East Randolph Drive, Chicago, Ill. 60601. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg., and U.S. Court House, 100 Centennial Mall North Lincoln, Nebr. 68508.

No. MC 135486 (Sub-No. 13 TA), filed December 22, 1975. Applicant: JACK HODGE TRANSPORT, INC., 2410 West 9th St., Marion, Ind. 46952. Applicant's representative: Terrence D. Jones, 1126 16th St., NW., Suite 300, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream*, from the facilities of the Kroger Co., at or near Ft. Worth, Tex., to the facilities of the Kroger Co., at or near Cincinnati and Columbus, Ohio and Indianapolis, Ind., restricted to traffic transported under a continuing contract with the Kroger Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Kroger Co., 1014 Vine St., Cincinnati, Ohio 45201. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 136269 (Sub-No. 1 TA), filed December 18, 1975. Applicant: ELECTRONICS TRANSPORT, INC., 3213 8th Ave., North, P.O. Box 31103, Birmingham, Ala. 35222. Applicant's representative: M. Craig Massey, P.O. Drawer J, Lakeland, Fla. 33802. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Copying machines, and parts, materials and supplies* used in the manufacture, installation or sale of such commodities, between Arlington, Tex., on the one hand, and points in Alabama, Arkansas, Louisiana, Mississippi, Oklahoma and Tennessee, on the other, under a continuing contract with the Xerox Corporation, for 180 days. Supporting shipper: Xerox Corporation, 3636 McKinney Ave., Dallas, Tex. 75204. Send protests to: Clifford W. White, District Supervisor, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 136371 (Sub-No. 20 TA), filed December 15, 1975. Applicant: CONCORD TRUCKING CO., INC., 1 Scout Ave., South Kearny, N.J. 07032. Applicant's representative: George Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as are dealt in or used by discount department stores, between the facilities of Charming Shoppes of Delaware, at Cornwell Heights, and Philadelphia, Pa., on the on hand, and, on the other, points in Delaware, Maryland, New Jersey, New York, N.Y. Commercial Zone, as defined by the Commission, Ohio, Pennsylvania, West Virginia, and Virginia, under a continuing contract with Charming Shoppes of Delaware, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Charming Shoppes of Delaware, 4620 Frankford Ave., Philadelphia, Pa. 19124. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 136914 (Sub-No. 7 TA), filed December 22, 1975. Applicant: WALLACE E. BROWN, Route 2, Box 130, Grand Junction, Tenn. 38039. Applicant's representative: A. Doyle Cloud, Jr., 2008 Clark Tower, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, prepared foods, and dairy products or prepared foods* in mixed loads with exempt commodities in trailers equipped with mechanical refrigeration and furnished by the shipper, from the plantsite of Dean Foods Co., Inc., at Memphis, Tenn., to West Memphis, Forest City, Osceola and Blytheville, Ark., and their respective commercial zones, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dean Foods Co., Inc., Fleet Manager, John B. Pettigrew, 3600 North River Road, Franklin Park, Ill. 60131. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 435 Federal Office Bldg., 167 North Main St., Memphis, Tenn. 38103.

No. MC 138719 (Sub-No. 6 TA), filed December 18, 1975. Applicant: PATTEN TRUCKING COMPANY, INC., P.O. Box 3, Bristol, Pa. 19007. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over iregular routes, transporting: *Lumber*, from Ashland, Costigan, Oakland, Old Town and Passadumkeag, Maine, to points in Maryland, Massachusetts, New Jersey, Pennsylvania, North Carolina and Virginia, under a continuing contract with Northern Mill and Lumber Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Northern Mill and Lumber Co., Inc., 1721 Arch St., Philadelphia, Pa. 19103. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 138869 (Sub-No. 5 TA), filed December 22, 1975. Applicant: W. T. MYLES TRANSPORTATION COMPANY, P.O. Box 321, Conley, Ga. 30027. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree St., NW., Atlanta, Ga. 30309. Authority sought to operate as a *contract*

carrier, by motor vehicle, over irregular routes, transporting: *Acrylic polyester fiberglass wall-ceiling bath tubs, bath tubs and shower stalls and doors for same, also displays* when shipped in the same shipment with the tubs and shower stalls, from Riverdale, Ga., to points in Alabama, Florida, Kentucky, Mississippi, North Carolina, Ohio, South Carolina and Tennessee, under a continuing contract with Tocomc of Atlanta, Division of Tocomc Development Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Tocomc of Atlanta, Division of Tocomc Development Corp., 7228 Georgia Highway 85, Riverdale, Ga. 30274. Send protests to: William L. Scroggs, District Supervisor, 1252 West Peachtree St., NW., Room 546, Atlanta, Ga. 30309.

No. MC 139388 (Sub-No. 2TA), filed December 23, 1975. Applicant: CONTRAN CARRIER CORP., 4537 Forest Lane, Garland, Tex. 75042. Applicant's representative: Robert K. Frisch, 4555 First National Bank Bldg., Dallas, Tex. 75202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, tobacco products, cosmetics and other merchandise* dealt in by Ward Drug Stores, Inc., retail stores, known as Eckered Stores, between the warehouse site of Ward Drug Stores, Inc., at Garland, Tex., on the one hand, and, on the other, Eckerd Drugs retail stores, located in El Reno, Okla., on the other, under a continuing contract with Ward Drug Stores, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ward Drug Stores, Inc., 4409 Action St., Garland, Tex. 75042. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75202.

No. MC 140883 (Sub-No. 5 TA), filed December 15, 1975. Applicant: DOWNS TRANSPORTATION CO., INC., 2705 Canna Ridge Circle, NE., Atlanta, Ga. 30345. Applicant's representative: K. Edward Wolcott, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Uncrated store fixtures*, from the facilities of Warren/Sherer Division of Kysor Industrial Corporation, at or near Conyers, Ga., to points in the United States east of U.S. Highway 85, and (2) *Materials and supplies* (except commodities in bulk and lumber), used in the manufacture, sale and distribution of store fixtures, from points in the United States east of U.S. Highway 85 to the plantsite and warehouse facilities of Warren/Sherer Division of Kysor Industrial Corporation, at or near Conyers, Ga., under a continuing contract with Warren/Sherer Division of Kysor Industrial Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Warren/Sherer Division of Kysor Industrial Corporation, 1600 Industrial Blvd., Conyers, Ga. 30207. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, 1252 W. Peachtree St., NW., Room 546, Atlanta, Ga. 30309.

No. MC 141441 (Sub-No. 7TA), filed December 23, 1975. Applicant: CROCKER TRUCK LINES, INC., Building 107, Industrial Park, Veradale, Wash. 99216. Applicant's representative: Donald A. Ericson, 708 Old National Bank Bldg., Spokane, Wash. 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trusses, beams and girders* (metal, concrete or combinations thereof), from points in Spokane County, Wash., on the one hand, to: (1) Points in Idaho north of the southern boundary of Idaho County; (2) to points in Morro, Umatilla, Union, Wallowa and Baker Counties, Oreg.; (3) to points in Montana on and west of a line coincident with Highway No. 233, from the United States-Canadian boundary line to Havre, from Havre over Highway No. 87 to Armington, from Armington over Highway No. 89 to the Montana-Wyoming border, on the other hand, for 180 days. Supporting shippers: Central Pre-Mix Concrete Co., Inc., N. 805 Division, Spokane, Wash.; Sletten Construction Company, P.O. Box 2467, Great Falls, Mont. 59403; Matelich Construction Company, P.O. Box 456, Kalispell, Mont. 59901; Redding Construction Co., Inc., E. 2215 Brooklyn, Spokane, Wash. 99207. 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 141528 (Sub-No. 1 TA), filed December 10, 1975. Applicant: EXPRESS DELIVERIES, INC., 3040 Greenmount Ave., Baltimore, Md. 21218. Applicant's representative: Alan J. Bloom, 401 Washington Ave., Baltimore, Md. 21204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Photographs and photofinishing materials and supplies*, between various pharmacies and chain stores throughout Maryland, Virginia, the District of Columbia, Delaware and Pennsylvania, under a continuing contract with Paramount Photo Service and Supply, Inc., for 180 days. Supporting shipper: Abrian Bloom, Vice President, Paramount Photo Service and Supply, Inc., 2920 Greenmount Ave., Baltimore, Md. 21218. Send protests to: William L. Huges, District Supervisor, Interstate Commerce Commission, 814–B Federal Bldg., Baltimore, Md. 21201.

No. MC 141584 (Sub-No. 1 TA), filed December 23, 1975. Appplicant: R. E. LEE, JR., HOWARD HYATT, AND JAMES I. GREENE, doing business as L & H PAVING, Box 402, Pulaski, Tenn. 38478. Applicant's representative: D. C. Lee, First National Bank Bldg., Pulaski, Tenn. 38478. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap iron and steel and iron and steel turnings*, in bulk, in dump vehicles, from Nashville, Tenn., and Birmingham, Ala., to points in Giles County, Tenn., and *ferro chrome*, in bulk, in dump vehicles, from Nashville, Tenn., to points in Giles County, Tenn., under a continuing contract with American Magotteaux Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Magotteaux Corporation, P.O. Box 410, Pulaski, Tenn. 38478. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A–422 U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 141617 TA, filed December 19, 1975. Applicant: McDONALD TRUCKING, Box 94, Selby, S. Dak. 57472. Applicant's representative: William P. Fuller, 310 South First Ave., Sioux Falls, S. Dak. 57102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, from points in South Dakota, to Chicago, Ill.; St. Louis, Mo.; Little Rock, Ark.; Omaha, Nebr.; Dallas, Tex.; New York, N.Y.; Denver, Colo., and Seattle, Wash.; from Valentine, Nebr.; Mandan, N. Dak.; Minot, N. Dak.; Idaho Falls, Idaho; St. Louis, Mo.; Dallas, Tex.; Chicago, Ill.; Omaha, Nebr.; Sioux City, Iowa; Dunn Center, N. Dak.; New York, N.Y.; Little Rock, Ark.; Glasgow, Mont., and Cheyenne, Wyo.; *Furs* from points in South Dakota, to New York, N.Y., under a continuing contract with Mardians, Inc., for 180 days. Supporting shipper: Mardians, Inc., P.O. Box 168, Mobridge, S. Dak. 57601. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 141618 TA, filed December 22, 1975. Applicant: DAVID C. BURNS, doing business as DAVID C. BURNS TRUCKING, 1146 East Main St., Casa Grande, Ariz. 85222. Applicant's representative: Donald E. Fernaays, Suite 320, 4040 East McDowell Road, Phoenix, Ariz. 85008. Authority sought to operate at a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Insulation* (except in bulk), from Santa Clara, Calif., to Las Vegas, Nev., and points in Arizona, under a continuing contract with Collier Insulation Company, Inc., for 180 days. Supporting shipper: Collier Insulation Company, Inc., 7215 North 62nd Ave., Glendale, Ariz. 85301. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427 Federal Bldg., 230 N. First Ave., Phoenix, Ariz. 85025.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-674 Filed 1-8-76;8:45 am]

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FRIDAY, JANUARY 9, 1976

PART II:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

■

REAL ESTATE SETTLEMENT PROCEDURES

Title 24—Housing and Urban Development

SUBTITLE A—OFFICE OF THE SECRETARY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-76-318]

PART 82—REAL ESTATE SETTLEMENT PROCEDURES

The Real Estate Settlement Procedures Act Amendments of 1975 (herein the "RESPA Amendments"), signed into law January 2, 1976, made the following changes to the Real Estate Settlement Procedures Act of 1974 (RESPA):

1. *RESPA Section 3—Definitions.* Coverage of RESPA is limited to exclude temporary construction loans and to exclude junior mortgages. In addition, two other changes are made in the definition of "federally related mortgage loan." First, the provision regarding "eligibility" for purchase by FNMA, GNMA or FHLMC has been changed to a test of whether the loan is "intended to be sold by the originating lender" to FNMA, GNMA or FHLMC. Second, the definition of "creditor" excludes "any agency or instrumentality of any State."

2. *RESPA Section 4—Provision of Uniform Settlement Statement at Settlement; Inspection One Day Prior to Settlement.* The following new subsection (b) is added to section 4 to require provision of the settlement statement at settlement where practicable, and to require that the settlement statement be made available to the borrower one business day prior to settlement:

(b) The form prescribed under this section shall be completed and made available for inspection by the borrower at or before settlement by the person conducting the settlement, except that (1) the Secretary may exempt from the requirements of this section settlements occuring in localities where the final settlement statement is not customarily provided at or before the date of settlement, or settlements where such requirements are impractical and (2) the borrower may, in accordance with regulations of the Secretary, waive his right to have the form made available at such time. Upon the request of the borrower to inspect the form prescribed under this section during the business day immediately preceding the day of settlement, the person who will conduct the settlement shall permit the borrower to inspect those items which are known to such person during such preceding day.

In addition, the RESPA Amendments expand HUD's authority to allow local variations in the Uniform Settlement Statement. The requirement that the Uniform Settlement Statement contain Truth in Lending information is repealed.

3. *RESPA Section 5—Lender to provide estimates of closing costs at time of loan application.* The RESPA Amendments specify that application means written application and add the following new subsection (c) to Section 5:

(c) Each Lender shall include with the booklet a good faith estimate of the amount or range of charges for specific settlement services the borrower is likely to incur in connection with the settlement as prescribed by the Secretary.

4. *RESPA Section 6—Advance disclosure of settlement costs.* This provision is repealed.

5. *RESPA Section 7—Disclosure of previous selling price of existing real property.* This provision is repealed.

6. *RESPA Section 8—Prohibition against kickbacks and unearned fees.* The RESPA Amendments exempt from RESPA section 8 "payments pursuant to cooperative brokerage and referral arrangements or agreements between real estate agents and brokers" and such other payments as specified by HUD after consultation with other Federal Agencies.

7. *RESPA Section 10—Escrow accounts.* Section 10 is completely revised to remove numerous technical deficiencies in the original Section 10. Revised Section 10 provides as follows:

ESCROW ACCOUNTS

Sec. 10. A lender, in connection with a federally related mortgage loan, may not require the borrower or prospective borrower—

(1) to deposit in any escrow account which may be established in connection with such loan for the purpose of assuring payment of taxes, insurance premiums, or other charges with respect to the property, in connection with the settlement, an aggregate sum (for such purpose) in excess of a sum that will be sufficient to pay such taxes, insurance premiums and other charges attributable to the period beginning on the last date on which each such charge would have been paid under the normal lending practice of the lender and local custom: *Provided*, That the selection of each such date constitutes prudent lending practice, and ending on the due date of its first full installment payment under the mortgage, plus one-sixth of the estimated total amount of such taxes, insurance premiums and other charges to be paid on dates, as provided above, during the ensuing twelve-month period; or

(2) to deposit in any such escrow account in any month beginning with the first full installment payment under the mortgage a sum (for the purpose of assuring payment of taxes, insurance premiums and other charges with respect to the property) in excess of the sum of (A) one-twelfth of the total amount of the estimated taxes, insurance premiums and other charges which are reasonably anticipated to be paid on dates during the ensuing twelve months which dates are in accordance with the normal lending practice of the lender and local custom: *Provided*, That the selection of each such date constitutes prudent lending practice, plus (B) such amount as is necessary to maintain an additional balance in such escrow account not to exceed one-sixth of the estimated total amount of such taxes, insurance premiums and other charges to be paid on dates, as provided above, during the ensuing twelve-month period: *Provided, however*, That in the event the lender determines there will be or is a deficiency he shall not be prohibited from requiring additional monthly deposits in such escrow account to avoid or eliminate such deficiency.

8. *RESPA Section 19—Authority of the Secretary.* The RESPA Amendments include a new Section 19 which grants to the Secretary general authority to prescribe rules and regulations under all provisions of RESPA.

In addition to the above, Section 12 of the RESPA Amendments authorizes the Secretary to suspend any provisions of RESPA section 4 and section 5 for up to 180 days.

REGULATIONS CHANGES

Regulation X, 24 CFR Part 82, is revised as set forth below to implement the RESPA Amendments. The following changes are made in Regulation X:

1. Conforming amendments are made to reflect the changes in the definition of "federally related mortgage loan."

2. Conforming amendments are made regarding use of the Uniform Settlement Statement to eliminate reference to advance disclosure and Truth in Lending disclosures.

3. The new requirements to provide an opportunity for inspection of the settlement statement at or before settlement and to provide an opportunity to inspect the settlement statement one business day prior to settlement are suspended to June 30, 1976. These requirements have been suspended in order to prepare appropriate regulations for their implementation, including determinations as to what exemptions, if any, should be provided for "localities where the final settlement statement is not customarily provided at or before the date of settlement, or settlements where such requirements are impractical."

4. The requirements to provide a booklet and to provide a good faith estimate of settlement costs at time of loan application are suspended to June 30, 1976. These requirements have been suspended in order to prepare an appropriate revised booklet and to develop appropriate regulations to govern the making of the required estimates. The suspension will enable the Department to obtain and make use of extensive public comment.

5. Provisions regarding advance disclosure are deleted.

6. The instructions to the Uniform Settlement Statement form, HUD Form 1, are revised to eliminate references to advance disclosure and Truth in Lending disclosures.

7. Appendix B regarding Truth in Lending disclosures is deleted. The Appendix regarding RESPA Legal Opinions under RESPA section 7 is deleted.

These regulations amendments are made effective January 2, 1976, in light of the need to conform the regulations immediately to the RESPA Amendments which became effective January 2, 1976.

The Department intends to publish proposed regulations for comment under suspended RESPA sections 4(b) and 5. To assist the Department in preparing such proposed regulations, comments are hereby requested regarding implementation of RESPA section 5(c) which requires the Lender to provide, at the time of written loan application, a good faith estimate of the amount or range of charges for specific settlement services the borrower is likely to incur in connection with the settlement as prescribed

by HUD. The House Report (H.R. Rep. No. 94–667) states as follows with respect to this provision:

The figures provided the prospective borrower are estimates of the settlement charges prevailing in the area and applicable with respect to the particular Lender. These estimates could appear on pre-printed forms geared to various sales prices or mortgage amounts at intervals of, for example, $2,500. Where the Lender will arrange to have a settlement service provided by a particular provider, the prospective borrower should be so informed and the estimates given should reflect the Lender's knowledge of the cost of that service.

The Department invites comment as to problems which may arise in implementing RESPA section 5(c) and possible resolutions of these problems. Comments should be submitted on or before January 31, 1976, to the Rules Docket Clerk, Room 10245, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C., 20410.

Accordingly, 24 CFR Part 82, is revised as follows:

REGULATION X

Sec.

82.1 Authority, scope and purpose.
82.2 Definitions.
82.3 No delegation of authority under RESPA to HUD field offices.
82.4 Reliance upon rule, regulation or interpretation by HUD of RESPA.
82.5 Applicability.
82.6 Information booklet for persons applying for loans to purchase residential real property.
82.7 Good faith estimate of closing costs at time of loan application.
82.8 Use of Uniform Settlement Statement form.
82.9 Printing of Uniform Settlement Statement form.
82.10 Request to inspect Uniform Settlement Statement one day in advance of settlement.
82.11 Mailing.
82.12 No fee.
82.13 Relation to state laws.

Appendix—Instructions for Completing Uniform Disclosure/Settlement Statement (HUD Form 1)

AUTHORITY: Real Estate Settlement Procedures Act of 1974, Pub. L. 93–533 (12 U.S.C. 2601).

REGULATION X

§ 82.1 Authority, scope and purpose.

This part, which may be referred to as Regulation X, comprises the regulations issued by the Secretary of Housing and Urban Development pursuant to the Real Estate Settlement Procedures Act of 1974 (Pub. L. 93–533), 12 U.S.C. 2601, as amended by the Real Estate Settlement Procedures Act Amendments of 1975, herein "RESPA".

§ 82.2 Definitions.

(a) "Date of Settlement." Reserved during suspension of RESPA section 4 (b) from January 2, 1976, to June 30, 1976.

(b) "Federally Related Mortgage Loan" is defined in § 82.5.

(c) "Lender" means the secured creditor or creditors named as such in the debt obligation and document creating the lien or other security interest.

(d) "Loan Application." Reserved during suspension of RESPA section 5 from January 2, 1976, to June 30, 1976.

(e) "Mortgaged Property" means the real property covered by the Federally Related Mortgage Loan, or the cooperative unit with respect to which stock is pledged to secure the Federally Related Mortgage Loan.

(f) "Person" means any individual, corporation, partnership, trust, association or other entity.

(g) "RESPA" means the Real Estate Settlement Procedures Act of 1974 (Pub. L. 93–533), 12 U.S.C. 2601, as amended by the Real Estate Settlement Procedures Act Amendments of 1975.

(h) "Secretary" means the Secretary of Housing and Urban Development or any official delegated the authority of the Secretary with respect to RESPA.

(i) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

§ 82.3 No delegation of authority to HUD Field Offices.

No authority granted to the Secretary under RESPA has been delegated to HUD Regional Offices, HUD Area Offices or HUD Insuring Offices. Any questions or suggestions from the public regarding the Uniform Settlement Statement, HUD Form 1, should be directed to the Office of Policy and Program Analysis and Development, Assistant Secretary for Housing Production and Mortgage Credit, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410. Any questions or suggestions regarding other aspects of Regulation X should be addressed to the Assistant General Counsel for Home Mortgages, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410.

§ 82.4 Reliance upon rule, regulation or interpretation by HUD of RESPA.

(a) Section 19(b) of RESPA provides:

No provision of this Act or of the laws of any State imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule, regulation, or interpretation thereof by the Secretary or the Attorney General, notwithstanding that after such act or omission has occurred, such rule, regulation, or interpretation is amended, rescinded, or determined by judicial or other authority to be invalid for any reason.

(b) For purposes of section 19(b), only the following constitute a "rule, regulation, or interpretation thereof by the Secretary":

(1) The Uniform Settlement Statement, HUD Form 1, and HUD instructions set forth in Appendix A to this part and

(2) All other provisions and Appendices contained in this part, but not including any document referred to in this part except to the extent such document is set forth in this part.

(c) A "rule, regulation, or interpretation thereof by the Secretary" for purposes of RESPA section 19(b) shall not include the Special Information Booklet prescribed by the Secretary or any other statement or issuance, whether oral or written, by an officer or representative of HUD, letter or memorandum by the Secretary, General Counsel, any Assistant Secretary or other officer or employee of HUD, preamble to a regulation or other issuance of HUD, report to Congress, pleading, affidavit or other document in litigation, pamphlet, handbook, guide, telegraphic communication, explanation, instructions to forms, speech or other material of any nature which is not specifically included in paragraph (b) of this section.

§ 82.5 Coverage of RESPA.

(a) *Applicability.* RESPA and this part are applicable to all Federally Related Mortgage Loans.

(b) *Definition of Federally Related Mortgage Loan.* "Federally Related Mortgage Loan" means a loan which is not made to finance an exempt transaction specified in paragraph (d) of this section, and which meets all of the following four requirements:

(1) The proceeds of the loan are used in whole or in part to finance the purchase by the borrower, or other transfer of title, of the Mortgaged Property;

(2) The loan is secured by a first lien or other first security interest covering real estate, including a fee simple, life estate, remainder interest, ground lease or other long-term leasehold estate,

(i) Upon which there is located a structure designed principally for the occupancy of from 1 to 4 families; or

(ii) Upon which there is located a mobile home; or

(iii) Upon which a structure designed principally for the occupancy of from 1 to 4 families is to be constructed using proceeds of the loan; or

(iv) Upon which there will be placed a mobile home to be purchased using proceeds of the loan; or

(v) Which is a 1 to 4 family residential condominium unit (or the first lien covering a cooperative unit);

(3) The Mortgaged Property is located in a State; and

(4) The loan (i) is made by a Lender meeting the requirements of paragraph (c) of this section, or (ii) is made in whole or in part, or insured, guaranteed, supplemented, or assisted in any way, by the Secretary or any other officer or agency of the Federal Government, or (iii) is made in connection with a housing or urban development program administered by the Secretary or other agency of the Federal Government, or (iv) is intended to be sold by the originating lender to the Federal National Mortgage Association (FNMA), the Government National Mortgage Association (GNMA), or the Federal Home Loan Mortgage Corporation (FHLMC), or to a financial institution which intends to sell the mortgage to FHLMC.

(c) A Lender is within paragraph (b)(4)(i) of this section if it is: (1) A lending institution the deposits or accounts of which are insured by the Federal Savings and Loan Insurance Corporation (FSLIC), the Federal Deposit Insurance Corporation (FDIC) or any other agency of the Federal Government, or (2) a lending institution which is regulated by the Federal Home Loan Bank Board or any other agency of the Federal Government, or (3) a "creditor," as defined in section 103(f), who makes or made new investments in residential real estate loans aggregating more than $1,000,000 in either the calendar year in which the Date of Settlement of the Federally Related Mortgage Loan in question occurs or the calendar year prior thereto, except that the term "creditor" does not include any agency or instrumentality of any state. Section 103(f) of the Consumer Credit Protection Act (15 U.S.C. 1602(f)) defines "creditor" as follows:

(f) The term "creditor" refers only to creditors who regularly extend, or arrange for the extension of, credit for which payment of a finance charge is required, whether in connection with loans, sales of property or services, or otherwise. The provisions of this title apply to any such creditor, irrespective of his or its status as a natural person or any type of organization.

(d) *Exempt transactions.* This part shall not apply to:

(1) A loan to finance the purchase or transfer of a property of 25 or more acres;

(2) A home improvement loan, loan to refinance, or other loan where the proceeds are not used to finance the purchase or transfer of the property. Execution of an instrument creating a security interest is not considered to be a transfer of the property for purposes of this part;

(3) A loan to finance the purchase or transfer of a vacant lot, where no proceeds of the loan are to be used for the construction of a 1 to 4 family residential structure or for the purchase of a mobile home to be placed on the lot;

(4) An assumption, novation, or sale or transfer subject to a pre-existing loan, except the use of or conversion of a construction loan to a permanent mortgage loan to finance purchase by the first user;

(5) A construction loan, except where the construction loan is intended to be used as or converted to a permanent loan to finance purchase by the first user;

(6) A permanent loan the proceeds of which will be used to finance the construction of a 1 to 4 family structure, where the lot is already owned by the borrower or borrowers; or

(7) A loan to finance the purchase of a property where the primary purpose of the purchase is for resale.

§ 82.6 Information booklet for persons applying for loans to purchase residential real property.

The requirement under RESPA section 5 to provide an information booklet to persons applying for mortgages at time of loan application is suspended effective from January 2, 1976, through June 30, 1976, pursuant to the authority granted to the Secretary to suspend any provisions of RESPA section 4 or 5 for up to one hundred eighty days under section 12 of the Real Estate Settlement Procedures Act Amendments of 1975.

§ 82.7 Good faith estimate of closing costs at time of loan application.

Commencing January 2, 1976, RESPA section 5(c), as amended, provides that at time of Loan Application, the Lender shall provide a good faith estimate of the amount or range of charges for specific settlement services the borrower is likely to incur in connection with the settlement. The said requirement is suspended from January 2, 1976, through June 30, 1976, pursuant to the authority granted to the Secretary to suspend any provision of RESPA sections 4 and 5 for up to one hundred eighty days under section 12 of the Real Estate Settlement Procedures Act Amendments of 1975. During the suspension period, Lenders are encouraged to provide as much information as possible to borrowers regarding settlement procedures and settlement costs.

§ 82.8 Use of Uniform Settlement Statement Form.

(a) *Use of HUD Form 1.* As required by RESPA section 4, the Uniform Settlement Statement, HUD Form 1, set forth in Appendix A to this part, shall be used by the person conducting settlement, whether or not such person is the Lender, as the settlement statement for every Federally Related Mortgage Loan settlement transaction.

(b) *Charges to be stated.* The Uniform Settlement Statement, HUD Form 1, shall be completed to itemize all charges imposed upon the borrower and the seller in connection with the settlement, including all settlement charges which borrower or seller contract to pay for separately outside of the settlement. Lines and columns which relate to the borrower's transaction may be deleted from the form which will be furnished to the seller and lines and columns which relate to the seller's transactions may be deleted from the form which will be furnished to the borrower.

(c) *Delivery.* The settlement shall be delivered or mailed to the borrower and the seller on the date of settlement, or if not practicable, then as soon thereafter as is practicable. Where there is more than one borrower or more than one seller, delivery or mailing to one borrower and one seller shall satisfy this requirement.

(d) *Recordkeeping.* Lender shall obtain and retain a copy of each settlement statement (both borrower's and seller's copies, where different) required to be prepared pursuant to RESPA section 4 for 2 years, except that in the event Lender disposes of its interest in the mortgage and does not service the mortgage, Lender may permit its copy of the settlement statement to be delivered to the owner or servicer of the mortgage as part of the transfer of the loan file. A copy of the settlement statement may be required to be submitted to the Secretary and/or Federal agencies.

§ 82.9 Printing and duplication of Uniform Settlement Statement Form.

(a) *Permissible changes.* The Uniform Settlement Statement form, HUD Form 1, may be reproduced by Lenders or others. Only the following permissible changes and insertions may be made:

(1) In Block A, the Lender or other person reproducing the form may insert its business name and/or logotype and may rearrange, but not delete, the other information which appears in Block A.

(2) In Block F, the name, address and other information regarding the Lender may be printed, and a space or spaces may be printed for Lender's loan number or similar information.

(3) No changes in the size or type style of print or the layout of the form shall be made, except as follows: (i) The layout of the form may only be reset in type if such type style is approximately the same size and appearance, is easily readable, and the entire form layout is identical to the form as prescribed by HUD; and (ii) where necessary to accommodate computer equipment, the first two pages of the form may be printed in a larger size of print and different type style and the distance between lines may be increased, but not decreased, but there shall be no other change in the layout and placement of information on the form.

(4) In the first two pages, blank lines or items listed in Blocks J, K, and L of the form not used locally or not used in connection with mortgages by the Lender may be deleted, except for the following: Lines 100, 120, 200, 220, 300, 301, 302, 303, 400, 420, 500, 520, 600, 601, 602, 603, 700, 800, 900, 1000, 1100, 1200, 1300, and 1400. The form may be correspondingly shortened. The number of a deleted item shall not be used for a substitute or new item, but the number of a blank space may be used for a substitute or new item. The numbering sequence shall not otherwise be changed.

(5) Charges not listed which are made locally may be inserted in blank spaces in any style or type of print of similar size, but which is different from the style and type of print used in the balance of the form (to indicate items not listed nationwide).

(6) Signature lines may be added at the end of the second page.

(7) Additional blank space may be added above and/or below each page and the form may be printed on rolls, which may have sprocket holes, e.g., for computer purposes. The pages may be printed on separate sheets or placed on the front and back of a single sheet, or one above the other on a single, continuous sheet.

(8) The form may be printed on light shades of tinted paper and may be printed in one or more colors of clearly legible ink.

(9) The form may be printed in multicopy tear-out sets. Lines and columns

which relate to the borrower's transaction may be deleted from the form which will be furnished to the seller and lines and columns which relate to the seller's transactions may be deleted from the form which will be furnished to the borrower.

(10) The form may be translated into any other language with the approval of the Secretary.

(11) The form may be printed deleting references to advance disclosure, Truth in Lending and waiver of advance disclosure.

(12) Any other deviation in the form is only permissible upon receipt of written approval of the Secretary. A request to the Secretary for approval must be submitted in writing to the Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner, Room 6100, 451 7th Street, SW., Washington, D.C. 20410, stating the reasons why the applicant believes such deviation is needed. Prior to receiving such approval, the prescribed form must be used.

(b) *HUD-prescribed additions of items to form.* HUD reserves the right to direct the order and the manner in which additional items are added to the form or in which any other changes are made for any locality, jurisdiction or area.

(c) *Additional sheet.* Where there is an unusually large number of insertions for which blank spaces in the form are not sufficient, an additional sheet for such items may be added to the form and referenced at the appropriate place or places in the form. Such additional sheets may be printed. The reverse side of the form may be used instead of an additional sheet.

§ 82.10 Request to Inspect Uniform Settlement Statement One Day in Advance of Settlement.

Commencing January 2, 1976, RESPA section 4(b), as amended, provides that upon the request of the borrower to inspect the Uniform Settlement Statement during the business day immediately preceding the day of settlement, the person who will conduct the settlement shall permit the borrower to inspect those items which are known to such person during such preceding day. RESPA section 4(b) also requires the settlement statement to be provided for inspection at or prior to settlement, except where exempted under HUD regulations or waived by the borrower as provided in HUD regulations. The requirements of section 4(b) are suspended from January 2, 1976, through June 30, 1976, pursuant to the authority granted to the Secretary to suspend any provision of RESPA sections 4 and 5 for up to one hundred eighty days under section 12 of the Real Estate Settlement Procedures Act Amendments of 1975.

§ 82.11 Mailing.

The provisions of this part requiring or permitting mailing of settlement statements or other documents shall be deemed to be satisfied by placing the document in the mail (whether or not received by the addressee) addressed to the address stated in the Loan Application or in other information submitted to or obtained by Lender at the time of Loan Application, or submitted to or obtained by the person conducting the settlement, except that a revised address shall be used where the Lender or such other person has been expressly informed in writing of a change of address.

§ 82.12 No fee.

As provided in RESPA section 12, no fee shall be imposed or charge made upon any other person, as a part of settlement costs or otherwise, by a Lender in connection with or on account of the preparation and distribution required by RESPA of the statement or statements required by RESPA section 4 (Uniform Settlement Statement) or by the Truth in Lending Act.

§ 82.13 Relation to State Laws.

RESPA section 18 provides:

This Act does not annul, alter, or affect, or exempt any person subject to the provisions of this Act from complying with the laws of any State with respect to settlement practices, except to the extent that those laws are inconsistent with any provision of this Act, and then only to the extent of the inconsistency. The Secretary is authorized to determine whether such inconsistencies exist. The Secretary may not determine that any State law is inconsistent with any provision of this Act if the Secretary determines that such law gives greater protection to the consumer. In making these determinations the Secretary shall consult with the appropriate Federal agencies.

A determination by the Secretary that such an inconsistency exists shall be made, after consultation with appropriate Federal agencies, by publication of a notice in the FEDERAL REGISTER.

Effective date. These regulations are effective as of January 2, 1976.

ROBERT R. ELLIOTT,
Acting Secretary of Housing and Urban Development.

APPENDIX—INSTRUCTIONS FOR COMPLETING UNIFORM DISCLOSURE/SETTLEMENT STATEMENT (HUD FORM 1)

The following are instructions for completing the first 2 pages of the Uniform Settlement Statement, HUD Form 1, required under Sections 4 and 6 of the Real Estate Settlement Procedures Act of 1974 (Pub. L. 93-533), as amended, and the Regulations thereto issued by the U.S. Department of Housing and Urban Development called Regulation X (24 CFR Part 82). This form is to be used as a uniform statement of actual costs and adjustments to be given to the parties in connection with the settlement. The Instructions for completion are primarily for the benefit of the persons who prepare the statements and need not be transmitted to the parties as an integral part of the form. To determine if the Uniform Settlement Statement is legally required to be used in a particular mortgage loan transaction, refer to Regulation X of the Department of Housing and Urban Development (24 CFR Part 82). There is no objection to the use of the form in transactions in which its use is not legally required.

GENERAL INSTRUCTIONS

Information and amounts may be filled in by typewriter, hand printing, computer printing, or any other method producing clear and legible results. Copies of the form sent to the borrower and the seller may be carbon copies, electrostatic copier copies, or other clearly legible copies. Refer to Regulation X regarding rules applicable to printing of the form.

Where there is an unsually large number of insertions for which blank spaces in the form are not sufficient, an additional sheet for such items may be added to the form and referenced at the appropriate place or places in the form. Such additional sheets may be printed. The reverse side of the form may be used instead of an additional sheet.

Where charges are paid outside of the settlement (normally by separate check), they shall be stated with the notation "P.O.C." (paid outside closing) and shall not be included in computing totals.

LINE ITEM INSTRUCTIONS

Instructions for completing the individual items on the form follow. Where no instructions are given, the item is thought to be self-explanatory.

Section A. The lender, title company, or other firm preparing the form may insert its name and/or logotype in Section A.

Section B. Check appropriate loan type and complete the remaining items as applicable.

Section C. Check the box indicating that the form is being used as a statement of actual costs and disbursements at or after settlement.

Sections D and E. Fill in the names and current mailing addresses of the borrower and the seller. Where there is more than one buyer or seller, the name and address of one is sufficient.

Section F and H. Fill in the name and address of the lender and the person conducting settlement. If, at the time of advance disclosure, the settlement agent has not yet been selected, the advance disclosure form should have "not known" entered in Section H.

Section G. The street address of the security property, if any, should be given. If there is no street address, a brief legal description or other location of the property should be inserted. In all cases give the zip code of the property.

Section I. Fill in these dates to the extent they are known. If the prorations of taxes, insurance, etc., are to be made as of a date different than the settlement date, indicate the date of prorations on the last line in this section.

Section J. Summary of Borrower's Transaction. The Borrower may be given a copy of the form (in case of both advance disclosure and settlement) which does *not* contain the information filled in under "Summary of Seller's Transaction" (Block K, Series 400, 500, and 600 items).

Lines 104 and 105 are for additional amounts owed by the buyer. For example, the balance in the seller's reserve account held by the lender, if assigned to the buyer in a loan assumption case, would be entered here.

Lines 106 through 112 are for items which the seller had paid in advance, and for which the buyer must therefore reimburse the seller. Examples of items for which adjustments are made may include taxes and assessments paid in advance for an entire year or other period, when settlement occurs prior to the expiration of the year or other period for which they were paid. Additional examples include flood and hazard insurance premiums if the buyer is being substituted as an insured under the same policy; mortgage insurance in loan assumption cases; PUD or condominium association assessments paid in advance; fuel or other supplies on hand, purchased by the seller, which the buyer will use when buyer takes possession of the

property; and ground rent paid in advance.

Line 203 is used for cases in which the buyer is assuming or taking title subject to an existing loan or other lien.

Lines 204 and 205 may be used in cases in which the seller has taken a trade-in or other property from the buyer in part payment for the property being sold, or when a tenant in the property has not yet paid his rent for a period of time prior to the settlement, and which the buyer will collect. They may also be used in cases in which a seller (typically a builder) is making an "allowance" to the buyer for carpets or drapes which the buyer is to purchase on his own. Such an allowance should also be entered on lines 505–509.

Lines 206 through 212 are for items which have not yet been paid, and which the buyer is expected to pay, but which are attributable in part to a period of time prior to the settlement. In jurisdictions in which taxes are paid late in the tax year, most cases will show the proration of taxes in these lines. See Instruction to Block C above regarding advance disclosure of taxes and assessments on the assumption that no taxes and assessments are delinquent. Other examples include utilities used but not paid for by the seller, rent collected in advance by the seller from a tenant for a period extending beyond the settlement date, and interest on loan assumptions. As with lines 106 to 112, these amounts will normally be only estimates on the advance disclosure statement.

Line 303 may indicate either the cash required from the borrower at settlement (the usual case in a purchase transaction) or cash payable to the borrower at settlement (if, for example, the buyer's earnest money deposit exceeded his cash obligations in the transaction). The appropriate box should be checked.

Section K. Summary of Seller's Transaction. The Seller may be given a copy of the form (in case of both advance disclosure and settlement) which does *not* contain the information filled in under "Summary of Borrower's ,Transaction" (Block J, Series 100 200, and 300 items).

Instructions for the use of lines 106–112, above, apply also to lines 405 to 411.

Line 504 is used if the purchaser is assuming or taking title subject to existing liens which are to be deducted from sales price.

Lines 505 through 509 may be used to list additional liens which must be paid off through settlement to clear title to the property. They may also be used to indicate funds to be held by the settlement agent for the payment of repairs the seller is obligated to make or payment of water, fuel, or other utility bills which cannot be prorated between the parties at settlement because the amounts used by the seller prior to settlement are not yet known.

If the seller's real estate broker has received and held an earnest money deposit which exceeds the commission owed to him, and if he will tender the excess deposit directly to the seller rather than through the settlement agent, the amount of excess deposit should be entered on one of lines 505–509, thus reducing the amount to be paid to the seller by the settlement agent by that amount.

Instructions for the use of lines 510 through 515 are the same as those for lines 206 to 212, above.

Section L. Settlement Charges. General: For all items except those paid to and retained by the lender, the name of the person or firm receiving the payment should be shown.

Line 700. If the sales commission paid by the seller is based on a percentage of the purchase price, enter the purchase price and the percentage here.

Line 701. The dollar amount of the total commission paid by the seller is entered here. A single entry is made, regardless of whether compensation will be paid to one agent or split among several agents.

Lines 702–703 are to be used to state the split of the commission where the person conducting the settlement disburses portions of the commission to two or more agents. Only the total commission is to be shown in the borrower's or seller's columns.

Line 704 may be used for additional charges made by the sales agent, or for a sales commission charged to the buyer, which will be disbursed by the settlement agent.

Line 801. Enter the fee charged by the lender for processing or originating the loan. If this fee is computed as a percentage of the loan amount, enter the percentage in the blank indicated.

Line 802. Enter the loan discount charged by the lender, and if it is computed as a percentage of the loan amount, enter the percentage in the blank indicated.

Line 803. Enter appraisal fees, if there is a charge separate from the origination fee.

Line 805 is used only for inspections by the Lendor or his personnel. Charges for other pest or structural inspections required by Regulation X to be stated should be entered in lines 1302–1305.

Line 806 should be used for a VA appraisal fee, FHA application fee (which covers the cost of appraisal by the agency as well), or a fee required by a private mortgage insurance company.

Line 807 is provided for convenience in using the form for loan assumption transactions if a fee is charged by the Lender for agreeing to an assumption or transfer subject to an existing indebtedness.

Line 901. If interest is collected at settlement for a part of a month or other period between settlement and the date from which interest will be collected with the first regular monthly payment, enter that amount here. If such interest is not collected until the first regular monthly payment, no entry should be made on line 901.

Line 1000. This section is used for amounts collected by the Lender and held in an account for the future payment of the obligations listed as they fall due. In many jurisdictions this is referred to as an "escrow", "impound" or "trust" account. In addition to the items listed, some Lenders may require reserves for flood insurance, condominium owners association assessments, etc.

Line 1100. In many jurisdictions the same person (e.g., an attorney or a title insurance company) performs several of the services listed in this section, and makes a single undifferentiated charge for so doing. In such cases, enter the overall fee on line 1107, (for attorneys) or line 1108 (for title companies), and enter on the line provided the item numbers of the services listed which are covered in the overall fee. In such cases no amounts should be entered for the individual items which are covered by overall fees.

Line 1101. Enter here the fee of the person or firm conducting the settlement. In some jurisdictions this is termed a closing or escrow fee. If two or more persons or firms make charges in connection with the same transaction, enter total charges in the appropriate columns, and indicate the breakdown of charges on the line after the word "to".

Lines 1102 and 1103. In some jurisdictions the same person (e.g., an attorney) both searches the title (that is, performs the necessary research in the records) and examines title (that is, makes a determination as to what matters affect title, and provides a title report or opinion.) If such a person charges only one fee for both services, it should be entered on line 1103. If separate persons perform these tasks, or if separate charges are made for searching and examination, they should be listed separately.

Line 1105. Enter charges for preparation of deeds, mortgages, notes, etc. If more than one person receives a fee for such work in the same transaction, show the total paid in the appropriate column and the individual charges on the line following the word "to".

Lines 1108–1110. Enter the total charge for title insurance (except the cost of the title binder) on line 1108. Enter on lines 1109 and 1110 the individual charges for the Lender's and owner's policies. Note that these charges are not carried over into the borrower's and seller's columns, since to do so would result in a duplication of the amount in line 1108.

Lines 1111–1113. These lines are for entry of other title charges not already itemized. Examples in some jurisdictions would include a fee to a private tax service, a fee to a county tax collector for a tax certificate, and a fee to a public title registrar for a certificate of title under a Torrens Act. Show the lender's attorney's fee, if any, on line 1107 and other attorneys' fees, if required to be stated under Regulation X, on lines 1111–1113.

Lines 1303–1305. Enter on these lines any other settlement charges not referrable to the categories listed above on the form which are required by Regulation X to be stated. Examples may include structural inspections or pre-sale inspection of heating, plumbing, or electrical equipment. These inspection charges may include a fee for insurance or warranty coverage.

Line 1400. Enter the total settlement charges paid from borrower's funds and seller's funds. These totals are also entered on lines 103 and 503, respectively, in Sections J and K.

Form Approved
OMB No. 63-R1501

A. U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT DISCLOSURE/SETTLEMENT STATEMENT	B. TYPE OF LOAN: 1. ☐ FHA 2. ☐ FMHA 3. ☐ CONV. UNINS. 4. ☐ VA 5. ☐ CONV. INS. 6. FILE NUMBER 7. LOAN NUMBER
If the Truth-in-Lending Act applies to this transaction, a Truth-in-Lending statement is attached as page 3 of this form.	8. MORTG. INS. CASE NO.

C. NOTE: This form is furnished to you prior to settlement to give you information about your settlement costs, and again after settlement to show the actual costs you have paid. The present copy of the form is:

☐ ADVANCE DISCLOSURE OF COSTS. Some items are estimated, and are marked "(e)". Some amounts may change if the settlement is held on a date other than the date estimated below. The preparer of this form is not responsible for errors or changes in amounts furnished by others.

☐ STATEMENT OF ACTUAL COSTS. Amounts paid to and by the settlement agent are shown. Items marked "*(p.o.c.)*" were paid outside the closing; they are shown here for informational purposes and are not included in totals.

D. NAME OF BORROWER	E. SELLER	F. LENDER

G. PROPERTY LOCATION	H. SETTLEMENT AGENT	I. DATES	
		LOAN COMMITMENT	ADVANCE DISCLOSURE
	PLACE OF SETTLEMENT	SETTLEMENT	DATE OF PRORATIONS IF DIFFERENT FROM SETTLEMENT

J. SUMMARY OF BORROWER'S TRANSACTION			K. SUMMARY OF SELLER'S TRANSACTION		
100. GROSS AMOUNT DUE FROM BORROWER:			400. GROSS AMOUNT DUE TO SELLER:		
101. Contract sales price			401. Contract sales price		
102. Personal property			402. Personal property		
103. Settlement charges to borrower *(from line 1400, Section L)*			403.		
104.			404.		
105.			Adjustments for items paid by seller in advance:		
Adjustments for items paid by seller in advance:			405. City/town taxes to		
106. City/town taxes to			406. County taxes to		
107. County taxes to			407. Assessments to		
108. Assessments to			408. to		
109. to			409. to		
110. to			410. to		
111. to			411. to		
112. to			420. GROSS AMOUNT DUE TO SELLER		
120. GROSS AMOUNT DUE FROM BORROWER:			*NOTE: The following 500 and 600 series sections are not required to be completed when this form is used for advance disclosure of settlement costs prior to settlement.*		
200. AMOUNTS PAID BY OR IN BEHALF OF BORROWER:			500. REDUCTIONS IN AMOUNT DUE TO SELLER:		
201. Deposit or earnest money			501. Payoff of first mortgage loan		
202. Principal amount of new loan(s)			502. Payoff of second mortgage loan		
203. Existing loan(s) taken subject to			503. Settlement charges to seller *(from line 1400, Section L)*		
204.			504. Existing loan(s) taken subject to		
205.			505.		
Credits to borrower for items unpaid by seller:			506.		
206. City/town taxes to			507.		
207. County taxes to			508.		
208. Assessments to			509.		
209. to			Credits to borrower for items unpaid by seller:		
210. to			510. City/town taxes to		
211. to			511. County taxes to		
212. to			512. Assessments to		
220. TOTAL AMOUNTS PAID BY OR IN BEHALF OF BORROWER			513. to		
300. CASH AT SETTLEMENT REQUIRED FROM OR PAYABLE TO BORROWER:			514. to		
301. Gross amount due from borrower *(from line 120)*			515. to		
302. Less amounts paid by or in behalf of borrower *(from line 220)*	( )		520. TOTAL REDUCTIONS IN AMOUNT DUE TO SELLER:		
303. CASH (☐ REQUIRED FROM/ OR (☐ PAYABLE TO/ BORROWER:			600. CASH TO SELLER FROM SETTLEMENT:		
			601. Gross amount due to seller *(from line 420)*		
			602. Less total reductions in amount due to seller *(from line 520)*	( )	
			603. CASH TO SELLER FROM SETTLEMENT		

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L. SETTLEMENT CHARGES	PAID FROM BORROWER'S FUNDS	PAID FROM SELLER'S FUNDS
700. SALES/BROKER'S COMMISSION based on price $ @ %		
701. Total commission paid by seller		
Division of commission as follows:		
702. $ to		
703. $ to		
704.		
800. ITEMS PAYABLE IN CONNECTION WITH LOAN.		
801. Loan Origination fee %		
802. Loan Discount %		
803. Appraisal Fee to		
804. Credit Report to		
805. Lender's inspection fee		
806. Mortgage Insurance application fee to		
807. Assumption/refinancing fee		
808.		
809.		
810.		
811.		
900. ITEMS REQUIRED BY LENDER TO BE PAID IN ADVANCE.		
901. Interest from to @$ /day		
902. Mortgage insurance premium for mo. to		
903. Hazard insurance premium for yrs. to		
904. yrs. to		
905.		
1000. RESERVES DEPOSITED WITH LENDER FOR:		
1001. Hazard insurance mo. @$ /mo.		
1002 Mortgage insurance mo. @$ /mo.		
1003. City property taxes mo. @$ /mo.		
1004. County property taxes mo. @$ /mo.		
1005. Annual assessments mo. @$ /mo.		
1006. mo. @$ /mo.		
1007. mo. @$ /mo.		
1008. mo. @$ /mo.		
1100. TITLE CHARGES:		
1101. Settlement or closing fee to		
1102. Abstract or title search to		
1103. Title examination to		
1104. Title insurance binder to		
1105. Document preparation to		
1106. Notary fees to		
1107. Attorney's Fees to		
(includes above items No.:		
1108. Title insurance to		
(includes above items No.:		
1109. Lender's coverage $		
1110. Owner's coverage $		
1111.		
1112.		
1113.		
1200. GOVERNMENT RECORDING AND TRANSFER CHARGES		
1201. Recording fees: Deed $; Mortgage $ Releases $		
1202. City/county tax/stamps: Deed $; Mortgage $		
1203. State tax/stamps: Deed $; Mortgage $		
1204.		
1300. ADDITIONAL SETTLEMENT CHARGES		
1301. Survey to		
1302. Pest inspection to		
1303.		
1304.		
1305.		
1400. TOTAL SETTLEMENT CHARGES *(entered on lines 103 and 503, Sections J and K)*		

NOTE: Under certain circumstances the borrower and seller may be permitted to waive the 12-day period which must normally occur between advance disclosure and settlement. In the event such a waiver is made, copies of the statements of waiver, executed as provided in the regulations of the Department of Housing and Urban Development, shall be attached to and made a part of this form when the form is used as a settlement statement.

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[FR Doc.76-438 Filed 1-2-76;4:43 pm]

federal register

FRIDAY, JANUARY 9, 1976

PART III:

FEDERAL ENERGY ADMINISTRATION

■

ENERGY POLICY AND CONSERVATION ACT

Refiner, Reseller and Retailer Price Regulations

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 212]

REFINER, RESELLER AND RETAILER PRICE REGULATIONS TO REFLECT PRICING POLICIES OF ENERGY POLICY AND CONSERVATION ACT

Proposed Rulemaking and Public Hearing

I. *Introduction*—On December 22, 1975, the Energy Policy and Conservation Act was enacted into law. (Pub. L. 94–163, hereinafter referred to as the "EPCA".) Section 401 of the EPCA amends the Emergency Petroleum Allocation Act of 1973 (the "EPAA") by adding a new section 9, which sets forth a policy regarding "passthroughs of price decreases" to be implemented by regulations made effective "(n)ot later than the first day of the second ful calendar the first day of the second full calendar of (section 9)". Section 402 of the EPCA amends section 4(b) of the EPAA by adding certain limitations with respect to the length of time within which net crude oil cost increases may be passed through in prices charged by refiners and by adding certain requirements with respect to the proportionate distribution to prices for specified products of the increased costs of crude oil incurred by refiners. These amendments to section 4(b) of the EPAA take effect "on the effective date of the amendment to the regulation under section 4(a), required by section 8 of (the EPAA)," which amendment, in turn, must be made effective "not later than the first day of the second full calendar month following the date of enactment of (section 8)".

The Federal Energy Administration ("FEA") accordingly hereby gives notice of a proposal to revise the regulations applicable to prices charged for covered products by refiners, resellers and retailers (10 CFR Part 212) in order to reflect the pricing policies of sections 401 and 402 of the EPCA, with such revisions to become effective not later than February 1, 1976. An opportunity for written comment and oral testimony on this proposal will be afforded to interested parties.

II. *Proposed amendments*—A. *Passthrough of price decreases.* Section 401 (a) of the EPCA amend the EPAA by adding a new section 9 as follows:

> Not later than the first day of the second full calendar month following the date of enactment of this section, the regulation under section 4(a) shall provide for a dollar-for-dollar passthrough in prices at all levels of distribution from the producer through the retail level of decreases in the costs of crude oil, residual fuel oil, and refined petroleum products (including decreases in costs which result from a reduction in the price of crude oil produced in the United States because of the amendment to such regulation required under section 8(a)).

The Conference Report on the EPCA states with respect to this provision:

> Under current regulations, the opportunity is provided for a refiner or marketer to pass through its increased crude oil or product costs. This is done by allowing the maximum lawful selling price of each seller to be increased upward to reflect increases incurred in the cost of crude oil or products purchased. The Conference Substitute requires that decreases in a firm's cost of crude oil, residual fuel oil, or refined petroleum products be fully taken into account in computing that firm's maximum lawful selling prices.
>
> Until now such a provision has been unnecessary because few, if any, firms have enjoyed a reduction in their input costs. The pricing provisions contained in the Conference Substitute and the removal of import fees should, however, result initially in a significant reduction in the actual weighted average first sale price of domestic crude oil. This provision of the Conference Substitute will help to assure that as much of the crude oil price reduction as is possible will be passed through the various levels of refining and distribution to the consumer level. Of course, it cannot realistically result in a full and immediate dollar-for-dollar reduction of any seller's current selling price if that seller is already below its maximum lawful prices and if the Federal Energy Administration does not alter the rules regarding so-called "banked costs". Conf. Rep. No. 516, 94th Cong., 1st Sess. (1975) p. 195.

A notice of proposed rulemaking entitled "Domestic Crude Oil Prices" was issued by FEA on January 6, 1976 to propose the adoption, no later than February 1, 1976, of rules which will implement the crude oil pricing provisions contained in the EPCA. These provisions are set forth by section 401 of that Act and require, in part, that the President:

> establish ceiling prices (or the manner of determining ceiling prices) applicable to any first sale of crude oil produced in the United States, such that the resulting actual weighted average first sale price for all such crude oil during [the second full calendar month following the date of enactment of section 401] * * * shall not exceed a maximum of $7.66 per barrel * * *

As the Conference Report states, implementation of these new domestic crude oil price regulations will result in an overall decrease in the weighted average first sale price of domestic crude oil. However, the result of such decrease in the cost of crude oil to refiners, in terms of the prices which may be charged under FEA price regulations by refiners, resellers and retailers for residual fuel oil and refined petroleum products, depends in part on the extent to which previously incurred higher costs of crude oil, residual fuel oil, or refined petroleum products (i.e., higher product costs) have already been passed through in prices charged for products.

To the extent that refiners, resellers or retailers have charged prices for products which have been less than those which would have resulted from a full passthrough of their increased product costs, they have unrecovered increased product costs which, pursuant to § 212.83 or § 212.93 of the regulations, may be carried forward and, subject to certain limitations, passed through in future prices. Certain amendments to the provisions on the carryforward of unrecovered increased product costs by refiners, to reflect the pricing policy of section 402 of the EPCA, are proposed below, but those proposed rules, if adopted, would still continue to afford a means whereby refiners that do not pass through all of their increased product costs on a current basis will be permitted to carry forward unrecovered increased product costs for recovery in a future period. Accordingly, as the foregoing statement from the Conference Report indicates, the regulations on the carryforward of unrecovered increased product costs (so-called "banked costs"), and the amount of such costs available to each particular firm, necessarily affect the timing with respect to when reductions in the price of crude oil will be required by the regulations to be passed through as reductions in product selling prices by each firm.

It is important to note, however, that current FEA price regulations automatically provide for the dollar-for-dollar passthrough of decreases in costs of crude oil, subject only to the provision for the carryforward of unrecovered increased product costs discussed above. The resellers' and retailers regulations already require that decreases in costs be passed through. See § 212.93(c)(1). As noted in the Conference Report, FEA price regulations provide for a dollar-for-dollar passthrough of increased product costs. Although the refiners' regulations are silent with respect to decreased product costs, increased product costs are generally defined in the regulations as the difference between current costs and May 1973 costs. Thus, any reduction in current cost levels from the cost levels of the preceding month automatically results in a reduction in the amount of increased costs available for passthrough and, hence, in a reduction in a firm's maximum lawful prices. In other words, although the term "reduced product cost" does not appear in the regulations, any reduction in product costs automatically constitutes a lesser amount of "increased products costs" (since such increases are measured from May 1973 levels), except in the unlikely event a firm were to incur costs currently that were below May 1973 levels.

Thus, the effect of the new section 9 of the EPAA, when read together with the EPCA's explicit authorization of the passthrough of banked costs subject to certain limitations, simply makes mandatory the policy with respect to passing on cost reductions in the form of price decreases which was already implicit in the EPAA and in the FEA refiners' price regulations and was explicitly required in the resellers' and retailers' price regulations.

FEA, therefore, proposes to add an express provision to its refiners' price regulations which states that current decreases in the cost of crude oil, residual fuel oil, or refined petroleum products (i.e., reductions in the amount of increased costs—over May, 1973 levels—in a current month from the amount of increased costs—over May, 1973 levels—for the prior month) automatically result in a reduction in the amount of increased costs available for passthrough.

FEA invites comment as to whether any other changes in the regulations should be adopted in order further to

carry out the intent of the Congress, as stated in the new section 9 of the EPAA and as discussed in the Conference Report.

B. *Limitations on the carryforward of unrecouped increased product costs.* Section 402 of the EPCA amends section 4(b)(2) of the EPAA to read, in pertinent part, as follows:

(2) In specifying prices (or prescribing the manner for determining them), the regulation under subsection (a)—

* * * * *

(B)(i) Shall not permit any net crude oil cost increases—

(I) Which are incurred by a refiner during the calendar month immediately preceding the effective date of this paragraph, or in any month thereafter, and

(II) Which are not passed through in prices charged pursuant to such regulation in the 2 calendar months following the calendar month in which such crude oil cost increases were incurred,

to be passed through by such refiner in any month subsequent to the 2 calendar months following the calendar month in which such crude oil cost increases were incurred, unless the President makes the findings specified in clause (ii)(II)(aa), and such passthrough is consistent with the requirements specified in clause (ii)(II)(bb).

(B)(iii) Shall not permit the passthrough in any month of—

(I) Any net crude oil cost increases incurred by a refiner not later than the last day of the calendar month which begins two months prior to the effective date of this paragraph and not passed through by the end of the last calendar month prior to the effective date of this paragraph unless such passthrough is not in excess of 10 percent of the total amount of such increased crude oil costs not passed through as of the last day of the last calendar month prior to the effective date of the amendment promulgated under section 8(a);

(II) Any net crude oil cost increases incurred by a refiner after the effective date of this paragraph, which net crude oil cost increases were not passed through within the 2 calendar months following the calendar month in which such crude oil cost increases were incurred, unless—

(aa) The President finds, and reports to the Congress with respect to such finding, that a passthrough of such crude oil increases is necessary to alleviate the impact on refiners, marketers, or consumers of significant increases in costs, to provide for equitable cost recovery consistent with the attainment, to the maximum extent practicable, of the objectives specified in paragraph (1), or to avoid competitive disadvantage; and

(bb) Such passthrough in any month of such crude oil cost increases is not in excess of 10 percent of the total amount of such crude oil cost increases as of the end of the calendar month in which the effective date of this paragraph occurs or any month thereafter;

Under current FEA price regulations, refiners determine their increased cost of crude oil (which is their principal "product" cost) on a calendar month basis, by taking the difference between their May 1973 weighted average crude oil cost per barrel and their weighted average crude oil cost per barrel for the month for which increased costs are being measured, and then multiplying that per barrel amount by the number of barrels of crude oil purchased in that month to be refined for sale. The total dollar amount of increased crude oil costs which is thus determined for a calendar month may not be passed through (in the form of prices for products which are above a refiner's May 15, 1973 prices) until the calendar month following the month in which they were incurred and measured. The month for which prices are being determined is referred to in the refiner price regulations as the "current month," and the prior month is referred to as the "month of measurement." To the extent that the total amount of a refiner's increased costs of crude oil incurred in one calendar month (the "month of measurement") is not recovered in prices charged during the following calendar month (the "current month"), such increased costs may be passed through in prices charged in subsequent months, subject to certain limitations. (These regulatory provisions which provide for the carryforward of increased product costs which are not recovered in the "current month" are sometimes referred to as the "banking" provisions of the refiner price rules, with the costs which are carried forward referred to as "banked" costs.)

The new statutory pricing policy set forth in section 4(b)(2)(B) of the EPAA imposes certain requirements with respect to the carryforward of unrecovered increased costs of crude oil by refiners. The new limitations can be summarized as follows:

With respect to increased costs of crude oil incurred through December 31, 1975, and not recovered in prices charged through January 31, 1976 (i.e., "banked" costs as of January 31, 1976), section 4(b)(2)(B)(ii)(I) provides that the passthrough of such increased costs in any month beginning with February 1976 shall not exceed 10 percent of the January 31, 1976 amount.

With respect to increased costs of crude oil incurred during January 1976 or in any month thereafter, section 4(b)(2)(B)(i) provides that no such increased costs which are not passed through in prices charged in the two calendar months following the calendar month in which they were incurred may be passed through in any month following the two calendar months in which they were incurred, unless certain findings are made pursuant to section 4(b)(2)(B)(ii)(II)(aa) and subject to the limitations on the amount of such later passthrough of section 4(b)(2)(B)(ii)(II)(bb).

The findings required to be made under section 4(b)(2)(B)(ii)(II)(aa) in order to permit any such later passthrough are that such passthrough "is necessary to alleviate the impact on refiners, marketers, or consumers, of significant increases in costs, to provide for equitable cost recovery * * *, or to avoid competitive disadvantage * * * *" The limitation on the amount of any such later passthrough which is imposed by section 4(b)(2)(B)(ii)(II)(bb) is that it cannot exceed, in any month, "10 percent of the total amount of such crude oil cost increases i.e., net crude oil cost increases incurred in a calendar month begining with January 1976 and not passed through in the two succeeding calendar months) as of the end of (February 1976) or any month thereafter."

Effective February 1, 1976, therefore, the net effect of section 4(b)(2)(B) (assuming certain findings are made), will be to limit the amount of increased cost of crude oil that a refiner may pass through in prices charged for products in any month to:

(1) All increased costs of crude oil incurred in the immediately preceding month, plus

(2) All increased costs of crude oil incurred in the month before the immediately preceding month and not passed through in the immediately preceding month, plus

(3) Increased costs of crude oil incurred three or more months before the current month and not previously passed through: *Provided,* That the amount passed through in the current month does not exceed 10 percent of the highest total such amount as of the end of any month after the effective date of this paragraph (no such costs will, however, exist until March 31, 1976), plus

(4) Increased costs of crude oil incurred through December 31, 1975 and not previously passed through, provided that the amount passed through in the current month does not exceed 10 percent of the total such amount as of January 31, 1976.

The implementation of this requirement and of the proportionate pricing requirement, discussed below, will necessarily add considerable complexity to a set of regulations that already has significant complexities. Accordingly, FEA solicits comments not only on the specific proposed amendments set forth herein, but on any other means whereby the requirements of the EPCA might be carried out—particularly those which would result in some simplification of the regulations. Interested parties are therefore advised that the FEA will adopt whatever amendments to the regulations appear (after written comment have been received and a public hearing has been held) to be best suited to implementing the pricing policy requirements of the EPCA which are the subject of this rulemaking proceeding.

FEA therefore proposes to amend § 212.83 as follows:

First, refiners would be required to compute unrecouped increased product costs ("banks") as of January 31, 1976 and as of the end of every month thereafter.

Second, refiners would be permitted to use "banked" amounts only subject to the following limitations:

(a) Not more than ten percent of unrecouped increased product costs computed as of January 31, 1976 may be passed through in product prices in any future month;

(b) Increased product costs incurred in any month of measurement (referenced by the superscript "t" in the refiners' cost allocation formulae) begin-

ning as of January 1976 and thereafter may always be passed through in the current month (referenced by the superscript "u" in the refiners' cost allocation formulae), or if not recouped during the current month, may be passed through during the immediately subsequent month; and

(c) Increased product costs incurred during January 1976 or any month thereafter and not recouped within two months after the month in which they were incurred may be recouped in any month after those two months provided that the portion recouped in any such following month is not more than ten percent of the highest amount of all of the unrecouped increased product costs incurred during January 1976 or any month thereafter and not recouped within two months after the month in which they were incurred.

The provision for the deferred passthrough of increased crude oil costs listed in paragraph (c) above, can only, however, be adopted if a finding is made pursuant to section 4(b)(2)(B)(ii)(II)(aa) of the EPAA that such deferred passthrough after the two month period allowed for recoupment of costs is necessary

> to alleviate the impact on refiners, marketers, or consumers of significant increases in costs, to provide for equitable cost recovery * * * or to avoid competitive disadvantage.

FEA's preliminary view, based on information obtained in an earlier rulemaking proceeding with respect to the regulations on the carryforward of unrecovered increased product costs, is that there is a basis for such a finding to be made. In that proceeding, initiated in September 1974 (39 FR 32718, September 6, 1974, FEA proposed substantially to restrict the provisions for the future carryforward of increased costs not recovered on a current basis and to phase out existing amounts of increased product costs which had not been recovered on a current basis. After receipt of comments and a public hearing, however, FEA concluded that the regulations on carryforward of unrecovered increased product costs shokuld be retained in essentially their existing form, but with a limitation imposed on the amount of such increased costs which could be passed through in a single month. (39 FR 39259, November 6, 1974.)

Among the reasons for this conclusion were that to require increased costs to be passed through on a current basis, or not at all, would have given sellers an incentive to recover the maximum amount of increased product costs as soon as possible, thus encouraging higher prices. Such an amendment would also have made product cost recovery impracticable for those refiners that had large fluctuations in the costs incurred from month to month, or that had significant disparities between the volumes of products for which costs were incurred and the volumes of product sold.

Notwithstanding these tentative conclusions, however, in view of the requirement in the EPCA that specific findings must be made, FEA specifically requests current information that would tend either to confirm or rebut these tentative conclusions.

It should be noted that the proposals set forth herein continue to treat increased costs of residual fuel oil and refined petroleum products together with increased costs of crude oil and extend, therefore, the restraints on the passthrough of unrecovered increased costs of crude oil imposed by section 4(b)(2)(B) of the EPAA to unrecovered increased costs of residual fuel oil and refined petroleum products. Although this is a more restrictive treatment than required by statute, it does eliminate further complexities in the regulations. Comments are, however, requested on whether separate treatment of unrecovered increased costs of residual fuel oil and refined petroleum products may be necessary or appropriate, and, if so, how such separate treatment should be accomplished.

There is also another respect in which the proposals contained herein are more stringent than is required by the statute. Currently refiners are in effect required to maintain three "banks"—one for gasoline, one for No. 2 oils and one for general refinery products. For each of the latter two categories, § 212.83(e)(5) currently limits the amount of "banked" costs that can be passed through in any one month to (i) that amount, if any, necessary to maintain the price for any product within that category at a level equal to the price charged for that product in the prior month, plus (ii) ten percent of the highest total amount of costs in that "bank" on October 31, 1974 or at the end of any month thereafter. Under the proposal contained herein, the price maintenance provision is eliminated and, with slight modifications not pertinent here, the ten percent limitation is applied to the gasoline "bank" as well as the other two.

This goes further than the statute requires, however, because, while the EPAA as amended now in effect requires (in section 4(b)(2)(D), which, as discussed below, requires proportional allocation of costs to certain products) the maintenance of separate "banks" for certain products, it does not require that the ten percent limitation be applied to each of those "banks" separately. Rather, it imposes only a ten percent passthrough limitation on all unrecouped crude oil costs generally.

Thus, a possible alternative approach is to maintain the flexibility of the current rules of § 212.83(e)(5), which allows more than ten percent of the "bank" for a particular product or category of products to be passed through in a particular month under certain circumstances, and meet the statutory requirement by adding an additional provision that applies the statutory ten percent limitation to all "banked" costs. Other similar alternatives are also possible, such as imposing by regulation only the statutory ten percent limitation on overall costs and eliminating all limitations on the amount of "banked" costs allocated to particular products that can be passed through in any month.

Thus, in addition to comments on approaches taken in the regulatory language proposed herein, FEA also solicits comments on the several other possible approaches that might differ in the extent to which they allowed the passthrough of "banked" costs to particular products but would all meet the statutory restrictions by applying the ten percent passthrough limitation only to overall unrecouped costs.

C. *Proportionate pricing.* Section 402 of the EPCA also amends section 4(b)(2) of the EPAA to include the following new provision with respect to the distribution of increased costs:

> (2) In specifying prices (or prescribing the manner for determining them), the regulation under subsection (a)—
>
> * * * * *
>
> (D) Shall not permit more than a direct proportionate distribution (by volume) to Number 2 oils (Number 2 heating oil and Number 2-D diesel fuel), aviation fuel of a kerosene or naphtha type, and propane produced from crude oil, of any increased costs of crude oil incurred by a refiner; except that the President may, by amendment to the regulation under subsection (a) or by order, permit deviation from such proportionate distribution of costs, if the President finds that refinery operations justify such deviation and further finds that to permit such deviation is consistent with the attainment of the objectives in paragraph (1) and would not result in inequitable prices for any class of users of such product.

Under current FEA regulations, refiners allocate increased crude oil costs to three categories of products: No. 2 oils, gasoline, and general refinery products (which includes all products other than gasoline and No. 2 oils). No more than a proportionate allocation of costs may be attributed to the categories of No. 2 oils and general refinery products, as well as the product propane which is within the category of general refinery products. Gasoline, however, may receive a disproportionate share of increased crude oil costs which would otherwise be attributed to the categories of No. 2 oils or general refinery products. Similarly, within the general refinery products category, all products except propane may receive a disproportionate share of the costs attributed to that product category.

With respect to the new provision of the EPAA on proportionate pricing, it should be noted first that the conference committee, as stated in the Conference Report, fully intended to preserve the existing flexibility ot assign less than a proportionate amount of increased costs to propane or home heating oil, as for example, in the current regulations which permit more than proportionate amounts of increased costs to be assigned to gasoline. See Conf. Rep. No. 516, 94th Cong., 1st Sess. (1975), p. 198. This new provision of the EPAA instead merely adds "aviation fuel of a kerosene or naphtha type" to the products or product categories to which not more than a proportional amount of increased crude oil costs

may be assigned, and elevates the current regulatory requirement with respect to No. 2 oils and propane produced from crude oil to the level of a statutory requirement.

Under current FEA refiner price regulations, aviation fuels constitute one of the several products or product categories within the category of "general refinery products". Refiners are permitted under § 212.83(c)(1)(ii) to apportion the total amount of increased product costs attributable on a volunmetric basis to the category of general refinery products among particular products (except propane) within that category in whatever amounts they deem appropriate.

In order to implement the proportionate pricing provision of section 4(b)(2)(D) of the EPAA, FEA, therefore, proposes amendments to §§ 212.31 and 212.83 of the regulations applicable to aviation fuels of a kerosene or naphtha type as follows:

First, a new definition of "aviation jet fuel," to mean "aviation fuel (kerosene-type) and aviation fuel, (naphtha-type)" is proposed. (The current regulations have a definition only of "aviation fuels" which means "aviation gasoline" as well as "aviation fuel (kerosene-type)" and "aviation fuel (naphtha-type).")

Second, the same proportionate pricing provisions as are now applicable to No. 2 oils are proposed to be made applicable to "aviation jet fuel," with "aviation gasoline" to remain a general refinery product.

Third, with respect to unrecovered increased costs of crude oil attributable to general refinery products which have been incurred through December 31, 1975 and not recovered in prices charged through January 31, 1976, FEA proposes that not more than a proportionate amount be permitted to be carried forward for application to prices for the new category of aviation jet fuel. The proportion of such costs which could be applied to aviation jet fuel prices is proposed to be not more than the ratio which a refiner's sales of aviation jet fuel bore to its sales of all products in the general refinery products category during calendar year 1975. A separate amount of unrecouped increased product costs, as of January 31, 1976 and thereafter, would be computed for aviation jet fuel, just as is currently required with respect to No. 2 oils.

It should be noted that the new definition of "aviation jet fuel" does not affect the use of the term "aviation fuels," as it appears in § 212.93(b) of the regulations, which pertain to increases in prices by resellers and retailers to reflect nonproduct cost increases.

Under current FEA regulations regarding the pricing of propane, including particularly § 212.83(c)(1)(iii) of Subpart E and § 212.167(c) of Subpart K as those regulations have been proposed to be extended (See 40 FR 49122, October 21, 1975), all propane whether recovered from natural gas or crude oil is already subject to certain "proportionate pricing" requirements. The requirements currently applicable to propane sold by refiners are not, however, the same as those currently applicable to No. 2 oils.

Under § 212.83(c)(iii), as proposed to be extended, a refiner in computing prices for propane, on an annual basis for prices set from August 1 through July 31:

(a) May not apportion to propane prices a greater percentage of the increased costs of crude oil incurred during July 1 through June 30 than the percentage that the volume of propane sold during August 1 through July 31 which is produced from crude oil is to the total volume of all products produced from crude oil and sold by that refiner during August 1 through July 31,

(b) May apportion to propane the increased cost of propane purchased, during July 1 through June 30,

(c) May apportion to propane the increased product costs of propane produced from natural gas, during August 1 through July 31,

(d) May not include in propane prices any increased product costs incurred prior to July 1 and not recovered by July 31.

Otherwise, propane is generally treated as an individual "general refinery product."

In order to implement the proportionate pricing provision of section 4(b)(2)(D) of the EPAA, FEA, proposes amendments to § 212.83 of the regulations applicable to propane pricing as follows:

For purposes of Subpart E of Part 212, propane refined from crude oil will be treated separately from propane recovered from natural gas by the same firm. In general, the same proportionate pricing provisions as are now applicable to No. 2 oils (and proposed to be made applicable to aviation jet fuel) are proposed to be made applicable to propane refined from crude oil, with propane recovered from natural gas to remain a general refinery product.

In order to accomplish this proposed change, that portion of a refiner's unrecovered increased costs of crude oil attributable to general refinery products which were incurred through December 31, 1975 and not recovered in prices charged through January 31, 1976 which could be applied to propane refined from crude oil would be not more than the ratio which a refiner's sales of propane refined from crude oil bore to its sales of all general refinery products during calendar year 1975. Unrecouped increased product costs incurred as of January 31, 1976 and thereafter would be allocated to propane refined from crude oil as increased product costs are proposed herein to be allocated to No. 2 oils and aviation jet fuel.

Since propane is a product subject to seasonal fluctuations in sales, FEA specifically requests comments on whether the proposed method of apportioning of the general refinery products "bank" is the appropriate method.

As noted above, propane recovered from natural gas would continue to be a general refinery product. It would also continue to be subject to the provisions of the current annually-measured "special propane rule."

A "special propane rule for February 1, 1976 and thereafter" is proposed to require that, after all these individual computations are completed, propane be priced as a single item under § 212.82(a).

The requirements of section 4(b)(2)(D) with respect to proportionate distribution of increased crude oil costs may be deviated from upon a finding "that refinery operations justify such deviation and * * * that * * * such deviation is consistent with the attainment of the objectives in [section 4(b)(1) of the EPAA] and would not result in inequitable prices for any class of users of such product." FEA does not propose any specific deviation from the requirements of section 4(b)(2)(D) of the EPAA, but comments are requested on the extent to which any such deviation may be called for, particularly with respect to the complexities introduced by the proposed revisions to the regulations regarding propane pricing. Any such comments should indicate the basis upon which the necessary findings to support such a deviation could be made.

Also with respect to the proportionate pricing issue, FEA proposes to modify the method whereby the proportionate amount of increased costs of crude oil attributable to particular products is derived. Under current regulations, the proportion is derived, in essence, by multiplying a refiner's total amount of increased cost of crude oil for a month by the ratio that the volume of the product in question estimated to be sold in the current month bears to the volume of all products estimated to be sold in the current month. This ratio is set forth in the price formulae of § 212.83(c)(2) as the term "V_i^u/V^u."

The estimated sales volumes expressed in both the numerator of the fraction (V_i^u) and the denominator (V^u) include (except with respect to propane) sales attributable to products which are purchased and resold by a refiner, as well as the sales attributable to products refined by that refiner. Although use of total sales for the purpose of allocating the increased cost of crude oil simplifies the regulations—refiners are not required to compute subtotals of their sales according to whether the product was purchased or refined—and does not, in most cases, make any significant difference in the ratio that is used, it nevertheless introduces a certain amount of distortion into the allocation of increased costs of crude oil among products. Increasing both the numerator and the denominator of the fraction, by the amount of product purchased for resale, has the effect of allocating a greater proportion of increased crude oil costs to those products where a refiner supplements its production with product purchased for resale than would be allocable if the refiner made no such purchases.

Accordingly, in order to assure a more representative volumetric allocation of the increased cost of crude oil, FEA proposes to amend the definitions of the "V_i^u/V^u" factor of the § 212.83(c)(2) price formulae to include only the estimated sales volumes of products refined

by the refiner concerned, and to exclude sales volumes attributable to products purchased by the refiner. It should be noted that the denominator of the current price formula of § 212.83(c)(2)(i), which is used to determine the per unit price increase which may be applied in all sales of a particular product, whether purchased or refined, should properly be defined as the total estimated sales volume of that product, including sales attributable to purchased product.

It should be noted that in a pending notice of proposed rulemaking and Public Hearing entitled "Proposals for Increased Pricing Flexibility" (40 FR 49372, October 22, 1975), FEA proposed to permit resellers and retailers the same flexibility with respect to reallocating increased product costs among products as is permitted for refiners. To the extent that such a proposal may be adopted, it is hereby proposed that such proposal be modified to include the same proportionate pricing restraint with respect to "aviation jet fuel" as is proposed herein for refiners, and comments are therefore specifically requested on this issue.

Procedures for receiving comments and public hearing. Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposals set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box FG, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to FEA Executive Communications with the designation "Amendments to the Refiner, Reseller and Retailer Price Regulations to Reflect the Pricing Policies of the Energy Policy and Conservation Act." Fifteen copies should be submitted. All comments received by Thursday, January 22, 1976, before 4:30 p.m., e.s.t., will be considered by the Federal Energy Administration before final action is taken on the proposed regulations.

Any information or data considered by the person furnishing it to be confidentail must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination. The public hearing in this proceeding will be held at 9:30 a.m., e.s.t., on Monday, January 26, 1976, in Room 2105, 2000 M Street, NW., Washington, D.C. 20461, in order to receive comments from interested persons on the matters set forth herein.

Any person who has an interest in the proposed amendments issued today, or who is a representative of a group or class of persons that has an interest in today's proposed amendments, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:20 p.m., e.s.t., on Friday, January 16, 1976. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned, if appropriate, to state why he is proper representative of a group or class of persons that has such an interest, and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through Friday, January 23, 1976. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., Monday, January 19, 1976 and must submit 100 copies of his statement to Allocations Regulations Development Office, FEA, Room 2214, 2000 M Street, N.W., Washington, D.C. 20461, before 4:30 p.m., e.s.t., on Friday, January 23, 1976.

The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on statement. The rebuttal statements will At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearings, to Executive Communications, FEA, before 4:30 p.m., e.s.t., Friday, January 23, 1976. Any person who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection at the Administrator's Reception Area, Room 3400, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments on this proposal.

This proposal has been reviewed in accordance with Executive Order 11821, issued November 24, 1974, and has been determined not to be of a nature that requires an evaluation of its inflationary impact pursuant to Executive Order 11821.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133 and Pub. L. 94-163; Federal Energy Administration Act of 1974, Pub. L. 93-275; Energy Policy and Conservation Act, Pub. L. 94-163; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, it is proposed to amend Part 212 of Chapter II, Title 10 Code of Federal Regulations as set forth below.

Issued in Washington, D.C., January 7, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

1. Section 212.31 is amended to add a definition of "aviation jet fuel" as follows:

§ 212.31 Definitions.

* * * * *

"Aviation jet fuel" means aviation fuel (kerosene-type) and aviation fuel (naphtha-type).

* * * * *

2. Sections 212.82(b)(1) and (3) are amended to read as follows:

§ 212.82 Price rule.

* * * * *

(b) *Base price*—(1) *Definition.* The base price for sales of an item by a refiner is the weighted average price at which the item was lawfully priced in transactions with the class of purchaser concerned on May 15, 1973, plus increased product costs incurred between the month of measurement and the month of May 1973 and measured pursuant to the provisions of § 212.83. (Decreases in product costs in successive months of measurement are reflected in reductions in the amount of increased product costs incurred in such months of measurement.) In computing the base price, a firm may not exclude any temporary special sale, deal or allowance in effect on May 15, 1973.

* * * * *

(3) *Aviation jet fuel.* For purposes of computing the base price pursuant to this paragraph, aviation jet fuel shall be treated as a single item.

* * * * *

3. Section 212.83 (c) and (e) are amended to read as follows:

§ 212.83 Allocation of refiner's increased costs.

* * * * *

(c) *Allocation of increased product cost*—(1) *General rule*—(i) *No. 2 oils, aviation jet fuel, propane refined from crude oil, and gasoline.* In computing base prices for sales of No. 2 oils, aviation jet fuel, propane refined from crude oil, and gasoline, a refiner may increase its May 15, 1973 selling price to each class of purchaser each calendar month beginning with November 1973 by an amount to reflect the increased product costs attributable to sales of that covered product using the differential between the month of measurement and the month of May 1973, provided that the amount of increased costs used in computing a base price is calculated by use of the formula set forth in paragraph (c)(2)(i) of this section, and that the formula of paragraph (c)(2)(i) of this section is computed separately for No. 2 oils, for aviation jet fuel, for propane refined from crude oil, and for gasoline, and that the amount of increased product costs included in computing base prices of No. 2 oils, of aviation jet fuel, of propane refined from crude oil, and of gasoline is equally applied to each class of purchaser.

(ii) *General refinery products.* * * *

(B) For purposes of this section, each of the following products or product categories shall constitute "a particular general refinery product": Aviation gasoline, benzene, butane, gas oil, greases, hexane, kerosene, lubricant base oil stocks, lubricants, naphthas, natural gas liquids, natural gasoline, No. 1 heating oil and No. 1–D diesel fuel, No. 4 fuel oil and No. 4–D diesel fuel, propane recovered from natural gas, residual fuel oil, special naphthas (solvents), toluene, unfinished oils, xylene, and other finished products. A blend of two or more particular covered products is considered to be that particular covered product constituting the major proportion of the blend.

* * * * *

(iii) *Propane*—(A) *Special propane rule for August 1, 1974 and thereafter.* Notwithstanding the provisions of § 212.83(c)(1)(ii) and in addition to the requirements of § 212.83(e), a refiner in computing base prices of propane for each twelve-month period of August 1, through July 31:

(*1*) May not apportion to propane a greater percentage of increased cost of crude oil purchased or landed in the twelve-month period July 1, through June 30, than the percentage that the volume of propane sold during the twelve-month period August 1, through July 31, that was produced by that refiner from crude oil is to the total volume of all products (including other than covered products) sold by it during the same twelve-month period that were produced by that refiner from crude oil; and

(*2*) May apportion to propane the increased cost of propane purchased or landed in the twelve-month period of July 1, through June 31; and

(*3*) May apportion to propane the increased product costs attributable to propane produced from natural gas as determined pursuant to the provisions of paragraphs (a), (b) and (c) of § 212.166 of Subpart K of this part; and

(*4*) May not apportion to propane any increased product costs incurred prior to July 1, and not recovered through July 31.

* * * * *

(C) *Special propane rule for February 1, 1976 and thereafter.* After complying with the provisions of §§ 212.83(c)(1), 212.83(c)(2), and 212.83(e), a refiner shall combine together any individual base prices, increased product costs, and unrecouped increased product costs computed individually pursuant to such sections for "propane refined from crude oil" and "propane recovered from natural gas" and shall treat propane as a single item for purposes of computing prices to be charged pursuant to § 212.82(a).

(iv) *Reallocation of increased product costs among product categories.* Increased product costs allocable to No. 2 oils, aviation jet fuel, propane refined from crude oil, and gasoline pursuant to paragraph (c)(1)(i) of this section and to general refinery products pursuant to paragraph (c)(1)(ii) of this section or carried forward pursuant to paragraph (e) of this section may be reallocated among product categories each month only as follows:

(A) *General refinery products.* To the extent that a refiner does not allocate its increased product costs for general refinery products to base prices for such products, it may instead allocate that part of its increased product costs for general refinery products only to base prices for gasoline. No increased product costs for general refinery products may be reallocated to base prices for No. 2 oils, aviation jet fuel, or propane refined from crude oil.

(B) *No. 2 oils.* To the extent that a refiner does not allocate its increased product costs for No. 2 oils to base prices for No. 2 oils, it may instead allocate that part of its increased product costs for No. 2 oils only to base prices for gasoline. No increased product costs for No. 2 oils may be reallocated to base prices for general refinery products, aviation jet fuel, or propane refined from crude oil.

(C) *Aviation jet fuel.* To the extent that a refiner does not allocate its increased product costs for aviation jet fuel to base prices for aviation jet fuel, it may instead allocate that part of its increased product costs for aviation jet fuel only to base prices for gasoline. No increased product costs for aviation jet fuel may be reallocated to base prices for No. 2 oils, propane refined from crude oil, or general refinery products.

(D) *Propane refined from crude oil.* To the extent that a refiner does not allocate its increased product costs for propane refined from crude oil to base prices for such products, it may instead allocate that part of its increased product costs for propane refined from crude oil only to base prices for gasoline. No increased product costs for propane refined from crude oil may be reallocated to base prices for general refinery products, No. 2 oils, or aviation jet fuel.

(E) *Gasoline.* No increased product costs for gasoline may be reallocated to base prices for general refinery products, aviation jet fuel, propane refined from crude oil, or No. 2 oils.

(2) *Formulae*—(i) *No. 2 oils, aviation jet fuel, propane refined from crude oil, and gasoline.* For No. 2 oils, aviation jet fuel, propane refined from crude oil, and gasoline (i equal 1, i equals 2, i equals 3, and i equals 4):

$$d_i^u = \frac{A^t\left(\frac{R_i^u}{R^u}\right) + B_i^t + G_i^t \pm H_i^u}{V_i^u}$$

(ii) *General refinery products.* For general refinery products (i=5):

$$D_i^u = A^t\left(\frac{R_i^u}{R^u}\right) + B_i^t + G_i^t - H_i^u$$

(iii) *Definitions.* For purposes of paragraphs (c)(2)(i) and (c)(2)(ii) of this section:

d_i^u = The dollar increase that may be applied in the period "u" to the May 15, 1973 selling price of the covered product or products of the type "i" to each class of purchaser to compute the base price to each class of purchaser, except that the dollar increase that may be applied in the period "u" to the May 15, 1973 selling price of gasoline to compute the base prices to the classes of purchaser that purchase gasoline at retail from a refiner at any service station operated by employees of the refiner may be "d_i^u" plus a maximum of $.03 per gallon of gasoline: *Provided,* That, in computing "d_i^u" for gasoline, the numerator of the formula in subdivision (i) of this subparagraph is reduced by an amount equal to the product of the actual amount of cents per gallon increased added to "d_i^u" above multiplied by the estimated number of gallons of gasoline to be sold during the period "u" at retail through service stations operated by employees of the refiner. The formula for "d_i^u" must be computed separately for i=1, for i=2, for i=3, and for i=4.

D_i^u = The total dollar amount a refiner may apportion in the period "u" to general refinery products (i=5) in whatever amounts it deems appropriate to each particular general refinery product: *Provided,* That the total dollar amount shall be reduced by an amount equal to the total number of gallons of benzene and toluene sold by the refiner during the month of May 1973 multiplied by $.20 and further multiplied by an amount equal to the total number of barrels of refinery input to crude oil distillation units processed during the month of measurement and measured in accordance with Bureau of Mines form 6–1300–M divided by the total number of such barrels processed during the month of May 1973. The formula for general refinery products shall only be computed for i=5 (all general refinery products).

R^u = The total volume of all covered products refined by the refiner from crude oil and all products refined by the refiner from crude oil other than covered products estimated to be sold in the period "u."

R_i^u = The total volume of a specific covered product or products of the type "i" refined by the refiner from crude oil estimated to be sold in the period "u."

V_i^u = The total volume of a specific covered product or products of the type "i" estimated to be sold in the period "u."

* * * * *

And where:

H_i^u = For $i=1$, the portion, if any, of the total dollar amount available in the period "u" for inclusion in price adjustments to No. 2 oils that pursuant to paragraphs (c) (1) (iv) or (e) of this section the refiner elects to include in prices of gasoline for the period "u" (in which case "H_4^u" shall be subtracted); for $i=2$, the portion, if any, of the total dollar amount available in the period "u" for inclusion in price adjustments to aviation jet fuel that pursuant to paragraphs (c) (1) (iv) or (e) of this section the refiner elects to include in prices of gasoline for the period "u" (in which case "H_4^u" shall be subtracted); for $i=3$, the portion, if any, of the total dollar amount available in the period "u" for inclusion in price adjustments to propane refined from crude oil that pursuant to paragraphs (c) (1) (iv) or (e) of this section the refiner elects to include in prices of gasoline for the period "u" (in which case "H_4^u" shall be subtracted); for $i=4$, the portion, if any, of the total dollar amount available in oils, aviation jet fuel, propane refined from crude oil and/or general refiner products that pursuant to paragraphs (c) (1) (iv) or (e) of this section the refiner elects to include in the price of gasoline for the period "u" (in case "H_4^u" shall be added); for $i=5$, the portion, if any, of the dollar amounts available in the period "u" for inclusion in price adjustments to general refinery products that pursuant to paragraphs (c) (1) (iv) or (e) of this section the refiner elects to include in calculating the base prices of gasoline for the period "u" (in which case "H_4^u" shall be subtracted).

The type of covered product or products is referenced by the subscript i:

$i=1$ represents No. 2 oils.
$i=2$ represents aviation jet fuel.
$i=3$ represents propane refined from crude oil.
$i=4$ represents gasoline.
$i=5$ represents all general refinery products.

* * * * *

(e) *Carryover of costs*—(1) *Calculation of amounts carried over as of February 28, 1975 and through December 31, 1975.* For purposes of calculating the total amount of unrecouped increased product costs of covered products of the type $i=1$, $i=2$, and $i=3$ that may be added to May 15, 1973 selling prices pursuant to paragraph (e) (3) of this section under the "G_i^t" factor of the general formulae of paragraph (c) (2) of this section, as of February 28, 1975 (for t=February 1975), a firm shall calculate the total amount of unrecouped increased product costs of covered products of the type $i=1$, $i=2$, and $i=3$ pursuant to § 212.83(e) as that section existed on February 28, 1975. The total amounts of unrecouped increased product costs so calculated shall be attributed to the product or products of the type $i=1$, $i=2$, and $i=3$, respectively, pursuant to § 212.83 as amended on March 1, 1975.

(2) *Calculation of amounts carried over as of and after January 31, 1976*—(i) *For No. 2 oils and gasoline.* For purposes of calculating the total amount of unrecouped increased product costs of covered products of the type $i=1$ and $i=4$ that may be added to May 15, 1973 selling prices pursuant to paragraph (e) (4) of this section under the "G_i^t" factor of the general formulae of paragraph (c) (2) of this section, as of January 31, 1976 (for t=January 1976), a firm shall calculate the total amount of unrecouped increased product costs of covered products of the type $i=1$ and $i=2$ pursuant to § 212.83(e) (as that section existed on December 31, 1975). The total amounts of unrecouped increased product costs so calculated shall be attributed to the product or products of the type $i=1$ and $i=4$, respectively, pursuant to § 212.83 as amended on February 1, 1976.

(ii) *For general refinery products.* For purposes of calculating the total amount of unrecouped increased product costs of covered products of the type $i=5$ that may be added to May 15, 1978 selling prices pursuant to paragraph (e) (4) of this section under the "G_i^t" factor of the general formulae of paragraph (c) (2) of this section, as of January 31, 1976 (for t=January 1976), a firm shall calculate the total amount of unrecouped increased product costs of covered products of the type $i=3$ pursuant to § 212.83 (e) (as that section existed on December 31, 1975.) The firm shall then subtract that amount of unrecouped increased product costs attributed to aviation jet fuel ($i=2$) pursuant to paragraph (e) (2) (iii) of this section and propane refined from crude oil ($i=3$) pursuant to paragraph (e) (2) (iv) of this section. The total amounts of unrecouped increased product costs so calculated shall be attributed to the product or products of the type $i=5$ pursuant to § 212.83 as amended on February 1, 1976.

(iii) *For aviation jet fuel.* For purposes of calculating the total amount of unrecouped increased product costs of covered products of the type $i=2$ that may be added to May 15, 1973 selling prices pursuant to paragraph (e) (5) of this section under the "G_i^t" factor of the general formula of paragraph (c) (2) of this section, as of January 31, 1976 (for t=January 1976), a firm shall (I) calculate the total amount of unrecouped increased product costs of covered products of the type $i=3$ pursuant to § 212.83 (e) as that section existed on December 31, 1975 and then (II) multiply by a fraction, the numerator of which shall be the volume of aviation jet fuel sold during 1975, and the denominator of which shall be the volume of all general refinery products sold during 1975. The total amounts of unrecouped increased product costs so calculated shall be attributed to the product of the type $i=2$ pursuant to § 212.83 as amended on February 1, 1976.

(iv) *For propane refined from crude oil.* For purposes of calculating the total amount of unrecouped increased product costs of covered products of the type $i=3$ that may be added to May 15, 1973 selling prices pursuant to paragraph (e) (5) of this section under the "G_i^t" factor of the general formula of paragraph (c) (2) of this section, as of January 31, 1976 (for t=January 1976), a firm shall (I) calculate the total amount of unrecouped increased product costs of covered products of the type $i=3$ pursuant to § 212.83 (e) as that section existed on December 31, 1975 and then (II) multiply by a fraction, the numerator of which shall be the volume of propane refined from crude oil sold during 1975, and the denominator of which shall be the volume of all general refinery products sold during 1975. The total amounts of unrecouped increased product costs so calculated shall be attributed to the product of the type $i=3$ pursuant to § 212.83 as amended on February 1, 1976.

(3) *Use through January 31, 1976 of amounts carried over*—(i) *General rule*—(A) *For No. 2 oils and general refinery products.* (*1*) If any month beginning with October 1973 a firm charges prices for No. 2 oils or for general refinery products that result in the recoupment of less than the total dollar amount of increased product costs calculated for that covered product pursuant to the general formula and allowable under paragraphs (c) (1) and (c) (2) of this section, and if that unrecouped amount of increased product costs is not used to increase May 15, 1973 selling prices of gasoline pursuant to paragraph (c) (1) (iv) of this section, that unrecouped amount of increased product costs (calculated pursuant to paragraph (e) (1) of this section) may be added to the May 15, 1973 selling prices to compute the base prices for that covered product for a subsequent month through January 31, 1976.

(*2*) If in any month beginning with October 1973 a firm charges prices for No. 2 oils or for general refinery products that result in the recoupment of more than the total dollar amount of increased product costs calculated for that covered product pursuant to the general formula and allowable under paragraphs (c) (1) and (c) (2) of this section, the excess revenues received must be subtracted from the May 15, 1973 selling prices to compute base prices for that covered product in a subsequent month.

(B) *For gasoline.* (*1*) If in any month beginning with October 1973 a firm charges prices for gasoline that result in the recoupment of less than the total dollar amount of increased product costs calculated for gasoline pursuant to the general formula and allowable under paragraphs (c) (1) (i), (c) (1) (iv), and (c) (2) (i) of this section, that unrecouped amount of increased product costs (calculated pursuant to paragraph (e) (1) of this section) may be added to the May 15, 1973 selling prices to compute the base prices for gasoline for a subsequent month, through January 31, 1976.

(*2*) If in any month beginning with October 1973 a firm charges prices for

gasoline that result in the recoupment of more than the total dollar amount of increased product costs calculated for gasoline pursuant to the general formula and allowable under paragraphs (c)(1)(i), (c)(1)(iv), and (c)(2)(i) of this section, the excess revenues received must be subtracted from the May 15, 1973 selling prices to compute base prices for gasoline in a subsequent month.

(ii) *Limitation on use through January 31, 1976 of amounts carried over.* Notwithstanding the above provisions, the amount of unrecouped increased product costs calculated unded the "G_i'" factor of the general formulae of paragraph (c)(2) of this section and carried forward pursuant to this paragraph (e) that may be used to compute base prices for the covered product or products of the type "*i*", other than gasoline, in the current month shall be limited to not more than:

(A) An amount that when added to the increased product costs for the month of measurement, will provide for the same amount of increased product costs to be included in selling prices for the current month of the covered product or products of the type "*i*" as was included in the selling prices for the preceding month on a weighted average per unit basis, plus

(B) An amount that is not more than 10 percent of the amount of unrecouped increased product costs calculated under the "*G*$_i$'" factor of the general formulae of paragraph (c)(2) of this section and carried forward pursuant to this paragraph (e), as of October 31, 1974, or as of the end any month thereafter.

(4) *Use as of and after February 1, 1976 of amounts carried over*—(i) *For No. 2 oils, aviation jet fuel, propane refined from crude oil and general refinery products.* (A) I^c in any month beginning with February 1976 a firm charges prices for No. 2 oils, aviation jet fuel, propane refined from crude oil, or for general refinery products that result in the recoupment of less than the total dollar amount of increased product costs calculated for that covered product pursuant to the general formula and allowable under paragraphs (c)(1), (c)(2), and (e)(2) of this section as of February 29, 1976 and thereafter, and if that unrecouped amount of increased product costs is not used to increase May 15, 1973 selling prices of gasoline pursuant to paragraph (c)(1)(iv) of this section, (*1*) that unrecouped amount of increased product costs (calculated pursuant to paragraph (e)(2) of this section) may be added to the May 15, 1973 selling prices to compute the base prices for that covered product for the immediately subsequent month, and (*2*) any remaining portion of that unrecouped amount of increased product costs may be added to the May 15, 1973 selling prices to compute the base prices for that covered product for any month after such immediately subsequent month: *Provided*, That such portion added in any month is not more than ten percent of the highest amount of such remaining portion of increased product costs calculated on or after March 31, 1976.

(B) Beginning February 1, 1976 not more than ten percent of the unrecouped amount of increased product costs calculated pursuant to paragraph (e)(2) of this section as of January 31, 1976 may be added to the May 15, 1973 selling prices to compute the base prices for that covered product for any month.

(C) If in any month beginning with October 1973 a firm charges prices for No. 2 oils, aviation jet fuel, propane refined from crude oil, or for general refienry products that result in the recoupment of more than the total dollar amount of increased product costs calculated for that covered product pursuant to the general formula and allowable under paragraphs (c)(1) and (c)(2) of this section, the excess revenues received must be subtracted from the May 15, 1973 selling prices to compute base prices for that covered product in a subsequent month.

(ii) *For gasoline.* (A) If in any month beginning with February 1976 a firm charges prices for gasoline that result in the recoupment of less than the total dollar amount of increased product costs calculated for gasoline pursuant to the general formula and allowable under paragraphs (c)(1), (c)(2) and (e)(2) of this section as of February 29, 1976 and thereafter, (*1*) that unrecouped amount of increased product costs may be added to the May 15, 1973 selling prices to compute the base prices for gasoline for the immediately subsequent month, and (*2*) any remaining portion of that unrecouped amount of increased product costs may be added to the May 15, 1973 selling prices to compute the base prices for gasoline for any month after such immediately subsequent month provided that such portion added in any month is not more than ten percent of the highest amount of such remaining portion of increased product costs calculated on or after March 31, 1976.

(B) Beginning February 1, 1976 not more than ten percent of the unrecouped amount of increased product costs calculated pursuant to paragraph (e)(2) of this section as of January 31, 1976 may be added to the May 15, 1973 selling prices to compute base prices for gasoline for any month.

(C) If in any month beginning with October 1973 a firm charges prices for gasoline that result in the recoupment of more than the total dollar amount of increased product costs calculated for gasoline pursuant to the general formula and allowable under paragraphs (c)(1) and (c)(2) of this section, the excess revenues received must be subtracted from the May 15, 1973 selling prices to compute base prices for gasoline in a subsequent month.

(5) *Reallocation of increased product costs.* The total amount allowable under this paragraph (e) for No. 2 oils, aviation jet fuel, propane refined from crude oil, and general refinery products may not include any amount represented by the symbol "*H*" in the formulae in paragraph (c)(2) of this section that the refiner has elected to include in a prior month in the calculation of the maximum permissible amount that may be used to adjust base prices of gasoline pursuant to paragraph (c)(1)(iv) of this section.

(6) *Equal application among classes of purchaser.* * * *

(7) *Unrecouped increased non-product costs.* * * *

5. Section 212.92 is amended to read as follows:

§ 212.92 Definitions.

"Increased costs" means the difference between the weighted average unit cost of a product in inventory and the weighted average unit cost of that product in inventory on May 15, 1973. (Decreases in the weighted average unit cost of a product in inventory in successive months of measurement are reflected in reductions in the amount of increased costs incurred in such month of measurement.) If a particular product was not in inventory on May 15, 1973, the date for computing the cost is the most recent day preceding May 15, 1973, when the seller had the product in inventory.

[FR Doc.76-853 Filed 1-8-76;9:18 am]

federal register

FRIDAY, JANUARY 9, 1976

PART IV:

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions, Modifications and Supersedeas Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the orginal General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Connecticut:	
CT75–2114	Oct. 3, 1975.
South Carolina:	
SC75–1029	Mar. 7, 1975.
SC75–1045	Apr. 11, 1975.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the numbers of the decision being superseded.

Alabama:	
AL75–1071 (AL76–1002)	July 18, 1975.
Mississippi:	
AQ–4072 (MS76–1003)	Feb. 15, 1974.
AR–4024 (MS76–1004)	Aug. 30, 1974.
North Carolina:	
AQ–4079 (NC76–1006)	Feb. 22, 1974.
AR–4044 (NC76–1005)	Oct. 11, 1974.
South Carolina:	
AQ–4097 (SC76–1008)	Apr. 5, 1974.
AR–4052 (SC76–1007)	Nov. 8, 1974.
South Dakota:	
SD75–5121 (SD75–5121)	Oct. 3, 1975.

Signed at Washington, D.C., this 2d day of January 1976.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

MODIFICATIONS P. 1

DECISION NO. CT75-2114 - Mod. #3
(40 FR 45970 - October 3, 1975)
Hartford, Middlesex, New Haven, & Tolland Counties, Connecticut

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Plumbers; Steamfitters: Middlesex County: Clinton, Killingworth, & Westbrook; New Haven County: Branford, Derby, East Haven, Guilford, Hamden, Madison, New Haven, North Branford, North Haven, Orange, West Haven, & Woodbridge	$9.98	.75	.70	t	.02

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. SC75-1045 - Mod. #1 (40 FR 16636 - April 11, 1975) Allendale, Bamberg, Calhoun, & Orangeburg Counties, South Carolina.					
Change:					
Laborers:					
Laborers	$2.30				
Mason tenders	2.30				
Mortar mixers	2.30				
Truck Drivers	2.30				
DECISION NO. SC75-1029 - Mod. #1 (40 FR 10900 - March 7, 1975) Aiken, Barnwell, & Edgefield Counties, South Carolina.					
Change:					
Laborers:					
Laborer	$2.30				
Truck Drivers:					
Single Axle	2.30				
Power Equipment Operators:					
Asphalt rakers and oiler	2.30				

SUPERSEDEAS DECISION

STATE: Alabama COUNTY: Montgomery
DECISION NO: AL76-1002 DATE: Date of Publication
Supersedes Decision No.: AL75-1071 dated July 18, 1975 in 40 FR 30392
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning & heating mechanic	3.66				
Bricklayers	6.28				
Carpenters	3.87				
Drywall finisher	4.50				
Drywall hanger	4.50				
Cement masons	5.70				
Electricians	4.62				
Ironworkers	3.91				
Laborers:					
Laborers	2.50				
Asphalt rakers	3.00				
Mason tenders	3.03				
Mortar mixers	2.50				
Painters, brush	5.35		.20		
Plasterers	5.50				
Plumbers & pipefitters	5.48				
Roofers	4.25				
Sheet metal workers	5.04				
Soft floor layers	5.00				
Tile setters	4.75				
POWER EQUIPMENT OPERATORS:					
Backhoe	3.80				
Tractors	2.50				
Forklift	4.50				
Bulldozer	3.25				
Grader	3.25				
Front end loader	3.00				
Roller	3.00				
Crane	4.625				

SUPERSEDEAS DECISION

STATE: Mississippi
COUNTY: Washington
DECISION NUMBER: MS76-1003
DATE: Date of Publication
Supersedes Decision No. AQ-4072 dated February 15, 1974 in 39 FR 5933.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Bricklayers	$6.00				
Carpenters	4.14				
Cement Masons	4.00				
Electricians	4.00				
Glaziers	3.48				
Ironworkers, Structural	7.15	.30	.35		.04
Ironworkers, Reinforcing	7.15	.30	.35		.04
Laborers	2.30				
Lathers	4.50				
Mason Tenders	2.50				
Mortar Mixers	2.30				
Painters, brush	5.00				
Plasterers	4.50				
Plumbers	5.09				
Roofers	3.50				
Sheet Metal Workers	3.72				
Soft Floor Layers	4.75				
Terrazzo Workers	4.50				
Tile Setters	4.50				
Truck Drivers	2.30				
Power Equipment Operators:					
Asphalt Distributor	3.00				
Asphalt Spreader	3.00				
Backhoe	4.78				
Bulldozer	3.00				
Cranes, Derricks, Draglines	6.22				
Motor Grader	3.00				
Roller	3.00				
Tractor	2.30				

SUPERSEDEAS DECISION

STATE: Mississippi COUNTIES: Washington, Warren, Sunflower & Coahoma

DECISION NUMBER: MS76-1004 DATE: Date of Publication

Supersedes Decision No. AR-4024 dated August 30, 1974 in 39 FR 31771.

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including four stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Conditioning Mechanic	$4.00				
Bricklayer	5.00				
Carpenter	4.39				
Cement Mason	4.06				
Drywall Finisher	3.25				
Drywall Hanger	3.00				
Electrician	4.00				
Ironworker, Ornamental	3.80				
Ironworker, reinforcing	2.89				
Laborers:					
Laborer	2.30				
Asphalt Raker	2.46				
Mason Tender	2.30				
Mortar Mixer	2.30				
Painter	3.79				
Plumber	4.46				
Roofer	3.61				
Sheet Metal Worker	3.88				
Soft Floor Layer	3.50				
Tile Setter	5.00				
Truck Driver	3.00				
Welder	3.00				
Power Equipment Operators:					
Asphalt Spreader	2.75				
Backhoe	3.00				
Bulldozer	3.00				
Dragline	3.00				
Forklift	3.00				
Motor grader	3.50				
Scraper	2.88				

SUPERSEDEAS DECISION

STATE: North Carolina COUNTIES: See below*
DECISION NUMBER: NC76-1005 DATE: Date of Publication
Supersedes Decision No. AR-4044 dated October 11, 1974 in 39 FR 36822.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

*Counties: Chatham, Cumberland, Harnett, Hoke, Lee, Moore and Sampson

26-R-NC-L-E

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Air conditioning mechanic	$3.25				
Bricklayers	5.00				
Carpenters	3.83				
Cement masons	4.03				
Electricians	3.86				
Ironworkers, Structural & ornamental	2.75				
Laborers:					
Laborers	2.30				
Mason tenders	2.50				
Painters, brush	3.25				
Plumbers & Pipefitters	4.13				
Roofers	4.03				
Sheet Metal Workers	3.25				
Tile setters	4.00				
Truck drivers	2.50				
Welders - rate for craft.					
POWER EQUIPMENT OPERATORS:					
Asphalt paver	3.25				
Asphalt raker	2.30				
Bulldozer	4.14				
Concrete finisher	2.50				
Distributor, asphalt	2.30				
Form setters	2.70				
Front end loader	3.30				
Motor grader	2.68				
Roller (asphalt)	2.85				
Roller (rubber tire)	3.05				
Tractor Operator	3.00				

SUPERSEDEAS DECISION

STATE: North Carolina COUNTIES: See below*
DECISION NUMBER: NC76-1006 DATE: Date of Publication
Supersedes Decision No. AQ-4079 dated February 22, 1974 in 39 FR 7010.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

*Counties: Bertie, Chowan, Edgecombe, Franklin, Halifax, Hertford, Martin, Northampton, Pitt, Vance, Warren, & Wilson

74-R-NC-1-C

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Yr.
Air Conditioning & Heating Mechanic	$3.00				
Bricklayers	5.00				
Carpenters	3.45				
Cement Masons	3.36				
Drywall Finisher	4.00				
Drywall Hanger	2.75				
Electricians	3.39				
Laborers:					
Laborers	2.30				
Mason Tenders	2.46				
Mortar Mixers	3.00				
Pipelayers	2.50				
Painters, brush	3.13				
Plasterers	4.26				
Plumbers & Pipefitters	3.70				
Roofers	3.34				
Sheet Metal Workers	3.11				
Soft Floor Layers	2.75				
Tile Setters	3.50				
Truck Drivers	2.30				
Welders-rate for craft.					
Power Equipment Operators:					
Backhoe	2.74				
Bulldozer	3.06				
Cranes, derricks, draglines	3.20				
Front End Loader	3.25				
Mechanic	3.66				
Motor Grader	3.00				
Paver Operator	3.50				
Roller	2.81				
Scraper	3.50				
Tractor	2.40				

SUPERSEDEAS DECISION

STATE: South Carolina
DECISION NUMBER: SC76-1007
COUNTIES: See below*
DATE: Date of Publication
Supersedes Decision No. AR-4052 dated November 8, 1974 in 39 FR 39671.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

*Counties: Clarendon, Darlington, Dillon, Florence, Lee, Marion, Marlboro, Sumter, and Williamsburg

43-SC-4-F (1-1)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air conditioning mechanic	$5.00					
Bricklayers	4.25					
Carpenters	3.60					
Cement masons	4.12					
Dry wall finishers	4.00					
Dry wall hangers	4.00					
Electricians	4.00					
Glaziers	3.50					
Laborers:						
Laborers	2.30					
Mason tenders	3.40					
Mortar mixers	3.40					
Painters, brush	3.25					
Plumbers & pipefitters	3.60					
Roofers	3.65					
Sheet metal workers	3.60					
Tile setters	3.75					
Truck drivers	2.30					
Welders - rate for craft						
Power Equipment Operators:						
Asphalt distributor	2.50					
Asphalt paver	2.70					
Backhoe	2.30					
Curbing machine operator	2.40					
Bulldozer	2.68					
Forklift	2.75					
Grader	2.30					
Loader	2.30					
Pan	2.30					
Trenching machine	2.40					

SUPERSEDEAS DECISION

STATE: South Carolina COUNTY: Sumter
DECISION NUMBER: SC76-1008 DATE: Date of Publication
Supersedes Decision No. AQ-4097 dated April 5, 1974 in 39 FR 12581.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning mechanic	$4.25				
Asbestos workers	6.85				
Bricklayers	5.50				
Carpenters	3.62				
Cement masons	3.29				
Electricians	3.92				
Elevator constructors	5.895	.345	.23	2% +a&b	.015
Elevator constructors' helpers	4.13	.345	.23	2% +a&b	.015
Glaziers	3.26				
Ironworkers, reinforcing	5.70				
Laborers	2.30				
Lathers	5.50				
Painters	3.00				
Plasterers	5.25				
Plumbers & pipefitters	4.03				
Roofers	2.80				
Sheet metal workers	3.81				
Soft floor layers	3.00				
Tile setters	3.50				
Truck drivers	2.64				
Welders - Rate for craft.					
Power Equipment Operators:					
Backhoe	3.00				
Bulldozer	2.40				
Crane	4.00				
Front end loader	2.40				
Motor grader	2.75				
Pump	3.25				
Roller	3.55				
Scraper	3.60				

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnotes:
a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate for employee who has worked in business more than 5 years; Employer contributes 2% of regular hourly rate for employee who has worked in business less than 5 years to Vacation Pay Credit.

SUPERSEDEAS DECISION

STATE: South Dakota COUNTY: Minnehaha
DECISION NUMBER: SD75-5153 DATE: Date of Publication
Supersedes Decision No. SD75-5121 dated October 3, 1975, in 40 FR 46000
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 8.53	.35	.40		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS; Stonemasons	8.55	.25	.30		
CARPENTERS:					
Carpenters, Piledrivermen	7.51		.20		.05
Millwrights	8.47		.20		.05
CEMENT MASONS	8.40				
ELECTRICIANS:					
0 miles through 30 miles from Sioux Falls Post Office					
Electricians	8.77	.40	1%	6%	1-1/2%
Cable Splicers	9.66	.40	1%	6%	1-1/2%
Over 30 miles from Sioux Falls Post Office					
Electricians	9.77	.40	1%	6%	1-1/2%
Cable Splicers	10.66	.40	1%	6%	1-1/2%
GLAZIERS	5.79				
LABORERS:					
Laborers	4.35				
Mortar Mixers, Paving Breakers, Jack Hammer Operator	4.45				
Nozzleman (gunnite, sandblast and shotcrete)	4.60				
LATHERS	8.50				.01
PAINTERS:					
Brush	6.79				
Spray	7.29				
Tapers	7.04				
PLASTERERS	7.53				.01
PLUMBERS; Steamfitters	8.46	.32	.15	.17	.03
SHEET METAL WORKERS	7.92		.15	.35	
SPRINKLER FITTERS	8.75	.50	.80		.08
WELDER: Receive rate prescribed for craft performing operation to which welding is incidental.					

[FR Doc.76-315 Filed 1-8-76;8:45 am]

federal register

FRIDAY, JANUARY 9, 1976

PART V:

OFFICE OF MANAGEMENT AND BUDGET

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SUMMARY OF PROPOSED RESCISSIONS AND DEFERRALS

OFFICE OF MANAGEMENT AND BUDGET

SUMMARY OF PROPOSED RESCISSIONS AND DEFERRALS

TO THE CONGRESS OF THE UNITED STATES

In accordance with the Impoundment Control Act of 1974, I herewith propose rescission of the uncommitted balances of the Rehabilitation Loan Fund administered by the Department of Housing and Urban Development. In addition, I am reporting nine new deferrals totalling $669.8 million in budget authority and eleven changes to deferrals previously transmitted that increase the amount deferred by $17.3 million.

The activities financed by the Rehabilitation Loan Fund are also eligible for support under the Community Development Block Grant Program. Experience has now shown that block grant recipients are using—as was the intent of the Housing and Community Development Act of 1974—their grants to support rehabilitation activities. Approval of this rescission, therefore, will result in expenditure savings of $18.4 million this year and $34.0 million in the transition quarter and 1977 without adverse effect on the availability of housing rehabilitation assistance.

Seven of the nine new deferrals are routine in nature and affect programs of the Departments of Defense, State, and Transportation and the Interstate Commerce Commission.

The remaining two new deferrals and all eleven revised deferrals are for programs of the Department of Health, Education, and Welfare. The new deferrals establish and the revised deferrals extend through the third quarter funding levels that differ from the general levels allowed by the continuing resolution. In so doing, these deferrals preserve—until enactment of the regular appropriations—the possibility of conducting the reported programs in 1974 at the levels I have recommended and, in four cases, at the level the Congress has recomended.

The details of the proposed rescission and the deferrals are contained in the attached reports.

GERALD R. FORD

THE WHITE HOUSE

Dated: January 6, 1976.

SUMMARY OF PROPOSED RESCISSIONS AND DEFERRALS

(In thousands of dollars)

Rescission #	Item	Budget Authority
	Housing and Urban Development	
	Community Planning and Development	
R76-28	Rehabilitation loan fund	60,670
	Subtotal, rescissions	60,670
Deferral #		
	Defense, Military	
D76-86	Military Construction	596,074
	Defense, Civil	
	Canal Zone Government	
D76-87	Capital outlays	155
	Health, Education, and Welfare	
	Health Services Administration	
D76-57A	Health services	1,623
	National Institutes of Health	
D76-58A	National Cancer Institute	7,000
D76-59A	National Heart and Lung Institute	12,700
D76-60A	National Institute of Dental Research	518
D76-88	National Institute of Arthritis, Metabolism, and Digestive Diseases	2,752
D76-61A	National Institute of Neurological and Communicative Disorders and Stroke	682
D76-62A	National Institute of General Medical Sciences	5,812
D76-63A	National Institute of Child Health and Human Development	1,234
D76-89	Division of Research Resources	42,896
D76-64A	Office of the Director	884
	Alcohol, Drug Abuse, and Mental Health Administration	
D76-40C	Alcohol, drug abuse, and mental health	4,910
	Office of the Assistant Secretary for Health	
D76-65A	Assistant Secretary for Health	773
	Social and Rehabilitation Service	
D76-45B	Public Assistance	3,000
D76-90	State Acquisition, operation and maintenance of buildings abroad	2,275
	Transportation	
	U. S. Coast Guard	
D76-91	Acquisition, construction, and improvement	1,061
	Federal Aviation Administration	
D76-92	Construction, National Capitol Airports	8,679
D76-93	Civil supersonic aircraft development and development termination	2,179
	Other Independent Agencies	
	Interstate Commerce Commission	
D76-94	Payments for directed rail services	13,700
	Subtotal, deferrals	708,907
	Total, rescissions and deferrals	769,577

SUMMARY OF SPECIAL MESSAGES
FOR FY 1976

(Amounts in thousands of dollars)

	Rescissions	Deferrals
Ninth special message:		
New items	60,670	669,770
Changes to amounts previously submitted	---	17,344
Effect of the ninth special message	60,670	687,114
Previous special messages	2,341,570	3,578,426
Total amount proposed in special messages	2,402,240 (in 28 rescission proposals)	4,265,540 (in 94 deferrals)

NOTE: All amounts listed represent budget authority except for $87,689,681 consisting of two general revenue sharing deferrals (of outlays only) reported in the seventh 1976 special message.

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Housing and Urban Development	New budget authority (P.L. 94-116): $50,000,000
Bureau: Community Planning and Development	Other budgetary resources: 70,670,476
Appropriation title & symbol: Rehabilitation Loan Fund 86X4036 8664036	Total budgetary resources: 120,670,476
	Amount proposed for rescission: $60,670,000*
OMB identification code: 25-0-64036-0-3-451	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☒ Multiple-year August 22, 1976 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification

The Rehabilitation Loan Fund is authorized by section 312 of the Housing Act of 1964, as amended. It has provided financial assistance for the rehabilitation of residential and business properties. Pursuant to the Emergency Housing Act of 1975, the authority to make loans under this program will expire on August 22, 1976.

It is proposed that all unused balances, including appropriated funds and other income available to the loan fund, be rescinded. No additional loan commitments would be made after December 31, 1975. A small amount -- $5,670,000 -- would be retained for loan servicing costs and other expenses.

The Rehabilitation Loan Fund has been replaced by the Community Development Block Grant program under Title I of the Housing and Community Development Act of 1974. One of the many activities eligible for assistance under this new program is housing rehabilitation. Fund allocation experience for 1975 indicates that block grant recipients are programming a significant portion (approximately 9 percent) of their grant funds for that purpose. A similar level of activity is anticipated during the current fiscal year.

The block grant approach is a more desirable method of providing Federal community development assistance, affording communities greater flexibility and discretion in the use of such assistance. This contention is based on the widespread acceptance which this new approach has received from State and local officials, particularly in the area of housing rehabilitation. Consequently, there is no need to continue separate categorical funding through another fiscal year.

Rescission of the estimated $60,670,000 is therefore proposed.

Estimated Effects

Given the availability of the Community Development Block Grant program, rescission of the amount shown above will have no adverse effect on the ability of localities to provide housing rehabilitation assistance. Significant Federal assistance will still be available.

Outlay Effect (estimated in tenths of millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	$ 6.7
2. Outlay savings, if any, included in the budget outlay estimate	---
Current Outlay Estimates for 1976:	
3. Without rescission	76.0
4. With rescission	57.6
5. Current outlay savings	18.4
Outlay Savings for the Transition Quarter	25.0
Outlay Savings for 1977	8.0

* This estimate is subject to change and may be adjusted once actual accounting data become available.

R76-28

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
COMMUNITY PLANNING AND DEVELOPMENT
REHABILITATION LOAN FUND

Uncommitted balances of appropriations and receipts in the Rehabilitation Loan Fund established pursuant to Section 312 of the Housing Act of 1964, as amended (42 U.S.C. 1452b), other than amounts required for loan servicing costs and other expenses of operation, are hereby rescinded.

Deferral No: D76-86

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Defense	New budget authority (P.L. 94-138): $3,692,631,000
Bureau	Other budgetary resources: 2,476,757,041
Appropriation title & symbol: See coverage section below	Total budgetary resources: 6,169,388,041
	Amount to be deferred: Part of year: $ 596,073,662
	Entire year:
OMB identification code: See coverage section below	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other
Type of account or fund: [X] Annual; [ ] Multiple-year ____ (expiration date); [X] No-year	Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other

Coverage

Military Construction, Army	21X2050	07-25-2050-0-1-051	$181,145,201
Military Construction, Navy	17X1205	07-25-1205-0-1-051	72,757,000
Military Construction, Air Force	57X3300	07-25-3300-0-1-051	145,792,613
Military Construction, Defense Agencies	97X0500	07-25-0500-0-1-051	27,728,000
Military Construction, Army National Guard	21X2085	07-25-2085-0-1-051	36,325,000
Military Construction, Air National Guard	57X3830	07-25-3830-0-1-051	16,904,000
Military Construction, Army Reserve	21X2086	07-25-2086-0-1-051	30,221,000
Military Construction, Naval Reserve	17X1235	07-25-1235-0-1-051	19,537,776
Military Construction, Air Force Reserve	57X3730	07-25-3730-0-1-051	5,088,072
Family Housing, Defense	97X0700	07-30-0701-0-1-051	60,575,000
Family Housing, Defense	9760700	07-30-0701-0-1-051	-0-

Justification

The above amounts in the listed no-year appropriations are currently deferred under provisions of the Antideficiency Act (31 U.S.C. 665) which authorize the establishment of reserves for contingencies.

Due to the long period of time required to construct facilities, the Congress makes appropriations for this purpose available until expended. The above funds are deferred due to administrative delays, such as project designs not being completed and incomplete coordination of projects with either other Federal agencies or local government agencies.

These deferrals have no programmatic or budgetary effect because the funds could not be obligated at this time, even if they were made available.

Outlay Effect (estimated in tenths of millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	$3,870.4
2. Outlay savings, if any, included in the budget outlay estimate	-0-
Current Outlay Estimates for 1976:	
3. Without deferral	3,130.0
4. With deferral	3,130.0
5. Current outlay savings (line 3 - line 4)	-0-
Outlay Savings for the transition quarter	-0-
Outlay Savings for 1977	-0-

Deferral No: D76-87

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Panama Canal	New budget authority (P.L. 94-134) $2,240,000
Bureau: Canal Zone Government	Other budgetary resources 3,230,657
Appropriation title & symbol: Capital Outlays 38X0118	Total budgetary resources 5,470,657
	Amount to be deferred: Part of year $ -0-
	Entire year 154,657*
OMB identification code: 08-25-0118-0-1-806	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

This program is funded by appropriations made in the Department of Transportation and Related Agencies Appropriation Acts of 1976 (P.L. 94-134) and prior years. These appropriations are available until expended. This deferral action has been taken at the request of the Canal Zone Government until project inspection charges and certain other services to be performed by the Panama Canal Company are rendered. The reserve has been established under the provisions of the Antideficiency Act (31 U.S.C. 665) to insure fund availability for project inspection and certain other services provided by the Panama Canal Company which are essential for the completion of projects.

Estimated Effects:

The amount deferred could not be used if made available in the current year because of the scheduling of the planned construction program. Thus, the deferral action has no programmatic or budgetary effect.

* These funds are proposed for deferral through June 30, 1976, or, if appropriate legislation is enacted, through September 30, 1976.

Outlay Effect (estimated in tenths of millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for	$5.0
2. Outlay savings, if any, included in the budget outlay estimate	---
Current Outlay Estimates for 1976:	
3. Without deferral	7.5
4. With deferral	7.5
5. Current outlay savings (line 3 - line 4)	---
Outlay Savings for the Transition Quarter	---
Outlay Savings for 1977	---

SUPPLEMENTARY REPORT

Report Pursuant to Sec. 1014(c) of P.L. 93-344

This report updates Deferral No. D76-57 transmitted to Congress on October 20, 1975, and printed in House Document No. 94-282 and Senate Document No. 94-111.

This report covers activities in Medical care standards (Trust Funds) and Program management of the Health Services Administration. The amount deferred is increased by $541,000 to keep third quarter spending under the continuing resolution within the President's Budget request for Medical care standards (Trust Funds) and within the Congressional allowance for Program management.

Deferral No: D76-57A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Health, Education, and Welfare	New budget authority (P.L. 94-159): $24,625,000*
Bureau: Health Services Administration	Other budgetary resources: 3,902,000*
Appropriation title & symbol: Health Services 7560350 (Medical care standards, Trust Funds; Program management)	Total budgetary resources: 28,527,000*
	Amount to be deferred: Part of year: $1,623,000*
	Entire year:
OMB identification code: 09-15-0350-0-1-551	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

*Justification:

The funding level authorized for Medical care standards (Trust Funds) under the continuing resolution exceeds the President's 1976 Budget request. The funding level authorized for Program management under the continuing resolution exceeds both the President's 1976 Budget request and the Congressional allowance in the 1976 Labor-HEW Appropriations Bill. This deferral of funds is designed to keep third quarter spending under the continuing resolution at the level of the 1976 Budget request for Medical care standards and at the Congressional allowance for Program management.

*Estimated Effects:

The deferral of $498,000 for Medical care standards and $1,125,000 for Program management through the third quarter of 1976 will result in maintaining the program level and activities planned in the President's 1976 Budget request for Medical care standards and in the Congressional allowance for Program management. In the event the 1976 appropriation is at the level permitted by the Congressional allowance, the higher level of funding for Medical care standards would be used to support certain lower priority contracts and training activities. Program management will operate at the Congressional allowance level.

* Revised from previous submission.

Outlay Effect (estimated in tenths of millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	$30.0
2. Outlay savings, if any, included in the budget outlay estimate	-0-
Current Outlay Estimates for 1976:	
3. Without deferral	30.0
4. With deferral	29.5*
5. Current Outlay savings (line 3 - line 4)	.5*
Outlay Savings for the Transition Quarter	-.5*
Outlay Savings for 1977	-0-

* Revised from previous submission.

D76-58A

SUPPLEMENTARY REPORT

Report Pursuant to Sec. 1014(c) of P.L. 93-344

This report updates Deferral No. 76-58 transmitted to Congress on October 20, 1975, and printed as House Document No. 94-282 and Senate Document No. 94-111.

This report covers activities in the National Cancer Institute of the National Institutes of Health. This action extends the deferral of $7,000,000 through the third quarter to keep spending under the continuing resolution at a level consistent with the President's Budget.

Deferral No: D76-58A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Health, Education, & Welfare Bureau: National Institutes of Health Appropriation title & symbol: National Cancer Institute 7560849	New budget authority (P.L. 94-159) $397,931,000 Other budgetary resources — Total budgetary resources 397,931,000 Amount to be deferred: Part of year $7,000,000 Entire year —
OMB identification code: 09-25-0849-0-1-550 Grant program ☒ Yes ☐ No	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

*Justification:

The funding level authorized for this appropriation under the continuing resolution exceeds the FY 1976 President's Budget. This deferral of funds is designed to keep third quarter spending under the continuing resolution at the level of the 1976 Budget request.

*Estimated Effects:

Pending resolution of the appropriation, this action postpones through the third quarter an estimated 107 new research grants that would be permitted under the continuing resolution. Under the deferral, the Institute will be able to fund all competing renewals and continuations at the approved funding levels. The amount postponed is less than 2% of budget authority available under the continuing resolution.

Given the nature of biomedical research, it is difficult to assess any deleterious effects associated with the deferral upon either health status or the development of significant new knowledge.

* Revised from previous submission.

Outlay Effect: (estimated in tenths of millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	$581.8
2. Outlay savings, if any, included in the budget outlay estimate	-0-
Current Outlay Estimates for 1976:	
3. Without deferral	659.2
4. With deferral	658.5
5. Current outlay savings (line 3 - line 4)	.7
Outlay Savings for the Transition Quarter	--
Outlay Savings for 1977	-.7

SUPPLEMENTARY REPORT

Report Pursuant to Sec. 1014(c) of P.L. 93-344

This report updates Deferral No. 76-59 transmitted to Congress on October 20, 1975, and printed in House Document No. 94-282 and Senate Document No. 94-111.

This report covers activities in the National Heart and Lung Institute (NHLI) of the National Institutes of Health. The amount deferred for NHLI is increased by $10,000,000 to keep third quarter spending under the continuing resolution consistent with the President's Budget request.

Deferral No: D76-59A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Health, Education, & Welfare	New budget authority (P.L. 94-159): $186,827,000*
Bureau: National Institutes of Health	Other budgetary resources: --
Appropriation title & symbol	Total budgetary resources: 186,827,000*
National Heart and Lung Institute 7560872	Amount to be deferred: Part of year: $12,700,000* Entire year:
OMB identification code: 09-25-0872-0-1-552	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year _____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

*Justification:

The funding level authorized for this appropriation under the continuing resolution exceeds the FY 1976 President's Budget. This deferral of funds is designed to keep third quarter spending under the continuing resolution at the level of the 1976 Budget request.

*Estimated Effects:

Pending resolution of the appropriation, this action postpones through the third quarter an estimated 172 new research grants that would be permitted under the continuing resolution. Under the deferral, the Institute will be able to fund all competing renewals and continuations at the approved funding levels. The amount postponed is less than 7% of budget authority available under the continuing resolution.

Given the nature of biomedical research, it is difficult to assess any deleterious effects associated with the deferral upon either health status or the development of significant new knowledge.

* Revised from previous submission.

Outlay Effect: (estimated in tenths of millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	$293.0
2. Outlay savings, if any, included in the budget outlay estimate	-0-
Current Outlay Estimates for 1976:	
3. Without deferral	336.0
4. With deferral	335.0*
5. Current outlay savings (line 3 - line 4)	1.0*
Outlay Savings for the Transition Quarter	-0-
Outlay Savings for 1977	-1.0*

*Revised from previous submission

SUPPLEMENTARY REPORT

Report Pursuant to Sec. 1014(c) of P.L. 93-344

This report updates Deferral No. D76-60 transmitted to Congress on October 20, 1975, and printed in House Document No. 94-282 and Senate Document No. 94-111.

This report covers activities in the National Institute of Dental Research of the National Institutes of Health. This action extends the deferral of $518,000 through the third quarter to keep spending under the continuing resolution at a level consistent with the President's Budget.

Deferral No: D76-60A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Health, Education & Welfare Bureau: National Institutes of Health	New budget authority (P.L. 94-159): $28,227,000* Other budgetary resources: --- Total budgetary resources: 28,227,000*
Appropriation title & symbol: National Institute of Dental Research 7560873	Amount to be deferred: Part of year: $ 518,000 Entire year:
OMB identification code: 09-25-0873-0-1-552 Grant program: ☒ Yes ☐ No	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year _____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

*Justification:

The funding level authorized for this appropriation under the continuing resolution exceeds the FY 1976 President's Budget. This deferral of funds is designed to keep third quarter spending under the continuing resolution at the level of the 1976 Budget request.

*Estimated Effects:

Pending resolution of the appropriation, this action postpones through the third quarter an estimated 11 new research grants that would be permitted under the continuing resolution. Under the deferral, the Institute will be able to fund all competing renewals and continuations at the approved funding levels. The amount postponed is less than 2% of budget authority available under the continuing resolution.

Given the nature of biomedical research, it is difficult to assess any deleterious effects associated with the deferral upon either health status or the development of significant new knowledge.

*Revised from previous submission.

Outlay Effect: (estimated in tenths of millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	$40.0
2. Outlay savings, if any, included in the budget outlay estimate	-0-
Current Outlay Estimates for 1976:	
3. Without deferral	50.5
4. With deferral	50.4
5. Current outlay savings (line 3 - line 4)	.1
Outlay Savings for the Transition Quarter	-0-
Outlay Savings for 1977	-.1

Deferral No: D76-88

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health, Education, & Welfare	New budget authority (P.L. 94-159) $ 110,937,000
Bureau National Institutes of Health	Other budgetary resources
Appropriation title & symbol National Institute of Arthritis, Metabolism, and Digestive Diseases 7560884	Total budgetary resources 110,973,000 Amount to be deferred: Part of year $ 2,752,000 Entire year
OMB identification code: 09-25-0884-0-1-552 Grant program ☒ Yes ☐ No	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

The funding level authorized for this appropriation under the continuing resolution exceeds the FY 1976 President's Budget. This deferral of funds is designed to keep third quarter spending under the continuing resolution at the level of the 1976 Budget request.

Estimated Effects:

Pending resolution of the appropriation, this action postpones during the third quarter an estimated 57 new research grants that would be permitted under the continuing resolution. Under the deferral, the Institute will be able to fund all competing renewals and continuations at the approved funding levels. The amount postponed is less than 3% of budget authority available under the continuing resolution.

Given the nature of biomedical research, it is difficult to assess any deleterious effects associated with the deferral upon either health status or the development of significant new knowledge.

D76-88

Outlay Effects:

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	$147.2
2. Outlay savings, if any, included in the budget outlay estimate	-0-
Current Outlay Estimates for 1976	
3. Without deferral	204.0
4. With deferral	203.2
5. Current outlay savings (line 3 - line 4)	.8
Outlay Savings for the Transition Quarter	-0-
Outlay Savings for 1977	-.8

D76-61A

SUPPLEMENTARY REPORT

Report Pursuant to Sec. 1014(c) of P.L. 93-344

This report updates Deferral No. D76-61 transmitted to Congress on October 20, 1975, and printed in House Document No. 94-282 and Senate Document No. 94-111.

This report covers activities in the National Institute of Neurological and Communicative Disorders and Stroke of the National Institutes of Health. This action extends the deferral of $682,000 through the third quarter to keep spending under the continuing resolution at a level consistent with the President's Budget.

Deferral No: D76-61A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. 94-159) $76,029,000*
Bureau National Institutes of Health	Other budgetary resources
Appropriation title & symbol: National Institute of Neurological and Communicative Disorders and Stroke 7560886	Total budgetary resources 76,029,000*
	Amount to be deferred: Part of year $682,000
	Entire year
OMB identification code: 09-25-0886-0-1-552	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

*Justification:

The funding level authorized for this appropriation under the continuing resolution exceeds the FY 1976 President's Budget. This deferral is designed to keep third quarter spending under the continuing resolution at the level of the 1976 Budget request.

*Estimated Effects:

Pending resolution of the appropriation, this action postpones through the third quarter an estimated 8 new research grants that would be permitted under the continuing resolution. Under the defefral, the Institute will be able to fund all competing renewals and continuations at the approved funding levels. The amount postponed is less than 1% of budget authority available under the continuing resolution.

Given the nature of biomedical research, it is difficult to assess any deleterious effects associated with the deferral upon either health status or the development of significant new knowledge.

* Revised from previous submission.

Outlay Effect: (estimated in tenths of millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	$121.2
2. Outlay savings, if any, included in the budget outlay estimate	-0-
Current Outlay Estimates for 1976:	
3. Without deferral	143.2
4. With deferral	143.1
5. Current outlay savings (line 3 - line 4)	.1
Outlay Savings for the Transition Quarter	-0-
Outlay Savings for 1977	-.1

D76-62A

SUPPLEMENTARY REPORT

Report Pursuant to Sec. 1014(c) of P.L. 93-344

This report updates Deferral No. D76-62 transmitted to Congress on October 20, 1975, and printed in House Document No. 94-282 and Senate Document No. 94-111.

This report covers activities in the National Institute of General Medical Sciences (NIGMS) of the National Institutes of Health. The amount deferred for NIGMS is increased by $3,494,000 to keep spending under the continuing resolution consistent with the President's Budget request through the third quarter.

Deferral No: D76-62A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health, Education and Welfare	New budget authority (P.L. 94-159) $120,619,000*
Bureau	Other budgetary resources
Appropriation title & symbol	Total budgetary resources 120,619,000*
National Institute of General Medical Sciences 7560851	Amount to be deferred: Part of year $ 5,812,000* Entire year
OMB identification code: 09-25-0851-0-1-552	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

*Justification:

The funding level authorized for this appropriation under the continuing resolution exceeds the FY 1976 President's Budget. This deferral of funds is designed to keep third quarter spending under the continuing resolution at the level of the 1976 Budget request.

*Estimated Effects:

Pending resolution of the appropriation, this action postpones through the third quarter an estimated 75 new research grants that would be permitted under the continuing resolution. Under the deferral, the Institute will be able to fund all competing renewals and continuations at the approved funding levels. The amount postponed is less than 5% of budget authority available under the continuing resolution.

Given the nature of biomedical research, it is difficult to assess my deleterious effects associated with the deferral upon either health status or the development of significant new knowledge.

* Revised from previous submission.

Outlay Effect: (estimated in tenths of millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	$178.2
2. Outlay savings, if any, included in the budget outlay estimate	-0-
Current Outlay Estimates for 1976:	
3. Without deferral	166.3*
4. With deferral	165.6*
5. Current outlay savings (line 3 - line 4)	.7*
Outlay Savings for the Transition Quarter	-0-
Outlay Savings for 1977	-.7*

*Revised from previous submission

D76-63A

SUPPLEMENTARY REPORT

Report Pursuant to Sec. 1014(c) of P.L. 93-344

This report updates Deferral No. D76-63 transmitted to Congress on October 20, 1975, and printed in House Document No. 94-282 and Senate Document No. 94-111.

This report covers activities in the National Institute of Child Health and Human Development of the National Institutes of Health. This action extends the deferral of $1,234,000 through the third quarter to keep spending under the continuing resolution at a level consistent with the President's Budget.

Deferral No: D76-63A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Health, Education & Welfare Bureau: National Institutes of Health	New budget authority (P.L. 94-152) $78,358,000* Other budgetary resources --- Total budgetary resources 78,358,000*
Appropriation title & symbol: National Institute of Child Health and Human Development 7560844	Amount to be deferred: Part of year $ 1,234,000 Entire year
OMB identification code: 09-25-0844-0-1-552 Grant program ☑ Yes ☐ No	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year _____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

*Justification:

The funding level authorized for this appropriation under the continuing resolution exceeds the FY 1976 President's Budget. This deferral of funds is designed to keep third quarter spending under the continuing resolution at the level of the 1976 Budget request.

*Estimated Effects:

Pending resolution of the appropriation, this action postpones through the third quarter an estimated 48 new research grants that would be permitted under the continuing resolution. Under the deferral, the Institute will be able to fund all competing renewals and continuations at the approved funding levels. The amount postponed is less than 2% of budget authority available under the continuing resolution.

Given the nature of biomedical research, it is difficult to assess any deleterious effects associated with the deferral upon either health status or the development of significant new knowledge.

*Revised from previous submission.

Outlay Effect: (estimated in tenths of millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	$116.4
2. Outlay savings, if any, included in the budget outlay estimate	-0-
Current Outlay Estimates for 1976:	
3. Without deferral	157.5
4. With deferral	157.4
5. Current outlay savings (line 3 - line 4)	.1
Outlay Savings for the Transition Quarter	-0-
Outlay Savings for 1977	-.1

Deferral No: D76-89

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. 94-159) $ 111,808,000
Bureau National Institutes of Health	Other budgetary resources --
Appropriation title & symbol Research Resources 7560848	Total budgetary resources 111,808,000
	Amount to be deferred: Part of year $ 42,896,000
	Entire year
OMB identification code: 09-25-0848-0-1-552	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual	Type of budget authority: ☒ Appropriation
☐ Multiple-year (expiration date)	☐ Contract authority
☐ No-year	☐ Other

Justification:

The funding level authorized for this appropriation under the continuing resolution exceeds the FY 1976 President's Budget. This deferral of funds is designed to keep third quarter spending under the continuing resolution at the level of the 1976 Budget request.

Estimated Effects:

Pending resolution of the appropriation, this action postpones during the third quarter all new research grants that would be permitted under the continuing resolution. Under the deferral the Division of Research Resources will be able to fund all competing renewals and continuations at the approved funding levels.

Given the nature of biomedical research, it is difficult to assess any deleterious effects associated with the deferral upon either health status or the development of significant new knowledge.

Outlay Effect: (Estimated in tenths of millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	$103.0
2. Outlay savings, if any, included in the budget outlay estimate	-0-
Current Outlay Estimates for 1976:	
3. Without deferral	127.3
4. With deferral	116.6
5. Current outlay savings (line 3 - line 4)	10.7
Outlay Savings for the Transition Quarter	-0-
Outlay Savings for 1977	-10.7

SUPPLEMENTARY REPORT

Report Pursuant to Sec. 1014(c) of P.L. 93-344

This report updates Deferral No. D76-64 transmitted to Congress on October 20, 1975, and printed in House Document No. 94-282 and Senate Document No. 94-111.

This report covers activities in the Office of the Director (OD) of the National Institutes of Health. The amount deferred for the OD is increased by $132,000 to keep spending under the continuing resolution consistent with the Congressional allowance through the third quarter.

Deferral No: D76-64A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Dept. Health, Education, and Welfare	New budget authority (P.L. 94-159) $14,709,000*
Bureau National Institutes of Health	Other budgetary resources
Appropriation title & symbol	Total budgetary resources 14,709,000*
Office of the Director 7560846	Amount to be deferred: Part of year $884,000* Entire year
OMB identification code: 09-25-0846-0-1-552	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

*Justification:

The funding level authorized for this appropriation under the continuing resolution exceeds the Congressional allowance in the 1976 Labor-HEW appropriations bill. This deferral of funds is designed to keep third quarter spending under the continuing resolution at the level of the 1976 Congressional allowance.

*Estimated Effects:

Reductions in procurement of equipment and supplies, printing, training, travel, and data processing are necessary to operate within the Congressional allowance level.

* Revised from previous submission.

Outlay Effect: (estimated in tenths of millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	$19.9
2. Outlay savings, if any, included in the budget outlay estimate	-0-
Current Outlay Estimates for 1976:	
3. Without deferral	20.2
4. With deferral	20.1
5. Current outlay savings (line 3 - line 4)	.1
Outlay Savings for the Transition Quarter	-.1
Outlay Savings for 1977	-0-

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of P.L. 93-344

This report updates Deferral Number D76-40B, transmitted to Congress on October 20, 1975, and printed in House Document No. 94-282 and Senate Document No. 94-111.

This report covers General mental health research activities and Program direction activities of the Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA). The amount deferred for General mental health and Program direction is increased by $2,157,000 to keep spending under the continuing resolution within the President's Budget request through the third quarter.

Deferral No: D76-40C

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health, Education and Welfare	New budget authority (P.L. 94-159) $ 72,966,000
Bureau Alcohol, Drug Abuse, and Mental Health	Other budgetary resources
Appropriation title & symbol Alcohol, Drug Abuse, and Mental Health 7561361 * (General Mental Health, Research; Program Direction)	Total budgetary resources 72,966,000
	Amount to be deferred: Part of year $ 4,910,000* Entire year
OMB identification code: 09-30-1361-0-1-550	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other
Grant program ☒ Yes ☐ No	
Type of account or fund: ☒ Annual ☐ Multiple-year _____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

* Justification:

Research for general mental health--The funding level authorized for this program in the continuing resolution exceeds the 1976 budget request. Deferral of funds in the amount of $4,540,000 is proposed to keep cumulative third quarter funding at the President's 1976 budget request level.

In addition to maintaining the intramural research program, the President's Budget request would provide sufficient funds for all program commitments to about 778 ongoing general mental health projects. Within this effort, an adequate number of scientifically meritorious projects would be supported that address the wide range of mental health and social problems. Any research proposal that shows exceptional promise to obtain desired break-throughs in understanding the underlying causes of mental illness can be undertaken through the intramural program or by reprogramming of lower priority efforts.

Program Direction--The funding level authorized for this program in the continuing resolution exceeds the Congressional allowance for the 1976 Labor-HEW Appropriations Bill. Deferral of funds in the amount of $370,000 is proposed to keep cumulative third quarter funding at the Congressional allowance level.

*Revised from previous submission

Estimated Effects:

General Mental Health Research--The deferral of $4,540,000 through the third quarter of the year will delay the funding of approximately 47 new research grants. This delay in funding until after the third quarter will have no significant adverse programmatic effect. Given the nature of biomedical and behavioral research, it is difficult to precisely assess any deleterious effects associated with the deferral upon either health status or the development of significant new knowledge.

Program Direction--The reduction in operating level that is associated with the Congressional allowance for the first three quarters of the year for ADAMHA Program Direction would result in delay in filling job vacancies in the areas of monitoring projects, technical assistance, and project management.

*Outlay Effect: (Estimated in millions of dollars)

Comparison with 1976 President's Budget:	
1. Budget outlay estimate for 1976	$96.9
2. Outlay savings included in the budget outlay estimate	-0-
Current Outlay Estimates for 1976:	
3. Without deferral	101.8
4. With deferral	101.6
5. Current outlay savings (line 3 - line 4)	.2
Outlay savings for the transition quarter	-0-
Outlay savings for 1977	-0-

*Revised from previous submission

SUPPLEMENTARY REPORT

Report Pursuant to Sec. 1014(c) of P.L. 93-344

This report updates Deferral No. D76-65 transmitted to Congress on November 18, 1975, and printed in House Document No. 94-309 and Senate Document No. 94-130.

This report covers activities in the Assistant Secretary for Health (ASH) of the Office of the Assistant Secretary for Health. The amount deferred for ASH is increased by $20,000 to keep spending under the continuing resolution consistent with the 1976 Congressional allowance through the third quarter.

Deferral No: D76-65A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. 94-159) $17,613,000*
Bureau Office of the Assistant Secretary for Health	Other budgetary resources
Appropriation title & symbol Assistant Secretary for Health, 7561101	Total budgetary resources 17,613,000*
	Amount to be deferred: Part of year $ 773,000* Entire year
OMB identification code: 09-37-1101-0-1-554	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other
Grant program ☐ Yes ☒ No	
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

*Justification

The funding level authorized for this appropriation under the continuing resolution exceeds the Congressional allowance on the 1976 Labor-HEW Appropriations Bill. This deferral of funds is designed to keep third quarter spending under the continuing resolution at the level of the 1976 Congressional allowance.

*Estimated Effect

This deferral of funds will result in postponing recruitment for 25 existing vacancies in permanent positions. Although this additional manpower would assist in the effective management of the Public Health Service, there will be no significant, long-range effect.

*Outlay Effect (In tenths of millions of dollars)

Comparison with President's 1976 Budget	
1. Budget outlay estimate for 1976	$36.8
2. Outlay savings, if any, included in the budget outlay estimate	-0-
Current Outlay Estimate for 1976:	
3. Without deferral	36.8
4. With deferral	36.1
5. Current outlay savings	.7
Outlay Savings for the Transition Quarter	-0-
Outlay Savings for 1977	-0-

*Revised from previous submission

D76-45B

SUPPLEMENTARY REPORT

Report Pursuant to Sec. 1014(c) of P.L. 93-344

This supplementary message revises Deferral No. D76-45A transmitted in the special message of October 3, 1975, and printed as House Document No. 94-272 and Senate Document No. 94-107.

This revision reflects an increase of $1,000,000 in the amount of 1976 continuing resolution funds deferred for the Child welfare services activity of the Public Assistance account in the Social and Rehabilitation Service. This action results in a total deferral of $3,000,000.

In this formula grant program, awards are made to the States on a quarterly basis. The $2,000,000 deferral from the first and second quarter awards is being augmented by an additional $1,000,000 from the amount available for third quarter awards. The increased third quarter deferral reflects the increased availability in the Continuing Resolution ($50 million) over the amount requested in the 1976 President's Budget ($46 million). No outlay savings will result from this deferral.

Deferral No: D-76-45B

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Health, Education, & Welfare	New budget authority (P.L. 94-159): $ 37,500,000*
Bureau: Social and Rehabilitation Service	Other budgetary resources: --
Appropriation title & symbol: Public Assistance (Child Welfare Services) 755/60581	Total budgetary resources: 37,500,000*
	Amount to be deferred: Part of year: $ 3,000,000*
	Entire year: --
CMB identification code: 09-50-0581-0-1-506	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

*Justification:
The funding level authorized for this program under the continuing resolution exceeds the 1976 Budget request. This deferral of funds is proposed to hold third quarter spending at the 1976 Budget level pending consideration by the Congress, through the appropriations process, of the President's proposed level of funding for this program for 1976. This proposal represents the cumulative amount of funds to be deferred through the third quarter.

*Estimated Effects:
Federal support under Title IV-B of the Social Security Act is only about 7% of the total estimated Federal and State expenditures of $640 million for Child Welfare Services. Experience with this program has indicated that there is no appreciable change in the State program level as a result of small Federal funding changes for this activity. Therefore, this deferral of funds through the third quarter will have negligible effect on the provision of services to the 494,000 children served in FY 1976.

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	46
2. Outlay savings, if any, included in the budget outlay estimate	-0-
Current Outlay Estimates for 1976:	
3. Without deferral	50
4. With deferral	50
5. Current outlay savings (line 3 - line 4)	-0-
Outlay savings for Transition Quarter	-0-
Outlay savings for 1977	-0-

* Revised from previous submission

Deferral No: D76-90

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of State

Bureau

Appropriation title & symbol

Acquisition, Operation and Maintenance of Buildings Abroad (Special Foreign Currency Program) 19X0538

OMB identification code: 14-05--0538-0-1-152

Grant program ☐ Yes ☒ No

Type of account or fund:
- ☐ Annual
- ☐ Multiple-year _____ (expiration date)
- ☒ No-year

New budget authority:

P.L. 94-32	$ 7,000,000
P.L. 94-121	9,785,000
Other budgetary resources	1,968,794
Total budgetary resources	18,753,794

Amount to be deferred:

Part of year	$_____
Entire year	2,275,000

Legal authority (in addition to sec. 1013):
- ☒ Antideficiency Act
- ☐ Other_____

Type of budget authority:
- ☒ Appropriation
- ☐ Contract authority
- ☐ Other_____

Justification

The Second Supplemental Appropriations Act, 1975 (P.L. 94-32, approved June 12, 1975) included $7,000,000, without fiscal year limitation, for this account for the acquisition of real properties in the Arab Republic of Egypt under the Foreign Service Buildings Act. Use of these funds was made contingent upon enactment of authorization for the appropriation, which was accomplished by the Foreign Relations Authorization Act, Fiscal Year 1976 (P.L. 94-141, approved November 29, 1975).

In May, 1975, the Egyptian Government canceled a preliminary property exchange agreement upon which the appropriation request was based. That action has caused the Department to revise its earlier plans so that an Ambassador's residence will be constructed on a site owned by the United States since 1966. Architectural plans and specifications are being prepared, but these will not be completed in time to allow bids to be solicited and a construction contract awarded before the fiscal year 1977.

Accordingly, $2,275,000 planned for the construction of the Embassy residence has been placed in reserve for contingencies to assure prudent financial management. This amount is planned for deferral through June 30, 1976, and, if appropriate legislation is enacted, through September 30, 1976. These funds could not be used effectively during the current year and the subsequent transition quarter even if made available for obligation.

Estimated Effects

None. The amount deferred could not be obligated before the fiscal year 1977.

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	9
2. Outlay savings, if any, included in the budget outlay estimate	-0-
Current Outlay Estimates for 1976:	
3. Without deferral	15
4. With deferral	15
5. Current outlay savings	-0-
Outlay savings for the Transition Quarter	-0-
Outlay savings for 1977	-0-

Deferral No: D76-91

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Transportation	New budget authority (P.L. 94-134) $156,100,000 Other budgetary resources 63,248,191 Total budgetary resources 219,348,191
Bureau U.S. Coast Guard	
Appropriation title & symbol Acquisition, Construction, and Improvement--0240	Amount to be deferred: Part of year $_____ Entire year 1,061,000
OMB identification code: 21-15-0240-0-1-406	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other_____
Type of account or fund: ☐ Annual September 30, 1976 ☒ Multiple-year September 30, 1977 September 30, 1978 (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other_____

Justification - The construction schedules for a replacement icebreaker and two training facility additions require the deferral of $1,061,000 for outfitting and furnishings at least until fiscal year 1977. This amount is deferred to assure prudent financial management for the entire fiscal year. The funds are proposed for deferral through June 30, 1976, or, if appropriate legislation is enacted, through September 30, 1976.
Estimated Effects - The deferred funds could not be used effectively during the current year even if made available for obligation. The deferral has no programmatic, fiscal, or budgetary impact.

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	$125.1
2. Outlay savings, if any, included in the budget outlay estimate	-0-
Current Outlay Estimates for 1976	
3. Without deferral	145.0
4. With deferral	145.0
5. Current outlay savings (line 3 - line 4)	-0-
Outlay Savings for Transition Quarter	-0-
Outlay Savings for 1977	-0-

Deferral No: D76-92

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Transportation	New budget authority $11,625,000
Bureau Federal Aviation Administration	(P.L. 94-134) 7,079,110
Appropriation title & symbol Construction, National Capital Airports 69X1333 694/61333 695/71333 696/81333	Other budgetary resources Total budgetary resources 18,704,110
	Amount to be deferred: Part of year $ -0- Entire year 8,678,656*
OMB identification code: 21-20-1333-0-1-405	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual 694/61333 Sept. 30, 1976 695/71333 Sept. 30, 1977 696/81333 Sept. 30, 1978 ☒ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification

This appropriation finances construction of major improvements and expansion of facilities at Washington National and Dulles International Airports. Projects are undertaken to insure capability of these airports to adequately, safely, and efficiently meet air travel needs of the public and to promote development of aviation. These funds were appropriated in the Department of Transportation and Related Agencies Appropriation Acts of 1974, 1975, and 1976. Because of delays in passage of the 1976 appropriation bill and the time required for selection of engineering consultant firms and negotiation of construction contracts, it is not possible to obligate or expend all contract funds during FY 1976. This deferral action is consistent with the Congressional intent to provide multi-year funding for total costs of these projects and is taken under provisions of the Antideficiency Act (31 U.S.C. 665) that authorize the establishment of reserves for contingencies.

Estimated Effects

The amount deferred could not be economically used, if made available, in fiscal year 1976 because of the planned multi-year procurement, construction and/or installation cycle. The following projects will be deferred in FY 1976 until the transition quarter or FY 1977:

Master Plan for Washington National Airport - $208,656 -- This project will be initiated after the policy statement concerning the role of Washington National Airport is completed. Following the issuance of this policy statement, several months will be required to select an engineering consultant firm and negotiate a contract. The earliest this contract can be expected to be awarded is in the transition quarter.

Resurface Runway 18/36 - $870,000 -- Design of the contract will be accomplished in FY 1976. The construction contract is now expected to be awarded in the transition quarter.

Reconstruct and Overlay Main Ramp - $600,000 -- Design will be accomplished in FY 1976. This contract is now expected to be awarded in the transition quarter.

Terminal Expansion - $7,000,000 -- The terminal expansion design contract is being amended to cover working drawings for the $7,000,000 Dulles terminal expansion. Upon completion of the working drawings, the construction contract will be advertised. The construction contract is now expected to be awarded in the first quarter of FY 1977.

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	$4.0
2. Outlay saving, if any, included in budget estimate	-0-
Current Outlay Estimates for 1976:	
3. Without deferral	9.2
4. With deferral	9.2
Current outlay savings (line 3 - line 4)	-0-
Outlay savings for the Transition Quarter	-0-
Outlay savings for 1977	.8

*Proposed for deferral through June 30, 1976, or -- if appropriate legislation is enacted -- through September 30, 1976.

Deferral No: D76-93

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Transportation	New budget authority (P.L. _____): $ -0
Bureau: Federal Aviation Administration	Other budgetary resources: 2,519
Appropriation title & symbol: Civil Supersonic Aircraft Development Termination 69X0106; Civil Supersonic Aircraft Development 69X1358	Total budgetary resources: 2,519
	Amount to be deferred: Part of year: $ ____
	Entire year: 2,179
OMB identification code: 21-20-0106-0-1-405	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other _____
Type of account or fund: [ ] Annual; [ ] Multiple-year _____ (expiration date); [X] No-year	Type of budget authority: [ ] Appropriation; [ ] Contract authority; [ ] Other _____

Coverage:	Total Budgetary Resources	Amount De
Civil Supersonic Aircraft Development Termination	1,281,155	341,15
Civil Supersonic Aircraft Development	1,237,968	1,237,9
	2,519,123	2,179,1

Justification:

This account finances the termination of the supersonic transport development prog The total cost of settlement of contractor claims and closeouts, airline refunds, completion of specifically designated technology programs, and necessary governmen administrative costs incidental to these activities is included. These funds were priated by the Department of Transportation and Related Agencies Appropriation Act and 1972. Because of the difficulty in ending such a complex and massive undertak termination has taken a number of years. Settlement is being accomplished as quic as possible consistent with the legitimate claims of the contractors and the prote of government interests. Therefore, it is necessary to apportion funds so that th will be available at the time claims are settled. Most of these settlements are e after fiscal year 1976. This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 665) that authorize the establishment of reserves fo contingencies. The funds are proposed for deferral through June 30, 1976, or, if appropriate legislation is enacted, through September 30, 1976. If they can be us sooner, they will be made available.

Estimated Effects:

This deferral action has no programmatic or budgetary effect. Funds can be made available and obligated only as claims are settled.

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	$ 7.6
2. Outlay savings, if any, included in the budget outlay estimate	-0-
Current Outlay Estimates for 1976:	
3. Without deferral	2.4
4. With deferral	2.4
Current outlay savings (line 3-line 4)	-0-
Outlay Savings for the Transition Quarter	-0-
Outlay Savings for 1977	-0-

Deferral No: D76-94

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Interstate Commerce Commission	New budget authority (P.L. 94-134): $15,000,000
Bureau: -	Other budgetary resources: ---
Appropriation title & symbol: Payments for Directed Rail Service 30X0103	Total budgetary resources: 15,000,000
	Amount to be deferred: Part of year: $ ____
	Entire year: 13,700,000
OMB identification code: 31-20-0103-0-1-404	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other ____
Type of account or fund: ☐ Annual	Type of budget authority: ☒ Appropriation
☐ Multiple-year ____ (expiration date)	☐ Contract authority
☒ No-year	☐ Other ____

Justification

The Regional Rail Reorganization Act of 1973 (Public Law 93-236) requires the Interstate Commerce Commission (ICC) to direct rail carriers to provide necessary service on lines of other carriers who have ceased operations. It also requires the ICC to provide reimbursements for any losses incurred by the carriers providing the directed service. Funds made available for these reimbursements are in excess of the amounts expected to be required during this fiscal year and the transition quarter.

By law, the budget authority may be used only when rail service has been discontinued and the ICC subsequently directs other carriers to resume the service. Currently, no further discontinuations of service are expected. Should such discontinuations occur, however, a further 11 months would elapse before the deferred funds would be spent due to the timing specifications set out in the law. In effect, the budget authority is provided on a contingency basis and will be used when the anticipated events occur.

Estimated Effects

This deferral has no programmatic, fiscal, budgetary or economic impact. The budget authority being deferred will be used for the subsidies required by law when the events specified by law have occurred.

D76-94

Outlay Effect (estimated in tenths of millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	$15.0
2. Outlay savings, if any, included in the budget outlay estimate	-
Current outlay estimates for 1976:	
3. Without deferral	1.3
4. With deferral	1.3
5. Current outlay savings	0
Outlay Savings for the Transition Quarter	0
Outlay Savings for 1976	0

*Proposed for deferral through June 30, 1976 or — if appropriate legislation is enacted — through September 30, 1976.

[FR Doc.76-894 Filed 1-8-76;10:50 am]

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